



Oregon

Theodore R. Kubongoski, 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

9/23/2009

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 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Tuesday, October 06, 2009

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

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

***NOTE:** THE 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: Craig Anderson, Jackson County
Doug White, DLCD Community Services Specialist /Jon Jinings, DLCD
John Renz, DLCD Regional Representative
Doug White, DLCD Community Services Specialist

<paa> YA/I

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

SEP 16 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Jackson**

Local file number: **LRP2007-00008**

Date of Adoption: **9/9/2009**

Date Mailed: **9/15/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 1/11/2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

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

Exception to Goals 3, 11 and 14 permitting a rest area and sewer connection on Exclusive Farm Use (EFU) zoned lands. Located on Interstate 5, south of the Ashland Urban Growth Boundary. Oregon Department of Transportation, applicant.

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

Plan Map Changed from: **Ag Land**

to: **Limited Use (LU)**

Zone Map Changed from: **EFU**

to: **LU**

Location: **I5 North between MPM 12-13**

Acres Involved: **18**

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

New: **N/A**

Applicable statewide planning goals:

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

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 file No. _____

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

See Attached

Local Contact: **Craig Anderson**

Phone: (541) 774-6918 Extension:

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

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

City: **Medford**

Zip: **97501-2902**

E-mail Address: **anderscm@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.

Affected Agencies

FILE NO. LRP2007-00008
 MAILING LIST
 APPLICANT: ODOT
 DATE CREATED: 01/04/2008

APPLICANT LRP2007-00008
 OREGON DEPT OF TRANSPORTATION
 ATTN SHIRLEY ROBERTS
 155 N 5TH ST
 CENTRAL POINT OR 97502

AGENT LRP2007-00008
 CRAIG STONE & ASSOC LTD
 712 CARDLEY AVE
 MEDFORD OR 97504

AA-A3 LRP2007-00008
 CITY ADMINISTRATOR
 ASHLAND CITY HALL
 20 E MAIN ST
 ASHLAND OR 97520

AA-B5 LRP2007-00008
 CHUCK ROOT
 ROGUE VALLEY SEWER SERVICE
 PO BOX 3130
 CENTRAL POINT OR 97502

AA-B10 LRP2007-00008
 MIKE CAVALLARO, EXEC DIRECTOR
 RVCOG
 PO BOX 3275
 CENTRAL POINT OR 97502

AA-B13 LRP2007-00008
 CRAIG HARPER
 RVCOG
 PO BOX 3275
 CENTRAL POINT OR 97502

AA-B14 LRP2007-00008
 DICK CONVERSE
 RVCOG
 PO BOX 3275
 CENTRAL POINT OR 97502

AA-C4 LRP2007-00008
 DAN MARSHALL, FIRE CHIEF
 JACKSON CO FIRE DIST #5
 5811 S PACIFIC HWY
 PHOENIX OR 97535

AA-E3 LRP2007-00008
 TALENT IRRIGATION DIST
 PO BOX 467
 TALENT OR 97540

AA-F2 LRP2007-00008
 STEVEN NIEMELA
 OREGON DEPT OF FISH & WILDLIFE
 1495 E GREGORY RD
 CENTRAL POINT OR 97502

AA-F4 LRP2007-00008
 BILL MEYERS
 ROGUE BASIN COORDINATOR
 DEQ
 221 W STEWART AVE #201
 MEDFORD OR 97501

AA-F12 LRP2007-00008
 PATTY SNOW
 HABITAT CONSERVATION DIVISION
 OREGON DEPT OF FISH & WILDLIFE
 306 CHERRY AVE NE
 SALEM OR 97303-4924

AA-F15 LRP2007-00008
 EUGENE PAPINEAU
 VECTOR CONTROL DISTRICT
 555 MOSQUITO LN
 CENTRAL POINT OR 97502

AA-F20 LRP2007-00008
 ANNA KEMMERER
 DEPARTMENT OF ENVIRONMENTAL
 QUALITY
 221 W STEWART AVE #201
 MEDFORD OR 97501

AA-F22 LRP2007-00008
 DEQ
 ATTENTION: CHUCK COSTANZO
 510 NW 4TH ST
 GRANT'S PASS OR 97526

AA-F23 LRP2007-00008
 DAVID HAIGHT
 OREGON DEPT OF FISH & WILDLIFE
 1495 E GREGORY RD
 CENTRAL POINT OR 97502

AA-G1 LRP2007-00008
 DAVID PYLES
 DEVELOPMENT REVIEW PLANNER
 ODOT REGION 3
 100 ANTELOPE RD
 WHITE CITY OR 97503

AA-G2 LRP2007-00008
 VICKI GUARINO
 RVCOG
 PO BOX 3275
 CENTRAL POINT OR 97502

AA-G7 LRP2007-00008
 SHIRLEY ROBERTS
 RVCOG
 PO BOX 3275
 CENTRAL POINT OR 97502

AA-G8 LRP2007-00008
 DIVISION OF STATE LANDS
 JANET MORLAN
 775 SUMMER ST NE
 SALEM OR 97301-1279

AA-G15 LRP2007-00008
 TERRY MILL
 STATE DEPT OF AGRICULTURE
 1418 LARKSPUR AVE
 MEDFORD OR 97504-5552

AA-G22 LRP2007-00008
 JAMES HAMRICK
 OR STATE HISTORIC PRESERVATION OFFICE
 725 SUMMER ST NE STE C
 SALEM OR 97301

AA-G23 LRP2007-00008
 ANNE CHAMBERS
 DEPT OF SOCIOLOGY &
 ANTHROPOLOGY/SOU
 1250 SISKIYOU BLVD
 ASHLAND OR 97520

AA-G24 LRP2007-00008
 BRAD LINDER
 SO OREGON HISTORICAL SOCIETY
 106 N CENTRAL AVE
 MEDFORD OR 97501-5926

AA-G28 LRP2007-00008
 RECREATION DEPT
 OREGON STATE PARKS
 725 SUMMER ST NE STE C
 SALEM OR 97301

AA-G30 LRP2007-00008
 RON FOX
 SOREDI
 673 MARKET ST
 MEDFORD OR 97504-6125

AA-G31 LRP2007-00008
 CULTURAL RESOURCES SPECIALIST
 DEPT OF TRANSPORTATION
 1158 CHEMERETA NE
 SALEM OR 97301

AA-G33 LRP2007-00008
 ODOT/REGION 3
 RIGHT OF WAY SECTION
 3500 STEWART PKWY STE 164
 ROSEBURG OR 97470

AA-G34A LRP2007-00008
 RON EBER (EFU ZONED PROPERTY)
 DLCD
 635 CAPITOL ST NE STE 150
 SALEM OR 97301-2540

Mailing List

Affected Agencies List (cont.)

5-1-10

AA-G36 LRP2007-00008
JIM JOHNSON
NATURAL RESOURCES DIVISION
OR DEPT OF AGRICULTURE
635 CAPITOL ST NE
SALEM OR 97310-0110

AA-G40 LRP2007-00008
JOHN RENZ
DLCD-SO OR REGIONAL REP
RURAL DIVISION
PO BOX 3275
CENTRAL POINT OR 97502

AA-H1 LRP2007-00008
DAN BAKER
ROADS & PARKS SERVICES

AA-H5 LRP2007-00008
LARRY MENTZER
WATERMASTER

AA-H19 LRP2007-00008
TRAFFIC ENGINEER
ROADS & PARKS SERVICES

AA-K8 LRP2007-00008
OFFICE COORDINATOR
FRIENDS OF THE GREENSPRINGS
15097 HWY 66
ASHLAND OR 97520

AA-L1 LRP2007-00008
PAULA BROWN, DIRECTOR
ASHLAND MUNICIPAL AIRPORT
20 E MAIN ST
ASHLAND OR 97520

AA-L7 LRP2007-00008
BOB SKINNER
SKINNER AVIATION
403 DEAD INDIAN MEMORIAL HWY
ASHLAND OR 97520



**JACKSON
COUNTY**
Oregon

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. 2009-7 at a properly advertised public hearing on September 9, 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 November 8, 2009 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2009-7 amends the Jackson County Comprehensive Plan by taking "reasons" goal exceptions to Goals 3, 11 and 14 to permit a Safety Rest Area/Welcome Center and connection to an existing sanitary sewer line located within an Exclusive Farm Use (EFU) zoning district; approving a Limited Use plan map and zoning designation for the rest area; authorizing construction of an access road to serve the Rest Area/Welcome Center, and determining Rest Area compliance with master plan and site development review standards and located on an approximately 18 acre property described as Township 39 South, Range 1 East, Section 24 (right-of-way), located between Mileposts 12 and 13 within the Interstate 5 right-of-way (east side), approximately 500 feet south of the City of Ashland Urban Growth Boundary (UGB). Oregon Department of Transportation, owner. File No. LRP2007-00008.

This notice is being mailed to you on September 10, 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 **Craig Anderson** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6918; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6918.

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 September 10, 2009, and the LUBA appeal period will expire on October 1, 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

NOTARY PAGE

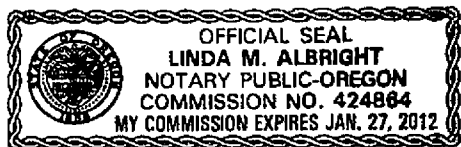
STATE OF OREGON)
)
COUNTY OF JACKSON)

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. 2009-7 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 September 10, 2009.

Patricia A. Guida
Signature

Personally appeared before me this 10th day of September, 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: APPLICANT, AGENT, AGENCIES AND INTERESTED PERSONS.

APPLICANT NAME: OR DEPT OF TRANSPORTATION

FILE NO: LRP2007-00008

Notice of Adoption
File # LRP2007-00008
APPLICANT/AGENT/STAFF
Mailed/Distributed: 9-10-09

BOC LRP2007-00008
DAVE GILMOUR, CHAIR
BOARD OF COMMISSIONERS

STAFF LRP2007-00008
KELLY MADDING
DIRECTOR

AGENCY LRP2007-00008
DLCD
PLAN AMENDMENT SPECIALIST
635 CAPITOL ST NE STE 150
SALEM OR 97301-2540

LRP2007-00008 CCI Decision
PATRICIA GORDON
1550 YELLOW BRICK RD
JACKSONVILLE OR 97530

LRP2007-00008 CCI Decision
ROSALIE LINDVIG
4415 INDEPENDENCE SCHOOL RD
MEDFORD OR 97501

LRP2007-00008 IP Decision
KATHERINE FLANAGAN
SANDRA SLATTERY
110 E MAIN ST
ASHLAND OR 97520

LRP2007-00008 IP Decision
BRUCE HOEVET
2300 BIDDLE RD
MEDFORD OR 97504

LRP2007-00008 IP Decision
SCOTT WEST
16121 SE OATFIELD ROAD
MILWAUKIE OR 97267

LRP2007-00008 IP Decision
WILLIAM SMITH
1131 BARRINGTON CIR
ASHLAND OR 97520

APPLICANT LRP2007-00008
ODOT
SHIRLEY ROBERTS
PO BOX 3275
CENTRAL POINT OR 97502

BOC LRP2007-00008
DENNIS "C.W." SMITH
BOARD OF COMMISSIONERS

STAFF LRP2007-00008
CRAIG ANDERSON
PLANNER

LRP2007-00008 CCI Decision
BARBARA DECKER
3303 N VALLEY VIEW RD
ASHLAND OR 97520

LRP2007-00008 CCI Decision
STACEY MAVILIA
PO BOX 1162
EAGLE POINT OR 97524

LRP2007-00008 IP Decision
MARK GREENFIELD
14745 NW GILLIHAN RD
PORTLAND OR 97231

LRP2007-00008 IP Decision
BONNIE MCCORMICK
1321 NEIL CREEK
ASHLAND OR 97520

LRP2007-00008 IP Decision
ANNE JENKINS
MEDFORD CHAMBER OF COMM.
101 E 8TH ST
MEDFORD OR 97501

LRP2007-00008 IP Decision
KIM LEWIS
1045 N MAIN ST
ASHLAND OR 97520

LRP2007-00008 IP Decision
CONNIE & PAUL FOLAND
500 REITEN DR
ASHLAND OR 97520

AGENT LRP2007-00008
CRAIG STONE & ASSOC LTD
4497 BROWN RIDGE TER #101
MEDFORD OR 97504

BOC LRP2007-00008
JACK WALKER
BOARD OF COMMISSIONERS

AGENCY LRP2007-00008
FRANK HAMMOND
COUNTY COUNSEL

LRP2007-00008 CCI Decision
WALTER FITZGERALD
PO BOX 3984
CENTRAL POINT OR 97502

LRP2007-00008 CCI Decision
LEWIS L KELLER
6559 WHISPERING PINES LN
JACKSONVILLE OR 97530

LRP2007-00008 IP Decision
DAVID RUNKEL
586 E MAIN ST
ASHLAND OR 97520

LRP2007-00008 IP Decision
CAROLYN S HILL
PO BOX 1645
MEDFORD OR 97501

LRP2007-00008 IP Decision
DREW BAILEY
OR RESTAURANT ASSOC
455 N LAUREL ST
ASHLAND OR 97520

LRP2007-00008 IP Decision
ALLEN BAKER
1042 OAK KNOLL
ASHLAND OR 97520

LRP2007-00008 IP Decision
KAY & JERRY STEIN
806 CYPRESS PT LOOP
ASHLAND OR 97520

LRP2007-00008 IP AURAM NOVICK 2770 DIANE ST ASHLAND OR 97520	Decision	LRP2007-00008 IP ALAN SHORB 560 REITEN DR ASHLAND OR 97520	Decision	LRP2007-00008 IP WILL SEARS 10798 YANK GULCH RD TALENT OR 97540	Decision
LRP2007-00008 IP SHARON MIRANDA 488 CROWSON RD ASHLAND OR 97520	Decision	LRP2007-00008 IP TASHA SCHAAL 679 ROCA ST ASHLAND OR 97520	Decision	LRP2007-00008 IP THOMAS EMSMSHEIMER PO BOX 3587 ASHLAND OR 97520	Decision
LRP2007-00008 IP DARBY STRICKER 221 E RAPP RD TALENT OR 97540	Decision	LRP2007-00008 IP NOREEN TUBBS 792 ST ANDREWS CIR ASHLAND OR 97520	Decision	LRP2007-00008 IP NATALYA KOOGLER 667 PARK ST #2 ASHLAND OR 97520	Decision
LRP2007-00008 IP STEVEN MARYANOFF 654 OAK ST ASHLAND OR 97520	Decision	LRP2007-00008 IP ELIZABETH VONWYHE 2900 SISKIYOU BLVD ASHLAND OR 97520	Decision	LRP2007-00008 IP MICHAEL BIANCO 761 SALISHAN CT ASHLAND OR 97520	Decision
LRP2007-00008 IP BOB RASMUSSEN 1530 N MOUNTAIN AVE ASHLAND OR 97520	Decision	LRP2007-00008 IP CHRIS & CRYSTAL ARNOLD PO BOX 837 TALENT OR 97540	Decision	LRP2007-00008 IP DENNIS MCCANTER PO BOX 1535 MEDFORD OR 97501	Decision
LRP2007-00008 IP ELI DUMITRU 3522 1/2 ALLEY LN MEDFORD OR 97501	Decision	LRP2007-00008 IP TOBY QUINN PO BOX 1141 ASHLAND OR 97520	Decision	LRP2007-00008 IP NICOLE PORCARO 1470 WOODLAND DR ASHLAND OR 97520	Decision
LRP2007-00008 IP SUZANNE FREY 1042 OAK KNOLL DR ASHLAND OR 97520	Decision	LRP2007-00008 IP DAN BATY 815 CYPRESS PT LOOP ASHLAND OR 97520	Decision	LRP2007-00008 IP HANS & RP ROCKE 890 TWIN PINES CIRCLE ASHLAND OR 97520	Decision
LRP2007-00008 IP MARY J TILSON 840 CYPRESS PT LOOP ASHLAND OR 97520	Decision	LRP2007-00008 IP DEB PISTORES 1060 OAK KNOLL DR ASHLAND OR 97520	Decision	LRP2007-00008 IP GAIL & LEO ZARO 923 CYPRESS PT LOOP ASHLAND OR 97520	Decision
LRP2007-00008 IP JOHN & PEGGY EASTER 1084 OAK KNOLL DR ASHLAND OR 97520	Decision	LRP2007-00008 IP JAN HOYT 1032 OAK KNOLL DR ASHLAND OR 97520	Decision	LRP2007-00008 IP GLORIA KRAMER 720 SALISHAN CT ASHLAND OR 97520	Decision
LRP2007-00008 IP MICHAEL & JEAN MORGAN 828 CYPRESS PT LOOP ASHLAND OR 97520	Decision	LRP2007-00008 IP CHRISTINA BAGI 929 CYPRESS PT LOOP ASHLAND OR 97520	Decision	LRP2007-00008 IP ULLA MENTZEL PO BOX 3257 ASHLAND OR 97520	Decision

LRP2007-00008 IP DAVID WILKERSON 1120 BARRINGTON CIR ASHLAND OR 97520	Decision	LRP2007-00008 IP LOIS JONES 1078 OAK KNOLL DR ASHLAND OR 97520	Decision	LRP2007-00008 IP PAUL POLLARD 308 CROWSON RD ASHLAND OR 97520	Decision
LRP2007-00008 IP SUSAN GOLD 2234 DOLLARHIDE WAY ASHLAND OR 97520	Decision	LRP2007-00008 IP BARBARA SHOR 80 NURSERY ST ASHLAND OR 97520	Decision	LRP2007-00008 IP NANCI SAVAGE 805 E PEBBLE BEACH ASHLAND OR 97520	Decision
LRP2007-00008 IP YAIR STRAUSS 1045 OAK KNOLL DR ASHLAND OR 97520	Decision	LRP2007-00008 IP RAE/GALEN OTTO 760 SALISHAN CT ASHLAND OR 97520	Decision	LRP2007-00008 IP JAMES MCINTOSH 1036 OAK KNOLL DR ASHLAND OR 97520	Decision
LRP2007-00008 IP LOIS LANGLOIS 815 CYPRESS PT LOOP ASHLAND OR 97520	Decision	LRP2007-00008 IP DEBBIE HANSEN-BERNARD 2900 SISKIYOU BLVD ASHLAND OR 97520	Decision	LRP2007-00008 IP MICHAEL A BLOOM MD 724 TERRACE ST ASHLAND OR 97520	Decision
LRP2007-00008 IP CANDACE MICHAEL 880 E PEBBLE BEACH DR ASHLAND OR 97520	Decision	LRP2007-00008 IP ARLIE STONER 905 CYPRESS PT LOOP ASHLAND OR 97520	Decision	LRP2007-00008 IP THEORDORE SHERBOW ELIZABETH SHERBOW 741 SALISHAN CT ASHLAND OR 97520	Decision
LRP2007-00008 IP GEORGE FRITSCHI 711 SALISHAN CT ASHLAND OR 97520	Decision	LRP2007-00008 IP CHRIS & BARBARA SKREPETOS 4424 HWY 66 ASHLAND OR 97520	Decision	LRP2007-00008 IP KAREN LEITNER 1713 TALENT AVE TALENT OR 97540	Decision
LRP2007-00008 IP LARRY LAITNER/KAREN JALLEY 801 PINECREST TERRACE ASHLAND OR 97520	Decision	LRP2007-00008 IP PATRICIA SORSOLI 495 SHERIDON ST ASHLAND OR 97520	Decision	LRP2007-00008 IP STEPHEN/LYNNE STOLZER 1120 OAK KNOLL DR ASHLAND OR 97520	Decision
LRP2007-00008 IP BRITA HAZELL 804 TWIN PINES CIR ASHLAND OR 97520	Decision	LRP2007-00008 IP CATIE FARYL 716 1 ST STREET PHOENIX OR 97535	Decision	LRP2007-00008 IP MURDOCK LACHANCE 950 CYPRESS PT LOOP ASHLAND OR 97520	Decision
LRP2007-00008 IP PORTER LOMBARD 2425 E MAIN ST MEDFORD OR 97504	Decision	LRP2007-00008 IP JIMMY MACLEOD PO BOX 392 WILLIAMS OR 97544	Decision	LRP2007-00008 IP GREG LEMHOUSE 2850 WEDGEWOOD LN ASHLAND OR 97520	Decision
LRP2007-00008 IP JOSEPH & HELEN REINHOLD 855 W PEBBLE BEACH DR ASHLAND OR 97520	Decision	LRP2007-00008 IP BAY BLUE 344 REITEN DR ASHLAND OR 97520	Decision		

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

IN THE MATTER OF AN APPLICATION TO)
AMEND THE JACKSON COUNTY)
COMPREHENSIVE PLAN BY TAKING)
"REASONS" GOAL EXCEPTIONS TO GOALS)
3, 11 AND 14 TO PERMIT A SAFETY REST)
AREA/WELCOME CENTER AND)
CONNECTION TO AN EXISTING SANITARY)
SEWER LINE LOCATED WITHIN AN)
EXCLUSIVE FARM USE (EFU) ZONING)
DISTRICT; APPROVING A LIMITED USE)
PLAN MAP AND ZONING DESIGNATION FOR)
THE REST AREA; AUTHORIZING)
CONSTRUCTION OF AN ACCESS ROAD TO)
SERVE THE REST AREA/WELCOME)
CENTER, AND DETERMINING REST AREA)
COMPLIANCE WITH MASTER PLAN AND)
SITE DEVELOPMENT REVIEW STANDARDS)
AND LOCATED ON AN APPROXIMATELY 18)
ACRE PROPERTY DESCRIBED AS)
TOWNSHIP 39 SOUTH, RANGE 1 EAST,)
SECTION 24 (RIGHT-OF-WAY), LOCATED)
BETWEEN MILEPOSTS 12 AND 13 WITHIN)
THE INTERSTATE 5 RIGHT-OF-WAY (EAST)
SIDE), APPROXIMATELY 500 FEET SOUTH)
OF THE CITY OF ASHLAND URBAN)
GROWTH BOUNDARY (UGB). OREGON)
DEPARTMENT OF TRANSPORTATION,)
OWNER. FILE NO. LRP2007-00008.)

ORDINANCE NO. 2009-7

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan (JCCP) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. The application was received on September 14, 2007. A public hearing was scheduled on January 7, 2009 before the Jackson County Board of Commissioners in the Jackson County Auditorium. Following several subsequent continuations of the public hearing, the Board of Commissioners concluded deliberations on the matter on July 29, 2009.
3. Now, therefore,

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

SECTION 1. FINDINGS OF FACT:

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

- 1.1 The Board of Commissioners finds that proper legal notice was provided to the applicant, property owners within 750 feet of the subject property, and affected agencies, on December 18, 2008 for a public hearing on this matter.
- 1.2 The Board of Commissioners finds that the subject property is described as T39 R1E Section 24 (Right-of-Way). The subject property is located on the east side of I-5 between Mileposts 12 and 13, approximately 500 feet south of the City of Ashland urban growth boundary (UGB).
- 1.3 The Board of Commissioners finds that the approximately 18-acre subject property is currently in an Agricultural Lands Comprehensive Plan Map designation and an Exclusive Farm Use zoning district.
- 1.4 The Board of Commissioners finds that a staff report was prepared for the initial public hearing.
- 1.5 The Board of Commissioners finds that public hearings were held to consider the evidence on this matter on 1/07/09, 1/21/09, 1/28/09, 2/11/09, 2/25/09, 4/15/09, 4/29/09, 5/13/09, 5/27/09 and 6/10/09.
- 1.6 The Board of Commissioners finds that the Jackson County Planning Commission's (JCPC) recommendations are based upon following proper procedures and are consistent with available evidence. The Planning Commission's recommendation is hereby incorporated by reference as 'Exhibit A.'

SECTION 2. LEGAL FINDINGS:

- 2.1 The Board of Commissioners finds that the need for a new Siskiyou Safety Rest Area and Welcome Center has been established and is supported by substantial evidence and testimony. This evidence and testimony demonstrates that, among other things, the loss of approximately 50,000 visitors per year to the Welcome Center following the closure of the former Siskiyou Rest Area signifies a substantial lost opportunity for improved tourism in Jackson County.
- 2.2 The Board of Commissioners finds that ODOT's application includes thresholds that relate to whether alternative sites not requiring goal exceptions can reasonably accommodate the use. For purposes of this application, all of those sites are in the City of Ashland. The evidence provided by ODOT and the City of Ashland clearly indicates that there are no sites within the City's urban growth boundary that could reasonably accommodate the need here identified.
- 2.3 The Board of Commissioners finds that opponents identified several potentially available alternative sites for the Rest Area located outside Ashland's UGB, e.g., JCPC Record Exhibit 173. However, these alternative sites are problematic because: 1) They do not allow for easy off/on access to I-5; and/or 2) They require northbound visitors to "backtrack" in order to visit Ashland, one of the area's significant tourist destinations; and/or 3) They require large scale capacity expansions or other modifications to existing infrastructure in order to accommodate projected traffic. Additionally, ODOT's analysis and evidence (e.g. JCPC Record Exhibit 197 and 247) shows that these proposed sites are not feasible from an operational or safety standpoint and cannot reasonably accommodate the identified need. For these reasons, they do not require more detailed study.
- 2.4 The Board of Commissioners finds that opponents raised many issues and concerns, including whether the proposed site was safe from the standpoint of traffic safety; crime at the proposed site and in the nearby Oak Knoll neighborhood; noise, lighting and visual impacts; environmental, air and water quality impacts; and impacts to irrigation systems. However, considering the record as a whole, including credible and substantial testimony offered on ODOT's behalf by ODOT engineers, the Oregon State Police, Travel Oregon, the Oregon Department of Justice, noise experts and others, the Board of Commissioners finds that the opponents concerns are unwarranted or overstated and that the JCPC's findings and conditions of approval, attached as pages 7-51 of Exhibit A, demonstrate that the proposed Rest Area/Welcome Center will have no significant adverse effects that cannot be mitigated.
- 2.5 The Board of Commissioners finds that the evidence and testimony submitted by ODOT (e.g. JCPC Record Exhibits 11, 197, 247; BOC Record Exhibits 117 and 170) and relied upon for findings that support the requested goal exceptions show that connection to the City of Ashland's sewer and water services is essential to support the approval of this application.

- 2.6 The Board of Commissioners finds that testimony provided by ODOT states that: 1) Some years ago, the City of Ashland approved the extension of public water to serve the proposed Rest Area; 2) There is no indication that the City would not support the earlier decision; 3) Whether or not Ashland's City Charter authorizes extraterritorial extension of water service is a matter of interpretation for the Ashland City Council to address; and 4) Extraterritorial extension of water to serve the Rest Area is feasible.
- 2.7 Because the provision of City of Ashland water and sewer services are essential to support the uses proposed in this application, the Board of Commissioners finds that the evidence referenced in section 2.5 above, as well as ODOT's testimony referenced in section 2.6 above, warrants the following condition of approval:

Condition of Approval #27: Prior to the issuance of any permits or statements of land use compatibility by Jackson County, ODOT must obtain final approval to connect the land uses that are the subject of this application to city water services and to city sewer services through the City Council of Ashland. The City Council's approval shall be made subsequent to the Board's approval of this application.

- 2.8 As a basis for approval of this application, the Board of Commissioners adopts the findings and conditions of approval as recommended by the Jackson County Planning Commission, attached as pages 7-51 of Exhibit A, except as amended as follows:

Condition of Approval #4: Landscaping Plan. Prior to approval by Jackson County the issuance of any permits or statements of land use compatibility, ODOT shall submit a Final Landscape Plan which will be prepared and stamped by a landscape architect registered with the State of Oregon pursuant to ORS 671.412 and which shall demonstrate full compliance with the provisions of LDO 9.2. As mitigation to the visual impacts of the proposed development, and as provided by LDO 9.2.10(B)(4), street frontage landscaping shall exceed the requirements of LDO 9.2.6 such that a 50' minimum planting area width shall be maintained over a distance of 1000' to the west of the rest area and thus obscure the parking lots and buildings from the view of properties to the west.

With the conditions of approval as indicated in sections 2.7 and 2.8 above, the Board of Commissioners finds that the application complies with the Oregon Administrative Rules for exceptions as well as County regulations for map amendments.

- 2.9 The Board of Commissioners finds that ODOT's master development plan, as amended through the conditions of approval identified in Exhibit A and in section 2.8 above, is, or will be made to be consistent with the goal exceptions approved through this ordinance. The master development plan approved through this ordinance will serve as the development ordinance for land uses on the subject property, consistent with the Limited Use (LU) criteria in the Map Designations Element of the Jackson County Comprehensive Plan.

2.10 The Board of Commissioner's deliberations held on July 29, 2009 resulted in a motion to recommend approval of the application. The vote was unanimously adopted by the Board of Commissioners 3-0.


SECTION 3. CONCLUSIONS:

The Board of Commissioners concludes that the application, with the findings and recommended conditions of approval as specified in Exhibit A (attached) and in Sections 2.7 and 2.8 above, sufficiently addresses the exception criteria and other County plan and zoning criteria that is required for an amendment and approval of the application. The evidence in the record details the requirements of this application and demonstrates that procedural requirements have been met.

SECTION 4. DECISION: By the signatures below, the Jackson County Board of Commissioners hereby adopts an ordinance approving an exception to Statewide Planning Goals 3, 11 and 14 to permit a Safety Rest Area/Welcome Center on the subject property.

APPROVED this 9th day of September, 2009, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS



Dave Gilmour, Chair



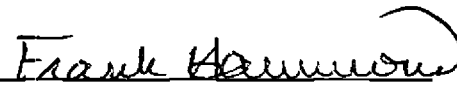
Jack Walker, Commissioner

absent

Dennis C. W. Smith, 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 _____, 2009, and the LUBA appeal period will expire on _____, 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.

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

IN THE MATTER OF AN APPLICATION TO)
AMEND THE JACKSON COUNTY)
COMPREHENSIVE PLAN BY TAKING)
"REASONS" GOAL EXCEPTIONS TO GOALS)
3, 11 AND 14 TO PERMIT A SAFETY REST)
AREA/WELCOME CENTER AND CONNECTION)
TO AN EXISTING SANITARY SEWER LINE)
LOCATED WITHIN AN EXCLUSIVE FARM USE)
(EFU) ZONING DISTRICT; APPROVING A)
LIMITED USE PLAN MAP AND ZONING)
DESIGNATION FOR THE REST AREA;)
AUTHORIZING CONSTRUCTION OF AN)
ACCESS ROAD TO SERVE THE REST)
AREA/WELCOME CENTER, AND)
DETERMINING REST AREA COMPLIANCE)
WITH MASTER PLAN AND SITE)
DEVELOPMENT REVIEW STANDARDS AND)
LOCATED ON AN APPROXIMATELY 18 ACRE)
PROPERTY DESCRIBED AS TOWNSHIP 39)
SOUTH, RANGE 1 EAST, SECTION 24 (RIGHT-)
OF-WAY), LOCATED BETWEEN MILEPOSTS)
12 AND 13 WITHIN THE INTERSTATE 5 RIGHT-)
OF-WAY (EAST SIDE), APPROXIMATELY 500)
FEET SOUTH OF THE CITY OF ASHLAND)
URBAN GROWTH BOUNDARY (UGB).)
OREGON DEPARTMENT OF)
TRANSPORTATION, OWNER. FILE NO.)
LRP2007-00008.)

RECOMMENDATION
FOR APPROVAL

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan (JCCP) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. The application was received on September 14, 2007. A public hearing was scheduled on February 28, 2008 before the Jackson County Planning Commission in the Jackson County Auditorium. The Planning Commission concluded deliberations on the matter on September 25, 2008 after several continuations of the hearing during the intervening period.
3. Now, therefore,

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

- 4 -

Board of County Commissioners
File No. LRP2007-00008 Exhibit # 4
Offered by: *Staff*
Date: *12-24-2008* Received by: *LA*

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 February 8, 2008 for an initial public hearing and again on March 7, 2008 for a second public hearing.
- 1.2 The Planning Commission finds that the subject property is described as T39 R1E Section 24 (Right-of-Way). The subject property is located on the east side of I-5 between Mileposts 12 and 13, approximately 500 feet south of the City of Ashland urban growth boundary (UGB).
- 1.3 The Planning Commission finds that the approximately 18-acre subject property is currently in an Agricultural Lands Comprehensive Plan Map designation and an Exclusive Farm Use zoning district.
- 1.4 The Planning Commission finds that a staff report was prepared for the initial public hearing (02/28/08, p. 14; JCPC Record).
- 1.5 The Planning Commission finds that public hearings were held to consider the evidence on this matter on 2/28/08, 3/27/08, 5/08/08, 6/12/08, 8/28/08 and 9/25/08.

SECTION 2. LEGAL FINDINGS:

- 2.1 To recommend approval, the Planning Commission must find that the application complies with the Oregon Administrative Rules for exceptions as well as County regulations for map amendments. The County Comprehensive Plan has Map Designation Criteria for the proposed Limited Use designation. In addition, other criteria from the Comprehensive Plan and the Land Development Ordinance apply, as described in the Staff Report and listed in the record (p. 14-68, JCPC Record).
- 2.2 The Jackson County Planning Commission adopts the Findings in Exhibit 1 (Findings and Conditions of Approval) as a basis for this recommendation.
- 2.3 The deliberations held on September 25, 2008 resulted in a motion to recommend approval of the application. The vote was unanimous, adopted by the Planning Commission 5-0.

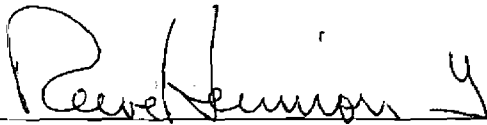
SECTION 3. CONCLUSIONS:

The Planning Commission concludes that the application, with the recommended conditions of approval, sufficiently addresses the exception criteria and other County plan and zoning criteria that is required for an amendment and approval of the application. The evidence in the record details the requirements of this application and demonstrates that procedural requirements have been met.

SECTION 4. RECOMMENDATION: The Jackson County Planning Commission adopts the attached Exhibit 1 (Findings and Conditions of Approval), and recommends approval of an exception to Statewide Planning Goals 3, 11 and 14 to permit a Safety Rest Area/Welcome Center on the subject property.

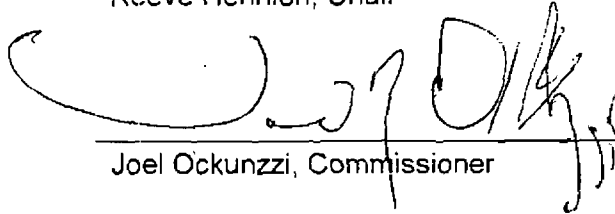
This recommendation for APPROVAL adopted this 23rd day of October, 2008, at Medford, Oregon.

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

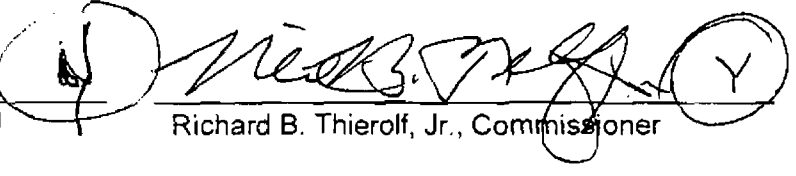


Reeve Hennion, Chair

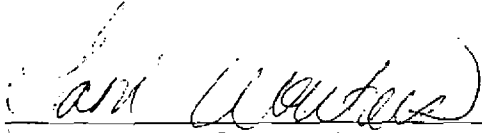
Don Greene, Vice-Chair



Joel Ockunzzi, Commissioner



Richard B. Thierolf, Jr., Commissioner



Tani Wouters, Commissioner

ATTEST:



Susan Lee, Secretary

Attachment: Exhibit 1 – Findings and Conditions of Approval

I:\ZONING\WP\Comp Planning\LRP2007-00008 ODOT Rest Area\JCPC recommendation.doc

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

IN THE MATTER OF AN APPLICATION TO)
AMEND THE JACKSON COUNTY)
COMPREHENSIVE PLAN BY TAKING)
"REASONS" GOAL EXCEPTIONS TO)
GOALS 3, 11 AND 14 TO PERMIT A SAFETY)
REST AREA/WELCOME CENTER AND)
CONNECTION TO AN EXISTING SANITARY)
SEWER LINE LOCATED WITHIN AN)
EXCLUSIVE FARM USE (EFU) ZONING)
DISTRICT; APPROVING A LIMITED USE)
PLAN MAP AND ZONING DESIGNATION)
FOR THE REST AREA; AUTHORIZING)
CONSTRUCTION OF AN ACCESS ROAD TO)
SERVE THE REST AREA/WELCOME)
CENTER, AND DETERMINING REST AREA)
COMPLIANCE WITH MASTER PLAN AND)
SITE DEVELOPMENT REVIEW STANDARDS)
AND LOCATED ON AN APPROXIMATELY 18)
ACRE PROPERTY DESCRIBED AS)
TOWNSHIP 39 SOUTH, RANGE 1 EAST,)
SECTION 24 (RIGHT-OF-WAY), LOCATED)
BETWEEN MILEPOSTS 12 AND 13 WITHIN)
THE INTERSTATE 5 RIGHT-OF-WAY (EAST)
SIDE), APPROXIMATELY 500 FEET SOUTH)
OF THE CITY OF ASHLAND URBAN)
GROWTH BOUNDARY (UGB). OREGON)
DEPARTMENT OF TRANSPORTATION,)
OWNER. FILE NO. LRP2007-00008.)

FINDINGS
AND
CONDITIONS OF APPROVAL

I. PROJECT OVERVIEW

An application was received by Jackson County from Craig Stone and Associates, agent for the Applicant and owner, Oregon Department of Transportation, on September 14, 2007. The application seeks to amend the Jackson County Comprehensive Plan by:

- 1) Taking "reasons" goal exceptions to goals 3, 11 and 14 to permit a Rest Area within an Exclusive Farm Use (EFU) zoning district;
- 2) Taking a "reasons" goal exception to goal 11 to permit the proposed Rest Area's connection to an existing sewer line;
- 3) Authorizing construction of an access road to serve the proposed Rest Area on land owned by State of Oregon and located south of Crowson Road near the Urban Growth Boundary for the City of Ashland; and
- 4) Approving a Limited Use plan map and zoning designation for the proposed Rest Area, including approval of a site development plan.

The application was deemed complete at the request of ODOT on November 29, 2007.

The Oregon Department of Transportation (hereinafter ODOT or Applicant) seeks to relocate a Rest Area/Welcome Center on land it owns that has been incorporated into the right-of-way of Interstate 5. The new Rest Area would be located on the east side of I-5 between Mileposts 12 and 13, approximately 500 feet south of the City of Ashland urban growth boundary (UGB).

This application would provide a new rest area to replace the Siskiyou Rest Area that was located near milepost 10 on the east side of Interstate 5. This rest area closed in January 1996 because of an accident history involving run-away trucks and the potential for serious accidents and fatalities.

The proposed location for the new Rest Area is about 2.5 miles north of its original location, outside the "snow zone" of Siskiyou Pass and along a more level section of Interstate 5. Like the former Siskiyou Rest Area, the new Rest Area would serve as a visitor's information center for the Rogue Valley area and the State of Oregon.

ODOT's stated objectives for the relocated Rest Area are:

- To provide an area for drivers to rest and avoid fatigue after having traveled over the Siskiyou Pass. The Rest Area is intended to serve only passenger and recreational vehicles. Trucks will not be permitted within the Rest Area but instead will be diverted to the Port of Entry located near Milepost 18 to the north. All trucks having a gross vehicle weight of 20,000 pounds or more are required to stop at the Port of Entry to be weighed.
- To provide tourist/visitor information and a venue for advertising Oregon features and destinations to northbound Interstate 5 travelers.

The Rest Area would occupy approximately 18 acres and contain entrance and exit ramps, automobile and RV parking areas, restroom facilities, an interpretive area, kiosks, a Welcome Center displaying travel and tourist information, walkways, drinking fountains, garbage receptacles, and ornamental landscaping. ODOT proposes to connect the Rest Area to an existing underground public sanitary sewer line already extending through the property that ODOT built in 1975 to serve the former Siskiyou Rest Area. The Rest Area also would connect to public water via lines located near Crowson Road. A service access road east of Interstate 5 will provide access to the Rest Area for service vehicles, ODOT maintenance personnel and Welcome Center staff via a connection to Crowson Road.

Relocating the Rest Area/Welcome Center on land zoned Exclusive Farm Use (EFU) requires a goal exception. A Goal exception is also required to connect the Rest Area to an existing public sanitary sewer line. For both goal exceptions, County approval requires amendments to the Jackson County Comprehensive Plan. A "Limited Use" Comprehensive Plan Map and Zoning Map designation will be applied to lands if approved for goal exceptions.

II. COMMENTS RECEIVED CONCERNING APPLICATION

A request for comment was mailed to all public agencies, county departments, special interest groups and surrounding property owners within no less than 750 feet of the subject property. [The following summarizes the comments that were received by the Planning Commission prior to the first hearing on this matter on February 28, 2008.]

Agency Comments:

- **Jackson County Roads and Parks:** 1) A County road approach permit is needed for any new or improved driveway off Crowson Road; 2) Utility permits are required from Roads for any utility work within County right-of-way; 3) Any proposed road should be a private road and should be clearly identified as such on final plans.
- **Jackson County Fire District #5:** The proposed use will require compliance with the 2004 Land Development Ordinance Section 8.7 (Wildfire Safety) and Section 9.5.4 (Emergency Vehicle Access).
- **Department of Environmental Quality:** Air Quality Division – no comment; Water Quality Division – If proposed development is connecting to sewer, DEQ may not be involved.
- **City of Ashland:** The connection of City water and sewer services are pending information showing the potential usage to ensure that sizing of the lines is adequate. An official Avigation Easement will be required for the site along with approval from Oregon Department of Aviation before approval from County is issued. The type and height of lights should be disclosed prior to final approval to ensure they will not interfere with airport operations.

Individual Comments: Approximately 50 comments were received from individual property owners who feel they would be affected by the proposed project. These comments are included in the record. Their comments are summarized here as follows:

- **Public safety-related concerns:** 1) Safety impacts will result from speed differential between merging rest area traffic and through traffic; 2) The rest area will cause increased congestion on I-5; 3) The rest area will increase crime in area; 4) There will be no enforcement of "no trucks" at rest area
- **Noise-related concerns:** 1) ODOT should install a soundwall as part of project; 2) ODOT should install signs concerning use of unmuffled Jake brakes; 3) Rest area will create noise impacts due to trucks using their unmuffled Jake brakes
- **Light-related concerns:** 1) ODOT should reduce the number of lights; 2) ODOT should direct lights downward; 3) ODOT should lower the height of the lighting standards; 4) The rest area will create visual impacts from lighting
- **Misc. environmentally-related concerns:** 1) Rest area will decrease wildlife habitat; 2) Natural drainage will be disrupted by rest area; 3) Rest area will result in more air pollution; 4) Rest area will result in loss of rural character; 5) The rest area will cause a loss of farm land; 6) ODOT should provide landscaped berms with large native trees
- **Supportive statements:** 1) The rest area is much-needed; 2) The rest area will improve the local economy
- **Other:** 1) County noticing inadequate/untimely; 2) On-going maintenance commitment needed; 3) The rest area is inappropriate in an urban area w/ other facilities available nearby; 4) The rest area is not needed due to proximity of other rest areas; 5) The rest area will result in decrease in property values due to light, noise, visual impacts; 6) The rest area should include RV dump (sewage) facilities; 7) ODOT should reduce the number of spaces for RVs.

III. AFFECTED ENVIRONMENT

A. Characteristics of Subject Property

Land Use: The proposed site for the Rest Area is an approximately 18-acre property owned by ODOT that slopes and drains from northeast to southwest. The site is located between Mileposts 12 and 13 on the east side of Interstate 5 at an elevation of approximately 2,100 feet. The property lies within the Interstate 5 right-of-way, which is located just south of the Urban Growth Boundary (UGB) of the City of Ashland. A median separates the two northbound travel lanes from the two southbound lanes of Interstate 5. Although the site is located within the Interstate 5 right-of-way, it is zoned Exclusive Farm Use (EFU).

The property is vacant and is vegetated with grass. There are few, if any, trees. Staff Report Exhibit A shows a 180 degree panoramic photo of the area. Before ODOT acquired it for the proposed uses, it was used for cattle grazing. Currently there are no signs of livestock grazing on the subject property, although grazing may sometimes occur.

The subject property lies within an area of special concern relative to the Ashland Airport. The site is at an elevation of approximately 2,100 feet and the maximum allowable building height is 2,140 feet, permitting buildings to be up to forty (40) feet tall. ODOT has agreed to stipulate that the buildings and other structures will observe the County and FAA regulations that restrict intrusions into the conical surface of the airport approach. The conical surface ranges in elevation from 2,037 feet, at a point at the northernmost end of the rest area, to 2,237 feet at a point south of the most southerly end of the rest area. At its highest point, the ground elevation within the rest area is 2,130 feet.

Cultural Resources: The Houck-Homes-Dunn Ditch ("the Dunn Ditch") parallels the Rest Area property on the west side of Interstate 5 and the railroad tracks. See ODOT's Exhibit 19. Because the Ditch is located on the opposite side of Interstate 5 from the proposed Rest Area, the proposed use will not affect the Ditch. While the Dunn Ditch is not on the National Historic Registry of Historic Places, it is on the Jackson County Historic Inventory (Site No. 563).

ODOT's Exhibit 32 explains that the two historic transportation routes in the vicinity of the subject site - the Applegate Trail and the Yreka Stage Road. ODOT's information shows that these routes are actually one and the same. However, there is some conflicting evidence on this point as there are other maps showing the Applegate Trail following, more or less, the alignment of Highway 66. ODOT concludes that the Applegate Trail and the Yreka Stage Road exist on the opposite side of Interstate 5 from the proposed Rest Area. However, either way, the proposed use will not impact these historic transportation routes. Staff Report Exhibits B and C show the subject site relative to current and historic (1855) transportation routes. On Staff Report Exhibit C, the route to the west of the subject site is the Yreka-Siskiyou Stage Line (identified as "Pack Trail") and the original alignment of the Applegate Trail is most probably the line in the upper right corner of Section 24, which is now the approximate alignment of Highway 66.

The Historic Dunn Ranch is located along Highway 66, approximately ½ mile east of the proposed Rest Area site. This ranch, listed on the National Register of Historic Places in 1978, includes a house and a five-acre portion of the larger tax lot associated with the house. While the historic Ranch is not directly impacted by the Rest Area, there may be some locations where Rest Area will be visible from the Ranch, according to ODOT.

Between March 31 and April 4, 1997 the University of Oregon, State Museum of Anthropology, conducted surface reconnaissance. The purpose of the reconnaissance was to determine if cultural resources were present within the project area. Numerous shovel probes failed to detect significant deposits of prehistoric or historic debris.

Natural Resources: According to a report by an ODOT Biologist, there are no endangered plants on the property. Also, the property is not within any known area of special concern for Black-tailed deer or Roosevelt elk habitat. Additionally, an ODOT Biologist visited the site and found no threatened or endangered plant or animal species to exist. This finding was confirmed by a Natural Heritage Database search of the same. However, endangered fish may be located in nearby streams, such as Tolman Creek.

National Wetland Inventory mapping indicates no wetlands on the property. However, a determination and delineation study found areas within the site to be composed of potential farmed wetland pasture. ODOT's development proposal for the site includes wetland mitigation. The wetland mitigation proposal involves filling approximately 1.5 acres of wetlands in exchange for 2.3 acres of off-site mitigation on land located within the same drainage as the subject property and believed to be similar in function and value to the wetlands that will be filled as part of project development.

Public Facilities and Services: The following facilities and services are intended to serve the subject property and the proposed Rest Area:

- **Sanitary Sewer:** There is an existing 4-inch sanitary sewer line within the Interstate 5 right-of-way located on the subject property. The line is owned and maintained by ODOT and connects to the City of Ashland sanitary sewer system. The sewer line was originally installed by ODOT in 1975 and was designed and dedicated only for the use of the now closed Siskiyou Rest Area near Milepost 10. ODOT states that the sewer line remains operable and has adequate capacity to accommodate the proposed uses.
- **Domestic Water:** The nearest water line is a 10-inch water main within the right-of-way of Crowson Road. ODOT proposes to extend a water service line south from Crowson Road to the proposed site within the Interstate 5 right-of-way. There is sufficient water capacity to serve the proposed uses.
- **Storm Drainage:** ODOT engineers will design Storm drainage as an onsite system as part of the permitting process. Treatment of storm water runoff will occur on site with the use of a stormwater detention pond and bioswales. Excess runoff will be channeled to the roadside bar ditch that runs along the Interstate 5 right-of-way adjacent to the subject property.
- **Electricity:** Pacific Power will supply electrical power. Power will need to be extended to serve the subject property. The extension of power will be within the Interstate 5 right-of-way.
- **Telephone/Communication Facilities:** The service provider for telephone service is Qwest. Lines will need to be extended to serve the subject property. The extension of telephone and other communication lines will be within the Interstate 5 right-of-way.

Soils and Irrigation. Soils on the property consist of Barron coarse sandy loam, Gregory silty clay loam, Medford silty clay loam, and Selmac loam. The subject property has irrigation rights. The soil characteristics of the subject property are set forth below and are further identified by the NRCS Soil Survey of Jackson County Area, Oregon issued August 1993 as follows:

Soil Characteristics

Soil Map Symbol	Soil Name	Percent Slope Range	Animal Units Per Month (AUM) Irr / Non Irr	Agricultural Capability Irrigated	Agricultural Capability Nonirrigated	Irrigation Available	Forest Cubic Foot Site Class
10B	Barron	0 - 7	15/2	IIe	IVe	Yes	114.4 ¹
76A	Gregory	0 - 3	15/4	IIw	IVw	Yes	N/A
127A	Medford	0 - 3	18/9	I	IVc	Yes	N/A
162B	Selmac	2 - 7	12/3	IIIe	IVe	Yes	N/A

Table Notes:

1. Indicates the potential production of cubic feet of wood per acre per year.

- **10B Barron coarse sandy loam.** Very deep somewhat excessively drained soil. Permeability is moderately rapid in the Barron soil. Runoff is slow, and the hazard of water erosion is slight.
- **76A Gregory silty clay loam.** Deep poorly drained soil on stream terraces. Permeability is slow. This unit is used mainly for pasture. Because of the slow permeability and the water table, water applications should be regulated so that water does not stand on the surface and damage crops. This unit is poorly suited to standard systems of waste disposal because of the wetness and the slow permeability. Limited ability to support building loads.
- **127A Medford silty clay loam.** Very deep moderately well drained soil. Permeability is moderately slow in the Medford soil. Available water capacity is about 10 inches. Runoff is slow, and the hazard of water erosion is slight. The water table fluctuates between depths of 4 to 6 feet from December through April. A drainage system may be needed if roads and building foundations are constructed on this unit. The moderately slow permeability and depth of the water table increase the possibility that septic tank absorption fields will fail.
- **162B Selmac loam.** Very deep moderately well drained soil is in basins. Permeability is moderately slow to a depth of 29 inches in the Selmac soil and very slow below that depth. The very slow permeability and the seasonal high water table increase the possibility that septic tank absorption fields will fail.

B. Characteristics of Surrounding Properties

Nearby surrounding rural lands both east and west of Interstate 5 near the subject property include lands that are zoned for resource uses (i.e. Exclusive Farm Use, Forest Resource, Woodland Resource or Open Space Resource) and lands that are zoned for nonresource uses such as rural residential use. For convenience, these lands and nearby lands inside the urban growth boundary are divided into four separate alternative areas. See ODOT's Exhibit 2.9.

Tax lot sizes for nearby properties zoned for resource protection range from under one acre to about 133 acres. The soil classification of these properties range from Classes I-IV for irrigated

soils and Classes IV and VI for non-irrigated soils. Lands with irrigation rights are illustrated in the map at ODOT's Exhibit 2.8. The property adjacent to the subject property on its east side is used for cattle grazing. A horse raising operation exists along Interstate 5 opposite the proposed rest stop.

Tax lot sizes for nearby properties zoned for other than resource uses range from 0.3 to 6.92 acres on the east side of Interstate 5 and from 0.1 to 22.5 acres west of Interstate 5. These tax lots are characterized by widespread rural residential development. West of I-5, about 17 percent of tax lots are undeveloped, while on the east side, only about 12 percent of tax lots are undeveloped. Existing dwellings (and other buildings) are shown in ODOT's Exhibit 2.6. These rural properties are served by wells and septic systems.

Farm operations in the vicinity of the subject property include growing field crops, tree fruit, berries, cane fruit, pasture and raising livestock. ODOT's Exhibit 2.6 identifies farm uses on surrounding properties.

IV. DESCRIPTION OF PROPOSED AMENDMENT AND APPLICABLE CRITERIA

A. Background

To locate the proposed Rest Area to the subject property, a "reasons" goal exception must be approved, along with special authorization to permit a service access road for ODOT maintenance personnel, Welcome Center personnel, and utility and emergency service providers. Additionally, a separate "reasons" exception is required to allow the facility to connect to public sewer, and Comprehensive Plan Map designation and zoning district amendments to "Limited Use" are requested to limit allowed uses, public facilities and activities to those authorized in the goal exceptions.

The two exceptions involve specific statewide goals and local comprehensive plan and ordinance provisions that Jackson County adopted to implement the excepted goals. The nature and scope of this application is briefly summarized including the statewide goals and local plan and ordinance provisions that are intended to be excepted through this process.

B. Exception to Locate Rest Area on Rural Land (Exception 1)

Description: A "reasons" goal exception to Goals 3 (Agricultural Lands), 11 (Public Facilities and Services) and 14 (Urbanization) to locate the Rest Area, Welcome Center and other accessory uses and appurtenances (the proposed uses) on property zoned for Exclusive Farm Use (EFU).

Scope: Exception 1 excepts Goals 3 (Agricultural Lands), 11 (Public Facilities and Services) and 14 (Urbanization). Exception 1 also excepts local plan and ordinance provisions adopted pursuant to these goals which would prohibit establishing the Rest Area on the subject property.

Approval Criteria: Because Exception 1 involves taking "reasons" exceptions, it requires an amendment to the Jackson County Comprehensive Plan. As an exception and plan amendment, ODOT must demonstrate compliance with the following criteria:

- ORS 197.732 (Goal Exceptions)
- Statewide Planning Goal 2, Part II
- OAR 660-012-0070 (Exceptions for Transportation Improvements on Rural Land)
- Other applicable statewide planning goals
- Applicable provisions of the Jackson County Comprehensive Plan
- Applicable provisions of the Jackson County Land Development Ordinance

C. Exception To Connect Rest Area to Public Sewer (Exception 2)

Description: A "reasons" goal exception to Goal 11 (Public Facilities and Services) to permit the connection of the Rest Area/Welcome Center (approved by Exception 1) to an existing sanitary sewer line that is contiguous to the subject property.

Scope: Exception 2 excepts Goal 11. Exception 2 also excepts local plan and ordinance provisions adopted pursuant to Goal 11 that would operate to prohibit the extension of or connection to sanitary sewer systems outside urban growth boundaries and/or to or through rural or resource lands pursuant to Goal 11.

Approval Criteria: Because Exception 2 involves taking a "reasons" exception, it requires an amendment to the Jackson County Comprehensive Plan. As an exception and plan amendment, ODOT must demonstrate compliance with the following criteria:

- Statewide Planning Goal 2, Part II (Exceptions)
- ORS 197.732 (Goal Exceptions)
- OAR 660-004-0020 (Goal 2, Part II(c), Exception Requirements)
- OAR 660-004-0022 (Reasons Exceptions Under Goal 2, Part II(c))
- Other applicable statewide planning goals
- Applicable provisions of the Jackson County Comprehensive Plan
- Applicable provisions of the Jackson County Land Development Ordinance

D. Application to Authorize Rest Area Service Access Road

Description: In addition to the requested goal exceptions, ODOT seeks authorization to construct a new access road to be used by persons maintaining or staffing the Rest Area/Welcome Center. The access road will be gated and reserved for the exclusive use of ODOT maintenance personnel, Welcome Center personnel, utility personnel and operators of emergency vehicles.

Scope: The access road will be located wholly within existing Interstate 5 right-of-way, including portions of the right-of-way on which the Rest Area is to be located.

Approval Criteria: Siting the proposed access road within the Interstate 5 public right-of-way (which is zoned EFU) requires a demonstration of compliance with the following criteria:

- OAR 660-012-0065 (Transportation Improvements on Rural Lands)
- ORS 215.296 (Standards for Approval of Certain Uses in EFU Zones)
- Applicable provisions of the Jackson County Land Development Ordinance

E. Application to Apply Limited Use Designation to the Rest Area and Approval of Site Development Plan

Description: A Comprehensive Plan Map amendment and a Zoning Map amendment to "Limited Use" for the subject property occupied by the Rest Area and Welcome Center. As part of this amendment process, ODOT is required to submit a site development plan to demonstrate compliance with the applicable approval criteria in the Jackson County Land Development Ordinance.

Scope: The Map Designations Element of the Jackson County Comprehensive Plan provides for application of "Limited Use" Comprehensive Plan Map and Zoning Map designations to properties for which exceptions to statewide planning goals have been adopted. The Limited Use designation limits uses, densities, public facilities and services and activities to only those justified in a Comprehensive Plan Amendment goal exception statement adopted by Jackson County. The site development plan covers the subject property shown in ODOT's Exhibit 3, Sheets 1 through 4. The site development plan shows all ODOT's proposed site improvements, including landscaping. ODOT will submit a Final Landscape Plan at later date.

Approval Criteria: The criteria applicable to Comprehensive Plan Map and Zoning Map amendments to apply a Limited Use designation are in the Jackson County Comprehensive Plan, Map Designations Element. The applicable criteria for approving a site development plan is in LDO 3.2.4 (A) through (F).

V. EXCEPTION TO LOCATE REST AREA ON RURAL LAND (Exception 1)

OAR 660-012-0070(2): When an exception to Goals 3, 4, 11, or 14 is required to locate a transportation improvement on rural lands, the exception shall be taken pursuant to ORS 197.732(1)(c), Goal 2, and this division. The exceptions standards in OAR chapter 660, division 4 and OAR chapter 660, division 14 shall not apply. Exceptions adopted pursuant to this division shall be deemed to fulfill the requirements for goal exceptions required under ORS 197.732(1)(c) and Goal 2.

OAR 660-012-0070(3): An exception shall, at a minimum, decide need, mode, function and general location for the proposed facility or improvement:

(a) The general location shall be specified as a corridor within which the proposed facility or improvement is to be located, including the outer limits of the proposed location. Specific sites or areas within the corridor may be excluded from the exception to avoid or lessen likely adverse impacts. Where detailed design level information is available, the exception may be specified as a specific alignment;

(b) The size, design and capacity of the proposed facility or improvement shall be described generally, but in sufficient detail to allow a general understanding of the likely impacts of the proposed facility or improvement and to justify the amount of land for the proposed transportation facility. Measures limiting the size, design or capacity may be specified in the description of the proposed use in order to simplify the analysis of the effects of the proposed use;

(c) The adopted exception shall include a process and standards to guide selection of the precise design and location within the corridor and consistent with the general description of the proposed facility or improvement. For example, where a general location or corridor crosses a river, the exception would specify that a bridge crossing would be built but would defer to project development decisions about precise location and design of the bridge within the selected corridor subject to requirements to minimize impacts on riparian vegetation, habitat values, etc.;

(d) Land use regulations implementing the exception may include standards for specific mitigation measures to offset unavoidable environmental, economic, social or energy impacts of the proposed facility or improvement or to assure compatibility with adjacent uses.

FINDING: ODOT has submitted findings that demonstrate conformance with the above provisions. Excluding aspects of ODOT's proposed site plan which have been addressed in the conditions of approval, the Planning Commission accepts ODOT's findings with respect to the above criteria and adopts them as their own.

OAR 660-012-0070(4): To address Goal 2, Part II(c)(1) the exception shall provide reasons justifying why the state policy in the applicable goals should not apply. Further, the exception shall demonstrate that there is a transportation need identified consistent with the requirements of OAR 660-012-0030 which cannot reasonably be accommodated through one or a combination of the following measures not requiring an exception:

(a) Alternative modes of transportation;

(b) Traffic management measures; and

(c) Improvements to existing transportation facilities.

FINDING: ODOT has submitted findings that demonstrate conformance with the above provisions. Excluding aspects of ODOT's proposed site plan which have been addressed in the conditions of approval, the Planning Commission accepts ODOT's findings with respect to the above criteria and adopts them as their own.

OAR 660-012-0070(5): To address Goal 2, Part II(c)(2) the exception shall demonstrate that non-exception locations cannot reasonably accommodate the proposed transportation improvement or facility. The exception shall set forth the facts and assumptions used as the basis for determining why the use requires a location on resource land subject to Goals 3 or 4.

OAR 660-012-0070(6): To determine the reasonableness of alternatives to an exception under sections (4) and (5) of this rule, cost, operational feasibility, economic dislocation and other relevant factors shall be addressed. The thresholds chosen to judge whether an alternative method or location cannot reasonably accommodate the proposed transportation need or facility must be justified in the exception.

(a) In addressing sections (4) and (5) of this rule, the exception shall identify and address alternative methods and locations that are potentially reasonable to accommodate the identified transportation need.

(b) Detailed evaluation of such alternatives is not required when an alternative does not meet an identified threshold.

(c) Detailed evaluation of specific alternative methods or locations identified by parties during the local exceptions proceedings is not required unless the parties can specifically describe with supporting facts why such methods or locations can more reasonably accommodate the identified transportation need, taking into consideration the identified thresholds.

FINDING: ODOT has submitted findings that demonstrate conformance with the above provisions. Excluding aspects of ODOT's proposed site plan which have been addressed in the conditions of approval, the Planning Commission accepts ODOT's findings with respect to the above criteria and adopts them as their own.

OAR 660-012-0070(7): To address Goal 2, Part II(c)(3), the exception shall:

(a) Compare the economic, social, environmental and energy consequences of the proposed location and other alternative locations requiring exceptions. The exception shall describe the characteristics of each alternative location considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the location for the proposed transportation facility or improvement, and the typical positive and negative consequences resulting from the transportation facility or improvement at the proposed location with measures designed to reduce adverse impact;

(b) Determine whether the net adverse impacts associated with the proposed exception site, with mitigation measures designed to reduce adverse impacts, are significantly more adverse than the net impacts from other locations which would also require an exception. A proposed exception location would fail to meet this requirement only if the affected local government concludes that the impacts associated with it are significantly more adverse than the other identified exception sites. The exception shall include the reasons why the consequences of the needed transportation facility or improvement at the proposed exception location are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed location. Where the proposed goal exception location is on resource lands subject to Goals 3 or 4, the exception shall include the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base; and

(c) The evaluation of the consequences of general locations or corridors need not be site-specific, but may be generalized consistent with the requirements of section (3) of this rule. Detailed evaluation of specific alternative locations identified by parties during the local exceptions proceeding is not required unless such locations are specifically described with facts to support the assertion that the locations have significantly fewer net adverse economic, social, environmental and energy impacts than the proposed exception location.

FINDING: ODOT has submitted findings that demonstrate conformance with the above provisions. Excluding aspects of ODOT's proposed site plan which have been addressed in the

conditions of approval, the Planning Commission accepts ODOT's findings with respect to the above criteria and adopts them as their own.

OAR 660-012-0070(8): To address Goal 2, Part II(c)(4), the exception shall:

(a) Describe the adverse effects that the proposed transportation improvement is likely to have on the surrounding rural lands and land uses, including increased traffic and pressure for nonfarm or highway oriented development on areas made more accessible by the transportation improvement;

(b) Demonstrate how the proposed transportation improvement is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses; and

(c) Adopt as part of the exception, facility design and land use measures which minimize accessibility of rural lands from the proposed transportation facility or improvement and support continued rural use of surrounding lands.

FINDING: ODOT has submitted findings that demonstrate conformance with the above provisions. Excluding aspects of ODOT's proposed site plan which have been addressed in the conditions of approval, the Planning Commission accepts ODOT's findings with respect to the above criteria and adopts them as their own.

FINDING AND CONCLUSION OF LAW FOR EXCEPTION 1:

For the reasons set forth by ODOT in ODOT's Exhibit 1, and with the stipulations as noted in the above findings, this application to locate a Rest Area/Welcome Center at the proposed location is consistent with and satisfies the requirements for taking a "reasons" goal exception to Goals 3, 11 and 14 as set out in OAR 660-012-0070.

TABLE 1
Summary of Exception to Locate Rest Area on Rural Land (Exception 1)

Criteria		Description		Applicant's Supporting Arguments	
<p>OAR 660-012-0070(2) OAR 660-012-0070(3) Exceptions for Transportation Improvements on Rural Land</p> <p><i>Application reference: pages 18 - 20</i></p>	<p>Deems that exceptions taken pursuant to 660-012-0070 fulfill requirements under ORS 197.732(1)(c) and Goat 2. Requires an exception to address need, mode, function and general location for a proposed transportation facility.</p>	<p>Need is described in findings addressing OAR 660-012-0070(4). Mode is interstate highway (I-5), to which the proposed use would serve as an accessory use. <i>Function</i> is to provide a safety rest area and tourist information to northbound I-5 travelers. <i>Location</i> is between mileposts 12 and 13 on the east side of I-5 (precise location is identified in ODOT's Exhibit 2).</p>			
<p>OAR 660-012-0070(4) Exceptions for Transportation Improvements on Rural Land</p> <p><i>Application reference: pages 20 - 26</i></p>	<p>Exception must provide reasons why the State policies in the applicable goals should not apply. Further, it must identify a transportation need that is consistent with the requirements of OAR 660-012-0030 and cannot be reasonably accommodated through alternative methods not requiring goal exceptions.</p>	<p>Rest Area needed to: 1) Alleviate driver stress/fatigue related to mountainous driving conditions; 2) Serve as replacement for former rest area; 3) Provide tourist information at or near State border/economic benefits; 4) Proposed project implements planned project in the Rogue Valley Regional Transportation Plan (project #913, STIP #9436); 5) Travel distance to next rest area is too long (esp. in winter). Because the proposed project is not a transportation mode, but rather, an accessory use, the need cannot be satisfied by alternative modes, transportation system management or improvements to existing facilities not requiring goal exceptions</p>			
<p>OAR 660-012-0070(5) OAR 660-012-0070(6) Exceptions for Transportation Improvements on Rural Land</p> <p><i>Application reference: pages 27 - 32</i></p>	<p>Exception must demonstrate that non-exception locations cannot "reasonably accommodate" the identified transportation need and set forth the facts and assumptions used to determine why the use requires a location on resource lands subject to Goals 3 or 4.</p>	<p>Thresholds Identified: 1) Need minimum of 15 acres and 500' depth for a rest area; 2) Need to be outside the "snow zone;" 3) Need level or gently sloping terrain; 4) Need to provide for safe merging and diverging traffic movements; 5) Need close proximity to and visibility from northbound I-5; 6) Need to be located before traveling through Ashland; 7) Needs to be built at reasonable cost; 8) Need to avoid impacts to Ashland's supply of buildable land; 9) Needs to have safe and operationally feasible access; 10) Needs to avoid economic displacements. Supporting Arguments: No location within Ashland UGB can accommodate rest area due to: 1) Constraints on buildable land (see ODOT's Exhibit 11); 2) Access issues; 3) Operational issues; and 4) Cost issues related to economic displacement.</p>			

- 19 -

TABLE 1 (continued)
Summary of Exception to Locate Rest Area on Rural Land (Exception 1)

Criteria	Description	Applicant's Supporting Arguments
<p>OAR 660-012-0070(7) Exceptions for Transportation Improvements on Rural Land</p> <p><i>Application reference:</i> pages 32 - 39</p>	<p>Applicant must compare the net adverse economic, social, environmental and energy (ESEE) consequences of the proposed alternative, taking into account measures that mitigate impacts, with other alternatives also requiring goal exceptions. The proposed alternative would fail only if its net impacts are significantly more adverse than the impacts of other alternatives requiring goal exceptions.</p>	<p>ODOT identifies three areas that could include one or more alternative sites. These areas are Alternative Area A, consisting of non-resource lands west of I-5; Alternative Area B, consisting of resource lands located both west and east of I-5; and Alternative Area C, consisting of non-resource lands east of I-5. See ODOT's Exhibit 2.9. Alternative Areas A&B to the west of I-5 are impractical because of the following: 1) Too far out of direction; 2) Not visible to northbound travelers; 3) Access is circuitous and inconvenient. Alternative Area C is impractical because: 1) Size and shape requirements; 2) Economic displacement; 3) Impacts to residents; 4) Topographical limitations. Alternative Area B to the east of I-5 could reasonably accommodate rest area. ESEE analysis shows that: 1) Economic consequences are similar but would require ODOT to purchase new property; 2) Social consequences are similar, but slightly better with proposed site due to proximity of neighbors; 3) Environmental consequences are similar, but slightly worse with the proposed site due to minor wetlands issues (which will be mitigated); 4) Energy consequences are identical. Conclusion: The impacts associated with the proposed site are not significantly more adverse than those of alternative areas.</p>
<p>OAR 660-012-0070(8) Exceptions for Transportation Improvements on Rural Land</p> <p><i>Application reference:</i> pages 39 - 41</p>	<p>Requires description of the adverse impacts likely to occur to surrounding rural lands and land uses. Requires that facility design and land use measures be adopted that minimize accessibility of rural lands from the proposed transportation facility and support continued rural use of surrounding lands.</p>	<p>Surrounding lands and land uses shown on ODOT's Exhibits 2.1 and 2.6. Uses include grazing, raising and training horses, blueberry production and rural residential. The potential adverse effects on these lands and uses include: 1) Temporary impacts related to construction such as noise, dust and construction traffic and temporary curtailment of irrigation water; 2) Noise impacts will be insignificant (see ODOT's Exhibit 15); 3) Traffic impacts will be minimal (approx. 6 trips per day) and limited to use of access road; 4) Safety/Security impacts will be minimal due to fencing and landscaping and lack of access; 5) Visual impacts will compromise rural views and introduce lighting. The proposed Rest Area will provide no additional accessibility to rural lands other than the service access road on which conditions will be imposed reserving its use only for service vehicles, ODOT maintenance personnel and Welcome Center staff.</p>

VI. EXCEPTION TO CONNECT REST AREA TO PUBLIC SEWER (Exception 2)

OAR 660-004-0018 Planning and Zoning for Exception Areas

(4) "Reasons" Exceptions:

(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception;

(b) When a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required;

FINDING: ODOT has submitted findings that demonstrate conformance with the above provisions. Excluding aspects of ODOT's proposed site plan which have been addressed in the conditions of approval, the Planning Commission accepts ODOT's findings with respect to the above criteria and adopts them as their own.

660-004-0022 Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

An exception under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:

(1) For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

FINDING: ODOT has submitted findings that demonstrate conformance with the above provisions. Excluding aspects of ODOT's proposed site plan which have been addressed in the conditions of approval, the Planning Commission accepts ODOT's findings with respect to the above criteria and adopts them as their own.

OAR 660-004-0020 Goal 2, Part II(c), Exception Requirements

(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception.

(2) The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the basis for

determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;

(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

(d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. Compatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

FINDING: ODOT has submitted findings that demonstrate conformance with the above provisions. Excluding aspects of ODOT's proposed site plan which have been addressed in the conditions of approval, the Planning Commission accepts ODOT's findings with respect to the above criteria and adopts them as their own.

FINDING AND CONCLUSION OF LAW FOR EXCEPTION 2:

For the reasons set forth by ODOT in ODOT's Exhibit 1, and with the stipulations as noted in the above findings, this application to connect the Rest Area/Welcome Center with public sewer is consistent with and satisfies the requirements for taking a "reasons" goal exception to Goal 11 as set out in OAR 660, Division 4.

**TABLE 2
Summary of Exception To Connect Rest Area To Public Sewer (Exception 2)**

Criteria	Description	Applicant's Supporting Arguments
<p>OAR 660-004-0018 Planning and Zoning for Exception Areas</p> <p><i>Application reference: pages 44 – 44</i></p>	<p>Limits uses, density, public facilities and services, and activities to only those justified in the exception.</p>	<p>The taking of goal exceptions requires and results in amendments to the Jackson County Comprehensive Plan. Exception 1 justifies a Rest Area on the subject property and provides that any change in use would require a new exception. This Exception 2 authorizes the Rest Area to connect to public sewer. Conditions attached to this exception prohibit the sewer connection to be used for other purposes.</p>
<p>OAR 660-004-0022 Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)</p> <p><i>Application reference: pages 44 – 45</i></p>	<p>Provides general standards to justify uses "not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070."</p>	<p>1) The Rest Area is the "use"; 2) That use (an accessory transportation facility on rural land) is specifically provided for in OAR 660-012-0070; and 3) Exception 1 justifies why the state policy in Goals 3, 11 and 14 should not apply to locating the Rest Area on the subject rural property.</p>
<p>OAR 660-004-0020(1) Goal 2, Part II(c), Exception Requirements</p> <p><i>Application reference: pages 45 – 47</i></p>	<p>Requires justification for allowing public facilities on resource land as part of exception.</p>	<p>1) Sewer line was built by ODOT to serve the previous Siskiyou Rest Area and remains under ODOT's ownership and control; 2) Sewer line is operational and has sufficient capacity to serve the proposed use; 3) Sewer line already runs through subject property; 4) Sewer line provides superior environmental, economic, social and energy benefits; 5) Rest Area visitation estimates will require high-capacity waste disposal; 6) Sewer will utilize gravity flow as opposed to holding tanks that require trucking; 7) Soil characteristics are poor for septic system; and 8) Substantial additional expenses would be required for septic system.</p>
<p>OAR 660-004-0020(2)(a) Goal 2, Part II(c), Exception Requirements</p> <p><i>Application reference: pages 47 – 49</i></p>	<p>Requires a description of the facts and assumptions used for taking a goal exception, including the amount of land for the use being planned and why the use requires a location on resource land.</p>	<p>The facts, assumptions and reasons justifying why the state policies in Goals 3, 11 and 14 should not apply to the Rest Area and to the connection of that use to public sewer are set out in Exception 1, and in the reasons above addressing compliance with OAR 660-004-0022 and 660-004-0020(1). These facts and reasons demonstrate compliance with OAR 660-004-0020(2)(a).</p>

**TABLE 2 (continued)
Summary of Exception To Connect Rest Area To Public Sewer (Exception 2)**

Criteria	Description	Applicant's Supporting Arguments
<p>OAR 660-004-0020(2)(b) Goal 2, Part II(c), Exception Requirements <i>Application reference: pages 47 – 49</i></p>	<p>Applicant must demonstrate that areas that do not require a new exception cannot reasonably accommodate the use.</p>	<p>Exception 1 explains and justifies why areas that do not require new exceptions cannot reasonably accommodate the use. It identifies potential alternative locations and explains why the Rest Area cannot reasonably be accommodated inside Ashland's urban growth boundary or on lands for which exceptions to Goals 3 or 4 were previously approved. The above response to OAR 660-004-0022(1) further justifies the appropriateness of providing sewer service to the proposed use as well as the specific location selected for that use.</p>
<p>OAR 660-004-0020(2)(c) Goal 2, Part II(c), Exception Requirements <i>Application reference: pages 48 – 49</i></p>	<p>Applicant must compare the long-term adverse economic, social, environmental and energy (ESEE) consequences of the proposed alternative, taking into account measures that mitigate impacts, with other alternatives also requiring goal exceptions.</p>	<p>The long term economic, social, environmental and energy consequences of potentially reasonable alternative locations also requiring exceptions to accommodate the "use" are addressed in Exception 1. This standard is met for the reasons set out in that exception. In addition, allowing a connection to the existing sewer line on the site would have significantly fewer adverse economic, environmental and energy impacts than requiring a new waste system to be developed as described in the above response to OAR 660-004-0022(1).</p>
<p>OAR 660-004-0020(2)(d) Goal 2, Part II(c), Exception Requirements <i>Application reference: pages 48 – 49</i></p>	<p>Applicant must demonstrate that the proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.</p>	<p>The compatibility of the proposed use with adjacent uses is addressed in Exception 1. That exception identifies a number of measures aimed at ensuring that the Rest Area is rendered compatible with adjoining resource and non-resource uses. The use of the existing sewer line does not change this result. Indeed, using the sewer line would further efforts to achieve compatibility by assuring that a health hazard will not occur through failure of septic systems from overuse or failure caused by soils susceptible to failure.</p>

VII. APPLICATION TO AUTHORIZE REST AREA SERVICE ACCESS ROAD

OAR 660-012-0065(3): The following transportation improvements are consistent with Goals 3, 4, 11, and 14 subject to the requirements of this rule:

(g) New access roads and collectors within a built or committed exception area, or in other areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

OAR 660-012-0065(5): For transportation uses or improvements listed in subsections (3)(d) to (g) and (o) of this rule within an exclusive farm use (EFU) or forest zone, a jurisdiction shall, in addition to demonstrating compliance with the requirements of ORS 215.296:

(a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

FINDING: ODOT has submitted findings that demonstrate conformance with the above provisions. Excluding aspects of ODOT's proposed site plan which have been addressed in the conditions of approval, the Planning Commission accepts ODOT's findings with respect to the above criteria and adopts them as their own.

ORS 215.296: Standards for approval of certain uses in exclusive farm use zones; violation of standards; complaint; penalties; exceptions to standards.

(1) A use allowed under ORS 215.213 (2) or 215.283 (2) may be approved only where the local governing body or its designee finds that the use will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(2) An applicant for a use allowed under ORS 215.213 (2) or 215.283 (2) may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

FINDING: ODOT has submitted findings that demonstrate conformance with the above provisions. Excluding aspects of ODOT's proposed site plan which have been addressed in the conditions of approval, the Planning Commission accepts ODOT's findings with respect to the above criteria and adopts them as their own.

TABLE 3
Summary of Application to Authorize Rest Area Service Access Road

Criteria		Description		Applicant's Supporting Arguments	
<p>OAR 660-012-0065(3)(g) Transportation Improvements on Rural Lands <i>Application reference:</i> page 51</p>	<p>New access roads and collectors within a built or committed exception area, or in other areas where the function of the road is to reduce local traffic on a state highway, are consistent with Goals 3, 4, 11 and 14. These roads shall be limited to two travel lanes.</p>	<p>The proposed service access road will be used exclusively by ODOT maintenance personnel and other State employees or authorized contractors to maintain and/or staff the Rest Area/Welcome Center, as well as by drivers of emergency vehicles. The service access road will function to reduce local traffic on Interstate 5. The access road will be approximately 20 feet in width and will accommodate not more than two travel lanes. The access road will be gated and locked to limit its use to only authorized personnel.</p>	<p>(See below for compliance with ORS 215.296) ODOT's analyzed alternative is to construct an access road from Highway 66 (east of the subject property) to the site, a similar distance to that of the preferred alignment. A comparison of the alternative alignment and the proposed alignment shows that: 1) The alternative alignment would substantially more costly due to the additional right-of-way that would be required and the need to cross either (or both) Neil and Clayton Creeks, requiring bridges or culverts; 2) The alternative alignment would require the road to pass through farm land now used for livestock grazing, affecting adjacent lands zoned EFU on both sides of the road, potentially creating a barrier for the movement of livestock.</p>	<p>1) The ODOT right-of-way is not farmed; 2) The proposal would pave and fence the access road within that right-of-way; 3) Adjoining farm uses are already separated from the access road by a fence; 4) Livestock grazing has managed to co-exist with I-5 nearby; and 5) Use of the access road would be very limited. Therefore, approval of the access road to service the Rest Area should have no adverse impacts and cause no changes to farming practices or their costs on the surrounding lands devoted to farm use.</p>	
<p>OAR 660-012-0065(5) Transportation Improvements on Rural Lands <i>Application reference:</i> pages 51 – 52</p>	<p>Requires a demonstration of compliance with ORS 215.296 (Standards for Approval of Certain Uses in Exclusive Farm Use Zones) and that reasonable alternatives be identified and analyzed with respect to impacts. The alternative with the least impact must be selected.</p>	<p>(See below for compliance with ORS 215.296) ODOT's analyzed alternative is to construct an access road from Highway 66 (east of the subject property) to the site, a similar distance to that of the preferred alignment. A comparison of the alternative alignment and the proposed alignment shows that: 1) The alternative alignment would substantially more costly due to the additional right-of-way that would be required and the need to cross either (or both) Neil and Clayton Creeks, requiring bridges or culverts; 2) The alternative alignment would require the road to pass through farm land now used for livestock grazing, affecting adjacent lands zoned EFU on both sides of the road, potentially creating a barrier for the movement of livestock.</p>	<p>1) The ODOT right-of-way is not farmed; 2) The proposal would pave and fence the access road within that right-of-way; 3) Adjoining farm uses are already separated from the access road by a fence; 4) Livestock grazing has managed to co-exist with I-5 nearby; and 5) Use of the access road would be very limited. Therefore, approval of the access road to service the Rest Area should have no adverse impacts and cause no changes to farming practices or their costs on the surrounding lands devoted to farm use.</p>		
<p>ORS 215.296 Standards for approval of certain uses in EFU zones; violation of standards; complaint; penalties; exceptions to standards. <i>Application reference:</i> pages 52– 53</p>	<p>Requires that the proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to those uses, or significantly increase the cost of continuing those uses.</p>	<p>(See below for compliance with ORS 215.296) ODOT's analyzed alternative is to construct an access road from Highway 66 (east of the subject property) to the site, a similar distance to that of the preferred alignment. A comparison of the alternative alignment and the proposed alignment shows that: 1) The alternative alignment would substantially more costly due to the additional right-of-way that would be required and the need to cross either (or both) Neil and Clayton Creeks, requiring bridges or culverts; 2) The alternative alignment would require the road to pass through farm land now used for livestock grazing, affecting adjacent lands zoned EFU on both sides of the road, potentially creating a barrier for the movement of livestock.</p>	<p>1) The ODOT right-of-way is not farmed; 2) The proposal would pave and fence the access road within that right-of-way; 3) Adjoining farm uses are already separated from the access road by a fence; 4) Livestock grazing has managed to co-exist with I-5 nearby; and 5) Use of the access road would be very limited. Therefore, approval of the access road to service the Rest Area should have no adverse impacts and cause no changes to farming practices or their costs on the surrounding lands devoted to farm use.</p>		

VIII. COMPLIANCE WITH APPLICABLE STATEWIDE PLANNING GOALS

Because Exceptions 1 and 2 involve amendments to the Jackson County Comprehensive Plan, they must comply with applicable statewide planning goals. The applicable statewide planning goals are listed below and the reasons for the proposed amendment's compliance with these goals are described in the respective findings.

A. Goal 1 (Citizen Involvement)

OAR 660-015-0000(1): To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: The Oregon Revised Statutes, Oregon Administrative Rules, Jackson County Comprehensive Plan, and Jackson County Land Development Ordinance contain provisions relating to citizen involvement. The proposed amendment will be reviewed and evaluated consistent with these provisions, insuring the opportunity for meaningful citizen involvement in the planning process. Proper notice was given to property owners and public agencies regarding this application in adherence with all state and local requirements.

The Applicant (Oregon Department of Transportation) has adopted their own citizen involvement policies and strategies as part of the Oregon Transportation Plan (September, 2006) that read:

POLICY 7.3: It is the policy of the State of Oregon to involve Oregonians to the fullest practical extent in transportation planning and implementation in order to deliver a transportation system that meets the diverse needs of the state.

STRATEGY 7.3.1: In all phases of decision-making, provide affected Oregonians early, open, continuous, and meaningful opportunity to influence decisions about proposed transportation activities. When preparing and adopting a multimodal transportation plan, modal/topic plan, facility plan or transportation improvement program, conduct and publicize a program for citizen, business, and tribal, local, state and federal government involvement. Clearly define the procedures by which these groups will be involved.

To the degree that they are applicable to the County's review, this policy and strategy will be adhered to through this process.

B. Goal 2 (Land Use Planning and Exceptions)

OAR 660-015-0000(2) (PART I - PLANNING): To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDING: The degree to which the proposed amendments are consistent with the applicable provisions of the Jackson County Comprehensive Plan are demonstrated in Section IX of this report. In preparing the proposed goal exceptions, coordination has occurred between Jackson County, the City of Ashland and representatives of ODOT and the Oregon Department of Land Conservation and Development. Goal 2's coordination requirement is thus satisfied.

The proposed goal exceptions include an analysis of potentially reasonable alternatives and the appropriate implementing rules. The proposed exceptions, together with the supporting evidence, provide an adequate factual base to establish plan and land use regulation amendments. For these reasons, the proposed goal exceptions comply with Goal 2, Part I.

OAR 660-015-0000(2) (PART II - EXCEPTIONS): A local government may adopt an exception to a goal when:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met: (1) Reasons justify why the state policy embodied in the applicable goals should not apply; (2) areas which do not require a new exception cannot reasonably accommodate the use; (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

FINDING: The proposed amendments include goal exceptions to statewide planning goals 3, 11 and 14. For the reasons described in Sections V and VI of this report, and with the stipulations contained therein, the proposed amendments comply with Goal 2, Part II.

C. Goal 3 (Agricultural Lands)

OAR 660-015-0000(3): To preserve and maintain agricultural lands.

FINDING: Because the proposed Rest Area is not a farm use, a Goal 3 exception has been taken as part of this application.

D. Goal 5 (Natural Resources, Scenic and Historic Areas)

OAR 660-015-0000(5): To protect natural resources and conserve scenic and historic areas and open spaces.

FINDING: There are no inventoried Goal 5 resources on the subject property. Wetland resources subject to Goal 5 have been identified but no plan amendments are required to determine if these wetlands are significant or to complete the Goal 5 process. However, the Division of State Lands will be notified concerning the application to construct the Rest Area, and appropriate mitigation shall be provided.

The Patrick Dunn Ranch is adjacent to the subject property. Though on the National Historic Registry (#78002287), this entry identifies structures, not the ranch itself, as being historic. Given the location of these structures relative to the subject property, the proposed use does not adjoin historic properties and would have no direct impact on this historic resource. Other historic resources within close proximity but not conclusively located either within or adjacent to the subject property include the Applegate Trail and the Yreka-Siskiyou Stage Line (Staff Report Exhibits B and C depict the subject property relative to these historic routes).

The subject property is approximately one mile north of the terminus of the segment of I-5 identified as a State Scenic Highway, a Goal 5 scenic resource (see Staff Report Exhibit D). Although it is just outside of this Goal 5 area, the subject property affords visitors outstanding views of especially scenic landscapes, particularly to the east of the site (Staff Report Exhibit A depicts this view).

No cultural resources have been identified on the subject property and no protective measures are required to protect such resources.

E. Goal 6 (Air, Water and Land Resources Quality)

OAR 660-015-0000(6): To maintain and improve the quality of the air, water and land resources of the state.

FINDING: The proposed use will not cause a significant increase in air pollution because: 1) Additional traffic on I-5 will not be generated as a result of the proposed use; and 2) Only very low volumes of additional traffic will be generated on local streets through staffing and servicing needs of the Rest Area and Welcome Center. Additionally, it is possible that the Welcome Center's location on I-5 will result in a modest overall reduction in vehicle miles traveled on local streets, and therefore, a reduction in air pollution. This is particularly true in the case of those who require directions to their destination in Ashland or the Rogue Valley and/or for those who wish to access tourism-related information provided by the Welcome Center.

With the proposed connection to sewer and storm drainage treatment, the use will generate minimal water quality impacts. ODOT will obtain all necessary DEQ permits for storm or sanitary sewer. Water quality impacts could occur during construction. To protect water quality, ODOT will use best management practices that employ land application processes and bioswale retention areas to treat collected surface waters. Best management practices include such practices as sediment fencing, inlet protection and temporary erosion control. Best management practices also will be used to prevent pollutants from entering the groundwater.

Water quality is impacted by the presence of impervious (paved) surfaces and, to the extent that impervious surface area can be reduced as part of site planning, water quality is improved.

F. Goal 8 (Recreational Needs)

OAR 660-015-0000(8): To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

FINDING: Goal 8 primarily addresses the siting of destination resorts. However, with respect to broader recreational concerns, this goal states that:

The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities...in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans.

The proposed Rest Area will include picnic tables, paved walk paths, lawn areas, a pet use area, and tourist-oriented services that are recreational in nature. This facility is also intended to serve, in part, those whose travel is recreationally oriented. The application generally supports the purposes of Goal 8 because of the recreational opportunities afforded to users of the facility as well as through the recreation-related information that will be provided to visitors of the Welcome Center.

G. Goal 9 (Economy of the State)

OAR 660-015-0000(9): To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDING: A principal reason for the Rest Area and Welcome Center is to serve tourists coming into Oregon by providing them with information regarding tourist opportunities both locally and statewide. For the reasons provided in Exception 1, this will substantially further the objectives of Goal 9 and contribute to the local and statewide economy.

H. Goal 11 (Public Facilities and Services)

OAR 660-015-0000(11): To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: The extension of water, phone and electrical service to the Rest Area is consistent with Goal 11. Because the connection to public sewer is not consistent with Goal 11, a Goal 11 exception has been taken.

I. Goal 12 (Transportation)

OAR 660-015-0000(12): To provide and encourage a safe, convenient and economic transportation system.

FINDING: Goal 12 requires consistency with applicable transportation system plans. The applicable plans are the Jackson County Transportation System Plan (TSP) and the Rogue Valley Regional Transportation Plan (RTP). The RTP specifically includes, and the Jackson County TSP includes by reference, the proposed Siskiyou Rest Area as a planned project. The Rest Area complies with policies in these plans because it will generate only a minimal level of new traffic and will not significantly affect any existing or planned transportation facilities. Substantial consistency with Goal 12 is also demonstrated in the analysis in Exception 1.

J. Goal 13 (Energy Conservation)

OAR 660-015-0000(13): To conserve energy

FINDING: Locating a Rest Area and Welcome Center at the subject location will likely result in reduced energy usage by minimizing the distance travelers must drive to find restroom facilities and/or tourist information.

K. Goal 14 (Urbanization)

OAR 660-015-0000(14): To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

FINDING: Goal 14 prohibits the establishment of urban uses on rural lands without exceptions to Goal 14. Because the Rest Area would be an urban use, the required Goal 14 exception has been taken.

IX. COMPLIANCE WITH APPLICABLE POLICIES IN THE JACKSON COUNTY COMPREHENSIVE PLAN

The proposed goal exceptions must demonstrate compliance with the Jackson County Comprehensive Plan. The below cited plan policies are addressed either because they arguably operate as mandatory approval standards or because it is appropriate to address them even though they are more aspirational in nature. The reasons for the proposed amendment's compliance with these goals are described in the respective findings. Comprehensive Plan Policies not addressed herein are deemed not to be applicable to the proposal.

A. Map Designations Element: Limited Use (LU) Plan Designation and Zoning District Criteria

- 1) *The subject area is land for which an exception for the specified use(s) may be approved under applicable Statewide Planning Goals, pursuant to ORS 197.732 and OAR 660, Division 4; and,*
- 2) *The proposal is consistent with the applicable parameters and conditions of Policy 1 of the Public Facilities and Services Element for sewer and/or water service; and,*
- 3) *All-weather access is available that directly connects to a County road, or State highway of appropriate capacity and construction, and the proposal is otherwise consistent with the County's access and transportation facility plans; and,*
- 4) *Where the proposed area includes or adjoins identified Goal 5 resources, or is otherwise mapped within a Goal 5 impact area, a conflicting use analysis must be provided in accordance with the Goal 5 process to support the proposed Plan designation; and,*
- 5) *A review of other available map designations reveals that no other district designation would sufficiently limit uses as required by OAR 660, Division 4, and the proposed use does not otherwise meet the location/use requirements for a Rural Limited Industrial (RLI) designation.*

FINDING: ODOT is taking Exceptions 1 and 2 pursuant to ORS 197.732, Goal 2, Part II and applicable Oregon Administrative Rules (OAR 660, Divisions 4 and 12). As well, the exceptions authorizing the Rest Area and Welcome Center are permitted under ORS 215.283(3). Together, these statutes, goals and rules allow local governments, through exceptions, to locate transportation facilities and improvements on rural land and to connect the transportation facilities to public sewer.

Public Facilities and Services Element Policy 1 directs Jackson County to provide for sanitation service at levels appropriate for the needs of urban, urbanizable, suburban, rural and open space lands. As described in Exception 2, connecting the Rest Area to public sewer is appropriate because: 1) The sewer system already exists on the property; 2) It was established in 1975 for the specific purpose of serving human waste generated at the Siskiyou Rest Area; 3) The volume of use at the Rest Area will be substantial; and 4) The moderately slow permeability and depth of the soils in the area increase the possibility that septic tank absorption fields will fail.

All weather access is available to the Rest Area via Interstate 5. ODOT states that the fundamental purpose of the Rest Area is to provide rest, safety and tourist services to northbound travelers on Interstate 5. Because the Rest Area is an accessory use to Interstate 5, rather than a destination in itself, the Rest Area will not increase traffic on Interstate 5 or otherwise adversely affect the capacity of the highway.

As described in Exception 1, the site contains wetland resources, but those resources are not inventoried as significant natural resources in the Jackson County Comprehensive Plan. Accordingly, a conflicting use analysis is not required.

No other district would sufficiently limit the proposed uses. Because the proposed uses are not industrial uses, the RLI designation would not be appropriate.

B. Agricultural Lands Element

POLICY 3: Conflicts between agricultural and nonagricultural land uses shall be minimized by the following:

A) The County, in cooperation with the cities, shall develop and implement minimum setbacks to buffer farm uses from nonagricultural land uses on the periphery of urban growth boundaries abutting agricultural land. Additional buffering techniques such as fencing and landscaping shall be encouraged on the nonfarm land.

FINDING: This application justifies an exception to the general policy to preserve and maintain agricultural land, as authorized by state law. That exception is directed not only at Statewide Planning Goal 3 but also at local comprehensive plan provisions adopted to implement that goal.

Rest areas are ancillary uses to interstate highways. They are customarily located in rural areas, often on resource lands. As designed, the Rest Area and Welcome Center buildings will not be located on the periphery of the site. To minimize potentially adverse impacts to nearby farming operations, fencing and landscaping will be provided as buffering techniques consistent with conditions identified in Section XIII of this report.

C. Citizen Involvement Element

POLICY 3: Efforts shall be made to keep citizens informed of all opportunities to participate in the land use planning and decision process.

FINDING: By following the applicable public notice and hearing requirements in the County's Land Development Ordinance, which provide for notification to the public and opportunity for the public to be heard on this application, this policy is satisfied.

D. Economy Element

POLICY 4: Tourism shall be encouraged. Jackson County shall cooperate with and assist the private sector in the development of full-service destination resorts. A destination resort shall not be discouraged by the county if the proposal is consistent with Statewide Planning Goals, the county's acknowledged plan, and its implementing regulations.

IMPLEMENTATION STRATEGIES:

C) Programs should be created to promote recreation and tourist facilities and should be coordinated with local chambers of commerce and the state office of tourism.

FINDING: Consistent with the above stated policy and implementation strategy, the Welcome Center will encourage and promote recreation and tourist facilities. In planning for the Welcome Center, ODOT has coordinated with the Ashland Chamber of Commerce and Travel Oregon.

E. Energy Conservation Element

POLICY 3: *Energy conservation measures shall be utilized in new development projects to achieve energy efficient development through combinations of site planning, landscaping, building design and construction practices.*

FINDING: The facility itself will be designed with energy conservation in mind. Natural lighting and skylights will be incorporated where feasible and Welcome Center interior lights will be energy efficient, and on occupancy sensors to dim when not in use. With regard to construction features, building insulation will likely exceed code requirements and recycled products will be used where feasible. Environmental quality will be maintained through the use of low-emitting finish materials and an energy efficient mechanical system will be used.

POLICY 6: *The County shall support and encourage the conservation of energy in the use of water.*

FINDING: The Rest Area and Welcome Center will conserve water by using only plumbing fixtures that are of the water-conserving types. With regard to irrigation, vegetation has been designed to be drought resistant with low or no water needs. A solar hot water heater is also being considered as an energy saving feature related to water usage.

F. Environmental Quality Element

POLICY 3: *Conserve the water resources of Jackson County and protect, manage and improve the quality of surface and groundwaters, for the propagation of wildlife and for domestic, agricultural, industrial, recreational and other beneficial uses.*

FINDING: ODOT will obtain any required permits from the Oregon Department of Fish and Wildlife to ensure that the access road serving the Rest Area is constructed in a manner that does not interfere with safe fish passage along Tolman Creek. ODOT will also be required to obtain approval from the DEQ (401 Certification) as part of the US Army Corps of Engineers permit process for the site. This will necessitate that any surface runoff from the paved areas be channeled to a storm drain system, which will include treatment in an oil/water separator, a detention pond and a water quality swale, before being allowed to enter a receiving waterway.

The DEQ and the National Marine Fisheries Service (NMFS) have established criteria for water quality treatment and storm water detention, which will be incorporated into the design of this system. ODOT will use Best Management Practices to avoid or minimize adverse impacts on water quality during construction. Given the amount of activity the Rest Area is likely to experience, connecting the restrooms to public sewer also will help protect and improve the quality of the groundwater.

POLICY 4: *The County shall, to the extent of its legal authority, provide for the protection of municipal watersheds from uses which could impact the quality of the water and increase erosion.*

POLICY 5: *Soil erosion and sedimentation and wise utilization of soil shall be considered in land use development actions.*

FINDING: Given the poor quality of soils in the area to accommodate large volumes of human waste, connection to city sewer will contribute substantially to the protection of municipal watersheds and retention of water quality. The application of Best Management Practices in construction of the Rest Area and Welcome Center, as provided in ODOT's proposed conditions of approval, will minimize soil erosion and sedimentation.

POLICY 6: *Modes, routing and improvement of transportation systems shall be planned and designed to minimize generation and concentration of air and water borne pollutants and to lessen noise impacts.*

FINDING: As supported by findings and reasons contained within Policy 3 above, the design of the Rest Area will minimize the generation and concentration of water borne pollutants. The elimination of heavy trucks from the Rest Area will serve to minimize the generation and concentration of air pollution. Finally, ODOT has demonstrated that the proposal will result in insignificant noise impacts.

POLICY 8: The County shall promote an environment free from unnecessary, excessive and offensive noise that may jeopardize the health, safety and welfare of county citizens.

FINDING: Locating the Rest Area on the subject property will result in no distinguishable increase in noise levels to area residences and will not jeopardize the health, safety and welfare of County citizens.

G. Natural and Historic Resources Element

Finding 2 in the Natural and Historic Resources Element contains one of the few explicit references to rest areas within the Comprehensive Plan. This finding reads, in part:

The natural landscape of Jackson County is a scenic resource that is of value economically, and aesthetically. The quality of this resource is dependent on a number of variables including the observer himself. Scenic resources may be adversely affected by development and therefore, it is necessary to develop a methodology to identify and evaluate the visual attractiveness of scenic resources, and ensure that these scenic values are maintained for present and future generations.

A county designated scenic roadway system should be utilized to enhance the public's access to natural landscape and historical features while simultaneously allowing a reasonable use of private lands within the corridors. As such, the scenic, historic or cultural character of any County designated scenic roadway corridors have a quality that merits recognition. These roadways are of sufficient interest to be a destination, in and of themselves, for a variety of purposes, including recreation along these roadways. There are frequent opportunities for the development of complimentary roadside facilities such as rest areas or viewpoints.

The Comprehensive Plan finding listed above is followed by Policy 2, which reads:

POLICY 2: Through proper management, the County shall maintain or enhance the aesthetic qualities and values of the significant natural scenic landscape resources of the County.

FINDING: The Comprehensive Plan finding and policy language listed above stresses that "opportunities for the development of complimentary roadside facilities such as rest areas" take advantage of the scenic and historical features along roadways. The subject site is within a highly scenic roadway corridor, just north of the designated scenic roadway portion of Interstate 5. There are significant historic resources, including the Applegate Trail, and a National Historic Register property within close proximity. These resources are of value both aesthetically and economically and are important considerations in the siting and orientation of the Rest Area and Welcome Center.

The Planning Commission finds that, through the imposition of the recommended conditions of approval, the Rest Area maintains the aesthetic resources of the County while enhancing the public's access to these natural landscapes.

POLICY 3: In conjunction with the Oregon Department of Fish and Wildlife and other affected agencies, the County shall provide for the protection of a productive and healthy fish and wildlife community and habitat, and shall protect threatened and endangered species.

FINDING: The new access road will cross Tolman Creek, which provides passage for endangered fish. ODOT shall construct the access road over Tolman Creek in a manner that provides for safe fish passage as required by Policy 3 and the Oregon Department of Fish and Wildlife. A condition to this effect shall be imposed as identified in Section XI of this report.

Moreover, connecting the Rest Area to public sewer will help preserve and protect fish and wildlife habitat by avoiding potential for contamination associated with failed septic tank absorption fields.

POLICY 5: *The County shall ensure proper management of water areas, wetlands, watersheds and groundwater resource in order to facilitate their conservation, productivity and wise utilization.*

FINDING: The subject property includes wetlands. ODOT shall obtain all permits that may be required to develop in the wetlands and shall provide mitigation as required. ODOT shall obtain approval from the DEQ (401 Certification) as part of the US Army Corps of Engineers permit process for the site. To protect groundwater resources, any surface runoff from the paved areas will be channeled to a storm drain system, which will include treatment in an oil/water separator, a detention pond and a water quality swale, before being allowed to enter a receiving waterway. Criteria established by the DEQ and the National Marine Fisheries Service (NMFS) for water quality treatment and storm water detention, will be used to guide the design of this system.

FINDING 7: *Poor land use patterns in the form of sprawling residential subdivisions, highway construction, commercial and industrial development, along with a lack of understanding by the general public and elected officials on the values of historic resources has resulted in the destruction and loss of much of the cultural and historic heritage in Jackson County. Historic resources should be preserved for their aesthetic, conservational, educational, financial, and historical values.*

POLICY 7: *The County shall actively promote the identification and preservation of historic resources.*

FINDING: Finding 7 presents the context for Policy 7, which directs the County to identify and preserve historic resources, in part, for their educational values. This proposal presents a unique opportunity to promote an important historic resource, and one that should be of great interest to the traveling public – the Applegate Trail. Indeed, Welcome Centers (e.g. Klamath River Rest Area) often include interpretive displays to educate travelers about historic events or places and thereby stimulate visitor interest in the local area.

Recent historic analysis work completed for the project indicates that the project will not result in adverse impacts to historic resources. Because the project will not adversely affect historic resources, impacts as they relate to historic resources will not be significant.

POLICY 11: *Jackson County shall adopt a 1b policy for the Applegate Trail pursuant to the requirements of Statewide Planning Goal 5 and OAR 660-16-000, and encourage any activity to specifically identify the location or general location of intact segments of the trail in the county ***.*

FINDING: Policy 11 authorizes Jackson County to encourage activities to specifically identify the location or general location of intact segments of the Applegate Trail. This process has resulted in further identification by way of ODOT's Exhibit 32, of historic maps showing the historic transportation route and the expert opinion of ODOT Cultural Resources Program Coordinator, Alex McMurry. However, as described on page 4 of this report, there is some conflicting evidence on this point, as there are other maps showing the Applegate Trail

following, more or less, the alignment of Highway 66. In any case, this proposal has served to implement this policy by further investigating the precise location of this historic trail.

POLICY 12: *Jackson County hereby adopts a "AB" 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.*

FINDING: While the National Wetland Inventory (NWI) shows no jurisdictional wetlands on the proposed site, wetlands have nonetheless been identified through more site-specific study (see ODOT's Exhibit 5). The project would involve filling approximately 1.5 acres of wetlands. The Division of State Lands (DSL) and the US Army Corps of Engineers (ACOE) previously issued permits authorizing this fill, but those permits have lapsed. ODOT will be updating and resubmitting those permits for review and approval. As part of that effort, ODOT will complete a new wetland delineation and will provide compensatory wetland mitigation through enhancement and/or creation of wetland areas off-site or through utilization of the ODOT Vernal Pool Wetland Mitigation Bank that is currently being developed. ODOT will collaborate with DSL and ACOE to determine which mitigation strategy is most appropriate. This is consistent with Policy 12.

H. Public Facilities and Services Element

POLICY 1: *Recognizing the need for various types and levels of sanitation service, Jackson County shall strive to provide for sanitation service at levels appropriate for the needs of urban, urbanizable, suburban, rural, and open space lands.*

IMPLEMENTATION STRATEGIES:

C) *The County should create an exception process for circumstances where strict application of the Jackson County Land Development Ordinance may cause an unnecessary public hardship.*

POLICY 2: *Recognizing the urban growth/containment boundary as the dividing line between urban and rural development, the County shall not allow new extensions of sewer projects beyond these boundaries except as allowed in Policy 1 after review by the Planning Commission and approval by the Board of Commissioners or as provided for by state law, as discussed in Policy 5 below.*

FINDING: This application justifies an exception to the general policy to provide public facilities, including sewer service, at levels appropriate for but limited to the needs of the proposed use. Under this policy, connecting rural land uses to municipal sewer systems is generally prohibited except where health hazards exist. However, state law permits counties to approve exceptions to this policy. Exception 2 is directed not only at this requirement in Statewide Planning Goal 11 but also at the local comprehensive plan policies identified above, which were adopted to implement Goal 11.

Implementation Strategy C of Policy 1 recommends the creation of an exception process to allow public sewer service outside urban growth boundaries where justified. Towards that end, Jackson County has established an exceptions process that it has employed to extend or permit the otherwise restricted connection to public sanitary sewers. The process used here is consistent with Jackson County's exceptions process.

By taking exceptions to Statewide Planning Goals 3, 11 and 14 (for Exceptions 1 and 2), ODOT also is taking exceptions to the provisions the Jackson County Comprehensive Plan that otherwise limit or prohibit the sewer connection, as authorized by the Comprehensive Plan. Based on the findings to justify Exceptions 1 and 2, an exception to the prohibition on sewer connections outside urban growth boundaries is justified.

POLICY 4: *Within Jackson County water service may be provided through the creation or expansion of a water system as defined in Statewide Planning Goal 11. However, the establishment or the expansion of a water system may not be used as the basis for zone changes to increased densities.*

FINDING: The Rest Area will receive water from the City of Ashland municipal water system. The extension of city water to rural lands is permitted under Statewide Planning Goal 11, OAR 660-011-0065 and Policy 4 above, provided it is not used to increase residential densities. Because residential development is not authorized on the subject property under Exceptions 1 or 2 or under a Limited Use designation, residential densities will not be increased, and Policy 4 is satisfied.

POLICY 5: *Connections to sewer or water lines in areas located outside acknowledged urban growth boundaries, unincorporated community boundaries or destination resorts may be permitted only pursuant to state law and the Jackson County Land Development Ordinance.*

FINDING: Statewide Planning Goal 11 and OAR 660-011-0065 allow the Rest Area to connect to a public water system. The connection to a public sewer system is explained and justified in Exception 2 (Section VI of this report). Compliance with applicable provisions of the Jackson County Land Development Ordinance is addressed elsewhere in this report.

POLICY 8: *The absence or presence of public facilities should be weighed and evaluated against other development concerns so it does not receive disproportionate emphasis.*

IMPLEMENTATION STRATEGY:

Review legislative and quasi-judicial land use actions in light of the intent of the above policy.

FINDING: Policy 8 is met as explained in Exception 2 (Section VI of this report).

POLICY 16: *Buildings and uses of a public works, or public service, public utility or public education nature shall be designed, sited and constructed to minimize any adverse effects on the character or general welfare of the surrounding area.*

FINDING: The Rest Area and Welcome Center buildings are an accessory transportation facility that provide a public service. The design of these buildings has been executed in a thoughtful way that compliments the surrounding area and minimizes any adverse effects that might otherwise occur through poor design.

POLICY 20: *Jackson County will facilitate coordinated planning with city governments, special service districts and other service authorities, as required by ORS Chapter 197.*

FINDING: In planning for the proposed use, there has been coordination between ODOT, Jackson County and City of Ashland staff. Ashland would be the service provider of public sewer and water to the Rest Area.

I. Recreation Element

POLICY 1: *The County shall cooperate with cities and encourage the development of recreational facilities and opportunities to meet the recreational needs of urban population centers.*

FINDING: As discussed above, the proposed use contains elements that are of a recreational nature. Table II in the Recreation Element identifies rest areas as recreational facilities with the State as the primary supplier. The County has coordinated, and will continue to coordinate with the City of Ashland on the planning of this facility. In addition, the Welcome Center will encourage the use of recreational sites by informing travelers of and directing travelers to

recreational areas in the Ashland and Medford areas and elsewhere in Jackson County and the State of Oregon.

POLICY 6: *Whenever possible the County should encourage the development of on-site interpretive facilities which incorporate environmental, and cultural educational opportunities.*

FINDING: Through conditions imposed by the Planning Commission, the County will encourage the development of on-site interpretive facilities that incorporate environmental, historical and cultural educational opportunities consistent with this policy.

POLICY 7: *The County shall reasonably insure that development of recreational facilities and areas provide for the needs of persons with limited mobility and finances.*

FINDING: The primary purpose of an interstate rest area is to provide interstate travelers a chance to rest. This includes opportunities to use restrooms, eat a meal at a picnic table, or walk a pet. The Siskiyou Rest Area will provide these opportunities in a manner that meets the standards for persons of limited mobility set out in the Americans with Disabilities Act.

POLICY 8: *The County shall encourage the development of recreational facilities, areas, and uses that minimize environmental deterioration.*

FINDING: Best management practices, as discussed above, will be applied and incorporated into the design of the facility to minimize environmental deterioration during construction and through the life of the project.

POLICY 9: *The County shall encourage the development of opportunities which meet recreational needs while providing maximum conservation of energy: in the transportation of persons to the facility or area; in the design and operation of the facility or area; as well as, in the recreational use itself.*

FINDING: The construction of a Rest Area within existing Interstate 5 right-of-way maximizes conservation of energy because people do not need to leave the right-of-way to obtain the amenities offered by the Rest Area. This reduces gasoline consumption and therefore conserves energy. The facility itself will be designed with energy conservation in mind. Natural lighting and skylights will be incorporated where feasible and Welcome Center interior lights will be energy efficient, and on occupancy sensors to dim when not in use. With regard to construction features, building insulation will likely exceed code requirements and recycled products will be used where feasible. Environmental quality will be maintained through the use of low-emitting finish materials and an energy efficient mechanical system.

J. Jackson County Transportation System Plan

POLICY 4.1.4 SAFETY POLICIES: *The county will provide a transportation system that supports emergency access for emergency vehicles and provides for evacuation in the event of a wildfire hazard or other emergency.*

POLICY 4.1.4-B: *Public safety will be a primary consideration in the planning, design and maintenance of all Jackson County transportation systems.*

FINDING: The Welcome Center will have a desk area designated for the use of Oregon State Police (OSP) personnel. Their periodic visits to the Welcome Center and rest area will serve to enhance the safety of the traveling public. In addition, closed circuit television cameras (CCTV) will be installed at the site that will be monitored by the ODOT Traffic Operations Center (TOC).

POLICY 4.2.1-K: *The county adopts as part of its TSP, and incorporates by reference, the Regional Transportation Plan (RTP) for all regionally significant transportation facilities within the MPO area. This adoption does not include the policies as they are written in the RTP. The RTP policies, as adopted by Jackson County, are amended, referenced and incorporated directly into the goals and policies section of the Jackson County TSP.*

FINDING: The 2005-2030 RTP includes the Siskiyou Rest Area project in its short-range (2005 - 2009) project list as ODOT Project #913. The project description is "Relocate rest area at new location." Under Policy 4.2.1-K, the Rest Area would be incorporated into the County's TSP under this policy.

POLICY 4.3.1-B: *Plan amendments, zone changes and type 3 and 4 land use permits need to demonstrate that adequate transportation planning has been done to support the proposed land use.*

STRATEGY C: *Ensure that quasi-judicial comprehensive plan changes, zone changes and type 3 and 4 land use permits will not result in land uses that are incompatible with the public transportation facilities they will use. ...The TIS requirement will be waived if the Planning Director and the County Engineer administratively concur in writing that sufficient specific evidence is provided from affected transportation management agencies that the cumulative effect of approving the proposed plan amendment, zone change, or type 3 or 4 land use permit...will not significantly affect a transportation facility identified in State, regional or local transportation system plans.*

FINDING: ODOT has requested a waiver of the requirement to complete a Traffic Impact Study (TIS), as allowed for through Strategy C. Given the evidence and supporting arguments presented by ODOT, the Planning Commission finds that it is appropriate to issue a waiver to the requirement for a TIS for the rest area because nearly all traffic to the site will be pulled from existing Interstate 5 traffic. The site itself will generate no "new" vehicle trips, apart from a very small number of trips required for staffing and servicing needs. ODOT estimates that maintenance workers will make approximately 2 round-trips per day and Welcome Center volunteers will make an additional 4 daily round trips. Given the low level of traffic anticipated on the service road, Crowson Road is not likely to be significantly impacted by this use.

In addition, only passenger vehicles and RVs will be allowed use of the rest area. Commercial trucks will not use the rest area but will instead be routed a few miles to the north to the Point of Entry (POE), where restrooms will be available. This will make the Siskiyou Safety Rest Area the only rest area in Oregon that will not be open for the use of commercial trucks.

POLICY 4.3.4-B: *Jackson County will remain committed to the maintenance and development of an environmentally sensitive transportation system.*

FINDING: The Planning Commission finds that, through the imposition of the recommended conditions of approval, the proposed Rest Area will further the County's commitment to the development of an environmentally sensitive transportation system.

STRATEGY A: *Require goal exceptions for transportation facilities and improvements on rural land which do not meet the requirements of OAR 660-012-0065.*

FINDING: This application includes goal exceptions for the Rest Area, which is an accessory transportation facility that is not permitted on rural land under OAR 660-012-0065. Findings in Section V of this report demonstrate consistency with this strategy.

X. COMPLIANCE WITH APPLICABLE SECTIONS OF THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE (LDO)

A. 3.2.1: Site Development Plans – Purpose

The purpose of the site development plan review process is to ensure compliance with the standards of this Ordinance, while encouraging quality development in the County reflective of the goals and policies found in the Comprehensive Plan. This process is implemented through zoning permit review, and thus does not address every building, fire, or life safety requirement.

3.2.4: Site Development Plan Approval Criteria

A site development plan reviewed under a Type 2-4 procedure may only be approved if affirmative findings can be made for all the criteria set forth below. The County will require adherence to sound planning principles, while allowing for design flexibility in the administration of these criteria:

A) The site development plan fully complies, or in the case of a lawful nonconformity complies to the maximum extent feasible, with all applicable requirements of this Ordinance, including the general development regulations of Chapters 8 and 9 and the dedications and improvement requirements of Chapter 10;

FINDING: In consideration of ODOT's submitted site plan, along with the recommended conditions of approval, the Planning Commission finds that the plan complies with all applicable requirements of the Jackson County Land Development Ordinance and therefore satisfies this criterion.

B) On properties that are not zoned for farm or forest use, the site development plan adequately protects other property from the potential adverse effects of nonresidential uses;

FINDING: In consideration of ODOT's submitted site plan, along with the recommended conditions of approval, the Planning Commission finds that the site development plan adequately protects other property from the potential adverse effects of nonresidential uses. The site plan and recommended conditions of approval include the following measures to address these potential impacts:

- The disturbed portions of the site are set back 80 feet or more from the nearest adjoining property (to the east); buildings are set back 188 feet from the easterly boundary.
- Pole lighting to illuminate the site will be shrouded so as to eliminate or minimize the transmission of direct light off of the subject property. The shrouded lighting fixture is shown in ODOT's Exhibit 34.
- As shown in ODOT's Exhibit 2.6, nearby dwellings are located an appreciable distance from the proposed use. Sufficient visual screening will be required consistent with LDO Sections 9.2.6 and remedied through conditions recommended in Section XIII of this report. These conditions will remedy potentially adverse visual impacts that may rise to the level of "significant" to those who presently look down on the subject property from the west or who can view the site from the east. Such impacts are associated with urban levels of development, (e.g., parking lots, lighting, buildings, etc.) on land previously used for grazing.
- According to the ODOT's Exhibit 15 Noise Study, a substantial increase in noise, "occurs when the predicted traffic noise levels substantially exceed the existing noise levels. An

increase of 10dBA or more is considered a substantial increase." ODOT's Exhibit 15, Table 1 shows that projected sound level with the Rest Area increases no greater than a 3dBA over current levels. Additional noise studies submitted by ODOT further demonstrate that the proposed use and the impacts associated with this use are not substantial.

- Because the Rest Area and Welcome Center are accessory uses intended to serve northbound traffic already traveling on Interstate 5, and because the Rest Area will be accessible only to traffic already on the interstate (except for a very small number of daily trips by ODOT maintenance personnel and Welcome Center personnel along the access road), the Rest Area will have an insignificant level of impact on the local road system as discussed elsewhere in this report.
- The proposed use will be served by public sanitary sewer and city water and will implement best management practices with respect to treatment of storm water drainage and will therefore result in no significant impacts to groundwater resources.

C) The site design promotes a proper relationship between existing and proposed streets and highways within the vicinity in order to assure the safety and convenience of pedestrian and vehicular traffic; to ensure efficient traffic flow and control; to ensure easy access in cases of fire, catastrophe, and emergency; and so as not to create or contribute to undue traffic congestion on abutting public streets. An assessment of traffic impacts and identification of traffic impact mitigation measures may be required to demonstrate compliance with this criterion;

FINDING: The finding addressing compliance with policy 4.3.1-B of the Jackson County Transportation System Plan also applies, in large part, to this criterion. In summary, the proposed use will serve interstate freeway traffic. The only additional traffic associated with the proposed use will be for personnel, utility and emergency services which ODOT expects to generate about 6 vehicle trips per day. These trips will occur along the dedicated maintenance access road. Traffic on the access road will be restricted to ODOT and Welcome Center personnel, utility and emergency vehicles and closed to access by other vehicles. The access road provides a connection to the Rest Area from Crowson Road. Crowson Road will not be significantly impacted by the proposed use.

D) The property owner and Applicant have agreed to record in the County Clerk's Office a deferred improvement agreement against the property for any future public road improvements that will be required as a result of the proposed development. Deferral of frontage improvements will be required under the following circumstances: (1) the land served by an existing road is zoned for more intensive development; and (2) only a minor part of potential traffic on the road would be generated by the proposed development. In both cases it will be necessary to obtain a binding commitment to make needed road improvements when warranted;

FINDING: ODOT has agreed to stipulate to recording a Deferred Improvement Agreement pursuant to LDO 3.2.4(D).

E) The property owner and Applicant have agreed to record a building site improvement agreement, agreeing to complete all conditions of approval either prior to issuance of any building permits or within the time period specified in the final land use decision (See Section 3.2.7); and

FINDING: ODOT has agreed to stipulate to recording a Deferred Improvement Agreement pursuant to LDO 3.2.4(E).

F) The site is served by sewer or septic, water, fire protection and access sufficient to meet the needs for the use as determined by local service providers.

FINDING: With approval of the requested goal exceptions, this site will be served by sewer. As described in Section VI of this report, water, fire protection and access will be sufficient to meet the needs for the use, as determined by local service providers.

B. 3.6.3: Sewer Systems and Extensions on Rural Lands - Approval Criteria

The basis for approval of a development permit for a sewer service to rural lands will be OAR 660-011-0060 to mitigate existing public health hazard situations, unless a goal exception is justified for another purpose. Approval of an application for a Statewide Planning Goal 11 Exception Area must ensure that only rural land uses will be served, unless an exception to Statewide Planning Goal 14 is also justified for urban uses. If a Goal 11 exception is justified, the exception area will be depicted as within ASC 2003-1 on the Jackson County Comprehensive Plan and Zoning Maps, and uses within the area will be restricted to those justified in the exceptions document.

FINDING: This application includes the connection of the proposed Rest Area to an existing sewer line. The justification for this connection is set out in Exceptions 1 and 2 above, incorporated by reference herein.

C. 3.7.3: Approval Criteria for minor amendments to the Comprehensive Plan Map and/or Zoning Map

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:

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:

- 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.*
- 6) In the case of a minor Comprehensive Plan Map amendment, community benefit as a result of the minor map amendment is clearly demonstrated.*
- 7) In determining the appropriateness of the proposed re-designation, the...Jackson County Planning Commission and Applicant will consider any factors relevant to the proposal, which may include: topography, geology, hydrology, soil characteristics, climate, vegetation, wildlife, water quality, historical or archaeological resources, scenic resources, noise, open space, existing site grading, drainage, adverse impacts on other property in the vicinity, and any other factors deemed to be relevant to the application.*

FINDING: Upon their approval, Exceptions 1 and 2 amend and become part of the Jackson County Comprehensive Plan. Further, because these exceptions are reasons exceptions, they will apply only to the subject property and will not establish a planning or zoning policy of general applicability in Jackson County pursuant to ORS 197.732(8).

The proposed Comprehensive Plan amendment to Limited Use is consistent with the Map Designation Element policies governing the Limited Use designation.

A Zoning map amendment and rezoning of the subject property to "Limited Use" does not appear to be consistent with the Limited Use district. This determination is supported by findings and statements contained within Section X of this report, describing why ODOT's proposed site development plan does not substantially comply with applicable provisions of the Jackson County Comprehensive Plan and Land Development Ordinance. As described in the finding under the same Section, these provisions can feasibly be met with the conditions recommended in Section XIII this report or as determined by the Planning Commission.

Public services serving the property will include City of Ashland sewer and water, as well as storm sewer, telephone and electricity. These services either are already present at the site or can reasonably be provided or extended to the site. The Rest Area will enhance public safety by providing a location for travelers to rest after traveling over the Siskiyou Pass. Transportation access is via Interstate 5, which the Rest Area will serve as an accessory use. Interstate 5 provides adequate transportation service.

This application involves several areas of special concern, including historic resources and airport compatibility. However, it will not prevent implementation of any such area. As noted elsewhere, the proposal will not directly affect any identified historic resource. Airport compatibility will be assured through conditions limiting height within the conical surface. Also, the property is subject to the Urban Growth Boundary Agreement between Jackson County and the City of Ashland. That agreement requires, in part, that agricultural lands be buffered from urban development. ODOT will achieve that through agreement to conditions identified under Section XIII of this report.

The entire approximately 18-acre Rest Area property would be redesignated and rezoned Limited Use. The community benefit of this amendment is described in Exception 1, incorporated herein by reference. The Limited Use amendment further serves a public benefit by assuring the public that the property will not be used for uses other than those associated with a Rest Area and Welcome Center. Exception 1 and the analysis therein provides explanation as to why a Limited Use designation is appropriate. The application does not provide for residential use.

D. 4.2.3: General Review Criteria for Type 2-4 Permits

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 practices on surrounding lands devoted to farm or forest use.*

The applicant may demonstrate that these criteria will be satisfied through the imposition of conditions. Any conditions so imposed must be clear and objective. [ORS 215.296; OAR 660-033-0030(5)]

FINDING: This section applies to uses permitted in EFU zones. As discussed in Section VII of this report, the access road is a permitted use in an EFU zone. To allow the access road, ODOT must demonstrate compliance with Section 4.2.3. The access road complies with those standards for the reasons set out above in Section VII.

E. 4.2.9: Transportation Use Regulations

B) Roads, Highways, and Other Transportation Facilities and Improvements

1) Accessory transportation improvements for a use allowed or conditionally allowed, as listed in OAR 660-012-0065(3)(a), may be allowed, subject to the same procedures, standards and requirements applicable to the use to which they are accessory.

2) Roads, highways, and other transportation facilities and improvements that are listed in OAR 660-012-0065(3)(c) through (o) may be allowed as Type 2 uses. Uses listed in OAR 660-012-0065(3)(d) to (g) and (o) are also subject to the requirements of OAR 660-012-0065(5).

3) Roads, highways, and other transportation facilities and improvements not listed in OAR 660-012-0065 may be established subject to Type 4 review, adoption of an exception to Goal 3 (Agricultural Lands) and to any other applicable goal with which the facility or improvement does not comply, and compliance with OAR 660-012-0070.

FINDING: The Rest Area and Welcome Center, which are accessory uses to interstate freeways, are not permitted on rural lands under OAR 660-012-0065 and thus require goal exceptions in the manner established in OAR 660-012-0070. The applicable goals for which exceptions are required are Goals 3, 11 and 14. Exceptions to these goals are justified for the reasons stated in Section V of this report, incorporated herein by this reference.

The access road serving the Rest Area is permitted under OAR 660-012-0065(3)(g). Section VII above, incorporated herein by reference, explains how the access road meets the applicable criteria in OAR 660-012-0065(5).

F. 5.7.1: Limited Use (LU), a Type 4 review

The purpose of this district is to limit uses and activities to those justified in a Comprehensive Plan Amendment "Reasons" exception statement adopted by the County and acknowledged by the state pursuant to ORS 197.732(1)(c) as required by OAR 660-004-0018(4)(a), or to recognize existing lawfully established nonconformities as permitted uses (see Section 13.3). A Comprehensive Plan Amendment "Reasons" exception adopted by the County, and acknowledged by the State pursuant to OAR 660-004-0022(1), may or may not include a minor map amendment to designate the property LU at the County's discretion. Similarly, a rezone to LU to recognize the continued existence of a legal nonconforming use may be approved where the use is:

A) Of a non-industrial nature;

B) The use has continuously existed for 20 or more years; and

C) No citations have been issued by the County against the use.

It is intended that uses and activities in a Limited Use district will be those uses and activities specified in the Ordinance adopting the LU designation, together with other similar, related, accessory and supplemental uses consistent with the acknowledged Ordinance adopting the designation for the property. In no event will the predominant use in an LU district be industrial. Uses in the LU district will be subject to other applicable standards, statutes, and rules governing sewage disposal, noise, and air and water quality.

FINDING: ODOT recognizes the purpose of the LU district as explained in Section 5.7.1, and it

understands and accepts that the uses authorized in an LU designation and zoning applied to ODOT's property will be limited to Rest Area and Welcome Center uses, including uses that are similar, related, accessory or supplemental thereto. Rest Area and Welcome Center uses are not industrial uses. ODOT also recognizes that under state law governing exceptions, the only nonresource uses permitted in an area approved for a "reasons" exception are those uses justified in the "reasons" exception.

As a result of amendments to OAR 660-012-0070 and OAR 660, Division 4 that were adopted in 2006, OAR 660, Division 4 no longer applies to exceptions for transportation improvements. Still, under OAR 660-012-0070(10), an exception taken pursuant to OAR 660-012-0070 "does not authorize uses other than the transportation facilities or improvements justified in the exception."

G. 7.1.1: ASC 90-4 Historic Resources

FINDING: Section 7.1.1 addresses environmental and cultural overlays for areas of special concern. Section 7.1.1(F) specifically addresses historic resources. It provides that a historic resource overlay will be applied to designated historic resources that have been placed on the Jackson County Register of Historic Landmarks or that are on the National Register of Historic Places.

Section 7.1.1(F) establishes standards governing new construction on properties that are designated as historic or lie within an historic site or district. As noted in Exception 1, there are historic resources near the property, including the Dunn Ditch and portions of the Applegate Trail. ODOT Cultural Resources Program Coordinator, Alex McMurry, determined the Applegate Trail and Yreka Stage Line to be one in the same and on the opposite side of Interstate 5 from the proposed Rest Area. See, ODOT's Exhibit 32. However, this information conflicts with other mapping data showing the Applegate Trail near the present alignment of Highway 66. In either case, these historic routes will not be impacted by this proposal.

The Dunn Ranch also exists in the area east of the subject property. While historic resources exist in the surrounding area, none will be directly impacted by the Rest Area. They are all located outside the area upon which construction will occur. Although the evidence shows that the historic Dunn Ditch is located on the west side of Interstate 5, one or more non-historic lateral irrigation ditches may cross the property and these will not be adversely affected by construction of the Rest Area. If upon further evidence it is found that parts of the Rest Area, including its ramps somehow adversely affect the non-historic but existing lateral of the historic Houck-Homes-Dunn Ditch, ODOT has agreed to conditions as identified in Section XI of this report.

These historic/cultural resources will all be avoided by the physical development of buildings and paved surfaces. Recent historic analysis work (under Section 106 of the National Historic Preservation Act) completed for the project indicates that the project will not result in adverse impacts to historic resources. Consequently no compensatory mitigation is required to meet Section 106 requirements. Because the project will not adversely affect historic resources, impacts as they relate to historic resources will not be significant.

Between March 31 and April 4, 1997 the University of Oregon, State Museum of Anthropology, conducted surface reconnaissance. The purpose of the reconnaissance was to determine if cultural resources were present within the project area. Numerous shovel probes failed to detect significant deposits of prehistoric or historic debris.

H. 7.2.1: Airport Approach (AA) and Airport Concerns (AC) Overlays

FINDING: The subject property lies within an area of special concern relative to the Ashland Airport. Under Section 7.2.1(B)(1)(a), a Type 2 review is required when a proposed structure would penetrate the Approach, Transitional, Horizontal, or Conical surface of an airport. In letter dated September 25, 2007 from Dawn Lamb for Ashland Public Works Director/City Engineer Paula Brown (ODOT's Exhibit 16), she states that the site is at an elevation of approximately 2,100 feet and the maximum allowable building height is 2,140 feet, permitting buildings to be up to forty (40) feet tall. Ms. Lamb further states that it is imperative to accurately ascertain the height of the building envelope to ensure that there will be no interference with the flight patterns. Ms. Lamb further notes that the 40-foot flag pole is near the maximum potential height limit. See, ODOT's Exhibit 16. ODOT's conditions assure compliance with this provision.

I. 7.3.1: Areas of Mutual Planning Concern and Urban Growth Boundaries

Incorporated communities may agree with the County to designate lands lying immediately beyond their urban growth boundaries as areas where the County and city will coordinate planning activities, including those pertaining to requests for changes in land use. All such agreements will be subject to mutual review and adoption by the governing bodies of the affected city and the County. Agreements currently in effect are hereby adopted by reference and govern County land use actions in their respective areas. Development standards adopted through such agreements supercede the development standards of this Ordinance when specified in the agreement.

FINDING: In 1982, the governing bodies of the City of Ashland and Jackson County approved an Urban Growth Boundary Agreement. That agreement includes a policy directed at protecting agricultural lands. Policy 7 provides for the buffering of agricultural lands when development occurs on adjacent lands. Buffering options include acquisition by public agencies, location of public spaces, and use of vegetative screening, earth berms and fences to help reduce trespass of people, animals and vehicles.

Conditions set forth in Section XIII specify the materials that will be used by ODOT as a buffer to adjoining agricultural land and other properties. Vehicle access from the Rest Area onto adjoining lands will not be available to members of the general public.

XI. CONDITIONS OF APPROVAL

1. **Limitations to Use:** The subject property shall be limited to the Rest Area/Welcome Center uses and activities. Any change in use shall require a new "reasons" exception.
2. **Irrigation Interruption:** ODOT shall maintain water flow in affected sources of agricultural irrigation, if any, and shall ensure that irrigation water or rights are not interrupted during the irrigation season.
3. **Restrictive Covenant:** ODOT shall record a restrictive covenant that acknowledges and accepts farm and forest activities on adjacent lands, that requires owner control of dogs, and that may limit activities permitted by the approval of the specific use. ODOT shall record the restrictive covenant prior to its making application for sanitation or building permits as may be required.
4. **Landscaping Plan:** Prior to approval by Jackson County, ODOT shall submit a Final Landscape Plan which will be prepared and stamped by a landscape architect registered with the State of Oregon pursuant to ORS 671.412 and which shall demonstrate full compliance with the provisions of LDO 9.2. As mitigation to the visual impacts of the proposed development, and as provided by LDO 9.2.10(B)(4), street frontage landscaping shall exceed the requirements of LDO 9.2.6 such that a 50' minimum planting area width shall be maintained over a distance of 1000' to the west of the rest area and thus obscure the parking lots and buildings from the view of properties to the west.
5. **Fencing and Perimeter Landscaping:** ODOT shall fence the perimeter of the rest area property with black-coated chain link with the exception of the southern-most approximately 900 feet which will be a standard right-of-way fence. The chain link portions of the fence shall be at least six feet in height and be planted with a mixture of trees and fence obscuring vegetation, per the standards of LDO 9.2, to provide a suitable barrier to trespass and to serve as a buffer. ODOT shall maintain this fencing and landscaping to ensure against trespass upon adjacent lands and to further ensure the continued attractiveness of the rest area property. Fencing shall also be installed along the eastern I-5 right-of-way north of Crowson Road to a point approximately 330' north of the northern edge of the Crowson Road right-of-way to provide a security barrier between the highway adjacent properties.
6. **Landscaping; Agricultural Buffering:** Trees, shrubs and other landscaping shall be used along the east boundary of the subject property to buffer adjacent farm lands, per the standards of LDO 9.2 and consistent with other conditions of approval, as applicable.
7. **On-site Interpretive Facilities:** The Rest Area shall include on-site interpretive facilities that incorporate environmental, historical or cultural educational opportunities consistent with the Comprehensive Plan's Recreation Element Policy 6.
8. **Closure for Aerial Spraying:** Upon 48 hours notice, ODOT shall temporarily close the Rest Area/Welcome Center during times that aerial spraying is scheduled to occur on lands located within one-half mile of the subject property.

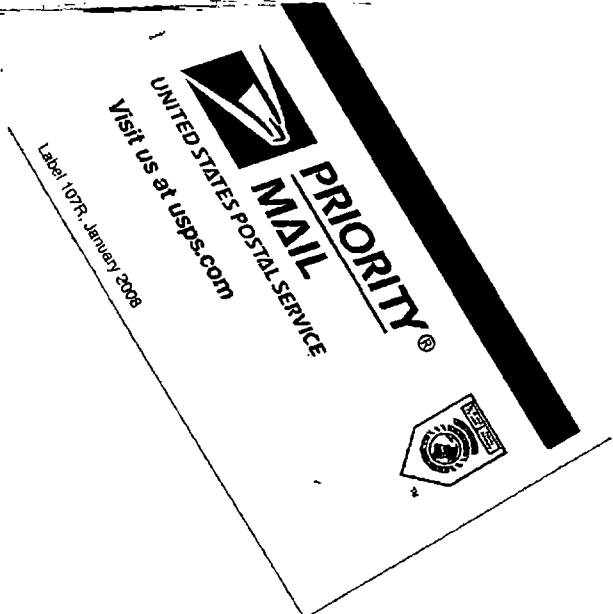
9. **Wetlands:** ODOT shall mitigate for wetlands as required by the Oregon Division of State Lands or U.S. Army Corps of Engineers. ODOT shall obtain such permits as are necessary to fill wetlands prior to fill taking place.
10. **Exterior Lighting:** ODOT shall provide exterior lighting on the subject property of a type that is shrouded so as to direct light downward and eliminate or minimize the transmission of direct light off of the subject property, in a manner that is consistent with the LEEDS Dark Sky standard.
11. **Service Road:** The service road extending south from Crowson Road shall be fenced and gated (self-closing), both for authorized vehicles driving to the staff parking area and for authorized personnel walking between the staff parking area and the Rest Area/Welcome Center. Following construction of the proposed use, use of the service road shall be restricted to ODOT maintenance personnel, Welcome Center personnel, and utility and emergency service providers. Gates will remain locked except when they must be opened for access by persons authorized to use the service road.
12. **Fish Passage:** ODOT shall obtain permits as necessary from the Oregon Department of Fish and Wildlife to ensure that the service road serving the Rest Area is constructed in a manner that does not interfere with safe fish passage along Tolman Creek.
13. **Limitations to Connection to Sewer System:** Connection to the sanitary sewer system shall be permitted solely for the purpose of serving the Rest Area/Welcome Center approved pursuant to Exception 1. Connections to serve land outside the subject property, or connections to serve uses other than the Rest Area/Welcome Center, shall not be permitted unless a new "reasons" exception to Goal 11 and any other applicable Goal is taken and justified.
14. **DEQ Permits:** Prior to construction, ODOT shall obtain all necessary permits to construct storm sewer and sanitary sewer facilities from the Department of Environmental Quality.
15. **Best Management Practices for Storm Drainage:** ODOT shall use best management practices that employ land application processes and/or bioswale retention areas to treat collected surface waters. ODOT also shall use best management practices to prevent pollutants from entering the groundwater.
16. **Airport Compatibility:** To avoid interference with flight patterns associated with the Ashland Airport, Applicant shall supply survey data that shows how buildings and other structures to be placed on the property, including pole lighting and flag pole, do not breach the conical surface of the Ashland Airport consistent with Exhibit 16 (a letter dated September 25, 2007 from the City of Ashland Public Works Department which establishes height standards for site improvements relative to the airport's conical surface). Further, ODOT shall provide notice to FAA indicating that notice criteria FAR 77.13(a)(2) is exceeded and shall follow FAA procedures as directed.
17. **Deferred Improvement Agreement for Road Improvements:** ODOT shall record in the Jackson County Clerk's Office a deferred improvement agreement for any future public road improvements that will be required as a result of the proposed development pursuant to LDO 3.2.4(D).

18. **Deferred Improvement Agreement for Conditions of Approval:** ODOT shall record a building site improvement agreement, agreeing to complete all conditions of approval either prior to issuance of any building permits or within the time period specified in the final land use decision pursuant to LDO 3.2.4(e).
19. **Avigation Easement and Deed Declaration:** ODOT shall record an Avigation Easement and Deed Declaration (related to pre-existence of the Ashland Airport) consistent with LDO 7.2.1(E).
20. **Limits on Site Disturbance:** ODOT shall propose and the Jackson County Planning Division shall establish the "limits of disturbance" (LOD) lines consistent with LDO 9.1. The approved LOD will be shown on the final site plan.
21. **Irrigation Features:**
- (a) Irrigation ditches.
ODOT shall maintain all existing waterways across its property during and after the construction of the rest area facility.
- (b) Access to diversion points.
ODOT agrees to meet with adjacent property owners to develop a plan to re-route the ditch system serving the area, so it will be unnecessary to cross ODOT right-of-way to manage the irrigation to the affected properties.
- In the event that a plan cannot be agreed upon by all the effected parties and irrigation ditches or diversion points exist on ODOT right-of-way, then ODOT agrees to issue a permit to the affected parties to enter upon the state owned property to exercise that right. Before a permit is issued, ODOT will require that each party establish by legal judgment entered by a court of competent jurisdiction that it has a legal right to enter onto state owned property to access the existing diversion point of their right on state owned property.
22. **Prohibition of Trucks:** ODOT shall restrict access to the Siskiyou Rest Area and Welcome Center to commercial vehicles of greater than 20,000 GVW, to the extent permitted by law. Planned improvements to the Port of Entry facility (ODOT STIP Key #15790), which include expanded restrooms and parking areas for commercial vehicle operators, shall be completed prior to the opening of the proposed Rest Area. The Port of Entry restrooms shall be available for use concurrent with the hours of operation of the proposed Rest Area.
23. **Mitigation of Access Road Impacts:** To mitigate the privacy impacts associated with locating the proposed access road adjacent to the property at 488 Crowson Road (Miranda property), ODOT shall install slats in the existing chain link fence for a minimum length of 250' beginning from the northwest corner of this property. To mitigate the visual impacts of this fencing from the view of I-5 travelers and to improve the overall aesthetics of the access road, ODOT shall landscape in front of the segment of fencing described above per LDO Table 9.2-2(A). In locations where a minimum planting width of 6' cannot be achieved in order to meet the LDO standards, an alternate planting scheme may be approved through a Type 2 review. Any alternate planting scheme proposed by ODOT shall meet the intent of this condition.

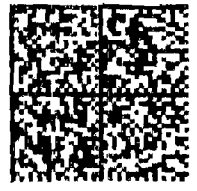
24. **Noise Mitigation:** ODOT shall not perform construction within 1,000 feet of an occupied dwelling on Sundays, legal holidays, or between the hours of 9:00 p.m. and 6:00 a.m. on other days. ODOT shall not drive piling within 3,000 feet of an occupied dwelling on Sundays, legal holidays, or between the hours of 8:00 p.m. and 8:00 a.m. on other days. Between 9:00 p.m. to 6:00 a.m. no work which creates noise(s) louder than 88 dBA measured at a distance of 50 feet shall be performed.
25. **Architecture of Rest Area/Welcome Center Buildings:** The Rest Area and Welcome Center buildings shall be constructed consistent with the architectural renderings submitted as part of ODOT's application.
26. **Security Cameras:** To increase on-site security, ODOT shall install closed circuit television cameras (CCTV) in and around the Rest Area/Welcome Center buildings that shall be monitored by the ODOT Traffic Operations Center (TOC).

Relocation Services

South Oakdale Ave., Room 100
Portland, Oregon 97501-2902



AGENCY LRP2007-000008
DLCD
PLAN AMENDMENT SPECIALIST
635 CAPITOL ST NE STE 150
SALEM OR 97301-2540



Hasler

016H26515385
\$05.20
09/15/2009
Mailed From 97501
US POSTAGE