



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

August 2, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Jackson County Plan Amendment
DLCD File Number 004-06



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: August 14, 2007

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
John Renz, DLCD Regional Representative
Susan Lee, Jackson County

<paa> ya

SR07 **2**

DLCD

Notice of Adoption

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

In person electronic mailed

DEPT OF

JUL 26 2007

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Jackson County**

Local file number: **LRP2005-00010**

Date of Adoption: **7/18/2007**

Date Mailed: **7/24/2007**

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Amend the Comprehensive Plan Text and Map and the Land Development Ordinance for Destination Resorts.

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

Plan Map Changed from: **Goal 8 Dest. Resort Map** to: **Goal 8 Destination Resort Map**

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

Location: **Countywide**

Acres Involved: **1802880**

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD # 004-06 (15211)

DLCD file No. _____

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

Local Contact: **Susan Lee, Planning Director**

Phone: (541) 774-6943 Extension:

Address: **10 S Oakdale Ave, Rm 100**

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

City: **Medford**

Zip: **97501-**

E-mail Address: **leese@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.

JACKSON COUNTY NOTICE OF ADOPTION

Pursuant to Oregon Revised Statutes (ORS) 197.615, you are hereby being notified that the Jackson County Board of Commissioners adopted Ordinance No. 2007-4, 2007-7 and 2007-8 at a properly advertised public hearing on July 18, 2007, at 12:30 p.m., in the Auditorium of the Jackson County Offices, 10 South Oakdale, Medford, Oregon 97501.

The ordinance will go into effect on September 16, 2007 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2007-4 amends the Jackson County Comprehensive Plan related to developing destination resorts, File LRP2005-00010.

Ordinance No. 2007-7 amends the Jackson County Land Development Ordinance to adopt new regulations for developing destination resorts, File LRP2005-00010.

Ordinance No. 2007-8 amends the Jackson County Comprehensive Plan by repealing the previously adopted Goal 8 "Map of Areas Excluded from the Goal 8 Resort Siting Process" and adopting the new Goal 8 "Lands Eligible for Siting a Destination Resort" map, File LRP2005-00010.

This notice is being mailed to you on July 24, 2007, 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 **Susan Lee, Planning Director** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6943; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6943.

You may review the ordinances, or you may purchase copies for \$.25 for the first page and \$.10 for each additional page, at Development Services, Room 100, Jackson County Offices, 10 South Oakdale, Medford, Oregon 97501, between the hours of 8:00 a.m. and 4:00 p.m., Monday, Tuesday, Thursday and Friday; and 1:00 p.m. to 4:00 p.m. on Wednesday.

The Board of County Commissioner's Ordinances are the final decisions on this action. Pursuant to State law, Jackson County is hereby notifying all persons who participated in the hearings, either in writing or orally. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on July 24, 2007, and the LUBA appeal period will expire on August 14, 2007. 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

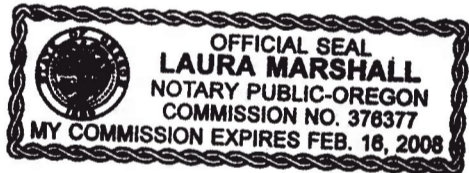
STATE OF OREGON)
)
COUNTY OF JACKSON)

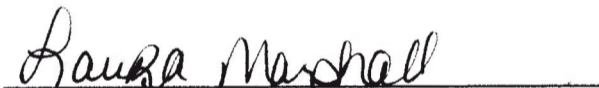
I, Patricia A. Guida, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2007-4, 2007-7 and 2007-8 by mailing a copy of the Notice of Adoption by regular mail to each of the following named persons at their respective last known addresses, to wit: (as attached)

Each of said copies of the Notice were enclosed in a sealed envelope addressed to the persons at the addresses above set forth, with postage thereon fully prepaid and was deposited in the post office at Medford, Oregon, on July 24, 2007.


Signature

Personally appeared before me this 24th day of July, 2007, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.




Notary Public for Oregon
My Commission Expires: 2-16-2008

NOTICE OF ADOPTION SENT TO: AGENCIES AND INTERESTED PERSONS.

APPLICANT NAME: JACKSON COUNTY

FILE NO: LRP2005-00010

BoC AGENDA

File # LRP2005-00010

APPLICANT/AGENT/STAFF

Mailed/Distributed: 07/24/07

LRP2005-00010 Agenda

DENNIS "C.W." SMITH, CHAIR
BOARD OF COMMISSIONERS

LRP2005-00010 Agenda

DAVE GILMOUR
BOARD OF COMMISSIONERS

LRP2005-00010 Agenda

JACK WALKER
BOARD OF COMMISSIONERS

LRP2005-00010 Agenda

STAFF:

LRP2005-00010 Agenda

KELLY MADDING
DIRECTOR

LRP2005-00010 Agenda

SUSAN LEE
PLANNING DIRECTOR

LRP2005-00010 Agenda

TOM BIZEAU
PLANNING MANAGER

LRP2005-00010 Agenda

COUNTY COUNSEL

LRP2005-00010 Agenda

RECEPTIONIST

LRP2005-00010 Agenda

INTERESTED PARTIES:

LRP2005-00010 Agenda

PETER LIVINGSTON
MARTHA PAGEL
SCHWABE
1211 SW FIFTH AVE STE 1600
PORTLAND OR 97204

LRP2005-00010 Agenda
DUANE DUNGANNON
822 AMERMAN DR
PHOENIX OR 97502

LRP2005-00010 Agenda
CHRIS SKREPETOS
4424 HWY 66
ASHLAND OR 97520

LRP2005-00010 Agenda
RON FOX
673 MARKET ST
MEDFORD OR 97504

LRP2005-00010 Agenda
GREG HOLMES
1000 FRIENDS OF OREGON
PO BOX 2442
GRANTS PASS OR 97528

LRP2005-00010 Agenda
ERIC STARK
201 W MAIN ST STE 1B
MEDFORD OR 97501

LRP2005-00010 Agenda
CORINNE SHERTON
JOHNSON & SHERTON
247 COMMERCIAL ST NE STE 205
SALEM OR 97301

LRP2005-00010 Agenda
DAVID HUGIE
PO BOX 1235
SHADY COVE OR 97539

LRP2005-00010 Agenda
DAVID PYLES
ODOT REGION 3
100 ANTELOPE RD
WHITE CITY OR 97503

LRP2005-00010 Agenda
STEVEN NIEMELA
OREGON DEPT FISH & WILDLIFE
1495 E GREGORY RD
CENTRAL POINT OR 97502

LRP2005-00010 Agenda
JOHN RENZ
DLCD
PO BOX 3275
CENTRAL POINT OR 97502

LRP2005-00010 Agenda
LINDA SWEARINGEN
THE SWEARINGEN GROUP LLC
4022 SW WICKIUP CT
REDMOND OR 97756

LRP2005-00010 Agenda
MARY ARNSTAD
5995 HILLCREST RD
MEDFORD OR 97504

LRP2005-00010 Agenda
STEVE GILMORE
MEDFORD CHAMBER
101 W 8TH ST
MEDFORD OR 97501

LRP2005-00010 Agenda
RONALD MYER
2533 ARGONNE AVE
MEDFORD OR 97504

LRP2005-00010 Agenda
ART BULLOCK
791 GLENDOWER
ASHLAND OR 97520

LRP2005-00010 Agenda
LYNN SHARP
TETRA TECH
1750 SW HARBOR WY #400
PORTLAND OR 97201

LRP2005-00010 Agenda
JIM WRIGHT
2625 JACKSON DR
MEDFORD OR 97504

LRP2005-00010 Agenda
PAM VARVA
457 C STREET
ASHLAND OR 97520

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

ORDINANCE NO. 2007-4

**AN ORDINANCE AMENDING THE JACKSON COUNTY COMPREHENSIVE PLAN RELATED TO
DEVELOPING DESTINATION RESORTS, FILE LRP2005-00010.**

RECITALS:

1. Pursuant to Chapters 197 and 215 of the Oregon Revised Statutes and in conformance with the Statewide Planning Goals, the Jackson County Comprehensive Plan (Comprehensive Plan), Jackson County Land Development Ordinance (LDO) and associated implementing ordinances were acknowledged by the Oregon Land Conservation and Development Commission (LCDC) through Acknowledgment Order 83-ACK-93 on May 16, 1983. Today, after numerous post-acknowledgment plan amendments and periodic review adjustments, the County's plan and implementing ordinances (e.g., Ordinances 2004-1 and 2004-2RM) retain their "acknowledged" status.
2. In 1986, Jackson County adopted as part of the Comprehensive Plan a Destination Resort overlay designation and a map titled "Map of Areas Excluded from the Goal 8 Resort Siting Process." At the same time, Jackson County adopted LDO standards and procedures for siting destination resorts (LDO Chapter 246). These Comprehensive Plan and LDO provisions were deemed acknowledged under ORS 197.625 and became effective on February 25, 1987.
3. In 1993, the Oregon Legislature amended the Destination Resort Statute. However, the new law provided that counties which had adopted comprehensive plan and land use regulation provisions that implement the pre-1993 amendment version of the Destination Resort Statute "may continue to apply the provisions of such plans and land use regulations until they adopt plan and land use regulations implementing this 1993 Act." Or Laws 1993, ch 590, § 6.
4. In 2002, the Destination Resort overlay designation text was deleted from the Map Designations Element of the Comprehensive Plan and was added as a use category in the appropriate zones and corresponding sections of the LDO.
5. In 2004, the current LDO was adopted. Former LDO chapter 246 became Section 7.1.5 of the current LDO, with only minor changes to fit the format of the current LDO. The procedures and standards for approving destination resorts under current LDO 7.1.5 are essentially the same as they have been ever since old LDO Chapter 246 was adopted in 1986. The County has never implemented the changes to the Destination Resort Statute enacted in 1993.
6. The existing destination resort approval process under LDO 7.1.5 is an elaborate, cumbersome three-step process including approval of (1) a minor Zoning Map amendment

and Conceptual Site Plan; (2) a Preliminary Development Plan; and (3) a Final Development Plan. All three steps require what is best described under the current LDO as a Type 4 process.

7. The Jackson County Comprehensive Plan Economy and Recreation Elements recognize the value of destination resorts and encourage the development of destination resorts in appropriate locations in the County. However, no destination resort has ever been approved in Jackson County, due to overly complex LDO standards and procedures that provide an applicant with no reasonable certainty of success.
8. The proposed amendments to the Comprehensive Plan and LDO 1) create a simpler destination resort permit approval process; 2) comply with and implement the current Destination Resort Statute (ORS 197.435 - 197.467) and Statewide Land Use Planning Goal 8, which directs the implementation of destination resorts; and 3) implement the Economy and Recreation Elements of the Jackson County Comprehensive Plan.

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

SECTION 1. FINDINGS OF FACT

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

- 1.1 These amendments were initiated by the Jackson County Board of Commissioners in 2004. Originally, the proposed amendments to the destination resort regulations were included in the comprehensive LDO rewrite that resulted in the current LDO (adopted as Ord. 2004-2). However, when compliance issues were raised regarding whether a new Comprehensive Plan destination resort siting eligibility map was also required in order to comply with the 1993 amendments to the Destination Resort Statute, the Board of Commissioners decided to delay final action on new destination resort regulations until a new Comprehensive Plan siting eligibility map, together with Comprehensive Plan and LDO text amendments, could be reviewed as a separate project.
- 1.2 Post-acknowledgment amendments to local plans and implementing ordinances are subject to the procedural requirements of ORS 197.610 - 197.615. Further, OAR Chapter 660, Division 18 (Plan and Land Use Regulation Amendment Review Rule) is directly applicable to these amendments. The Board of Commissioners finds the procedural requirements of the aforementioned statute and administrative rule have been met, based on the facts presented below.
 - 1.2.1 Following two planning commission work sessions on May 4th and June 22nd of 2006, the proposed amendments were scheduled for a public hearing before the Jackson County Planning Commission on July 27, 2006.
 - 1.2.2 The Department of Land Conservation and Development (DLCD) received an advance

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copy of the proposed Comprehensive Plan and LDO amendments at least 45 days prior to the first evidentiary hearing, in accordance with ORS 197.610(1).

- 1.2.3 Media notice of the July 27, 2006 Planning Commission public hearing was published in the Mail Tribune on Sunday, July 16, 2006 in accordance with ORS 215.223. In addition, the notice of hearing was mailed to all cities, affected agencies and citizen's groups on the County's affected agency list on May 27, 2006. The staff report and all addenda were available seven days prior to the Planning Commission's hearing.
- 1.2.4 Following public notice in accordance with Statewide law and the Jackson County Land Development Ordinance, the Planning Commission opened a public hearing on July 27, 2006 to consider amendments to the Comprehensive Plan, including adoption of text amendments and a new Eligibility Map relating to Destination Resort siting, and amendments to the LDO. The Planning Commission conducted a field trip on September 23, 2006, continued the public hearing to October 5, 2006, and finally conducted deliberations on December 14, 2006.
- 1.2.5 On December 14, 2006, the Planning Commission by motion and majority vote recommended approval of the amendments to the Comprehensive Plan text, the new Comprehensive Plan "Lands Eligible for Siting a Destination Resort" map, and the amendments to the LDO to the Jackson County Board of Commissioners.
- 1.2.6 A Ballot Measure 56 (BM56) notice of hearing was mailed in compliance with ORS 215.503 to all affected property owners on January 25, 2007, at least 20 days, but not more than 40 days prior to the public hearing on February 21, 2007 before the Board of County Commissioners.
- 1.2.7 On February 21, 2007, the Board of County Commissioners by a motion and majority vote recommended approval of draft amendments to the Comprehensive Plan text, an amended Comprehensive "Lands Eligible for Siting a Destination Resort" map with removal of the Hartnell Ranch for eligibility as a destination resort and technical amendments; draft amendments to the LDO; and requested staff to prepare a new Ballot Measure 56 notice of hearing to consider removal of the Medford Water Shed, the Ashland Water shed, and consideration of expansion of the Area of Mutual Concern southeast of Ashland as a response to local government requests and in compliance with Goal 2 coordination of land use planning with such local governments.
- 1.2.8 A Ballot Measure 56 (BM56) notice of hearing was mailed in compliance with ORS 215.503 to all affected property owners on April 18, 2007, at least 20 days, but not more than 40 days prior to the public hearing on May 9, 2007 before the Board of County Commissioners related to excluding properties for siting of destination resorts in the Medford and Ashland Water Sheds and expansion of the area of mutual planning concern in SE Ashland, North of Emigrant Lake.
- 1.2.9 On May 9, 2007, the Jackson County Board of County Commissioners by motion and majority vote approved the amended Comprehensive Plan text, the Comprehensive "Lands Eligible for Siting a Destination Resort" as amended to include removal the

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Medford and Ashland Water Sheds. Through a separate ordinance, the Area of Mutual Concern in SE Ashland shall be expanded North of Emigrant Lake as it relates to the siting of destination resorts. The BoC directed staff to finalize the necessary ordinances for adoption.

- 1.3 File LRP2005-00010 was initiated by the County is legislative in nature and includes amendments to the Comprehensive Plan, thus exempting it from the processing time lines and other requirements of ORS 215.427. The Type 4 review procedure is being implemented as dictated by LDO, Section 3.1.5.
- 1.4. The Board of County Commissioners adopts as its findings in support of the amendments to the Land Development Ordinance the "Findings of Fact" attached hereto as Exhibit "B" and by this reference incorporated herein.

SECTION 2. CONCLUSIONS

- 2.1 Proper public and agency notice was given and the procedural requirements of ORS 197.610 - 197.615 have been met.
- 2.2 The amendments in File LRP2005-00010 are in compliance with and implement Oregon land use laws, specifically the Destination Resort Statute, ORS 197.435-197.467 and Statewide Land Use Planning Goal 8 (Recreational Needs), which direct the implementation of destination resorts, as well as all other applicable provisions of state law.
- 2.3 The amendments proposed through File No. LRP2005-00010 are in compliance with and further the intent of the Jackson County Comprehensive Plan by implementing the Economy and Recreation Elements of the Comprehensive Plan and by improving the destination resort permit approval process.

SECTION 3. DECISION

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

- 3.1 Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, the Board of County Commissioners adopts the amendments to the Comprehensive Plan related to Destination Resorts, attached hereto as Exhibit "A".
- 3.2 In accordance with Section 14(8) of the Jackson County Charter, this ordinance shall take effect sixty (60) days after the date this ordinance is adopted, or when this ordinance becomes acknowledged by operation of ORS 197.625(1) and (2), whichever occurs later.
- 3.3 Invalidation of a section or part of this ordinance shall not affect the validity of the remaining sections or parts of sections.

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APPROVED this 20th day of June, 2007, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS



Dennis C. W. Smith, Chair

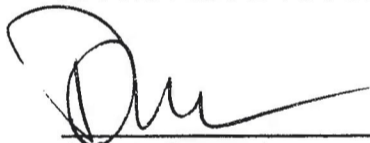


Jack Walker, Commissioner



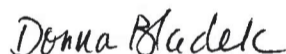
Dave Gilmour, Commissioner

APPROVED AS TO FORM:



County Counsel

ATTEST:



By: Recording Secretary

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on _____, 2007. 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.

Destination Resort Comprehensive Plan Ordinance

JACKSON COUNTY COMPREHENSIVE PLAN AMENDMENTS FOR DESTINATION RESORTS

1. Amend Economy Element, Policy 4, Implementation Strategy (A) as follows:

Destination resort tourist developments shall be allowed at appropriate areas in the county pursuant to destination resort provisions in the Land Development Ordinance and Comprehensive Plan. The destination resort provisions shall be consistent with the requirements of ORS 197.435 to 197.467 and Statewide Planning Goal 8, and shall provide for a clear mechanism to allow for the siting of a destination resort within Jackson County, consistent with the County's acknowledged Comprehensive Plan and implementing ordinances, the Destination Resort Statute, Statewide Planning Goals, and Oregon Administrative Rules.

2. Amend Forest Lands Element, Policy 1, Implementation Strategy (B) as follows:

Maintain the 80-acre minimum parcel size for the Forest Resource zoning district, unless the creation of a smaller lot or parcel is specifically allowed under the Land Development Ordinance.

3. Amend Forest Lands Element, Policy 1, Implementation Strategy (D) as follows:

Restrict access roads and public facilities such as sewer, water, electricity and telephone, unrelated to a permitted or conditionally approved use of designated forest lands.

4. Amend Public Facilities and Services Element, Finding 5 as follows:

RURAL SEWER SERVICE: The existence of a sewer line through a rural area, between an urban area and the health hazard area it serves, creates a potential land use conflict. Land use densities in rural areas are generally low, allowing five-acre rural residential lots or larger farm units. The presence of sewers can create the perception that development of more intensive uses is anticipated or planned, consequently encouraging speculative land sales and pressure for land use or zoning changes. Consequently, construction of new sewer systems or extension of existing sewer systems to serve rural areas located outside acknowledged urban growth boundaries or unincorporated community boundaries is restricted pursuant to Statewide Planning Goal 11 and OAR 660, Division 11 to existing public health hazard areas. The 2003 Oregon State Legislature, through House Bill 2674 (effective January 1, 2004), relaxed the restriction to allow on-site sewer facilities to serve industrial development on old or diminished mill sites as described in the bill. In addition, ORS 197.445 and 197.435(6) and Statewide Planning Goal 8, provide that destination resorts allowed in rural areas must be provided with on-site community sewer facilities or the extension of existing public sewer facilities. Any other situation would require that an exception to Statewide Planning Goal 11 for the provision

Destination Resort Comprehensive Plan Ordinance

of rural sewer service be justified pursuant to the Goal 2 exceptions process.

5. Amend Public Facilities and Services Element, Policy 5 as follows:

POLICY: CONNECTIONS TO SEWER OR WATER LINES IN AREAS LOCATED OUTSIDE ACKNOWLEDGED URBAN GROWTH BOUNDARIES, ~~[OR]~~ UNINCORPORATED COMMUNITY BOUNDARIES OR DESTINATION RESORTS MAY BE PERMITTED ONLY PURSUANT TO STATE LAW AND THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE.

6. Amend Public Facilities and Services Element, Policy 6 as follows:

POLICY: NEW SEWERAGE LINES SHALL NOT PASS THROUGH LANDS DESIGNATED FOR AGRICULTURAL USE EXCEPT FOR LAND THAT IS THE SUBJECT OF AN APPROVED DESTINATION RESORT DEVELOPMENT PLAN, OR WHEN DEEMED THE MOST REASONABLE ROUTE AFTER THE COUNTY HAS MADE EVERY EFFORT TO MINIMIZE DEVELOPMENT PRESSURE AND PROTECT AGRICULTURAL OPERATIONS.

7. Amend Recreation Element, Policy 3 as follows:

POLICY: PRIVATE ENTERPRISE SHOULD BE ENCOURAGED TO BE AN IMPORTANT FORCE IN DEVELOPMENT AND MANAGEMENT OF RECREATIONAL AREAS; ESPECIALLY THOSE SERVING SPECIAL INTEREST GROUPS, SPECTATOR AND PARTICIPANT SPORTING EVENTS, AND TOURIST ORIENTED FACILITIES AND SERVICES. PRIVATE ENTERPRISE SHOULD ALSO BE ENCOURAGED TO DEVELOP DESTINATION RESORTS IN THE RURAL PORTIONS OF JACKSON COUNTY. TO THESE ENDS ~~[TO THIS END]~~, JACKSON COUNTY SHALL COOPERATE WITH PRIVATE ENTERPRISE AND OTHER PUBLIC ENTITIES IN THE ENHANCEMENT AND DEVELOPMENT OF RECREATIONAL OPPORTUNITIES WHICH ARE COMPLEMENTARY TO THE NATURAL ENVIRONMENT AND RESOURCE USE OF THE AREA.

8. Add a new section 3A to the Recreation Element as follows:

FINDING:

To facilitate planning by private enterprise regarding the development of destination resorts, the Destination Resort Statute (ORS 197.435 to 197.467) requires that Jackson County adopt, as part of the Jackson County Comprehensive Plan, a map identifying the land within the county that is potentially eligible for destination resort siting under ORS 197.455. This map shall be based on reasonably available information, and shall be the sole basis for determining whether tracts of land are eligible for destination resort siting pursuant to ORS 197.435 to 197.467 (i.e. without taking an exception to Goals 3, 4, 11 or 14). The requirement for County adoption of such a map of eligible lands was added to the Destination Resort Statute in 1993. At that time, the statute provided that such an eligibility map could only be amended or refined during periodic review.

Destination Resort Comprehensive Plan Ordinance

However, in 2005, the legislature enacted SB 1044, which allows a destination resort eligibility map to be amended through the postacknowledgment plan amendment process of ORS 197.610 to 197.625, but not more frequently than once every 30 months.

POLICY: JACKSON COUNTY SHALL ADOPT AS PART OF ITS COMPREHENSIVE PLAN A MAP IDENTIFYING LAND ELIGIBLE FOR THE SITING OF DESTINATION RESORTS TITLED "LANDS ELIGIBLE FOR SITING OF A DESTINATION RESORT." THE MAP SHALL INITIALLY BE ADOPTED THROUGH A LEGISLATIVE COMPREHENSIVE PLAN AMENDMENT PROCESS AND MAY THEREAFTER BE AMENDED THROUGH A LEGISLATIVE COMPREHENSIVE PLAN AMENDMENT PROCESS NO MORE THAN ONCE EVERY 30 MONTHS. THE INITIAL ADOPTION, AND SUBSEQUENT AMENDMENTS, OF THIS MAP SHALL BE SUBJECT ONLY TO THE CRITERIA SET OUT IN ORS 197.455, STATEWIDE PLANNING GOAL 8 AND THIS POLICY. THE MAP OF AREAS ELIGIBLE FOR DESTINATION RESORT SITING SHALL EXCLUDE THE FOLLOWING:

- A) SITES WITHIN 24 AIR MILES OF AN URBAN GROWTH BOUNDARY WITH AN EXISTING POPULATION OF 100,000 OR MORE, UNLESS RESIDENTIAL USES ARE LIMITED TO THOSE NECESSARY FOR THE STAFF AND MANAGEMENT OF THE RESORT;
- B) SITES WITH 50 OR MORE CONTIGUOUS ACRES OF UNIQUE OR PRIME FARMLAND IDENTIFIED AND MAPPED BY THE UNITED STATES NATURAL RESOURCES CONSERVATION SERVICE, OR ITS PREDECESSOR AGENCY;
- C) SITES WITHIN THREE MILES OF A HIGH VALUE CROP AREA, UNLESS THE RESORT COMPLIES WITH THE REQUIREMENTS OF ORS 197.445(6) FOR A SMALL DESTINATION RESORT, IN WHICH CASE THE RESORT MAY NOT BE CLOSER TO A HIGH VALUE CROP AREA THAN ONE-HALF MILE FOR EACH 25 UNITS OF OVERNIGHT LODGING OR FRACTION THEREOF;
- D) PREDOMINANTLY CUBIC FOOT SITE CLASS 1 OR 2 FORESTLANDS AS DETERMINED BY THE STATE FORESTRY DEPARTMENT, WHICH ARE NOT SUBJECT TO AN APPROVED EXCEPTION TO GOAL 4; AND
- E) ESPECIALLY SENSITIVE BIG GAME HABITAT AREAS AS DETERMINED BY THE STATE DEPARTMENT OF FISH AND WILDLIFE IN JULY 1984 OR AS DESIGNATED IN THE ACKNOWLEDGED JACKSON COUNTY COMPREHENSIVE PLAN.

FOR THE PURPOSES OF THIS POLICY, "*HIGH VALUE CROP AREA*" SHALL BE DEFINED AS: AN AREA WHERE THERE IS A CONCENTRATION OF COMMERCIAL FARMS CAPABLE OF PRODUCING CROPS OR PRODUCTS

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WITH A MINIMUM GROSS VALUE OF \$1,000 PER ACRE PER YEAR. THESE CROPS AND PRODUCTS INCLUDE FIELD CROPS, SMALL FRUITS, BERRIES, TREE FRUITS, NUTS OR VEGETABLES, DAIRYING, LIVESTOCK, FEED LOTS, OR CHRISTMAS TREES, AS THESE TERMS ARE USED IN THE 1983 COUNTY AND STATE AGRICULTURAL ESTIMATES PREPARED BY THE OREGON STATE UNIVERSITY EXTENSION SERVICE. "A CONCENTRATION OF COMMERCIAL FARMS" MEANS THREE OR MORE COMMERCIAL FARMS WITHIN ONE-HALF MILE OF ONE ANOTHER. THE HIGH VALUE CROP AREA DESIGNATION IS USED FOR THE PURPOSE OF MINIMIZING CONFLICTING USES IN RESORT SITING, AND IS NOT MEANT TO REVISE THE REQUIREMENTS OF GOAL 3 OR ADMINISTRATIVE RULES INTERPRETING THE GOAL.

9. Amend Transportation Element, Policy 5, Implementation Strategy (A) as follows:

Require an assessment of the traffic impact which would result from uses in commercial and industrial zones, destination resorts, new subdivisions and partitions, and development proposed on substandard roads. The assessments can generally be fulfilled where a standard road with adequate capacity exists.

10. Amend Transportation Element, Policy 6, Implementation Strategy (F) as follows:

Require commercial and industrial developments and destination resorts to locate on roads either; (1) improved to a County "A" standard road (or comparable city or state standards); or (2) to participate in road improvements to meet the "A" standard. (See "Substandard County Roads, Serving Industrial and Commercial Zones" table)

11. Add a new Implementation Strategy under Energy Conservation Element, Policy 5, as follows:

(I) Encourage destination resorts to make use of on-site renewable energy resources.

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I. DESTINATION RESORT STATUTE

Adoption or amendments to local rules related to destination resorts is subject to the requirements of ORS 197.435-197.467, "Siting of Destination Resorts."

FINDING: The proposed amendments to the Jackson County Comprehensive Plan (Comprehensive Plan), including the new "Lands Eligible for Siting a Destination Resort" map adopted as part of the Comprehensive Plan, and to the Jackson County Land Development Ordinance (LDO) are consistent and appropriately implement ORS 197.435 - 197.467, as shown in Table 1 below.

Table 1

Implementation of Destination Resort Statute by Amendments to the Jackson County Comprehensive Plan and Land Development Ordinance

Destination Resort Statute	Comprehensive Plan	Land Development Ordinance
ORS 197.435(1) & (3) – (8)		LDO 6.3.8(B)
ORS 197.435(2)	Recreation Policy 3A	
ORS 197.435(7)		LDO 6.3.8(J)(2)(c)
ORS 197.440	Economic Policy 4 Recreation Policy 3 & 3A	
ORS 197.445(1) – (5) & (8)		LDO 6.3.8(C)(1) - (4) & (6)
ORS 197.445(6) & (7)		LDO 6.3.8(D)
ORS 197.450	Recreation Finding 3A	
ORS 197.455	Recreation Policy 3A	
ORS 197.460(1)		LDO 6.3.8(G)(2)(d)
ORS 197.460(2)		LDO 6.3.8(G)(2)(a) & (J)(2)(g)
ORS 197.465(1)	Recreation Policy 3A	
ORS 197.465(2)		LDO 6.3.8(C) - (F)
ORS 197.465(3)		LDO 6.3.8(C)(5)
ORS 197.467		LDO 6.3.8(J)(2)(i)

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II. STATEWIDE PLANNING GOALS

Statewide Planning Goals (Goals) 1-14 are applicable in Jackson County. The Goals are further interpreted and implemented through Oregon Administrative Rules (OAR), Chapter 660. Local implementation of the Goals and OAR Chapter 660 is through the Comprehensive Plan and its implementing ordinances.

FINDING: The Comprehensive Plan and its implementing ordinances are acknowledged by the State of Oregon as being in compliance with the Statewide Planning Goals. Therefore, amendments to these documents must comply with any applicable local procedural requirements and retain or improve the existing level of Goal compliance. The following sections address compliance with the Statewide Planning Goals, Comprehensive Plan and LDO Chapters 2 and 3, which contain the standards and procedures for legislative amendments to the text and maps of the Comprehensive Plan and Land Development Ordinance.

Goal 1, Citizen Involvement: The goal is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: The proposed Comprehensive Plan and LDO changes do not alter Jackson County's acknowledged Citizen Involvement Program (CIP). Accordingly, compliance with Goal 1 is achieved through compliance with the acknowledged CIP (see Section III below). Therefore, with regard to the legislative adoption of amendments to the Comprehensive Plan and Land Development Ordinance, Goal 1 is satisfied through that process. Additional findings in support of Citizen Involvement can be found under Goal 2.

Goal 2, Land Use Planning: The goal is to establish the basic procedures of Oregon's statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

FINDING: The proposed amendments have been prepared and adopted in accordance with the Statewide Planning Goals; the procedures established in the Jackson County Comprehensive Plan; and Jackson County Land Development Ordinances. The Jackson County Planning Commission (JCPC) held work sessions on May 4 and June 22, 2006. The Department of Land Conservation and Development was notified 45 days in advance of the July 27, 2006 first evidentiary hearing (in accordance with ORS 197.610(1)). Interested agencies were notified in advance of the JCPC hearings on May 27 and again on July 10, 2006 and a paid hearing notice was placed in the Medford Mail Tribune on July 16, 2006 for the JCPC hearings of July 27, 2006 (ORS215.223). The JCPC conducted a noticed field trip on September 23, 2006. The JCPC hearings were continued to October 5, 2006, and on December 14, 2006 final deliberations were held. All work sessions, field trips, and hearings were open to the public in accordance with public meetings law. Interested agencies were notified in advance of the Jackson

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County Board of Commissioners Hearings on January 4, 2007 and Media Notice was placed on January 4 for the Board Hearing on January 14, 2007. The Board agenda packets were mailed on January 12, and February 14, for the hearings on January 24, and February 21 respectively. A Ballot Measure 56 notice was prepared and mailed on January 25 for the February 21 hearing and on April 18 for the May 5, hearing. Staff attended meetings in which representatives from the State of Oregon Department of Land Conservation and Development and Oregon Department of Fish and Wildlife were present. Staff met with representatives from the City of Ashland and the Medford Water Commission to discuss and address issues of concern from the agencies. Staff was available to address concerns from any other agency as well. The amendments implement Statewide Planning Goal 8, Recreational Needs, which specifically allows the siting of destination resorts on rural lands without taking a Goal 2 exception to Goals 3, 4, 11 and 14. Additionally, the proposed amendments will bring the comprehensive plan and LDO into greater conformance with state statute and rules. Therefore, this goal is met.

Goal 3, Agricultural Land: The goal is to preserve and maintain agricultural lands.

FINDING: The proposed amendments implement Goal 8, which allows the siting of destination resorts on rural lands without taking an exception to Goal 3. The Comprehensive Plan "Lands Eligible for Siting a Destination Resort" map and destination resort preliminary development plan approval standard LDO 6.3.8(J)(2)(a) preserve agricultural lands by prohibiting the siting of a resort on a site with 50 or more contiguous acres of unique or prime farm land or within specified distances of a high value crop area, therefore, this goal is met.

Goal 4, Forest Lands: The goal is to conserve forest lands by maintaining the forest land base and to protect the state's forest economy.

FINDING: The proposed amendments implement Goal 8, which allows the siting of destination resorts on rural lands without taking an exception to Goal 4. The Comprehensive Plan "Lands Eligible for Siting a Destination Resort" map and destination resort preliminary development plan approval standard LDO 6.3.8(J)(2)(a) conserve Forest lands by prohibiting the siting of a resort on predominantly Cubic Foot Site Class 1 or 2 forest lands, therefore, this goal is met.

Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces: The goal is to protect natural resources and conserve scenic and historic areas and open spaces.

FINDING: The County's acknowledged Goal 5 implementation programs will remain applicable to the County's inventoried Goal 5 resource sites. The adoption of the Goal 8 "Lands Eligible for Siting a Destination Resort" map as part of the Comprehensive Plan does not alter the County's acknowledged inventories or maps of Goal 5 resources. Under LDO 6.3.8(J)(2)(i), compliance with Goal 5 implementation programs will have to be demonstrated to receive destination resort preliminary development plan approval. Additionally, ORS 197.467 and

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LDO 6.3.8(J)(2)(i) will require that designated Goal 5 resource sites be protected with conservation easements. Therefore, this goal is met.

Goal 6, Air, Water and Land Resources Quality: The goal is to maintain and improve the quality of the air, water and land resources of the state.

FINDING: Existing acknowledged LDO provisions adopted to implement Goal 6, such as the Ashland Watershed Area of Special Concern (ASC) 80-2 (LDO 7.1.1(A)), Bear Creek Greenway ASC 82-2 (LDO 7.1.1(B)), and Groundwater Problem Areas ASC 90-8 (LDO 7.1.1(I)) will apply to the approval of any destination resort. Additionally, Section 6.3.8(G)(d) of the proposed amendments require resort development to comply with the Stream Corridor and Riparian Habitat setback and other requirements of Section 8.6, with the exception that riparian vegetation within 100 feet of streams, rivers and significant wetlands shall be retained. To further protect water quality, both the Ashland and the Medford Watersheds have been removed from the Goal 8 eligible Siting Map for developing destination resorts in Jackson County. Lastly, if a resort is located within the Air Quality Management Area (AQMA), development standards articulated in LDO Chapter 9 related to landscaping, parking and access will apply. The Transportation Planning Rule applies and was crafted to meet the State Implementation Plan (SIP) requirements for Air Quality Conformity established by Title 49 of the Code of Federal Regulations (CFR) as required by the Clean Air Act as Amended (CAAA) for which a portion of Jackson County is designated an Air Quality Maintenance Area (AQMA) by the Environmental Protection Agency (EPA) for the National Ambient Air Quality Standard (NAAQS) for Particulate Matter (PM) 10. Section 6.3.8(K)(2)(k) further encourages trip reduction strategies in support of this requirement and in anticipation of potential future designation of the region as a PM 2.5 non-attainment area. Onsite rental housing is required for a minimum of 10% of workforce, this is anticipated to further reduce VMT and contribute to the environment. Therefore, this goal is met.

Goal 7, Areas Subject to Natural Disasters and Hazards: The goal is to protect life and property from natural disasters and hazards.

FINDING: Existing acknowledged LDO provisions adopted to implement Goal 7, such as Floodplain Overlay (LDO 7.1.2) and steep slopes regulations (LDO 9.3), will apply to the approval of any destination resort. Therefore, this goal is met.

Goal 8, Recreational Needs: The goal is 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: The provisions of Goal 8 correspond to those of ORS 197.435 to 187.467, the Destination Resort Statute. The proposed amendments to the Comprehensive Plan, including the new "Lands Eligible for Siting a Destination Resort" map adopted as part of the Comprehensive Plan, and to the Land Development Ordinance are consistent with and effectively implement Statewide Planning

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Goal 8, as they do the Destination Resort Statute (see Table 1). Therefore, this goal is met.

Goal 9, Economic Development: The goal is 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: The proposed amendments related to destination resorts will streamline the permitting process and thereby facilitate the development of destination resorts, which will help to diversify the economy. Therefore, this goal is met.

Goal 10, Housing: The goal is to provide for the housing needs of citizens of the State.

FINDING: The proposed amendments for destination resorts allow a variety of dwelling types as permitted uses in a large destination resort, including residential units for sale, as well as on-site housing for employees as permitted uses in both large and small destination resorts (LDO 6.3.8(E)(3)). Additionally, destination resorts are required to provide a minimum of 10% onsite rental workforce housing, not to exceed 30% of salary for a minimum of 10% of both permanent and temporary workers with an emphasis on the lower paid workers. Therefore this goal is met.

Goal 11, Public Facilities and Services: The goal is 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 proposed amendments implement Goal 8, which allows the siting of destination resorts on rural lands without taking an exception to Goal 11. Additionally, destination resorts are defined as "Self-contained" facilities, for which community sewer and water facilities are provided on-site and are limited to meet the needs of the development or are provided by existing public sewer or water service providers as long as all costs related to service extension and any capacity increases are borne by the development (ORS 197.435(6) and LDO 6.3.8(B)(5)). Furthermore, the LDO amendments insure adequate public services are available or can be made available to serve the proposed uses at the time of preliminary development plan approval (LDO 6.3.8(J)(2)(j)). Therefore, this goal is met.

Goal 12, Transportation: The goal is to provide and encourage a safe, convenient and economic transportation system.

FINDING: The proposed amendments to the LDO ensure transportation safety and compliance with the State Transportation Planning Rule, OAR 660-012-0060 (LDO 6.3.8(I)). See also Goal 6 above. These standards must be satisfied at the time of preliminary development plan approval. Therefore, this goal is met.

Goal 13, Energy Conservation: The goal is to conserve energy.

FINDING: Destination Resorts are self-contained recreational facilities with onsite amenities

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and services. As such, residents and guests of a destination resort will have less need to travel outside of the resort, which supports energy conservation. See Goal 6 comments above. Additionally, the Comprehensive Plan includes a policy to encourage onsite production of renewable energy resources. Reduction of vehicle trips is also anticipated to contribute to reduced reliance on fossil fuels. Therefore, this goal is met.

Goal 14, Urbanization: The goal is 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: The proposed amendments implement the Destination Resort Statute and Goal 8, which allow the siting of destination resorts on rural lands without taking an exception to Goal 14.

CONCLUSION: The proposed amendments are consistent with Statewide Planning Goals 1 through 14.

III. JACKSON COUNTY COMPREHENSIVE PLAN

Citizen Involvement Element: The policies and implementation measures of the Citizen Involvement Element of the Comprehensive Plan implement Statewide Planning Goal 1. Policies and implementation measures of the Citizen Involvement Element, listed below, are relevant to the proposed legislative amendments to the Comprehensive Plan and Land Development Ordinance.

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

Implementation Strategies:

- C) The County shall maintain contact with, and provide information to, interested citizens and groups.
 - i) Continue to use mailing lists to notify the public.
 - ii) Continue to provide meeting notices to local publications.
 - iii) Use the County web site to provide information on planning actions and events.

FINDING: The aforementioned policies and implementation measures of the Citizen Involvement Element of the Comprehensive Plan have been addressed through the process by which these proposed legislative amendments were adopted. The adoption process, including notice given and opportunities for public input, is described in Section 1.2 of Ordinance 2007-4, 2007-7 and 2007-8, and by this reference incorporated herein.

Additionally, the proposed amendments require a Type 4 review process for any destination resort to receive preliminary development plan approval. The Type 4 review process is outlined in LDO Section 2.7. The Type 4 review process requires agency and public notification prior to public hearings before both the

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Planning Commission and Board of Commissioners. This allows multiple opportunities for public involvement prior to a final land use decision.

Further, the proposed amendments require a Type 2 review process (LDO Section 2.7, as modified by proposed LDO 6.3.8(K)(1)) for any destination resort to receive final development plan approval. The modified Type 2 process includes opportunities for public involvement by requiring notice of the final development plan application to agencies, affected property owners and any recognized neighborhood or community organization, an opportunity to comment on the application, notice of the planning staff decision on the application, as well as the ability to obtain a de novo evidentiary hearing through appeal of the staff decision on the final development plan application to the hearings officer.

Additionally, the Jackson County web site was utilized to provide information on planning actions and events regarding the proposed legislative amendments to the Comprehensive Plan, LDO and destination resort eligibility map. Notices of work sessions and public hearings were posted on the County web site to inform the public of the process, in addition substantive information such as draft ordinances, maps, and revisions to the Comprehensive Plan and LDO.

County Staff received and responded to numerous citizen inquiries in the form of written and verbal testimony. The County established a telephone hotline dedicated to the Destination Resort amendments. Staff met with any parties requesting additional information and the public record was available for review upon request at all times by citizens.

Therefore, the policies and implementation measures of the Citizen Involvement Element have been met and are effectively implemented through the proposed legislative amendments to the Comprehensive Plan and LDO.

Policy 4: Jackson County Land Use decision bodies shall make every effort to communicate their decisions and deliberative discussions to the County's citizens, especially those who participated in the process, to assure citizens that their participation was considered.

Implementation Strategies:

- C) Ensure that citizens will receive a response from the land use decision bodies recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response. The rationale used to reach land-use policy decisions shall be available in the form of a written record.
- E) Minutes of the proceedings of the land use decision bodies that are pertinent to land use issues, shall be made available to the public and provided to the Committee for Citizen Involvement.

FINDING: The County staff has responded to citizen input by preparing a table that summarizes the issues raised along with a staff response (Record pp. 496-503), modifying both the text of the proposed Comprehensive Plan and LDO amendments as well as the proposed destination resort siting eligibility map,

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preparing and making available minutes and tapes of hearings, and by explaining the rationale for the adopted decision in these findings. Additionally, information regarding the mapping methodology was provided to the public, as the siting map was refined through the review process. Additional information regarding the compliance with County policies can be found under Goal 2. Therefore, these policies and implementation measures have been met.

Economic Element and Recreation Element: The Economic Element and Recreation Element of the Comprehensive Plan have policies related to tourism and destination resorts. The Economic Element states:

“Jackson County's Economic Development Program Report has, since 1977, enumerated the extent and future potential of tourism, one of the most under-utilized economic sectors. The potential for expansion of tourist related activities is probably greater than for any other single element of the economic base in terms of generating capital from outside the region.

The State of Oregon has recognized the fundamental over-riding need to expand and diversify the economic base of the state through provision of self-contained recreational destination resorts. The State has acknowledged the significance of destination resorts through the Oregon Land Conservation and Development Commission's amendment of Statewide Planning Goal 8 to provide a process for placement of large-scale, capital investment intensive recreational resorts, even though it is understood that most such resorts would require location on farm and forest land. As noted in the Recreation Element of the Comprehensive Plan, tourism is a principal economic mainstay of Jackson County's economy. To date, the only close equivalencies of destination related recreational opportunities in the county are dependent on state and county parks, hunting and fishing, boating and river rafting, and the passive recreational opportunities provided in urban areas, principally in Ashland and Jacksonville.

Tourism and destination resort oriented recreation is essentially undeveloped. The richness and diversity of the natural environment of Southern Oregon and Jackson County, in conjunction with its attractive climate, is a significant under-utilized economic asset. It is essential to the diversification of Jackson County's economy and of statewide interest that a mechanism for the siting of destination resorts be provided through Jackson County's Comprehensive Plan and Land Development Ordinance. It is of utmost importance that a balancing of Statewide Planning Goals 2, 3, 4, 5, 8, and 9 be achieved to ensure that this untapped economic resource can be developed properly. A properly conceived destination resort can exist compatibly within resource designations through proper planning (Page 10-8 and 10-9).”

Economic 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 implement regulations.

Additionally, the Recreation Element reiterates the importance of tourism and destination resorts:

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“As pointed out in the Economy Element, tourism is an important economic activity in Jackson County; in fact, tourism is one of the top four economic sectors behind the wood products industry. The rich and diverse environmental and cultural resources of the county provide an attractive destination to visitors. Additionally, major transportation routes serve many travelers passing through the area on their way to points north or south. Many of these travelers often require services and overnight accommodations. Jackson County supports the enhancement and diversification of recreational opportunities in the valley through development of destination resorts by the private sector to complement the natural and cultural attraction. It is vital to the economic health of Southern Oregon and Jackson County that the private, as well as the public sector, be actively involved in satisfying recreational demands of citizens and visitors alike. Benefits arising from dual involvement are improved services, greater variety of opportunities, and increased private sector contributions to the local economy. (Page 20-11).”

Recreation Element Policy 3: Private enterprise should be encouraged to be an important force in development and management of recreational area; especially those serving special interest groups, spectator and participant sporting events, and tourist oriented facilities and services. To this end, Jackson County shall cooperate with private enterprise and other public entities in the enhancement and development of recreational opportunities, which are complementary to the natural environment and resource use of the area.

FINDING: The proposed amendments for destination resorts implement the Economic and Recreation Elements of the Comprehensive Plan. Furthermore, the proposed amendments to the comprehensive plan bring the plan into greater compliance with current State statute and rules related to destination resorts.

CONCLUSION: The proposed amendments are consistent with applicable provisions of the Jackson County Comprehensive Plan.

IV. JACKSON COUNTY LAND DEVELOPMENT ORDINANCE

The procedural requirements and approval criteria for amendments to both the Comprehensive Plan and Land Development Ordinance are set out in Chapter 3 of the Jackson County Land Development Ordinance. Under LDO 3.7.2(C) and 3.8.2(B), respectively, both Comprehensive Plan and LDO amendments follow the Type 4 review procedure set forth in Section 3.1.5.

Section 3.7.1(A) Amendments to Comprehensive Plan Text

Except for quasi-judicial map amendments (see Section 3.7.1(B)(1)), which may be initiated by private property owners, all Comprehensive Plan amendments must be initiated by a motion of either the Planning Commission or Board of County Commissioners.

2) Major Text Amendments (Legislative)

Amendments that directly affect adopted goals, policies, or patterns of land use. Examples include, but are not limited to: adopting a new policy or implementation strategy; or revising goals of the Plan.

Section 3.7.1(B) Amendments to the Official Comprehensive Plan Maps or

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Zoning Maps

2) Major Map Amendments (Legislative)

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

FINDING: These amendments were initiated by the Jackson County Board of Commissioners in 2004. Originally, the proposed amendments to the destination resort regulations were included in the comprehensive LDO rewrite that resulted in the current LDO (adopted as Ord. 2004-2). However, when compliance issues were raised regarding whether a new JCCP destination resort siting eligibility map was also required in order to comply with the 1993 amendments to the Destination Resort Statute, the Board of Commissioners decided to delay final action on new destination resort regulations until a new JCCP siting eligibility map, together with JCCP and LDO text amendments, could be reviewed as a separate project.

Section 3.7.3 Approval Criteria

Any Comprehensive Plan 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:

B) Major Text Amendments (Legislative)

The amendment will correct a substantive error, implement a change in policy, or bring the Comprehensive Plan into compliance with State and Federal laws or administrative rules. Such amendments may have widespread and significant impacts, which could require individual property owner notice. (ORS 197.610 and ORS 215.503)."

D) Major Comprehensive Plan Map or Zoning Map Amendments (Legislative)

Major map amendments may be made if one or more of the following apply:

- 1) Changes in economic or social conditions, or settlement patterns, require an adjustment in the configuration of land uses allowed in a region or sub-region of the County;
- 2) Development occurs at rates other than that contemplated by the Plan, making a major map amendment necessary; or
- 3) An error needs to be corrected or the Official Plan and Zoning Map needs to be brought into compliance, or more into compliance, with Statewide Planning Goals and related Oregon Administrative Rules or other relevant law.

In designated Areas of Special Concern, such amendments will also comply with the relevant provisions of Chapter 7. Such amendments may have widespread and significant impacts. Map amendments outside

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urban growth boundaries and urban unincorporated communities that will result in a minimum residential lot size smaller than 10 acres require an exception to Statewide Planning Goal 14.

FINDING: The proposed amendments are a major text and map amendment. Therefore, Section 3.7.3(B) and (D) apply. The proposed amendments will bring the Comprehensive Plan and LDO into compliance with the current versions of the Destination Resort Statute and Goal 8. The relevant provisions of LDO Chapter 7 will continue to apply to designated Areas of Special Concern and are required to be complied with as part of destination resort preliminary development plan approval (LDO 6.3.8(J)(2)(i)). The adoption of the "Lands Eligible for Siting of a Destination Resort" map makes it possible that a destination resort will be sited on land shown as eligible, if all applicable requirements of the LDO are satisfied. The eventual approval of a destination resort on such land may result in the creation of individual residential lots smaller than 10 acres outside urban growth boundaries and urban unincorporated communities. However, Comprehensive Plan Economy Element Strategy 4(A) requires the County to provide a mechanism for siting destination resorts that is consistent with the Destination Resort Statute and Statewide Planning Goal 8. Both ORS 197.450 and Goal 8 specifically state that a Comprehensive Plan may provide for the siting of destination resorts on rural land without taking an exception to Goal 14.

Section 3.8.1(A) Text Amendments to the Land Development Ordinance

Text amendments to the Land Development Ordinance may be initiated only by a motion of either the Planning Commission or Board of County Commissioners.

FINDING: These amendments were initiated by the Jackson County Board of Commissioners in 2004. Originally, the proposed amendments to the destination resort regulations were included in the comprehensive LDO rewrite that resulted in the current LDO (adopted as Ord. 2004-2). However, when compliance issues were raised regarding whether a new JCCP destination resort siting eligibility map was also required in order to comply with the 1993 amendments to the Destination Resort Statute, the Board of Commissioners decided to delay final action on new destination resort regulations until a new JCCP siting eligibility map, together with JCCP and LDO text amendments, could be reviewed as a separate project.

Section 3.8.3 Approval Criteria for Land Development Ordinance Text Amendments

Text amendments to the Land Development Ordinance must be consistent with and adequate to implement all applicable provisions of the Comprehensive Plan, the Statewide Planning Goals and Oregon Administrative Rules.

FINDING: Sections I through III of these findings demonstrate that the proposed text amendments to the Land Development Ordinance are consistent with and adequate to implement the Destination Resort Statute, the Statewide Planning Goals and their implementing rules, and applicable Comprehensive Plan Policies and Implementing Strategies.

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Fees for Destination Resort Applications

Oregon Revised Statute and Oregon Administrative Rules allow Counties to charge actual or average actual costs for Land Use Applications. The existing fee structure for land use applications for Destination Resorts adopted by the Jackson County Codified Ordinance for fees represents a different process than anticipated at the time of adoption.

FINDING: The fee adopted in the 2006 County Codified Ordinance for destination resort land use applications does not represent the current average actual cost of applications because it was based on a different process. Until such an average actual cost can be established, the fee for a Destination Resort application shall be fee based on actual costs and established through a negotiated contract as part of the mandatory preapplication conference for any type 4 land use application.

CONCLUSION: The proposed amendments comply with Jackson County Land Development Ordinance procedural requirements and approval criteria for amendments to the Comprehensive Plan and Land Development Ordinance.

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

ORDINANCE NO. 2007-7

AN ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE TO ADOPT NEW REGULATIONS FOR DEVELOPING DESTINATION RESORTS, FILE LRP2005-00010.

RECITALS:

1. Pursuant to Chapters 197 and 215 of the Oregon Revised Statutes and in conformance with the Statewide Planning Goals, the Jackson County Comprehensive Plan (Comprehensive Plan), Jackson County Land Development Ordinance (LDO) and associated implementing ordinances were acknowledged by the Oregon Land Conservation and Development Commission (LCDDC) through Acknowledgment Order 83-ACK-93 on May 16, 1983. Today, after numerous post-acknowledgment plan amendments and periodic review adjustments, the County's plan and implementing ordinances (e.g., Ordinances 2004-1 and 2004-2RM) retain their "acknowledged" status.
2. In 1986, Jackson County adopted as part of the Comprehensive Plan a Destination Resort overlay designation and a map titled "Map of Areas Excluded from the Goal 8 Resort Siting Process." At the same time, Jackson County adopted LDO standards and procedures for siting destination resorts (LDO Chapter 246). These Comprehensive Plan and LDO provisions were deemed acknowledged under ORS 197.625 and became effective on February 25, 1987.
3. In 1993, the Oregon Legislature amended the Destination Resort Statute. However, the new law provided that counties which had adopted comprehensive plan and land use regulation provisions that implement the pre-1993 amendment version of the Destination Resort Statute "may continue to apply the provisions of such plans and land use regulations until they adopt plan and land use regulations implementing this 1993 Act." Or Laws 1993, ch 590, § 6.
4. In 2002, the Destination Resort overlay designation text was deleted from the Map Designations Element of the Comprehensive Plan and was added as a use category in the appropriate zones and corresponding sections of the LDO.
5. In 2004, the current LDO was adopted. Former LDO chapter 246 became Section 7.1.5 of the current LDO, with only minor changes to fit the format of the current LDO. The procedures and standards for approving destination resorts under current LDO 7.1.5 are essentially the same as they have been ever since old LDO Chapter 246 was adopted in 1986. The County has never implemented the changes to the Destination Resort Statute enacted in 1993.
6. The existing destination resort approval process under LDO 7.1.5 is an elaborate, cumbersome three-step process including approval of (1) a minor Zoning Map amendment

and Conceptual Site Plan; (2) a Preliminary Development Plan; and (3) a Final Development Plan. All three steps require what is best described under the current LDO as a Type 4 process.

7. The Jackson County Comprehensive Plan Economy and Recreation Elements recognize the value of destination resorts and encourage the development of destination resorts in appropriate locations in the County. However, no destination resort has ever been approved in Jackson County, due to overly complex LDO standards and procedures that provide an applicant with no reasonable certainty of success.
8. The proposed amendments to the Comprehensive Plan and LDO 1) create a simpler destination resort permit approval process; 2) comply with and implement the current Destination Resort Statute (ORS 197.435 - 197.467) and Statewide Land Use Planning Goal 8, which directs the implementation of destination resorts; and 3) implement the Economy and Recreation Elements of the Jackson County Comprehensive Plan.

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

SECTION 1. FINDINGS OF FACT

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

- 1.1 These amendments were initiated by the Jackson County Board of Commissioners in 2004. Originally, the proposed amendments to the destination resort regulations were included in the comprehensive LDO rewrite that resulted in the current LDO (adopted as Ord. 2004-2). However, when compliance issues were raised regarding whether a new Comprehensive Plan destination resort siting eligibility map was also required in order to comply with the 1993 amendments to the Destination Resort Statute, the Board of Commissioners decided to delay final action on new destination resort regulations until a new Comprehensive Plan siting eligibility map, together with Comprehensive Plan and LDO text amendments, could be reviewed as a separate project.
- 1.2 Post-acknowledgment amendments to local plans and implementing ordinances are subject to the procedural requirements of ORS 197.610 - 197.615. Further, OAR Chapter 660, Division 18 (Plan and Land Use Regulation Amendment Review Rule) is directly applicable to these amendments. The Board of Commissioners finds the procedural requirements of the aforementioned statute and administrative rule have been met, based on the facts presented below.
 - 1.2.1 Following two planning commission work sessions on May 4th and June 22nd of 2006, the proposed amendments were scheduled for a public hearing before the Jackson County Planning Commission on July 27, 2006.
 - 1.2.2 The Department of Land Conservation and Development (DLCD) received an advance

copy of the proposed Comprehensive Plan and LDO amendments at least 45 days prior to the first evidentiary hearing, in accordance with ORS 197.610(1).

- 1.2.3 Media notice of the July 27, 2006 Planning Commission public hearing was published in the Mail Tribune on Sunday, July 16, 2006 in accordance with ORS 215.223. In addition, the notice of hearing was mailed to all cities, affected agencies and citizen's groups on the County's affected agency list on May 27, 2006. The staff report and all addenda were available seven days prior to the Planning Commission's hearing.
- 1.2.4 Following public notice in accordance with Statewide law and the Jackson County Land Development Ordinance, the Planning Commission opened a public hearing on July 27, 2006 to consider amendments to the Comprehensive Plan, including adoption of text amendments and a new Eligibility Map relating to Destination Resort siting, and amendments to the LDO. The Planning Commission conducted a field trip on September 23, 2006, continued the public hearing to October 5, 2006, and finally conducted deliberations on December 14, 2006.
- 1.2.5 On December 14, 2006, the Planning Commission by motion and majority vote recommended approval of the amendments to the Comprehensive Plan text, the new Comprehensive Plan "Lands Eligible for Siting a Destination Resort" map, and the amendments to the LDO to the Jackson County Board of Commissioners.
- 1.2.6 A Ballot Measure 56 (BM56) notice of hearing was mailed in compliance with ORS 215.503 to all affected property owners on January 25, 2007, at least 20 days, but not more than 40 days prior to the public hearing on February 21, 2007 before the Board of County Commissioners.
- 1.2.7 On February 21, 2007, the Board of County Commissioners by a motion and majority vote recommended approval of draft amendments to the Comprehensive Plan text, an amended Comprehensive "Lands Eligible for Siting a Destination Resort" map with removal of the Hartnell Ranch for eligibility as a destination resort and technical amendments; draft amendments to the LDO; and requested staff to prepare a new Ballot Measure 56 notice of hearing to consider removal of the Medford Water Shed, the Ashland Water shed, and consideration of expansion of the Area of Mutual Concern southeast of Ashland as a response to local government requests and in compliance with Goal 2 coordination of land use planning with such local governments.
- 1.2.8 A Ballot Measure 56 (BM56) notice of hearing was mailed in compliance with ORS 215.503 to all affected property owners on April 18, 2007, at least 20 days, but not more than 40 days prior to the public hearing on May 9, 2007 before the Board of County Commissioners related to excluding properties for siting of destination resorts in the Medford and Ashland Water Sheds and expansion of the area of mutual planning concern in SE Ashland, North of Emigrant Lake.
- 1.2.9 On May 9, 2007, the Jackson County Board of County Commissioners by motion and majority vote approved the amended Comprehensive Plan text, the Comprehensive "Lands Eligible for Siting a Destination Resort" as amended to include removal the

Medford and Ashland Water Sheds. Through a separate ordinance, the Area of Mutual Concern in SE Ashland shall be expanded North of Emigrant Lake as it relates to the siting of destination resorts. The BoC directed staff to finalize the necessary ordinances for adoption.

- 1.3 File LRP2005-00010 was initiated by the County is legislative in nature and includes amendments to the Comprehensive Plan, thus exempting it from the processing time lines and other requirements of ORS 215.427. The Type 4 review procedure is being implemented as dictated by LDO, Section 3.1.5.
- 1.4. The Board of County Commissioners adopts as its findings in support of the amendments to the Land Development Ordinance the "Findings of Fact" attached hereto as Exhibit "B" and by this reference incorporated herein.

SECTION 2. CONCLUSIONS

- 2.1 Proper public and agency notice was given and the procedural requirements of ORS 197.610 - 197.615 have been met.
- 2.2 The amendments in File LRP2005-00010 are in compliance with and implement Oregon land use laws, specifically the Destination Resort Statute, ORS 197.435-197.467 and Statewide Land Use Planning Goal 8 (Recreational Needs), which direct the implementation of destination resorts, as well as all other applicable provisions of state law.
- 2.3 The amendments proposed through File No. LRP2005-00010 are in compliance with and further the intent of the Jackson County Comprehensive Plan by implementing the Economy and Recreation Elements of the Comprehensive Plan and by improving the destination resort permit approval process.

SECTION 3. DECISION

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

- 3.1 Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, the Board of County Commissioners repeals the previously adopted Section 7.1.5 Destination Resort Overlay of the LDO.
- 3.2 Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, the Board of County Commissioners adopts the amendments to the LDO, which include a new Section 6.3.8 Destination Resorts, attached hereto as Exhibit "A".
- 3.3 In accordance with Section 14(8) of the Jackson County Charter, this ordinance shall take effect sixty (60) days after the date this ordinance is adopted, or when this ordinance becomes acknowledged by operation of ORS 197.625(1) and (2), whichever occurs later.
- 3.4 Invalidity of a section or part of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Volume: _____ Page:

APPROVED this 20th day of June, 2007, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS



Dennis C. W. Smith, Chair



Jack Walker, Commissioner



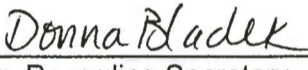
Dave Gilmour, Commissioner

APPROVED AS TO FORM:



County Counsel

ATTEST:



By: Recording Secretary

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on _____, 2007. 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.

Destination Resort Land Development Ordinance

**JACKSON COUNTY LAND DEVELOPMENT ORDINANCE
AMENDMENTS RELATED TO DESTINATION RESORTS**

1. Amend Table 2.1-1 as shown.

2. Amend Sec. 2.6.8 as follows:

Expiration and Extension of Permits

Except as provided in Section 4.1.3 for land use permits in EFU and forest zones, and as provided in Section 6.3.8 with regard to destination resort preliminary development plans and final development plans, a land use permit will become void four years, or such lesser time as the permit may specify, after the date of the final decision if development has not been initiated. (See Section 13.3) For the purposes of this section “date of the final decision” shall mean the date the final County decision approving the permit is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or dismisses the appeal.

A one-year extension may be granted where all of the following standards are met:

* * * * *

3. Amend Table 2.7-2 as shown.

4. Amend Sec. 3.2.2 as follows:

Applicability

This section does not apply to single family residential development projects or destination resorts approved under Section 6.3.8. * * *

5. Amend Sec. 3.3.2(C)(2) as follows:

Validity, Duration and Extension of Tentative Plan Approval

An approved tentative plan will become void 12 months after the date of the final decision approving the tentative plan if the final plat has not been prepared and submitted to the Department for review. For the purposes of this section “date of the final decision” shall mean the date the final County decision approving the tentative plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or the appeal is dismissed.

Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original 12 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). In any event, the total time period within which to submit a final plat will not exceed two years after the date of

Destination Resort Land Development Ordinance

the final decision approving the tentative plan.

6. Amend Sec. 4.1.3 as follows:

A decision approving any dwelling, other than those listed below, or a Type 2, 3, or 4 use on Exclusive Farm or Forest Resource land outside an urban growth boundary (except for a land division) will become void two (2) years from the date of the final decision if development is not initiated, as provided in Section 13.3. An extension of up to 12 months may be granted pursuant to the provisions of Section 2.6.8, provided that the extension request is filed prior to the expiration of the applicable approval period.

Approval of the following dwelling types [is] will become void four (4) years from the date of the final decision if development is not initiated, as provided in Section 13.3, notwithstanding any shorter time period specified in the County approval. [*Butori v. Clatsop County*, LUBA No. 2003-064] For the following dwelling types, an extension of up to two (2) years may be granted pursuant to the provisions of Section 2.6.8, provided that the extension request is filed prior to the expiration of the applicable approval period:

* * * * *

For the purposes of this section "date of the final decision" shall mean the date the final County decision approving the permit is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or the appeal is dismissed.

7. Amend Table 4.2-1, Commercial Uses 23 and 24, as shown.

8. Amend Sec. 4.2.7(B) as follows:

See Chapter 6, Section 6.3.8, Destination Resorts

9. Amend Sec. 4.2.7(C) as follows:

See Chapter 6, Section 6.3.8, Destination Resorts

10. Amend Sec. 4.2.12 as follows:

Land Divisions

Procedures and approval criteria for land divisions in the resource districts are set out in Section 3.3 and 10.3. Unless this Section specifically provides otherwise, and except as provided in Section 6.3.8 with regard to destination resorts, the minimum size of a new parcel shall be 80 acres. * * *

11. Amend Table 4.3-1, Commercial Uses 20 and 21, as shown.

12. Amend Sec. 4.3.11 as follows:

Land Divisions

Unless this Section specifically provides otherwise, and except as provided in Section

Destination Resort Land Development Ordinance

6.3.8 with regard to destination resorts, the minimum size of a new parcel shall be 80 acres or one-eighth Section. * * *

13. Amend Sec. 4.3.12 as follows:

Siting Standards for Dwellings and Structures

The following siting standards shall apply to all new dwellings and structures, except accessory structures within 100 feet of the principal dwelling, replacement dwellings that will be within 100 feet of the existing dwelling, and destination resorts approved under Section 6.3.8. * * *

14. Amend Sec. 4.3.12(E) as follows:

The applicant must provide evidence of an adequate domestic water supply. If the domestic water supply is not provided by an existing municipal or quasi-municipal water purveyor, and the water appropriation or distribution system is located on or crosses property that is not owned by the applicant, the applicant must provide evidence of legal authorization to occupy properties of affected owners. For the purposes of this subsection, evidence of an adequate domestic water supply may include:

- 1) A new water right or transfer of an existing water right granted by the Oregon Water Resources Department (OWRD) sufficient for the use described in the application, or if the OWRD application process is not complete, evidence that the applicant has filed any required application with OWRD and that it is feasible for the applicant to secure the required water right or transfer, in which case the County approval shall be conditioned to require successful completion of the water right or transfer process;
- 2) Evidence that the proposed water use is from a well and meets the definition of exempt groundwater uses under ORS 537.545, in which case the applicant shall submit a copy of the Water Well Report that describes the construction of the well; and/or
- 3) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's right to appropriate water.

15. Amend Table 4.4-1, Commercial Uses 6 and 7, as shown.

16. Amend Sec. 4.4.9 as follows:

Land Divisions

The creation of a new parcel may be approved subject to Section 3.3 and the adoption of findings demonstrating compliance with the following standards:

- A) A division of land in the AR District shall be shown to be appropriate for and necessary to the safe and efficient extraction of material, or to be appropriate for reclamation of the site based on a specific proposed use.

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- B) Except as provided in Section 6.3.8 with regard to destination resorts, the minimum size of a new parcel shall be 80 acres unless an exception has been taken to Goals 3 and/or 4.

17. Amend Table 6.2-1, Visitor Accommodation Category, as shown.

18. Add a new Section 6.3.8:

Destination Resorts

A) Applicability

The provisions of this section apply to proposals for the development of destination resorts, as defined in Section 13.3. Development which meets the standards of Section 6.3.8(C) is referred to as a "large destination resort." Development which meets the standards of Section 6.3.8(D) is referred to as a "small destination resort." Except within Subsections 6.3.8(C) and (D), references in this section to "destination resorts" or "resorts" apply to both "large destination resorts" and "small destination resorts." When any conflict exists between the development standards or procedures of this Section and any other part of this Ordinance, the provisions of this Section shall govern proposals for the development of large destination resorts and small destination resorts.

B) Definitions

The following definitions apply to proposals for the development of destination resorts under this Section:

- 1) *Developed Recreation Facilities:* Improvements constructed for the purpose of recreation and may include, but are not limited to, golf courses, tennis courts, swimming pools, marinas, equestrian trails and facilities, ski runs and bicycle paths. [ORS 197.435(1)]
- 2) *Map of Eligible Lands:* A map of lands within the County potentially eligible for destination resort siting, adopted as part of the Jackson County Comprehensive Plan pursuant to ORS 197.455. Jackson County's map of eligible lands is titled "Lands Eligible for Siting of a Destination Resort." [ORS 197.435(3)]
- 3) *Open Space:* Any land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or nature trails or equestrian or bicycle paths or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural features, lands preserved for farm or forest use and lands used as buffers. Open space does not include residential lots or yards, streets or parking areas. [ORS 197.435(4)]
- 4) *Overnight Lodgings:* Permanent, separately rentable accommodations which are not available for residential use. Overnight lodgings include

Destination Resort Land Development Ordinance

hotel or motel rooms, cabins and timeshare units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, manufactured dwellings, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition. [ORS 197.435(5)]

- 5) *Self-Contained Development*: A development for which community sewer and water facilities are provided on site and are limited to meet the needs of the development or are provided by existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development. A “self-contained development” must have developed recreational facilities provided on site. [ORS 197.435(6)]
- 6) *Tract*: A lot or parcel or more than one contiguous lot or parcel in a single ownership. [ORS 197.435(7)]
- 7) *Visitor-Oriented Accommodations*: Overnight lodging, restaurants, and meeting facilities designed to provide for the needs of visitors rather than year-round residents. [ORS 197.435(8)]

C) Large Destination Resort Standards

- 1) The resort is located on a site of 160 or more acres. [ORS 197.445(1)]
- 2) At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas. [ORS 197.445(2)]
- 3) At least \$7 million must be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount must be spent on developed recreational facilities. Spending required under this subsection is stated in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index. [ORS 197.445(3) and (8)]
- 4) Visitor-oriented accommodations, including meeting rooms, restaurants with seating for 100 persons and 150 separate rentable units for overnight lodging shall be provided. However, the rentable overnight lodging units may be phased in as follows:
 - a) A total of 150 rentable units of overnight lodging shall be provided as follows:
 - i) At least 75 units of overnight lodging, not including any individually owned homes, lots or units, must be

Destination Resort Land Development Ordinance

constructed or guaranteed through surety bonding or equivalent financial assurance prior to the closure of sale of individual lots or units.

- ii) The remaining overnight lodging units must be provided as individually owned lots or units subject to deed restrictions that limit their use to use as overnight lodging units. The deed restrictions may be rescinded when the resort has constructed 150 units of permanent overnight lodging as required by this subsection.
 - b) The development approval must provide for the construction of required overnight lodging units within five years of the initial lot sales. The development approval shall state that if construction of the required overnight lodging units is not completed within five years after the initial lot sales, no additional development permits, other than for maintenance of existing facilities, shall be issued.
 - c) The number of units approved for residential sale may not be more than two units for each unit of permanent overnight lodging provided under subparagraph (a)(i) of this paragraph. *[ORS 197.445(4)(a)]*
- 5) All required developed recreational facilities and key facilities intended to serve the entire development and visitor-oriented accommodations shall be physically provided or guaranteed pursuant to Section 10.6.2 through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding as provided in Section 10.6.2. As used in this paragraph, "key facilities" means sanitary facilities, water facilities, storm drainage facilities, energy and communication facilities, and transportation facilities. *[ORS 197.465(3)]*
- 6) Commercial uses are limited to those listed in subsection (F)(10). Listed commercial uses shall be limited to the types and levels of use necessary to meet the needs of visitors to the development. Industrial uses of any kind are not permitted. *[ORS 197.445(5)]*

D) Small Destination Resort Standards

In lieu of the standards set out in subsection (C), the standards set out in this subsection may be applied to a destination resort on land that is not defined as agricultural or forest land under any statewide planning goal, or on land for which an exception has been taken to any statewide planning goal concerning agricultural lands, forest lands, public facilities and services and urbanization. *[ORS 197.445(6)]*

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Developments which meet the following standards shall be considered a “small destination resort”:

- 1) The resort must be located on a site of 20 acres or more. *[ORS 197.445(7)(a)]*
 - 2) At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas. *[ORS 197.445(2)]*
 - 3) The primary purpose of the resort is to provide lodging and other services oriented to a recreational resource which can only reasonably be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream. *[ORS 197.445(7)(f)]*
 - 4) At least \$2 million must be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount must be spent on developed recreational facilities. Spending required under this subsection is stated in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index. *[ORS 197.445(7)(b) and (8)]*
 - 5) At least 25 units, but not more than 75 units, of overnight lodging must be provided. A restaurant and meeting room with at least one seat for each unit of overnight lodging must be provided. *[ORS 197.445(7)(c) and (d)]*
 - 6) Residential uses must be limited to those necessary for the staff and management of the resort. *[ORS 197.445(7)(e)]*
 - 7) Commercial uses are limited to those listed in subsection (F)(10). Listed commercial uses shall be limited to the types and levels of use necessary to meet the needs of visitors to the resort. Industrial uses of any kind are not permitted. *[ORS 197.445(5)]*
 - 8) The resort must be constructed and located so that it is not designed to attract highway traffic. Small destination resorts may not use any manner of outdoor advertising signing except:
 - a) Tourist oriented directional signs as provided in ORS 377.715 to 377.830; and
 - b) On-site identification and directional signs. *[ORS 197.445(7)(g)]*
- E) Permitted Uses
- 1) Visitor-oriented accommodations:
 - a) Overnight lodgings, as defined in subsection (B)(4).

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- b) Convention and conference facilities and meeting rooms.
 - c) Retreat centers.
 - d) Restaurants, lounges and similar eating and drinking establishments.
 - e) Other similar visitor-oriented accommodations consistent with the purposes of the Destination Resort Statute, ORS 195.435 to 197.467.
- 2) Developed recreational facilities:
- a) Golf courses, driving ranges, practice facilities and clubhouses.
 - b) Indoor and outdoor swimming pools.
 - c) Indoor and outdoor tennis courts.
 - d) Indoor and outdoor playing fields.
 - e) Physical fitness facilities.
 - f) Equestrian facilities.
 - g) Marinas and boating facilities.
 - h) Ski runs, ski trails and snowmobile trails.
 - i) Walkways, bike paths, jogging paths, equestrian trails and nature trails.
 - j) Nature interpretive centers.
 - k) Wildlife observation facilities.
 - l) Other similar recreational facilities consistent with the purposes of the Destination Resort Statute, ORS 195.435 to 197.467.
- 3) Residential uses:
- a) Single-family dwelling (detached).
 - b) Single-family dwelling (attached).
 - c) Multi-family dwelling.
 - d) Living quarters for permanent or temporary employees.
- 4) Facilities necessary for public safety, transportation, and utilities serving the resort.

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F) Accessory Uses and Structures

The following accessory uses and structures are allowed, provided they are subordinate in extent, area and purpose to the principal uses of the resort:

- 1) Visitor-related transportation facilities excluding airports and heliports, but including airstrips and helicopter landing pads.
- 2) Emergency medical facilities.
- 3) Storage structures and areas, including short-term recreational vehicle storage for resort visitors.
4. Kennels as a service for resort visitors only.
5. Recycling and garbage collection facilities.
6. Maintenance shops and facilities.
7. Dormitories.
8. Detached living space, as provided in Section 6.4.4(B).
9. Home occupations, as provided in Section 6.4.4(C).
10. Commercial uses and services, limited to a size and level necessary to meet the needs of resort visitors:
 - a) Specialty retail shops including, but not limited to, drug and sundries stores, clothing stores, book stores, craft stores, art galleries, gift shops, snack bars and specialty food shops.
 - b) Spas and other facilities that provide personal health or grooming services, such as barber shops, beauty salons, tanning salons, and massage studios.
 - c) Real estate offices, banks and automated teller machines.
 - d) Automobile service stations limited to fuel sales, minor repairs, minor maintenance and incidental parts sales.
11. Concert shells, dance pavilions and theaters for live performance, limited to a size appropriate for serving residents of and visitors to the resort.
12. Churches, community meeting halls, pre-school and day care facilities, limited to a size appropriate for serving residents of visitors to and employees of the resort.
13. Temporary or seasonal fairs, festivals, charity events and resort promotional activities, subject to the requirements of Section 6.5.2.

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14. Other similar accessory uses.

G) Aggregate Operations

Temporary mining, crushing, or processing of aggregate into asphalt or Portland Cement, for use in roads, utilities and other construction activities on the site that implement an approved final development plan for the resort or phase of the resort.

H) Dimensional, Setback and Wildfire Safety Standards

The provisions of Chapter 8 (Dimensional Standards, Measurements and Adjustments) of this Ordinance shall apply to destination resorts only where indicated in this subsection.

1) Dimensional Standards

Lot area and building height shall be defined and measured as provided in Section 8.3.1. Unless otherwise determined by the Planning Commission in its decision approving the preliminary development plan, the dimensional standards for lot area, lot width and building height in a destination resort shall be as set forth below.

a) The minimum lot area within a destination resort shall be:

Single-family dwelling (detached)	5,000 sq. ft.
Single-family dwelling (attached)	2,500 sq. ft.; 2,000 sq. ft. for interior lots where three or more single-family dwellings are attached.
Multi-family dwelling	5,000 sq. ft. for two units; plus 2,000 sq. ft. for each additional unit.

b) The minimum lot width within a destination resort shall be:

Single-family dwelling (detached)	50 ft.
Single-family dwelling (attached)	30 ft.; 20 ft. for interior lots where three or more single-family dwellings are attached.
Multi-family dwelling	60 ft.

c) Maximum building height shall be 35 ft.

2) Setback Standards

a) Exterior Boundaries

The minimum setback from the exterior boundaries of a resort for all development, including structures, roads and sight-obscuring

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fences, but excepting pre-existing buildings, entry roadways, landscaping, utilities and signs, shall be:

- i) 500 feet for commercial, recreational or residential structures intended for human occupancy, where the resort abuts Aggregate Removal zoned land;
 - ii) 200 feet for commercial, recreational or residential structures intended for human occupancy, where the resort abuts forest or farm zoned land;
 - iii) 100 feet for commercial, recreational or residential structures intended for human occupancy, where the resort abuts land not in a resource zoning district;
 - iv) 50 feet for above-grade development other than that listed in (i), (ii) or (iii);
 - v) 50 feet for golf courses and playing fields;
 - vi) 25 feet for internal roads; and
 - vii) 25 feet for jogging trails, nature trails and bike paths where they abut private property, but no setback is required where they abut public roads or public lands.
- b) Unless otherwise determined by the Planning Commission in its decision approving the preliminary development plan, the minimum setbacks for structures on residential lots shall be:
- | | |
|-------------|---|
| Front | 20 ft. |
| Side & Rear | 10 ft. plus an additional ½ ft. for each ft. building height exceeds 25 ft. |
- c) Resort development shall comply with the Vision Clearance for Intersections requirements of Section 8.5.2(C).
- d) Resort development shall comply with the Stream Corridor and Riparian Habitat setback and other requirements of Section 8.6, with the exception that riparian vegetation within 100 feet of streams, rivers and significant wetlands shall be retained. *[ORS 197.460(1)]*
- e) On land where irrigation district ditches or canals exist, resort development shall comply with the Special Setback requirements of Section 8.5.3(D).
- 3) Resort development shall comply with the Wildfire Safety provisions of Section 8.7.

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I) General Development Regulations

The provisions of Chapter 9 of this Ordinance shall apply to resorts, provided that in lieu of the size standards for signs set out in Section 9.6.6, the following size limitations shall apply to signs designed to be visible from outside the resort:

1) Destination Resort

Main Entry Sign	250 sq. ft.
Secondary Entry Sign	150 sq. ft.

2) Small Destination Resort – see Section 6.3.8(D)(8)

J) Compliance with Transportation Planning Rule [OAR 660-012-0060]

Where the proposed destination resort development would significantly affect an existing or planned transportation facility, as part of preliminary development plan review the applicant shall propose, and County approval shall be conditioned to require, one or more of the measures listed in paragraph (2) below, to assure that the allowed land uses will be consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the transportation facility.

1) The proposed destination resort development significantly affects a transportation facility if, as measured at the end of the planning period identified in the Jackson County Transportation System Plan (TSP), the proposed development would:

- a) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- b) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan; or
- c) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan.

2) Where the County approval authority determines that there would be a significant effect on a transportation facility, compliance with this subsection shall be accomplished through one or a combination of the following:

- a) Adopting measures that demonstrate the land uses allowed as part of the proposed destination resort are consistent with the planned function, capacity, and performance standards of the transportation

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facility.

- b) Requiring other measures as a condition of development approval or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. The preliminary development plan approval decision shall specify when measures or improvements required pursuant to this subparagraph will be provided.
- 3) Notwithstanding paragraphs (1) and (2) of this subsection, the County may approve a destination resort development that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the transportation facility where:
- a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan on the date the preliminary development plan application is submitted;
 - b) In the absence of the destination resort development, planned transportation facilities, improvements and services as set forth in paragraph (4) of this subsection would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;
 - c) Development resulting from the approved preliminary development plan will, at a minimum, mitigate the impacts of the destination resort in a manner that avoids further degradation to the performance of the facility by the time of destination resort development, through one or a combination of transportation improvements or measures;
 - d) The preliminary development plan does not involve property located in an interchange area as defined in paragraph (4)(d)(iii) of this subsection; and
 - e) For affected state highways, the Oregon Department of Transportation (ODOT) submits a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if the County provides the appropriate ODOT regional office with written notice of a proposed destination resort preliminary development plan in a manner that provides ODOT reasonable opportunity to submit a written statement into the

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record of the County proceeding, and ODOT does not provide a written statement, then the County may proceed with applying paragraph (3)(a) through (d) of this subsection.

- 4) Determinations under paragraphs (1)-(3) of this subsection shall be coordinated with affected transportation facility and service providers and other affected local governments. The County shall mail written notice of destination resort preliminary development plan and final development plan applications, as provided in Section 2.7.3, and notice of hearings on destination resort applications, as provided in Section 2.7.6, to ODOT, other affected transportation facility and service providers and other affected local governments.
 - a) In determining whether a proposed destination resort will have a significant effect on an existing or planned transportation facility under paragraph (1) of this subsection, the County shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subparagraphs (b) and (c) below.
 - b) Outside of Interstate 5 interchange areas, the following are considered planned facilities, improvements and services:
 - (i) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
 - (ii) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
 - (iii) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
 - (iv) Improvements to state highways that are included as

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planned improvements in a regional or local transportation system plan or comprehensive plan, when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

- (v) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
- c) Within Interstate 5 interchange areas, the improvements included in (b)(i)-(iii) are considered planned facilities, improvements and services, but the improvements included in (b)(iv) and (v) are considered planned facilities, improvements and services only where:
 - (i) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system; or
 - (ii) There is an adopted interchange area management plan, and the improvements are identified in that plan.
- d) As used in paragraphs (3) and (4) of this subsection:
 - (i) “Planned interchange” means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
 - (ii) “Interstate interchange area” means property within one-half mile of an existing or planned interchange on an Interstate 5, as measured from the center point of the interchange; or the interchange area as defined in an Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
- e) For purposes of this paragraph, a written statement provided pursuant to subparagraphs (b)(iv), (b)(v) or (c)(i) provided by ODOT or a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a

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written statement, the County shall rely only upon planned transportation facilities, improvements and services identified in subparagraphs (b)(i)-(iii) to determine whether there is a significant effect on a transportation facility that requires application of the remedies in paragraph (2).

- (5) As used in this subsection, “transportation facility” means any physical facility that moves or assist in the movement of people or goods, including facilities identified in OAR 660-012-0020 or Section 3 of the TSP, but excluding electricity, sewage and water systems. [OAR 660-012-0005(30)]

K) Preliminary Development Plan

1) Review Procedure

The preliminary development plan for a resort subject to this section shall be reviewed through the applicable procedure for a Type 4 permit set out in Section 2.7, as identified in Table 2.7-2.

2) Approval Criteria

- a) The proposed resort is located on land shown as eligible for destination resort siting on the Comprehensive Plan Map titled “Lands Eligible for Siting of a Destination Resort.” [ORS 197.455(1)]
- b) A large or small destination resort, as applicable, is shown as a Type 4 (PDP) and Type 2 (FDP) use on Tables 4.2-1, 4.3-1, 4.4-1 or 6.2-1 of this Ordinance for all zoning districts applicable to the site of the proposed resort.
- c) If the proposed resort occupies less than an entire “tract,” as that term is defined in subsection (B)(6), the land not included in the resort is contiguous to the exterior boundary of the tract and occupies less than 30 percent of the total tract. [ORS 197.435(7)]
- d) The proposed resort complies with either the Large Destination Resort Standards in subsection (C) or the Small Destination Resort Standards in subsection (D).
- e) The proposed uses shown on the preliminary development plan are permitted under subsection (E), (F) or (G), and include rental housing sufficient to provide living quarters for at least 10% of the employees of the resort at a rate not to exceed 30% of the gross wage rate. This is intended to include employees at all levels of employment but especially those at the lower rates of pay.
- f) Resort development shall comply with the dimensional, setback,

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wildfire safety provision of subsection (H), the sign size limitations of subsection (I) and the General Development Regulations of Chapter 9 of this Ordinance.

- g) Resort improvements and activities shall be located and designed to avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on intensive farming operations in the area. At a minimum, measures to accomplish this shall include:
 - i) Establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and where appropriate, fences, berms, landscaped areas and other similar types of buffers.
 - ii) Compliance with the setback standards of subsection (H) (2)(a). *[ORS 197.460(2)]*
- h) The proposed uses are not conflicting uses with a significant Goal 5 resource designated in an adopted Goal 5 ESEE statement applicable to land included in the resort, or if the proposed uses include an identified conflicting use, that conflicting use shall be mitigated to substantially reduce or eliminate impacts on the designated Goal 5 resource. *[LDO 3.1.4(B)(1)(c)] [also ORS 197.460(1)]*
- i) The proposed resort complies with any applicable Overlay in Chapter 7 of this Ordinance. If the subject tract contains a resource site designated in the comprehensive plan for protection pursuant to Goal 5, the resource site shall be preserved by a conservation easement sufficient to protect the resource values of the resource site, as set forth in ORS 271.715 to 271.795. The conservation easement shall be recorded with the property records of the tract on which the destination resort is sited. *[ORS 197.467]*
- j) Adequate public facilities are available or can be made available to serve the proposed uses. *[LDO 3.1.4(B)(1)(b)]* Either community sewer and water facilities are provided on-site and are limited to meeting the needs of the resort development, or sewer and water facilities are provided by existing public sewer or water services as long as all costs related to service extension and any capacity increases are borne by the resort development. *[ORS 197.435(6)]*
- k) The preliminary development plan design promotes a proper relationship between existing and proposed streets and highways and other affected transportation facilities within the vicinity in order to assure the safety and convenience of pedestrian and vehicular traffic; to ensure safe, efficient traffic flow and control;

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to ensure safe, 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 or affected state highways. An assessment of traffic impacts and identification of traffic impact mitigation measures shall be required to demonstrate compliance with this criterion. Such traffic impact mitigation measures are strongly encouraged to include reduction of vehicle miles traveled (VMT) through multi-modal facilities, encouragement of non-single occupant vehicle usage, and reduction of resident vehicle ownership (such as through car sharing or on-site transit operations). *[LDO 3.2.4(C)]*

- l) The applicant must provide evidence of an adequate water supply to serve the proposed uses in compliance with any applicable state or local laws. If the water supply is not provided by an existing municipal or quasi-municipal water purveyor, and the water appropriation or distribution system is located on or crosses property that is not owned by the applicant, the applicant must provide evidence of legal authorization to occupy properties of affected owners. For the purposes of this subsection, evidence of an adequate water supply may include:
 - i) A new water right or transfer of an existing water right granted for the project by the Oregon Water Resources Department (OWRD) sufficient for the uses described in the application, or if the OWRD application process is not complete, evidence that the applicant has filed any required application with OWRD and that it is feasible for the applicant to secure the required water right or transfer, in which case the County approval shall be conditioned to require successful completion of the water right or transfer process;
 - ii) Evidence that the proposed water use is from a well and meets the definition of exempt groundwater uses under ORS 537.545, in which case the applicant shall submit a copy of the Water Well Report that describes the construction of the well; or
 - iii) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's right to appropriate water. *[LDO 4.3.12(E)]*
- m) The applicant has identified and can demonstrate due diligence in pursuing all Federal, State, and local permits required for development of the resort. *[LDO 3.1.4(B)(1)(d)]*
- n) In the Exclusive Farm Use zone, a destination resort may be

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approved only where it:

- i) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- ii) 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 the standards set forth in this provision will be satisfied through the imposition of conditions. Any conditions so imposed must be clear and objective. [ORS 215.296(1) and (2); OAR 660-033-0030(5)]

- o) Any proposed temporary mining, crushing or stockpiling of aggregate, or processing of aggregate into asphalt or Portland cement, is limited to use in roads, utilities and other construction activities on the resort site and will comply with applicable operating standards in Section 4.4.8(A)(1) through (11) of this Ordinance as well as additional requirements for mining, crushing, stockpiling, and/or processing in the sections(s) for the zoning district in which the resort property or properties are located. The following additional requirements shall apply to any aggregate mining, crushing, stockpiling or processing operation located on land zoned EFU:
 - i) The aggregate mining, crushing, stockpiling or processing site must be included on an inventory of significant aggregate resource sites in the Comprehensive Plan. [ORS 215.298(2); OAR 660-023-0180(6)(c); LDO 4.2.8(C)]
 - ii) The amount of aggregate mined shall not exceed 500,000 tons. [OAR 660-023-0180(4)(a) and (6)(d)]
 - iii) No operation for processing of mineral or aggregate into asphalt shall be allowed within two miles of a planted vineyard. [ORS 215.301; LDO 4.2.8(D)]
 - iv) Where aggregate mining is allowed, the post-mining use shall be identified in the preliminary development plan. [LDO 4.4.4]
 - v) For aggregate sites on Class I, II and Unique farmland, post-mining use shall be limited to farm uses under ORS 215.203, uses listed under ORS 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. The site reclamation plan, approved by DOGAMI, required by Section 4.4.8(A)(3) of this

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Ordinance, shall be consistent with this requirement. [*OAR 660-023-0180(5)(f) and (6)(b)*]

- p) The proposed resort complies with any urban growth boundary agreement or urban growth management agreement that has been jointly adopted by the governing bodies of the affected city and the County.
 - q) The applicant has proposed an acceptable method for providing an annual accounting to the Department to document compliance with the requirements for overnight lodging units, and the ratio of residential lots or units for sale to overnight lodging units, in subsection (C)(4) of this Section.
- 3) Duration of Preliminary Development Plan Approval
- a) An approved preliminary development plan will become void 24 months after the date of the final decision approving the preliminary development plan if an application for approval of the final development plan or, if the preliminary development plan provides for phased resort development, an application for approval of the final development plan for the first phase of resort development, has not been submitted to the Department for review. For the purposes of this section “date of the final decision” shall mean the date the final County decision approving the preliminary development plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or dismisses the appeal.

Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original 24 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). In any event, the total time period within which to submit a final development plan will not exceed three years after the date of the final decision approving the preliminary development plan. [*LDO3.3.2(C)*]
 - b) For a phased destination resort, once a final development plan for the first phase of the resort has been submitted to the Department and approved, the preliminary development plan shall remain valid for all subsequent phases of resort development, provided that if the Director determines that the resort has failed to comply with the phasing requirements of Section (C)(4) with regard to provision of overnight lodgings and sale of residential lots or units, the preliminary development plan approval shall be void for any phases of resort development for which final development plan

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approval has not yet been granted.

L) Final Development Plan

1) Review Procedure

The final development plan for a resort, or phase of a resort, subject to this section shall be reviewed through the applicable procedure for a Type 2 permit set out in Section 2.7, and as identified in Table 2.7-1, except that Planning Division notice of the application pursuant to Section 2.7.3 shall be mandatory.

2) Approval Criteria

a) The final development plan is in substantial conformity with the provisions of the approved preliminary development plan for the resort, including any changes required by the Approval Authority. "Substantial conformity" means that changes in the type, scale, location or other characteristics of the proposed development (1) would not significantly impact persons or property beyond the boundaries of the resort; and (2) are not such that the findings of fact upon which the preliminary development plan approval was based would be materially affected.

b) Any conditions imposed on the preliminary development plan approval that relate to the final development plan have been satisfied.

3) Duration of Final Development Plan Approval

An approved final development plan will become void 12 months after the date of the final decision, if development has not been initiated, as provided in Section 13.3. For the purposes of this section "date of the final decision" shall mean the date the final County decision approving the final development plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or dismisses the appeal.

Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original 12 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). In any event, the total time period within which development must be initiated shall not exceed two years after the date of the final decision approving the final development plan. *[LDO3.3.2(C)]*

4) Effect of Final Development Plan Approval

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Final development plan approval shall constitute the final land use approval for the subject resort, or phase of the resort, and will authorize administrative issuance of further permits and approvals necessary to commence construction. Construction, site development and landscaping shall be carried out in accord with the approved final development plan.

M) Modification of Approved Preliminary or Final Development Plan

An approved preliminary development plan may be modified in accordance with the procedures and standards in effect for approval of a preliminary development plan, as specified in subsections (J) and (K) of this section. An approved final development plan may be modified in accordance with the procedures and standards in effect for approval of a final development plan, as specified in subsection (L) of this section.

N) Land Divisions

The provisions of Chapter 10 (Land Division) of this Ordinance shall apply to resorts, except as provided in this subsection.

- 1) Notwithstanding Section 3.3.2, a subdivision or partition tentative plan may be submitted and processed concurrently with a final development plan for a resort or phase of a resort, through a Type 2 process.
- 2) A subdivision or partition tentative plan for land that is the subject of an approved resort preliminary or final development plan must be consistent with the approved resort final development plan.

19. Amend Sec. 6.4.1 as follows:

Purpose

This Section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses in all zoning districts, except as otherwise provided in Sec. 6.3.8 with regard to accessory uses and structures in destination resorts. * * *

20. Amend Sec. 6.5.1 as follows:

Purpose

This Section allows for the establishment of certain temporary uses of limited duration in all zoning districts, provided that such uses are discontinued upon the expiration of a set time period. This section does not apply to an area that is the subject of a destination resort preliminary development plan approved under Sec. 6.3.8. * * *

21. Delete Section 7.1.5 (Destination Resort Overlay).

22. Amend Sec. 8.1 as follows:

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Applicability

Except as provided in Section 6.3.8 with regard to destination resorts, all new development and redevelopment in the resource districts described in Chapter 4 or any of the other zoning districts described in Chapter 5 will comply with the dimensional requirements set forth in this Chapter. See also Section 1.7 and Chapter 11 for regulations relating to preexisting uses, and nonconformities.

23. Amend Sec. 9.1.1 as follows:

Limits of Disturbance

For all projects subject to the site development plan review process (see Section 3.2), and destination resorts reviewed under Section 6.3.8, the applicant will propose, and the Planning Division will establish, "limits of disturbance" (LOD) lines according to the criteria set forth in Section 9.1.2. The LOD will indicate the specific area(s) of the site within which the developed project may be constructed and within which development activity will be contained. The approved LOD will be shown on the final site plan or approved destination resort preliminary development plan.

24. Amend Sec. 9.6.5(B) as follows:

Except as noted in Section 9.6.6 below or Section 6.3.8, free-standing signs may not exceed 25 feet in height and must not encroach or overhang any dedicated right-of-way.

25. Amend Sec. 9.6.6 as follows:

Size Standards

Except as otherwise provided in Section 6.3.8 with regard to destination resorts, the following size standards apply to all signs on the site at any one time.

26. Amend Sec. 10.4.1(D)(1) as follows:

Compliance with Dimensional Requirements

The area, width, and layout of all parcels and lots will meet the dimensional requirements applicable to the zoning district(s) in which the land is located, as set forth in Chapter 8 or Section 6.3.8. The minimum standards set forth in Chapter 8 and Section 6.3.8 may be modified by the County only through the Administrative Adjustment or Variance procedures set forth in Sections 3.12 and 3.11.

27. Amend Sec. 10.4.2(C)(2) as follows:

Effect of Water Availability on Densities

Consistent with Statewide Planning Goal 11, OAR 660-011-0065 and ORS 197.435(6), the establishment or expansion of a water system may not be relied on outside urban growth boundaries, urban unincorporated community boundaries or destination resorts approved under ORS 197.435 to 197.467 and Statewide Planning Goal 8, as the basis for:

- a) An increase in base density in a residential zone;

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- b) A higher density for residential development than would be authorized without such service, or
- c) An increase in the allowable density of residential development.

28. Amend Sec. 10.4.2(D)(1) as follows:

Connection to Public or Community Facilities

- a) When a division is located within 300 feet of an existing, satisfactorily operating and available sewerage system, and it is practical and feasible to connect with and be serviced by that system, connection to that system will be required provided the connection is consistent with the Public Facilities Element of the Jackson County Comprehensive Plan and Statewide Planning Goal 11 or, for a land division approved in conjunction with a destination resort under Section 6.3.8, is consistent with ORS 197.435(6) and Statewide Planning Goal 8. Except for land divisions proposed in conjunction with a destination resort under Section 6.3.8, should the existing facilities be unable to service the division or development, individual sewage disposal systems may be considered if soil and other conditions are suitable for their use.
- b) When a new public or community sewerage system is proposed to serve the division, a preliminary plan for the sewage collection and disposal system will be submitted along with the tentative plan for approval to the State Department of Environmental Quality. Except for land divisions proposed in conjunction with a destination resort under Section 6.3.8, the preliminary plan will demonstrate consistency with the Goal 11, OAR 660-011-0060, and the Public Facilities Element of the Jackson County Comprehensive Plan, and will include at least the following:

* * * * *

29. Amend Sec. 13.3(9) and (60) as follows:

AIRPORT/HELIPORT: The strip of land used for taking off and landing aircraft, together with all adjacent land and airspace used in connection with the aircraft landing or taking off from the strip of land, including but not limited to any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. (See ORS 836.005)

- a) Aircraft: Helicopters, other rotorcraft and airplanes, but not hot air balloons or ultra-lights. (See OAR 660-013-0020)
- b) Airport Imaginary Surfaces: Surfaces established with relation to airport runways and heliports in order to preserve and protect airspace for the take-off, flight pattern and descent of aircraft. Buildings, structures and other obstructions are generally prohibited from extending above the imaginary surfaces. Imaginary surfaces include the primary surface, approach surface, conical surface (concern overlay), horizontal surface and transitional surface. The airspace boundaries to use are those indicated on the most recent airport Master Plan and/or the most

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recent Oregon Department of Aviation specifications. (See OAR 738.070.0120 and 0130)

- c) **Airspace Obstruction:** Any structure, tree, land mass, smoke or steam, or use of land which penetrates the protected airspace of an airport. (See OAR 738.070.0100, 0120, ORS 836.005)
- d) **Airstrip:** The strip of land used for taking off and landing of aircraft other than helicopters.
- e) **Concern overlay:** The overlay affects land uses which occur within the area defined by an airport's conical surface, not including lands within the runway protection zone and approach surface, which are more strictly regulated. (See OAR 738.070.120(1), (a), (A), (B))
- f) **Helipad:** The surface used for taking off and landing of helicopters.
- g) **Runway Protection Zone (RPZ):** An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The RPZ extends from each end of the primary surface for a horizontal distance of: (1) 1,000 feet for utility runways; (2) 1,700 feet for other than utility runways having non-precision instrument approaches; (3) 2,500 feet for precision instrument runways. The RPZ is defined on the airport's Master Plan.
- h) **Sponsor:** The owner, manager, or other person or entity designated to represent the interests of an airport. (See OAR 660-013-0020)
- i) **Water Impoundment:** Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action. (See ORS 836.623)

* * * * *

DESTINATION RESORT: A self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities, as provided for in ORS 197. 435-467 and Statewide Planning Goal 8, and as approved under Section 6.3.8 of this Ordinance.

TABLE 2.1-1: ORDINANCE ADMINISTRATION AND REVIEW ROLES

Procedure	Cross Reference Chapters	Planning Division	Hearings Officer	Planning Commissions[1]		Board of Commissioners
				Jackson Co.	White City	
Type 1 Permits	3.1.2	Decision [2]	-	-	-	-
Type 2 Permits [5]: <ul style="list-style-type: none"> • Site Development Plan • Public Park Minor Alteration/Expansion • Partition • Property Line Adjustment • Administrative Adjustment • Historic Property Minor Alteration/Noncompatible Property/Parcel Area Reduction • Destination Resort Final Development Plan 	Decision	Hearing/ Decision [3] (If appealed or referred by Director)	-	Hearing/ Decision [3, 4]	-	
Type 2 Permits [5] <ul style="list-style-type: none"> • Written Interpretations 	3.9	Decision	-	-	Hearing/Decision (if appealed)	
Type 3 Permits [5]: <ul style="list-style-type: none"> • Partition with roads • Variances • Historic Property New Construction/Major Alteration/Allowable Use Permit 	3.1.4 3.3.2 3.11 7.1.1(F)	Decision	Hearing/ Decision [3] (If appealed or referred by Director)	-	Hearing/ Decision [3, 4]	
Type 4 Permits: <ul style="list-style-type: none"> • Solid Waste Disposal • Public Road Creation • Sewer Extension • Comprehensive Plan or Zoning Text Amendment • Comprehensive Plan or Zoning Map Amendment • UGB/Urban Fringe/Urban Buffer Amendment • JCPP • Historic Property Designation/Moving/Demolition 	3.1.5 3.2.9 3.10' 3.6 3.7.1 3.8 3.7.3(E) 3.7.4 3.7.5/ 7.1.1(F)	Recommendation	-	Hearing/Recommendation	Hearing/Decision	
Type 4 Permits: <ul style="list-style-type: none"> • Subdivision • Planned Unit Development • Destination Resort Preliminary Development Plan 	3.3.2 3.5 6.3.8	Recommendation	-	Hearing/Decision	Hearing/Decision (if appealed)	

Table 2.7-2 SUMMARY OF REVIEW PROCEDURE FOR TYPE 4 APPLICATIONS
X = APPLICABLE

	3.6	3.3.2	Public road creation	3.3.2	Subdivision	PUD	Destination Resort Preliminary Development Plan	3.7.3(C)	Plan/LDO text amendment [1]	Other Type 4 review [2]
Cross Reference Chapters	3.6	3.3.2	3.3.2	3.5	6.3.8	3.7.3(C)	3.7.2	3.1.5		
Pre-application Conference	X	X	X	X	X	X	-	X		X
Application	X	X	X	X	X	X	-	X		X
Notice of Application	X	-	X	X	X	X	-	X		X
Planning Staff Decision or Recommendation	X	X	X	X	X	X	X	X		X
Notice of Staff Decision [3]	-	-	-	-	-	-	-	-		-
Notice of quasi-judicial hearing <i>if appealed</i>	-	-	-	-	-	-	-	-		-
Notice of <i>required</i> evidentiary hearing	X	X	X	X	X	X	X	X		X
Hearings Officer Decision <i>if appealed</i>	-	-	-	-	-	-	-	-		-
JCPC Decision or Recommendation	X	X	X	X	X	X	X	X		X
WCPC Decision or Recommendation [4]	-	X	X	X	X	X	-	X		X
BoC Decision on appeal	-	-	X	X	X	X	-	-		-
BoC required final Decision	X	X	X	-	-	-	X	X		X

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

#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
14	Residential home	2	2	ORS 197.660(definition), 197.665(3), 215.283(2)(o); OAR 660-033-0120 & 0130(5), (30)	4.2.3; 4.2.6(A) & (J)
15	Room and board arrangements for a maximum of five unrelated persons in an existing residence	2	2	ORS 215.283(2)(u); OAR 660-033-0120 & 0130(5), (30)	4.2.3 4.2.6(A)
16	Alteration, restoration, or replacement of a lawfully established dwelling	1	1	ORS 215.283(1)(s); OAR 660-033-0120 & 0130(8), (30)	4.2.6(A) & (B)
17	Historic dwelling replacement	1	1	ORS 215.283(1)(o); 358.480; OAR 660-033-0120 & 0130(12), (30)	4.2.6(A) & (I)
18	Registered child care facility/certified group child care home	1	1	ORS 657A.440	4.2.6(K)
COMMERCIAL USES					
19	Commercial activities in conjunction with farm use	3	3	ORS 215.283(2)(a); OAR 660-033-0120 & 0130(5)	4.2.3, 4.2.7(A) 6.4.4(E)
20	Breeding, kenneling, & training greyhounds for racing	X	1	ORS 215.283(1)(j); OAR 660-033-0120 & 0130(18)	
21	Dog kennels	X	2	ORS 215.283(2)(n); OAR 660-033-0120 & 0130(5) & (18)	4.2.3
22	Home occupation/home business	2	2	ORS 215.283(2)(i), 215.448; OAR 660-033-0120 & 0130(5) & (14)	4.2.3; 4.2.7(E); 6.4.4 (C) & (D)
23	Destination resort, large	X	4 PDP ¹ 2 FDP ²	ORS 197.435-.467; 215.283(2)(t); OAR 660-033-0120 & 0130(5) & (18)	4.2.3, 6.3.8
24	Destination resort, small	X	X	ORS 197.445(6)(a);	
25	Winery	1	1	ORS 215.283(1)(q), & .452; OAR 660-033-0120	4.2.7(F)
26	Farm stand	1	1	ORS 215.283(1)(r); OAR 660-033-0120 & 0130(23)	4.2.7(D)

¹ Preliminary Development Plan

² Final Development Plan

TABLE 4.3-1: USE TABLE FOR FOREST DISTRICTS				
1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review				
#	USE	TYPE	STATE LAW REFERENCE	SEE ALSO
FARM AND FOREST USES				
1	Farm use	1	ORS 215.203 (definition); OAR 660-006-0025(3)(b)	
2	Forest operations or practices including (not limited to), reforestation of forest land, road construction & maintenance, harvesting of forest tree species, application of chemicals, & disposal of slash	1	ORS Chapter 527; OAR 660-006-0025(2)(a)	
3	Temporary auxiliary structures for a forest operation	1	ORS Chapter 527; OAR 660-006-0025(2)(b)	4.3.5(D)
4	Physical alterations to land auxiliary to forest practices	1	ORS Chapter 527; OAR 660-006-0025(2)(c)	4.3.5(B)
5	Temporary facility for primary processing of forest products	2	OAR 660-06-0025(3)(d)	4.3.5(C)
6	Permanent facility for primary processing of forest products	2	OAR 660-006-0025(4)(a) and (5)	4.3.4; 4.3.12 See definition Chapter 13
7	Permanent logging equipment repair and storage	2	OAR 660-006-0025(4)(b) and (5)	4.3.4; 4.3.12
8	Log scaling and weigh stations	2	OAR 660-006-0025(4)(c) & (5)	4.3.4; 4.3.12
9	Forest management research experimentation facilities as defined, or where accessory to forest operations	2	ORS 526.215 (definition); OAR 660-006-0025(4)(x) & (5)	4.3.4; 4.3.5(A) 4.3.12
10	Temporary forest labor camps	1	OAR 660-006-0025(3)(l)	See definition Chapter 13
NATURAL RESOURCE USES				
11	Uses to conserve soil, air & water quality, & to provide for wildlife & fish resources	1	OAR 660-006-0025(3)(a)	
12	Uninhabitable structures accessory to fish and wildlife enhancement	1	OAR 660-006-0025(3)(k)	
RESIDENTIAL USES				
13	Large tract forest dwelling	2	ORS 215.740; OAR 660-006-0027(1)(e)(B) & (4)-(6)	4.3.6(C); 4.3.12
14	Forest template dwelling	2	ORS 215.750(1), (3)-(6); OAR 660-006-0027(1)(f), (h)-(i), and (2)-(5)	4.3.6(B); 4.3.12

TABLE 4.3-1: USE TABLE FOR FOREST DISTRICTS				
1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review				
#	USE	TYPE	STATE LAW REFERENCE	SEE ALSO
15	Ownership of record dwelling	2	ORS 215.705(1), (5)-(7); ORS 215.720 (1)(a) and (2); OAR 660-006-0027 (1)(a)-(d), (4) & (5)	4.3.6(D); 4.3.12
16	Alteration, restoration or replacement of a lawfully established dwelling	1 or 2	ORS 215.755(1); OAR 660-006-0025(3)(p)	4.3.6(A); 4.3.12
17	Registered child care facility/certified group child care home	1	ORS 657A.440	4.3.6(F)
18	Temporary medical hardship dwelling	2	ORS 215.755(2); OAR 660-006-0025(4)(t) & (5)	4.3.4; 4.3.6(E); 4.3.12; 6.5.3(G)
19	Caretaker residence for public parks and fish hatcheries	2	ORS 215.755(3); OAR 660-006-0025(3)(j)	4.3.12
COMMERCIAL USES				
20	Large Destination Resort	4 PDP 2 FDP	ORS 197.435 - .467; OAR 660-006-0025(3)(n)	6.3.8
21	RESERVED			
22	Home occupation/Home business	2	OAR 660-006-0025(4)(s) & (5); ORS 215.448 (definition)	4.3.4; 4.3.7(A) 6.4.4(C) & (D)
MINERAL, AGGREGATE, OIL, AND GAS USES				
23	Exploration for mineral and aggregate resources as defined in ORS 517	1	ORS 517.750; OAR 660-006-0025(3)(e)	
24	Exploration for and production of geothermal, gas, oil,	1, 2 if includes production	ORS 520.005, 522.005; OAR 660-006-0025(3)(m)	4.4.8
25	Mining & processing of oil & gas not otherwise permitted under this Section (e.g., compressors, separators & storage serving multiple wells); & mining & processing of aggregate & mineral resources	3	ORS 517.750 (definition), 520 (definition) 522.005; OAR 660-006-0025(4)(g) and (5)	4.3.4; 4.4.8 6.3.4(A)
26	Temporary asphalt and concrete batch plants, accessory to specific public road or highway projects	2	OAR 660-006-0025(4)(r) and (5)	4.3.4; 4.4.8 6.3.4(A)
TRANSPORTATION USES				
27	Expansion of existing airports	2	OAR 660-006-0025(4)(u) and (5)	4.3.4,

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

#	USE	TYPE	STATE LAW REFERENCE	SEE ALSO
28	Widening of roads within existing rights-of-way and public road & highway projects listed in ORS 215.283(1)(k)-(n)	1	ORS 215.283(1)(k)-(n)(definition); OAR 660-006-0025(3)(h)	4.3.8(A)
29	Public road and highway projects listed in ORS 215.283(2)(q)-(s) and (3)	2 or 4	ORS 215.283(2)(p)-(r) and (3); OAR 660-006-0025(4)(v), (5) & 012-0065 & 0070	4.3.4; 4.3.8(B)
30	Aids to navigation and aviation	2	OAR 660-006-0025(4)(k) and (5)	4.3.4
UTILITY/SOLID WASTE DISPOSAL FACILITIES				
31	Local distribution lines (e.g. electric, telephone, natural gas) & accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups	1	OAR 660-006-0025(3)(c)	
32	New electric transmission lines with right-of-way widths of up to 100 feet. New distribution lines (e.g., gas, oil, geothermal) with rights-of-way 50 feet or less in width	3	OAR 660-006-0025(4)(q) and (5); ORS 772.210	4.3.4
33	Television, microwave & radio communication facilities and transmission (telecommunications) towers	2	OAR 660-006-0025(4)(h) and (5)	4.3.4; 4.3.12 6.3.6(A)
34	Telecommunications tower: co-location of antennae	1		4.3.12; 6.3.6(A)
35	Utility facilities for generating power	2	OAR 660-006-0025(4)(j) and (5)	4.3.4; 4.3.9(A); 4.3.12; 6.3.6(B)
36	Towers and fire stations for forest fire protection	1	OAR 660-006-0025(3)(g)	4.3.12
37	Fire stations for rural fire protection	2	OAR 660-006-0025(4)(i) and (5)	4.3.4; 4.3.12
38	Water intake facilities, canals & distribution lines for farm irrigation & ponds	1	OAR 660-006-0025(3)(i)	
39	Water intake facilities, related treatment facilities, pumping stations, & distribution lines for nonfarm use	2	OAR 660-006-0025(4)(l) and (5)	4.3.4
40	Reservoirs and water impoundments	2	OAR 660-006-0025(4)(m) and (5)	4.3.4

TABLE 4.3-1: USE TABLE FOR FOREST DISTRICTS				
1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review				
#	USE	TYPE	STATE LAW REFERENCE	SEE ALSO
41	Solid waste disposal site ordered established by the Oregon EQC (ORS 459.049), with equipment, facilities or buildings necessary for its operation	1	ORS 459.049; OAR 660-006-0025(3)(o)	6.3.6(C)(2)
42	Solid waste disposal site for which a permit is required from the Oregon DEQ (ORS 459.245), with equipment, facilities or buildings necessary for its operation	4	OAR 660-006-0025(4)(d) and (5)	4.3.4; 6.3.6(C)(2)
43	Modification of waste related use	2		6.3.5(D)
PARKS/PUBLIC/QUASI-PUBLIC USES				
44	Public parks including only those uses specified under OAR 660-034-0035	2	OAR 660-006-0025(4)(f), (5); 034-0035 & 0040	4.3.4; 4.3.10(D); 4.3.12
45	Private parks	2	OAR 660-006-0025(4)(e) and (5)	4.3.4
46	Campgrounds	3	OAR 660-006-0025(4)(e) and (5)	4.3.4; 4.3.10(A)
47	Private hunting and fishing operations without any lodging accommodations	1	OAR 660-006-0025(3)(f)	
48	Private accommodations for fishing occupied on a temporary basis	2	OAR 660-006-0025(4)(w) and (5)	4.3.4, 4.3.12 4.3.10(B),
49	Private seasonal accommodations for fee hunting operations	2	OAR 660-006-0025(4)(p) and (5)	4.3.4; 4.3.12 4.3.10(C)
45	Youth camp	2	OAR 660-006-0031	4.3.4(A); 4.3.10(E)
51	Firearms training facility	2	OAR 660-006-0025(4)(n) and (5)	4.3.4; 4.3.12
52	Cemeteries	2	OAR 660-006-0025(4)(o) and (5)	4.3.4
OUTDOOR GATHERING USES				
53	Outdoor gathering less than 3,000 persons not to continue more than 120 hours in any 3-month period.	1	ORS 197.015(10)(d); ORS 433.735; OAR 660-006-0025(3)(q)	6.5.3(J)
54	Outdoor gathering more than 3,000 persons to continue more than 120 hours in any 3-month period.	4	OAR 660-006-0025(4)(y) & (5) ORS 433.735(1) and 763	4.3.4; 6.5.3(J)

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

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

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

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

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS														
1 = Type 1 Permit 2 = Type 2 Permit 3 = Type 3 Permit 4 = Type 4 Permit														
CATEGORY	SPECIFIC USE	ZONING DISTRICTS										SEE ALSO		
		R U	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL				INDUSTRIAL			
			RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS		RSVS	GI
Visitor Accommodation	Destination resort large	$\frac{4}{PDP}$ $\frac{2}{FDP}$	$\frac{4}{PDP}$ $\frac{2}{FDP}$	-	-	$\frac{4}{PDP}$ $\frac{2}{FDP}$	-	-	-	-	-	-	-	6.3.8
	Destination resort small	$\frac{4}{PDP}$ $\frac{2}{FDP}$	$\frac{4}{PDP}$ $\frac{2}{FDP}$	-	-	$\frac{4}{PDP}$ $\frac{2}{FDP}$	-	-	-	-	-	-	-	6.3.8
	Guest ranch	-	3	-	-	-	-	-	-	-	-	-	-	
	Hotel or motel	-	-	-	-	2	2	3	-	-	-	-	-	6.3.3(R)

**FINDINGS OF FACT
AMENDMENTS FOR DESTINATION RESORTS**

I. DESTINATION RESORT STATUTE

Adoption or amendments to local rules related to destination resorts is subject to the requirements of ORS 197.435-197.467, "Siting of Destination Resorts."

FINDING: The proposed amendments to the Jackson County Comprehensive Plan (Comprehensive Plan), including the new "Lands Eligible for Siting a Destination Resort" map adopted as part of the Comprehensive Plan, and to the Jackson County Land Development Ordinance (LDO) are consistent and appropriately implement ORS 197.435 - 197.467, as shown in Table 1 below.

Table 1

Implementation of Destination Resort Statute by Amendments to the Jackson County Comprehensive Plan and Land Development Ordinance

Destination Resort Statute	Comprehensive Plan	Land Development Ordinance
ORS 197.435(1) & (3) – (8)		LDO 6.3.8(B)
ORS 197.435(2)	Recreation Policy 3A	
ORS 197.435(7)		LDO 6.3.8(J)(2)(c)
ORS 197.440	Economic Policy 4 Recreation Policy 3 & 3A	
ORS 197.445(1) – (5) & (8)		LDO 6.3.8(C)(1) - (4) & (6)
ORS 197.445(6) & (7)		LDO 6.3.8(D)
ORS 197.450	Recreation Finding 3A	
ORS 197.455	Recreation Policy 3A	
ORS 197.460(1)		LDO 6.3.8(G)(2)(d)
ORS 197.460(2)		LDO 6.3.8(G)(2)(a) & (J)(2)(g)
ORS 197.465(1)	Recreation Policy 3A	
ORS 197.465(2)		LDO 6.3.8(C) - (F)
ORS 197.465(3)		LDO 6.3.8(C)(5)
ORS 197.467		LDO 6.3.8(J)(2)(i)

**FINDINGS OF FACT
AMENDMENTS FOR DESTINATION RESORTS**

II. STATEWIDE PLANNING GOALS

Statewide Planning Goals (Goals) 1-14 are applicable in Jackson County. The Goals are further interpreted and implemented through Oregon Administrative Rules (OAR), Chapter 660. Local implementation of the Goals and OAR Chapter 660 is through the Comprehensive Plan and its implementing ordinances.

FINDING: The Comprehensive Plan and its implementing ordinances are acknowledged by the State of Oregon as being in compliance with the Statewide Planning Goals. Therefore, amendments to these documents must comply with any applicable local procedural requirements and retain or improve the existing level of Goal compliance. The following sections address compliance with the Statewide Planning Goals, Comprehensive Plan and LDO Chapters 2 and 3, which contain the standards and procedures for legislative amendments to the text and maps of the Comprehensive Plan and Land Development Ordinance.

Goal 1, Citizen Involvement: The goal is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: The proposed Comprehensive Plan and LDO changes do not alter Jackson County's acknowledged Citizen Involvement Program (CIP). Accordingly, compliance with Goal 1 is achieved through compliance with the acknowledged CIP (see Section III below). Therefore, with regard to the legislative adoption of amendments to the Comprehensive Plan and Land Development Ordinance, Goal 1 is satisfied through that process. Additional findings in support of Citizen Involvement can be found under Goal 2.

Goal 2, Land Use Planning: The goal is to establish the basic procedures of Oregon's statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

FINDING: The proposed amendments have been prepared and adopted in accordance with the Statewide Planning Goals; the procedures established in the Jackson County Comprehensive Plan; and Jackson County Land Development Ordinances. The Jackson County Planning Commission (JCPC) held work sessions on May 4 and June 22, 2006. The Department of Land Conservation and Development was notified 45 days in advance of the July 27, 2006 first evidentiary hearing (in accordance with ORS 197.610(1)). Interested agencies were notified in advance of the JCPC hearings on May 27 and again on July 10, 2006 and a paid hearing notice was placed in the Medford Mail Tribune on July 16, 2006 for the JCPC hearings of July 27, 2006 (ORS215.223). The JCPC conducted a noticed field trip on September 23, 2006. The JCPC hearings were continued to October 5, 2006, and on December 14, 2006 final deliberations were held. All work sessions, field trips, and hearings were open to the public in accordance with public meetings law. Interested agencies were notified in advance of the Jackson

**FINDINGS OF FACT
AMENDMENTS FOR DESTINATION RESORTS**

County Board of Commissioners Hearings on January 4, 2007 and Media Notice was placed on January 4 for the Board Hearing on January 14, 2007. The Board agenda packets were mailed on January 12, and February 14, for the hearings on January 24, and February 21 respectively. A Ballot Measure 56 notice was prepared and mailed on January 25 for the February 21 hearing and on April 18 for the May 5, hearing. Staff attended meetings in which representatives from the State of Oregon Department of Land Conservation and Development and Oregon Department of Fish and Wildlife were present. Staff met with representatives from the City of Ashland and the Medford Water Commission to discuss and address issues of concern from the agencies. Staff was available to address concerns from any other agency as well. The amendments implement Statewide Planning Goal 8, Recreational Needs, which specifically allows the siting of destination resorts on rural lands without taking a Goal 2 exception to Goals 3, 4, 11 and 14. Additionally, the proposed amendments will bring the comprehensive plan and LDO into greater conformance with state statute and rules. Therefore, this goal is met.

Goal 3, Agricultural Land: The goal is to preserve and maintain agricultural lands.

FINDING: The proposed amendments implement Goal 8, which allows the siting of destination resorts on rural lands without taking an exception to Goal 3. The Comprehensive Plan "Lands Eligible for Siting a Destination Resort" map and destination resort preliminary development plan approval standard LDO 6.3.8(J)(2)(a) preserve agricultural lands by prohibiting the siting of a resort on a site with 50 or more contiguous acres of unique or prime farm land or within specified distances of a high value crop area, therefore, this goal is met.

Goal 4, Forest Lands: The goal is to conserve forest lands by maintaining the forest land base and to protect the state's forest economy.

FINDING: The proposed amendments implement Goal 8, which allows the siting of destination resorts on rural lands without taking an exception to Goal 4. The Comprehensive Plan "Lands Eligible for Siting a Destination Resort" map and destination resort preliminary development plan approval standard LDO 6.3.8(J)(2)(a) conserve Forest lands by prohibiting the siting of a resort on predominantly Cubic Foot Site Class 1 or 2 forest lands, therefore, this goal is met.

Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces: The goal is to protect natural resources and conserve scenic and historic areas and open spaces.

FINDING: The County's acknowledged Goal 5 implementation programs will remain applicable to the County's inventoried Goal 5 resource sites. The adoption of the Goal 8 "Lands Eligible for Siting a Destination Resort" map as part of the Comprehensive Plan does not alter the County's acknowledged inventories or maps of Goal 5 resources. Under LDO 6.3.8(J)(2)(i), compliance with Goal 5 implementation programs will have to be demonstrated to receive destination resort preliminary development plan approval. Additionally, ORS 197.467 and

**FINDINGS OF FACT
AMENDMENTS FOR DESTINATION RESORTS**

LDO 6.3.8(J)(2)(i) will require that designated Goal 5 resource sites be protected with conservation easements. Therefore, this goal is met.

Goal 6, Air, Water and Land Resources Quality: The goal is to maintain and improve the quality of the air, water and land resources of the state.

FINDING: Existing acknowledged LDO provisions adopted to implement Goal 6, such as the Ashland Watershed Area of Special Concern (ASC) 80-2 (LDO 7.1.1(A)), Bear Creek Greenway ASC 82-2 (LDO 7.1.1(B)), and Groundwater Problem Areas ASC 90-8 (LDO 7.1.1(I)) will apply to the approval of any destination resort. Additionally, Section 6.3.8(G)(d) of the proposed amendments require resort development to comply with the Stream Corridor and Riparian Habitat setback and other requirements of Section 8.6, with the exception that riparian vegetation within 100 feet of streams, rivers and significant wetlands shall be retained. To further protect water quality, both the Ashland and the Medford Watersheds have been removed from the Goal 8 eligible Siting Map for developing destination resorts in Jackson County. Lastly, if a resort is located within the Air Quality Management Area (AQMA), development standards articulated in LDO Chapter 9 related to landscaping, parking and access will apply. The Transportation Planning Rule applies and was crafted to meet the State Implementation Plan (SIP) requirements for Air Quality Conformity established by Title 49 of the Code of Federal Regulations (CFR) as required by the Clean Air Act as Amended (CAAA) for which a portion of Jackson County is designated an Air Quality Maintenance Area (AQMA) by the Environmental Protection Agency (EPA) for the National Ambient Air Quality Standard (NAAQs) for Particulate Matter (PM) 10. Section 6.3.8(K)(2)(k) further encourages trip reduction strategies in support of this requirement and in anticipation of potential future designation of the region as a PM 2.5 non-attainment area. Onsite rental housing is required for a minimum of 10% of workforce, this is anticipated to further reduce VMT and contribute to the environment. Therefore, this goal is met.

Goal 7, Areas Subject to Natural Disasters and Hazards: The goal is to protect life and property from natural disasters and hazards.

FINDING: Existing acknowledged LDO provisions adopted to implement Goal 7, such as Floodplain Overlay (LDO 7.1.2) and steep slopes regulations (LDO 9.3), will apply to the approval of any destination resort. Therefore, this goal is met.

Goal 8, Recreational Needs: The goal is 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: The provisions of Goal 8 correspond to those of ORS 197.435 to 187.467, the Destination Resort Statute. The proposed amendments to the Comprehensive Plan, including the new "Lands Eligible for Siting a Destination Resort" map adopted as part of the Comprehensive Plan, and to the Land Development Ordinance are consistent with and effectively implement Statewide Planning

**FINDINGS OF FACT
AMENDMENTS FOR DESTINATION RESORTS**

Goal 8, as they do the Destination Resort Statute (see Table 1). Therefore, this goal is met.

Goal 9, Economic Development: The goal is 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: The proposed amendments related to destination resorts will streamline the permitting process and thereby facilitate the development of destination resorts, which will help to diversify the economy. Therefore, this goal is met.

Goal 10, Housing: The goal is to provide for the housing needs of citizens of the State.

FINDING: The proposed amendments for destination resorts allow a variety of dwelling types as permitted uses in a large destination resort, including residential units for sale, as well as on-site housing for employees as permitted uses in both large and small destination resorts (LDO 6.3.8(E)(3)). Additionally, destination resorts are required to provide a minimum of 10% onsite rental workforce housing, not to exceed 30% of salary for a minimum of 10% of both permanent and temporary workers with an emphasis on the lower paid workers. Therefore this goal is met.

Goal 11, Public Facilities and Services: The goal is 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 proposed amendments implement Goal 8, which allows the siting of destination resorts on rural lands without taking an exception to Goal 11. Additionally, destination resorts are defined as "Self-contained" facilities, for which community sewer and water facilities are provided on-site and are limited to meet the needs of the development or are provided by existing public sewer or water service providers as long as all costs related to service extension and any capacity increases are borne by the development (ORS 197.435(6) and LDO 6.3.8(B)(5)). Furthermore, the LDO amendments insure adequate public services are available or can be made available to serve the proposed uses at the time of preliminary development plan approval (LDO 6.3.8(J)(2)(j)). Therefore, this goal is met.

Goal 12, Transportation: The goal is to provide and encourage a safe, convenient and economic transportation system.

FINDING: The proposed amendments to the LDO ensure transportation safety and compliance with the State Transportation Planning Rule, OAR 660-012-0060 (LDO 6.3.8(I)). See also Goal 6 above. These standards must be satisfied at the time of preliminary development plan approval. Therefore, this goal is met.

Goal 13, Energy Conservation: The goal is to conserve energy.

FINDING: Destination Resorts are self-contained recreational facilities with onsite amenities

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and services. As such, residents and guests of a destination resort will have less need to travel outside of the resort, which supports energy conservation. See Goal 6 comments above. Additionally, the Comprehensive Plan includes a policy to encourage onsite production of renewable energy resources. Reduction of vehicle trips is also anticipated to contribute to reduced reliance on fossil fuels. Therefore, this goal is met.

Goal 14, Urbanization: The goal is 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: The proposed amendments implement the Destination Resort Statute and Goal 8, which allow the siting of destination resorts on rural lands without taking an exception to Goal 14.

CONCLUSION: The proposed amendments are consistent with Statewide Planning Goals 1 through 14.

III. JACKSON COUNTY COMPREHENSIVE PLAN

Citizen Involvement Element: The policies and implementation measures of the Citizen Involvement Element of the Comprehensive Plan implement Statewide Planning Goal 1. Policies and implementation measures of the Citizen Involvement Element, listed below, are relevant to the proposed legislative amendments to the Comprehensive Plan and Land Development Ordinance.

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

Implementation Strategies:

- C) The County shall maintain contact with, and provide information to, interested citizens and groups.
 - i) Continue to use mailing lists to notify the public.
 - ii) Continue to provide meeting notices to local publications.
 - iii) Use the County web site to provide information on planning actions and events.

FINDING: The aforementioned policies and implementation measures of the Citizen Involvement Element of the Comprehensive Plan have been addressed through the process by which these proposed legislative amendments were adopted. The adoption process, including notice given and opportunities for public input, is described in Section 1.2 of Ordinance 2007-4, 2007-7 and 2007-8, and by this reference incorporated herein.

Additionally, the proposed amendments require a Type 4 review process for any destination resort to receive preliminary development plan approval. The Type 4 review process is outlined in LDO Section 2.7. The Type 4 review process requires agency and public notification prior to public hearings before both the

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Planning Commission and Board of Commissioners. This allows multiple opportunities for public involvement prior to a final land use decision.

Further, the proposed amendments require a Type 2 review process (LDO Section 2.7, as modified by proposed LDO 6.3.8(K)(1)) for any destination resort to receive final development plan approval. The modified Type 2 process includes opportunities for public involvement by requiring notice of the final development plan application to agencies, affected property owners and any recognized neighborhood or community organization, an opportunity to comment on the application, notice of the planning staff decision on the application, as well as the ability to obtain a de novo evidentiary hearing through appeal of the staff decision on the final development plan application to the hearings officer.

Additionally, the Jackson County web site was utilized to provide information on planning actions and events regarding the proposed legislative amendments to the Comprehensive Plan, LDO and destination resort eligibility map. Notices of work sessions and public hearings were posted on the County web site to inform the public of the process, in addition substantive information such as draft ordinances, maps, and revisions to the Comprehensive Plan and LDO.

County Staff received and responded to numerous citizen inquiries in the form of written and verbal testimony. The County established a telephone hotline dedicated to the Destination Resort amendments. Staff met with any parties requesting additional information and the public record was available for review upon request at all times by citizens.

Therefore, the policies and implementation measures of the Citizen Involvement Element have been met and are effectively implemented through the proposed legislative amendments to the Comprehensive Plan and LDO.

Policy 4: Jackson County Land Use decision bodies shall make every effort to communicate their decisions and deliberative discussions to the County's citizens, especially those who participated in the process, to assure citizens that their participation was considered.

Implementation Strategies:

- C) Ensure that citizens will receive a response from the land use decision bodies recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response. The rationale used to reach land-use policy decisions shall be available in the form of a written record.
- E) Minutes of the proceedings of the land use decision bodies that are pertinent to land use issues, shall be made available to the public and provided to the Committee for Citizen Involvement.

FINDING: The County staff has responded to citizen input by preparing a table that summarizes the issues raised along with a staff response (Record pp. 496-503), modifying both the text of the proposed Comprehensive Plan and LDO amendments as well as the proposed destination resort siting eligibility map,

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preparing and making available minutes and tapes of hearings, and by explaining the rationale for the adopted decision in these findings. Additionally, information regarding the mapping methodology was provided to the public, as the siting map was refined through the review process. Additional information regarding the compliance with County policies can be found under Goal 2. Therefore, these policies and implementation measures have been met.

Economic Element and Recreation Element: The Economic Element and Recreation Element of the Comprehensive Plan have policies related to tourism and destination resorts. The Economic Element states:

“Jackson County's Economic Development Program Report has, since 1977, enumerated the extent and future potential of tourism, one of the most under-utilized economic sectors. The potential for expansion of tourist related activities is probably greater than for any other single element of the economic base in terms of generating capital from outside the region.

The State of Oregon has recognized the fundamental over-riding need to expand and diversify the economic base of the state through provision of self-contained recreational destination resorts. The State has acknowledged the significance of destination resorts through the Oregon Land Conservation and Development Commission's amendment of Statewide Planning Goal 8 to provide a process for placement of large-scale, capital investment intensive recreational resorts, even though it is understood that most such resorts would require location on farm and forest land. As noted in the Recreation Element of the Comprehensive Plan, tourism is a principal economic mainstay of Jackson County's economy. To date, the only close equivalencies of destination related recreational opportunities in the county are dependent on state and county parks, hunting and fishing, boating and river rafting, and the passive recreational opportunities provided in urban areas, principally in Ashland and Jacksonville.

Tourism and destination resort oriented recreation is essentially undeveloped. The richness and diversity of the natural environment of Southern Oregon and Jackson County, in conjunction with its attractive climate, is a significant under-utilized economic asset. It is essential to the diversification of Jackson County's economy and of statewide interest that a mechanism for the siting of destination resorts be provided through Jackson County's Comprehensive Plan and Land Development Ordinance. It is of utmost importance that a balancing of Statewide Planning Goals 2, 3, 4, 5, 8, and 9 be achieved to ensure that this untapped economic resource can be developed properly. A properly conceived destination resort can exist compatibly within resource designations through proper planning (Page 10-8 and 10-9).”

Economic 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 implement regulations.

Additionally, the Recreation Element reiterates the importance of tourism and destination resorts:

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"As pointed out in the Economy Element, tourism is an important economic activity in Jackson County; in fact, tourism is one of the top four economic sectors behind the wood products industry. The rich and diverse environmental and cultural resources of the county provide an attractive destination to visitors. Additionally, major transportation routes serve many travelers passing through the area on their way to points north or south. Many of these travelers often require services and overnight accommodations. Jackson County supports the enhancement and diversification of recreational opportunities in the valley through development of destination resorts by the private sector to complement the natural and cultural attraction. It is vital to the economic health of Southern Oregon and Jackson County that the private, as well as the public sector, be actively involved in satisfying recreational demands of citizens and visitors alike. Benefits arising from dual involvement are improved services, greater variety of opportunities, and increased private sector contributions to the local economy. (Page 20-11)."

Recreation Element Policy 3: Private enterprise should be encouraged to be an important force in development and management of recreational area; especially those serving special interest groups, spectator and participant sporting events, and tourist oriented facilities and services. To this end, Jackson County shall cooperate with private enterprise and other public entities in the enhancement and development of recreational opportunities, which are complementary to the natural environment and resource use of the area.

FINDING: The proposed amendments for destination resorts implement the Economic and Recreation Elements of the Comprehensive Plan. Furthermore, the proposed amendments to the comprehensive plan bring the plan into greater compliance with current State statute and rules related to destination resorts.

CONCLUSION: The proposed amendments are consistent with applicable provisions of the Jackson County Comprehensive Plan.

IV. JACKSON COUNTY LAND DEVELOPMENT ORDINANCE

The procedural requirements and approval criteria for amendments to both the Comprehensive Plan and Land Development Ordinance are set out in Chapter 3 of the Jackson County Land Development Ordinance. Under LDO 3.7.2(C) and 3.8.2(B), respectively, both Comprehensive Plan and LDO amendments follow the Type 4 review procedure set forth in Section 3.1.5.

Section 3.7.1(A) Amendments to Comprehensive Plan Text

Except for quasi-judicial map amendments (see Section 3.7.1(B)(1)), which may be initiated by private property owners, all Comprehensive Plan amendments must be initiated by a motion of either the Planning Commission or Board of County Commissioners.

2) Major Text Amendments (Legislative)

Amendments that directly affect adopted goals, policies, or patterns of land use. Examples include, but are not limited to: adopting a new policy or implementation strategy; or revising goals of the Plan.

Section 3.7.1(B) Amendments to the Official Comprehensive Plan Maps or

**FINDINGS OF FACT
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Zoning Maps

2) Major Map Amendments (Legislative)

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

FINDING: These amendments were initiated by the Jackson County Board of Commissioners in 2004. Originally, the proposed amendments to the destination resort regulations were included in the comprehensive LDO rewrite that resulted in the current LDO (adopted as Ord. 2004-2). However, when compliance issues were raised regarding whether a new JCCP destination resort siting eligibility map was also required in order to comply with the 1993 amendments to the Destination Resort Statute, the Board of Commissioners decided to delay final action on new destination resort regulations until a new JCCP siting eligibility map, together with JCCP and LDO text amendments, could be reviewed as a separate project.

Section 3.7.3 Approval Criteria

Any Comprehensive Plan 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:

B) Major Text Amendments (Legislative)

The amendment will correct a substantive error, implement a change in policy, or bring the Comprehensive Plan into compliance with State and Federal laws or administrative rules. Such amendments may have widespread and significant impacts, which could require individual property owner notice. (ORS 197.610 and ORS 215.503)."

D) Major Comprehensive Plan Map or Zoning Map Amendments (Legislative)

Major map amendments may be made if one or more of the following apply:

- 1) Changes in economic or social conditions, or settlement patterns, require an adjustment in the configuration of land uses allowed in a region or sub-region of the County;
- 2) Development occurs at rates other than that contemplated by the Plan, making a major map amendment necessary; or
- 3) An error needs to be corrected or the Official Plan and Zoning Map needs to be brought into compliance, or more into compliance, with Statewide Planning Goals and related Oregon Administrative Rules or other relevant law.

In designated Areas of Special Concern, such amendments will also comply with the relevant provisions of Chapter 7. Such amendments may have widespread and significant impacts. Map amendments outside

**FINDINGS OF FACT
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urban growth boundaries and urban unincorporated communities that will result in a minimum residential lot size smaller than 10 acres require an exception to Statewide Planning Goal 14.

FINDING: The proposed amendments are a major text and map amendment. Therefore, Section 3.7.3(B) and (D) apply. The proposed amendments will bring the Comprehensive Plan and LDO into compliance with the current versions of the Destination Resort Statute and Goal 8. The relevant provisions of LDO Chapter 7 will continue to apply to designated Areas of Special Concern and are required to be complied with as part of destination resort preliminary development plan approval (LDO 6.3.8(J)(2)(i)). The adoption of the "Lands Eligible for Siting of a Destination Resort" map makes it possible that a destination resort will be sited on land shown as eligible, if all applicable requirements of the LDO are satisfied. The eventual approval of a destination resort on such land may result in the creation of individual residential lots smaller than 10 acres outside urban growth boundaries and urban unincorporated communities. However, Comprehensive Plan Economy Element Strategy 4(A) requires the County to provide a mechanism for siting destination resorts that is consistent with the Destination Resort Statute and Statewide Planning Goal 8. Both ORS 197.450 and Goal 8 specifically state that a Comprehensive Plan may provide for the siting of destination resorts on rural land without taking an exception to Goal 14.

Section 3.8.1(A) Text Amendments to the Land Development Ordinance

Text amendments to the Land Development Ordinance may be initiated only by a motion of either the Planning Commission or Board of County Commissioners.

FINDING: These amendments were initiated by the Jackson County Board of Commissioners in 2004. Originally, the proposed amendments to the destination resort regulations were included in the comprehensive LDO rewrite that resulted in the current LDO (adopted as Ord. 2004-2). However, when compliance issues were raised regarding whether a new JCCP destination resort siting eligibility map was also required in order to comply with the 1993 amendments to the Destination Resort Statute, the Board of Commissioners decided to delay final action on new destination resort regulations until a new JCCP siting eligibility map, together with JCCP and LDO text amendments, could be reviewed as a separate project.

Section 3.8.3 Approval Criteria for Land Development Ordinance Text Amendments

Text amendments to the Land Development Ordinance must be consistent with and adequate to implement all applicable provisions of the Comprehensive Plan, the Statewide Planning Goals and Oregon Administrative Rules.

FINDING: Sections I through III of these findings demonstrate that the proposed text amendments to the Land Development Ordinance are consistent with and adequate to implement the Destination Resort Statute, the Statewide Planning Goals and their implementing rules, and applicable Comprehensive Plan Policies and Implementing Strategies.

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Fees for Destination Resort Applications

Oregon Revised Statute and Oregon Administrative Rules allow Counties to charge actual or average actual costs for Land Use Applications. The existing fee structure for land use applications for Destination Resorts adopted by the Jackson County Codified Ordinance for fees represents a different process than anticipated at the time of adoption.

FINDING: The fee adopted in the 2006 County Codified Ordinance for destination resort land use applications does not represent the current average actual cost of applications because it was based on a different process. Until such an average actual cost can be established, the fee for a Destination Resort application shall be fee based on actual costs and established through a negotiated contract as part of the mandatory preapplication conference for any type 4 land use application.

CONCLUSION: The proposed amendments comply with Jackson County Land Development Ordinance procedural requirements and approval criteria for amendments to the Comprehensive Plan and Land Development Ordinance.

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

ORDINANCE NO. 2007-8

AN ORDINANCE AMENDING THE JACKSON COUNTY COMPREHENSIVE PLAN BY REPEALING THE PREVIOUSLY ADOPTED GOAL 8 "MAP OF AREAS EXCLUDED FROM THE GOAL 8 RESORT SITING PROCESS" AND ADOPTING THE NEW GOAL 8 "LANDS ELIGIBLE FOR SITING A DESTINATION RESORT" MAP, FILE LRP2005-00010.

RECITALS:

1. Pursuant to Chapters 197 and 215 of the Oregon Revised Statutes and in conformance with the Statewide Planning Goals, the Jackson County Comprehensive Plan (Comprehensive Plan), Jackson County Land Development Ordinance (LDO) and associated implementing ordinances were acknowledged by the Oregon Land Conservation and Development Commission (LCDC) through Acknowledgment Order 83-ACK-93 on May 16, 1983. Today, after numerous post-acknowledgment plan amendments and periodic review adjustments, the County's plan and implementing ordinances (e.g., Ordinances 2004-1 and 2004-2RM) retain their "acknowledged" status.
2. In 1986, Jackson County adopted as part of the Comprehensive Plan a Destination Resort overlay designation and a map titled "Map of Areas Excluded from the Goal 8 Resort Siting Process." At the same time, Jackson County adopted LDO standards and procedures for siting destination resorts (LDO Chapter 246). These Comprehensive Plan and LDO provisions were deemed acknowledged under ORS 197.625 and became effective on February 25, 1987.
3. In 1993, the Oregon Legislature amended the Destination Resort Statute. However, the new law provided that counties which had adopted comprehensive plan and land use regulation provisions that implement the pre-1993 amendment version of the Destination Resort Statute "may continue to apply the provisions of such plans and land use regulations until they adopt plan and land use regulations implementing this 1993 Act." Or Laws 1993, ch 590, § 6.
4. In 2002, the Destination Resort overlay designation text was deleted from the Map Designations Element of the Comprehensive Plan and was added as a use category in the appropriate zones and corresponding sections of the LDO.
5. In 2004, the current LDO was adopted. Former LDO chapter 246 became Section 7.1.5 of the current LDO, with only minor changes to fit the format of the current LDO. The procedures and standards for approving destination resorts under current LDO 7.1.5 are essentially the same as they have been ever since old LDO Chapter 246 was adopted in 1986. The County has never implemented the changes to the Destination Resort Statute enacted in 1993.
6. The existing destination resort approval process under LDO 7.1.5 is an elaborate,

cumbersome three-step process including approval of (1) a minor Zoning Map amendment and Conceptual Site Plan; (2) a Preliminary Development Plan; and (3) a Final Development Plan. All three steps require what is best described under the current LDO as a Type 4 process.

7. The Jackson County Comprehensive Plan Economy and Recreation Elements recognize the value of destination resorts and encourage the development of destination resorts in appropriate locations in the County. However, no destination resort has ever been approved in Jackson County, due to overly complex LDO standards and procedures that provide an applicant with no reasonable certainty of success.
8. The proposed amendments to the Comprehensive Plan and LDO 1) create a simpler destination resort permit approval process; 2) comply with and implement the current Destination Resort Statute (ORS 197.435 - 197.467) and Statewide Land Use Planning Goal 8, which directs the implementation of destination resorts; and 3) implement the Economy and Recreation Elements of the Jackson County Comprehensive Plan.

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

SECTION 1. FINDINGS OF FACT

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

- 1.1 These amendments were initiated by the Jackson County Board of Commissioners in 2004. Originally, the proposed amendments to the destination resort regulations were included in the comprehensive LDO rewrite that resulted in the current LDO (adopted as Ord. 2004-2). However, when compliance issues were raised regarding whether a new Comprehensive Plan destination resort siting eligibility map was also required in order to comply with the 1993 amendments to the Destination Resort Statute, the Board of Commissioners decided to delay final action on new destination resort regulations until a new Comprehensive Plan siting eligibility map, together with Comprehensive Plan and LDO text amendments, could be reviewed as a separate project.
- 1.2 Post-acknowledgment amendments to local plans and implementing ordinances are subject to the procedural requirements of ORS 197.610 - 197.615. Further, OAR Chapter 660, Division 18 (Plan and Land Use Regulation Amendment Review Rule) is directly applicable to these amendments. The Board of Commissioners finds the procedural requirements of the aforementioned statute and administrative rule have been met, based on the facts presented below.
 - 1.2.1 Following two planning commission work sessions on May 4th and June 22nd of 2006, the proposed amendments were scheduled for a public hearing before the Jackson County Planning Commission on July 27, 2006.

- 1.2.2 The Department of Land Conservation and Development (DLCD) received an advance copy of the proposed Comprehensive Plan and LDO amendments at least 45 days prior to the first evidentiary hearing, in accordance with ORS 197.610(1).
- 1.2.3 Media notice of the July 27, 2006 Planning Commission public hearing was published in the Mail Tribune on Sunday, July 16, 2006 in accordance with ORS 215.223. In addition, the notice of hearing was mailed to all cities, affected agencies and citizen's groups on the County's affected agency list on May 27, 2006. The staff report and all addenda were available seven days prior to the Planning Commission's hearing.
- 1.2.4 Following public notice in accordance with Statewide law and the Jackson County Land Development Ordinance, the Planning Commission opened a public hearing on July 27, 2006 to consider amendments to the Comprehensive Plan, including adoption of text amendments and a new Eligibility Map relating to Destination Resort siting, and amendments to the LDO. The Planning Commission conducted a field trip on September 23, 2006, continued the public hearing to October 5, 2006, and finally conducted deliberations on December 14, 2006.
- 1.2.5 On December 14, 2006, the Planning Commission by motion and majority vote recommended approval of the amendments to the Comprehensive Plan text, the new Comprehensive Plan "Lands Eligible for Siting a Destination Resort" map, and the amendments to the LDO to the Jackson County Board of Commissioners.
- 1.2.6 A Ballot Measure 56 (BM56) notice of hearing was mailed in compliance with ORS 215.503 to all affected property owners on January 25, 2007, at least 20 days, but not more than 40 days prior to the public hearing on February 21, 2007 before the Board of County Commissioners.
- 1.2.7 On February 21, 2007, the Board of County Commissioners by a motion and majority vote recommended approval of draft amendments to the Comprehensive Plan text, an amended Comprehensive "Lands Eligible for Siting a Destination Resort" map with removal of the Hartnell Ranch for eligibility as a destination resort and technical amendments; draft amendments to the LDO; and requested staff to prepare a new Ballot Measure 56 notice of hearing to consider removal of the Medford Water Shed, the Ashland Water shed, and consideration of expansion of the Area of Mutual Concern southeast of Ashland as a response to local government requests and in compliance with Goal 2 coordination of land use planning with such local governments.
- 1.2.8 At the February 21, 2007 hearing, regarding the removal of the Hartnell Ranch for eligibility for siting as a destination resort, the Board found that although they believed they had the authority to "refine" the map, through an amendment process. No specific notice had been given that the Deer and Elk overlay would be refined through this process. There was agreement that further clarification of both the process for such an amendment and what constituted a "refinement" was needed from State agencies. Further the board found that evidence in the record supported that the property was sensitive winter range habitat and that the proposal lacked sufficient detail in order to make findings related to mitigation of impact on deer and elk populations at this time.

1.2.9 A Ballot Measure 56 (BM56) notice of hearing was mailed in compliance with ORS 215.503 to all affected property owners on April 18, 2007, at least 20 days, but not more than 40 days prior to the public hearing on May 9, 2007 before the Board of County Commissioners related to excluding properties for siting of destination resorts in the Medford and Ashland Water Sheds and expansion of the area of mutual planning concern in SE Ashland, North of Emigrant Lake.

1.2.10 On May 9, 2007, the Jackson County Board of County Commissioners by motion and majority vote approved the amended Comprehensive Plan text, the Comprehensive "Lands Eligible for Siting a Destination Resort" as amended to include removal the Medford and Ashland Water Sheds. Through a separate ordinance, the Area of Mutual Concern in SE Ashland shall be expanded North of Emigrant Lake as it relates to the siting of destination resorts. The BoC directed staff to finalize the necessary ordinances for adoption.

1.3 File LRP2005-00010 was initiated by the County is legislative in nature and includes amendments to the Comprehensive Plan, thus exempting it from the processing time lines and other requirements of ORS 215.427. The Type 4 review procedure is being implemented as dictated by LDO, Section 3.1.5.

1.4. The Board of County Commissioners adopts as its findings in support of the amendments to the Comprehensive Plan the "Findings of Fact" attached hereto as Exhibit "B" and "Mapping Methodology" attached hereto as Exhibit "C" and by this reference incorporated herein.

SECTION 2. CONCLUSIONS

2.1 Proper public and agency notice was given and the procedural requirements of ORS 197.610 - 197.615 have been met.

2.2 The amendments in File LRP2005-00010 are in compliance with and implement Oregon land use laws, specifically the Destination Resort Statute, ORS 197.435-197.467 and Statewide Land Use Planning Goal 8 (Recreational Needs), which direct the implementation of destination resorts, as well as all other applicable provisions of state law.

2.3 The amendments proposed through File No. LRP2005-00010 are in compliance with and further the intent of the Jackson County Comprehensive Plan by implementing the Economy and Recreation Elements of the Comprehensive Plan and by improving the destination resort permit approval process.

SECTION 3. DECISION

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

3.1 Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, the Board of County Commissioners amends the Comprehensive

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Plan by repealing the previously adopted Goal 8 "Map of Areas Excluded from the Goal 8 Resort Siting Process."

- 3.2 Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, the Board of County Commissioners amends the Comprehensive Plan by adopting the Goal 8 "Lands Eligible for Siting a Destination Resort" map, attached hereto as Exhibit "A".
- 3.3 In accordance with Section 14(8) of the Jackson County Charter, this ordinance shall take effect sixty (60) days after the date this ordinance is adopted, or when this ordinance becomes acknowledged by operation of ORS 197.625(1) and (2), whichever occurs later.
- 3.4 Invalidity of a section or part of this ordinance shall not affect the validity of the remaining sections or parts of sections.

APPROVED this 20th day of June, 2007, at Medford, Oregon.


JACKSON COUNTY BOARD OF COMMISSIONERS



Dennis C. W. Smith, Chair



Jack Walker, Commissioner



Dave Gilmour, Commissioner

APPROVED AS TO FORM:



County Counsel

ATTEST:



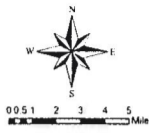
By: Recording Secretary

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on _____, 2007. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

Exhibit A

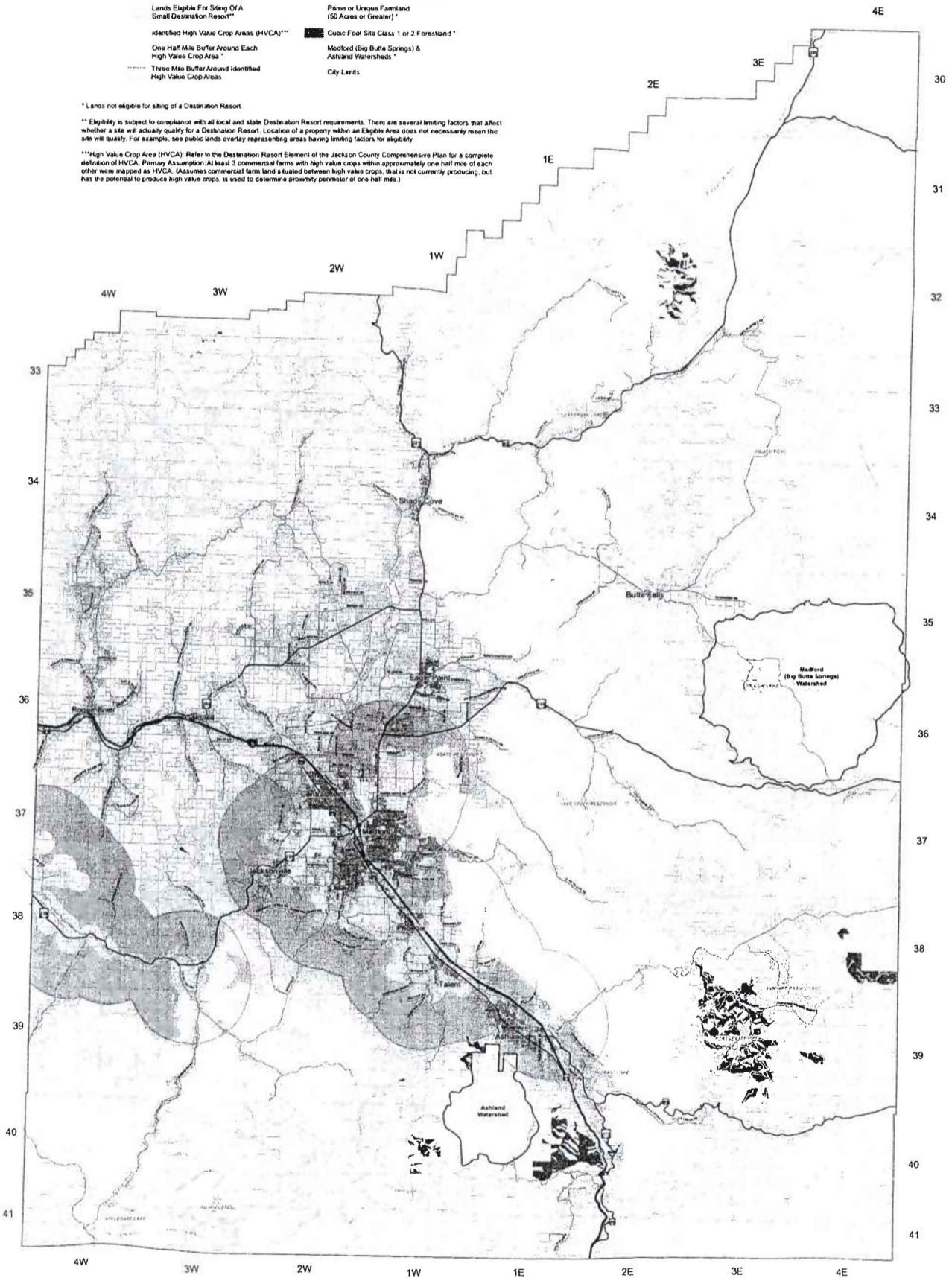
Jackson County

Lands Eligible For Siting Of A Destination Resort



- Lands Eligible For Siting Of A Large Or Small Destination Resort**
- Lands Eligible For Siting Of A Small Destination Resort***
- Identified High Value Crop Areas (HVCA)****
- One Half Mile Buffer Around Each High Value Crop Area *
- Three Mile Buffer Around Identified High Value Crop Areas
- Especially Sensitive Big Game Habitat *
- Prime or Unique Farmland (50 Acres or Greater) *
- Cubic Foot Site Class 1 or 2 Forstland *
- Medford (Big Butte Springs) & Ashland Watersheds *
- City Limits

* Lands not eligible for siting of a Destination Resort
** Eligibility is subject to compliance with all local and state Destination Resort requirements. There are several limiting factors that affect whether a site will actually qualify for a Destination Resort. Location of a property within an Eligible Area does not necessarily mean the site will qualify. For example, see public lands overlay representing areas having limiting factors for eligibility.
*** High Value Crop Area (HVCA): Refer to the Destination Resort Element of the Jackson County Comprehensive Plan for a complete definition of HVCA. Primary Assumption: At least 3 commercial farms with high value crops within approximately one half mile of each other were mapped as HVCA. (Assumes commercial farm land situated between high value crops, that is not currently producing, but has the potential to produce high value crops, is used to determine proximity perimeter of one half mile.)



**FINDINGS OF FACT
AMENDMENTS FOR DESTINATION RESORTS**

I. DESTINATION RESORT STATUTE

Adoption or amendments to local rules related to destination resorts is subject to the requirements of ORS 197.435-197.467, "Siting of Destination Resorts."

FINDING: The proposed amendments to the Jackson County Comprehensive Plan (Comprehensive Plan), including the new "Lands Eligible for Siting a Destination Resort" map adopted as part of the Comprehensive Plan, and to the Jackson County Land Development Ordinance (LDO) are consistent and appropriately implement ORS 197.435 - 197.467, as shown in Table 1 below.

Table 1

Implementation of Destination Resort Statute by Amendments to the Jackson County Comprehensive Plan and Land Development Ordinance

Destination Resort Statute	Comprehensive Plan	Land Development Ordinance
ORS 197.435(1) & (3) – (8)		LDO 6.3.8(B)
ORS 197.435(2)	Recreation Policy 3A	
ORS 197.435(7)		LDO 6.3.8(J)(2)(c)
ORS 197.440	Economic Policy 4 Recreation Policy 3 & 3A	
ORS 197.445(1) – (5) & (8)		LDO 6.3.8(C)(1) - (4) & (6)
ORS 197.445(6) & (7)		LDO 6.3.8(D)
ORS 197.450	Recreation Finding 3A	
ORS 197.455	Recreation Policy 3A	
ORS 197.460(1)		LDO 6.3.8(G)(2)(d)
ORS 197.460(2)		LDO 6.3.8(G)(2)(a) & (J)(2)(g)
ORS 197.465(1)	Recreation Policy 3A	
ORS 197.465(2)		LDO 6.3.8(C) - (F)
ORS 197.465(3)		LDO 6.3.8(C)(5)
ORS 197.467		LDO 6.3.8(J)(2)(i)

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II. STATEWIDE PLANNING GOALS

Statewide Planning Goals (Goals) 1-14 are applicable in Jackson County. The Goals are further interpreted and implemented through Oregon Administrative Rules (OAR), Chapter 660. Local implementation of the Goals and OAR Chapter 660 is through the Comprehensive Plan and its implementing ordinances.

FINDING: The Comprehensive Plan and its implementing ordinances are acknowledged by the State of Oregon as being in compliance with the Statewide Planning Goals. Therefore, amendments to these documents must comply with any applicable local procedural requirements and retain or improve the existing level of Goal compliance. The following sections address compliance with the Statewide Planning Goals, Comprehensive Plan and LDO Chapters 2 and 3, which contain the standards and procedures for legislative amendments to the text and maps of the Comprehensive Plan and Land Development Ordinance.

Goal 1, Citizen Involvement: The goal is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: The proposed Comprehensive Plan and LDO changes do not alter Jackson County's acknowledged Citizen Involvement Program (CIP). Accordingly, compliance with Goal 1 is achieved through compliance with the acknowledged CIP (see Section III below). Therefore, with regard to the legislative adoption of amendments to the Comprehensive Plan and Land Development Ordinance, Goal 1 is satisfied through that process. Additional findings in support of Citizen Involvement can be found under Goal 2.

Goal 2, Land Use Planning: The goal is to establish the basic procedures of Oregon's statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

FINDING: The proposed amendments have been prepared and adopted in accordance with the Statewide Planning Goals; the procedures established in the Jackson County Comprehensive Plan; and Jackson County Land Development Ordinances. The Jackson County Planning Commission (JCPC) held work sessions on May 4 and June 22, 2006. The Department of Land Conservation and Development was notified 45 days in advance of the July 27, 2006 first evidentiary hearing (in accordance with ORS 197.610(1)). Interested agencies were notified in advance of the JCPC hearings on May 27 and again on July 10, 2006 and a paid hearing notice was placed in the Medford Mail Tribune on July 16, 2006 for the JCPC hearings of July 27, 2006 (ORS215.223). The JCPC conducted a noticed field trip on September 23, 2006. The JCPC hearings were continued to October 5, 2006, and on December 14, 2006 final deliberations were held. All work sessions, field trips, and hearings were open to the public in accordance with public meetings law. Interested agencies were notified in advance of the Jackson

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County Board of Commissioners Hearings on January 4, 2007 and Media Notice was placed on January 4 for the Board Hearing on January 14, 2007. The Board agenda packets were mailed on January 12, and February 14, for the hearings on January 24, and February 21 respectively. A Ballot Measure 56 notice was prepared and mailed on January 25 for the February 21 hearing and on April 18 for the May 5, hearing. Staff attended meetings in which representatives from the State of Oregon Department of Land Conservation and Development and Oregon Department of Fish and Wildlife were present. Staff met with representatives from the City of Ashland and the Medford Water Commission to discuss and address issues of concern from the agencies. Staff was available to address concerns from any other agency as well. The amendments implement Statewide Planning Goal 8, Recreational Needs, which specifically allows the siting of destination resorts on rural lands without taking a Goal 2 exception to Goals 3, 4, 11 and 14. Additionally, the proposed amendments will bring the comprehensive plan and LDO into greater conformance with state statute and rules. Therefore, this goal is met.

Goal 3, Agricultural Land: The goal is to preserve and maintain agricultural lands.

FINDING: The proposed amendments implement Goal 8, which allows the siting of destination resorts on rural lands without taking an exception to Goal 3. The Comprehensive Plan "Lands Eligible for Siting a Destination Resort" map and destination resort preliminary development plan approval standard LDO 6.3.8(J)(2)(a) preserve agricultural lands by prohibiting the siting of a resort on a site with 50 or more contiguous acres of unique or prime farm land or within specified distances of a high value crop area, therefore, this goal is met.

Goal 4, Forest Lands: The goal is to conserve forest lands by maintaining the forest land base and to protect the state's forest economy.

FINDING: The proposed amendments implement Goal 8, which allows the siting of destination resorts on rural lands without taking an exception to Goal 4. The Comprehensive Plan "Lands Eligible for Siting a Destination Resort" map and destination resort preliminary development plan approval standard LDO 6.3.8(J)(2)(a) conserve Forest lands by prohibiting the siting of a resort on predominantly Cubic Foot Site Class 1 or 2 forest lands, therefore, this goal is met.

Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces: The goal is to protect natural resources and conserve scenic and historic areas and open spaces.

FINDING: The County's acknowledged Goal 5 implementation programs will remain applicable to the County's inventoried Goal 5 resource sites. The adoption of the Goal 8 "Lands Eligible for Siting a Destination Resort" map as part of the Comprehensive Plan does not alter the County's acknowledged inventories or maps of Goal 5 resources. Under LDO 6.3.8(J)(2)(i), compliance with Goal 5 implementation programs will have to be demonstrated to receive destination resort preliminary development plan approval. Additionally, ORS 197.467 and

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LDO 6.3.8(J)(2)(i) will require that designated Goal 5 resource sites be protected with conservation easements. Therefore, this goal is met.

Goal 6, Air, Water and Land Resources Quality: The goal is to maintain and improve the quality of the air, water and land resources of the state.

FINDING: Existing acknowledged LDO provisions adopted to implement Goal 6, such as the Ashland Watershed Area of Special Concern (ASC) 80-2 (LDO 7.1.1(A)), Bear Creek Greenway ASC 82-2 (LDO 7.1.1(B)), and Groundwater Problem Areas ASC 90-8 (LDO 7.1.1(I)) will apply to the approval of any destination resort. Additionally, Section 6.3.8(G)(d) of the proposed amendments require resort development to comply with the Stream Corridor and Riparian Habitat setback and other requirements of Section 8.6, with the exception that riparian vegetation within 100 feet of streams, rivers and significant wetlands shall be retained. To further protect water quality, both the Ashland and the Medford Watersheds have been removed from the Goal 8 eligible Siting Map for developing destination resorts in Jackson County. Lastly, if a resort is located within the Air Quality Management Area (AQMA), development standards articulated in LDO Chapter 9 related to landscaping, parking and access will apply. The Transportation Planning Rule applies and was crafted to meet the State Implementation Plan (SIP) requirements for Air Quality Conformity established by Title 49 of the Code of Federal Regulations (CFR) as required by the Clean Air Act as Amended (CAAA) for which a portion of Jackson County is designated an Air Quality Maintenance Area (AQMA) by the Environmental Protection Agency (EPA) for the National Ambient Air Quality Standard (NAAQs) for Particulate Matter (PM) 10. Section 6.3.8(K)(2)(k) further encourages trip reduction strategies in support of this requirement and in anticipation of potential future designation of the region as a PM 2.5 non-attainment area. Onsite rental housing is required for a minimum of 10% of workforce, this is anticipated to further reduce VMT and contribute to the environment. Therefore, this goal is met.

Goal 7, Areas Subject to Natural Disasters and Hazards: The goal is to protect life and property from natural disasters and hazards.

FINDING: Existing acknowledged LDO provisions adopted to implement Goal 7, such as Floodplain Overlay (LDO 7.1.2) and steep slopes regulations (LDO 9.3), will apply to the approval of any destination resort. Therefore, this goal is met.

Goal 8, Recreational Needs: The goal is 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: The provisions of Goal 8 correspond to those of ORS 197.435 to 187.467, the Destination Resort Statute. The proposed amendments to the Comprehensive Plan, including the new "Lands Eligible for Siting a Destination Resort" map adopted as part of the Comprehensive Plan, and to the Land Development Ordinance are consistent with and effectively implement Statewide Planning

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Goal 8, as they do the Destination Resort Statute (see Table 1). Therefore, this goal is met.

Goal 9, Economic Development: The goal is 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: The proposed amendments related to destination resorts will streamline the permitting process and thereby facilitate the development of destination resorts, which will help to diversify the economy. Therefore, this goal is met.

Goal 10, Housing: The goal is to provide for the housing needs of citizens of the State.

FINDING: The proposed amendments for destination resorts allow a variety of dwelling types as permitted uses in a large destination resort, including residential units for sale, as well as on-site housing for employees as permitted uses in both large and small destination resorts (LDO 6.3.8(E)(3)). Additionally, destination resorts are required to provide a minimum of 10% onsite rental workforce housing, not to exceed 30% of salary for a minimum of 10% of both permanent and temporary workers with an emphasis on the lower paid workers. Therefore this goal is met.

Goal 11, Public Facilities and Services: The goal is 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 proposed amendments implement Goal 8, which allows the siting of destination resorts on rural lands without taking an exception to Goal 11. Additionally, destination resorts are defined as "Self-contained" facilities, for which community sewer and water facilities are provided on-site and are limited to meet the needs of the development or are provided by existing public sewer or water service providers as long as all costs related to service extension and any capacity increases are borne by the development (ORS 197.435(6) and LDO 6.3.8(B)(5)). Furthermore, the LDO amendments insure adequate public services are available or can be made available to serve the proposed uses at the time of preliminary development plan approval (LDO 6.3.8(J)(2)(j)). Therefore, this goal is met.

Goal 12, Transportation: The goal is to provide and encourage a safe, convenient and economic transportation system.

FINDING: The proposed amendments to the LDO ensure transportation safety and compliance with the State Transportation Planning Rule, OAR 660-012-0060 (LDO 6.3.8(I)). See also Goal 6 above. These standards must be satisfied at the time of preliminary development plan approval. Therefore, this goal is met.

Goal 13, Energy Conservation: The goal is to conserve energy.

FINDING: Destination Resorts are self-contained recreational facilities with onsite amenities

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and services. As such, residents and guests of a destination resort will have less need to travel outside of the resort, which supports energy conservation. See Goal 6 comments above. Additionally, the Comprehensive Plan includes a policy to encourage onsite production of renewable energy resources. Reduction of vehicle trips is also anticipated to contribute to reduced reliance on fossil fuels. Therefore, this goal is met.

Goal 14, Urbanization: The goal is 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: The proposed amendments implement the Destination Resort Statute and Goal 8, which allow the siting of destination resorts on rural lands without taking an exception to Goal 14.

CONCLUSION: The proposed amendments are consistent with Statewide Planning Goals 1 through 14.

III. JACKSON COUNTY COMPREHENSIVE PLAN

Citizen Involvement Element: The policies and implementation measures of the Citizen Involvement Element of the Comprehensive Plan implement Statewide Planning Goal 1. Policies and implementation measures of the Citizen Involvement Element, listed below, are relevant to the proposed legislative amendments to the Comprehensive Plan and Land Development Ordinance.

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

Implementation Strategies:

- C) The County shall maintain contact with, and provide information to, interested citizens and groups.
 - i) Continue to use mailing lists to notify the public.
 - ii) Continue to provide meeting notices to local publications.
 - iii) Use the County web site to provide information on planning actions and events.

FINDING: The aforementioned policies and implementation measures of the Citizen Involvement Element of the Comprehensive Plan have been addressed through the process by which these proposed legislative amendments were adopted. The adoption process, including notice given and opportunities for public input, is described in Section 1.2 of Ordinance 2007-4, 2007-7 and 2007-8, and by this reference incorporated herein.

Additionally, the proposed amendments require a Type 4 review process for any destination resort to receive preliminary development plan approval. The Type 4 review process is outlined in LDO Section 2.7. The Type 4 review process requires agency and public notification prior to public hearings before both the

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Planning Commission and Board of Commissioners. This allows multiple opportunities for public involvement prior to a final land use decision.

Further, the proposed amendments require a Type 2 review process (LDO Section 2.7, as modified by proposed LDO 6.3.8(K)(1)) for any destination resort to receive final development plan approval. The modified Type 2 process includes opportunities for public involvement by requiring notice of the final development plan application to agencies, affected property owners and any recognized neighborhood or community organization, an opportunity to comment on the application, notice of the planning staff decision on the application, as well as the ability to obtain a de novo evidentiary hearing through appeal of the staff decision on the final development plan application to the hearings officer.

Additionally, the Jackson County web site was utilized to provide information on planning actions and events regarding the proposed legislative amendments to the Comprehensive Plan, LDO and destination resort eligibility map. Notices of work sessions and public hearings were posted on the County web site to inform the public of the process, in addition substantive information such as draft ordinances, maps, and revisions to the Comprehensive Plan and LDO.

County Staff received and responded to numerous citizen inquiries in the form of written and verbal testimony. The County established a telephone hotline dedicated to the Destination Resort amendments. Staff met with any parties requesting additional information and the public record was available for review upon request at all times by citizens.

Therefore, the policies and implementation measures of the Citizen Involvement Element have been met and are effectively implemented through the proposed legislative amendments to the Comprehensive Plan and LDO.

Policy 4: Jackson County Land Use decision bodies shall make every effort to communicate their decisions and deliberative discussions to the County's citizens, especially those who participated in the process, to assure citizens that their participation was considered.

Implementation Strategies:

- C) Ensure that citizens will receive a response from the land use decision bodies recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response. The rationale used to reach land-use policy decisions shall be available in the form of a written record.
- E) Minutes of the proceedings of the land use decision bodies that are pertinent to land use issues, shall be made available to the public and provided to the Committee for Citizen Involvement.

FINDING: The County staff has responded to citizen input by preparing a table that summarizes the issues raised along with a staff response (Record pp. 496-503), modifying both the text of the proposed Comprehensive Plan and LDO amendments as well as the proposed destination resort siting eligibility map,

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preparing and making available minutes and tapes of hearings, and by explaining the rationale for the adopted decision in these findings. Additionally, information regarding the mapping methodology was provided to the public, as the siting map was refined through the review process. Additional information regarding the compliance with County policies can be found under Goal 2. Therefore, these policies and implementation measures have been met.

Economic Element and Recreation Element: The Economic Element and Recreation Element of the Comprehensive Plan have policies related to tourism and destination resorts. The Economic Element states:

“Jackson County's Economic Development Program Report has, since 1977, enumerated the extent and future potential of tourism, one of the most under-utilized economic sectors. The potential for expansion of tourist related activities is probably greater than for any other single element of the economic base in terms of generating capital from outside the region.

The State of Oregon has recognized the fundamental over-riding need to expand and diversify the economic base of the state through provision of self-contained recreational destination resorts. The State has acknowledged the significance of destination resorts through the Oregon Land Conservation and Development Commission's amendment of Statewide Planning Goal 8 to provide a process for placement of large-scale, capital investment intensive recreational resorts, even though it is understood that most such resorts would require location on farm and forest land. As noted in the Recreation Element of the Comprehensive Plan, tourism is a principal economic mainstay of Jackson County's economy. To date, the only close equivalencies of destination related recreational opportunities in the county are dependent on state and county parks, hunting and fishing, boating and river rafting, and the passive recreational opportunities provided in urban areas, principally in Ashland and Jacksonville.

Tourism and destination resort oriented recreation is essentially undeveloped. The richness and diversity of the natural environment of Southern Oregon and Jackson County, in conjunction with its attractive climate, is a significant under-utilized economic asset. It is essential to the diversification of Jackson County's economy and of statewide interest that a mechanism for the siting of destination resorts be provided through Jackson County's Comprehensive Plan and Land Development Ordinance. It is of utmost importance that a balancing of Statewide Planning Goals 2, 3, 4, 5, 8, and 9 be achieved to ensure that this untapped economic resource can be developed properly. A properly conceived destination resort can exist compatibly within resource designations through proper planning (Page 10-8 and 10-9).”

Economic 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 implement regulations.

Additionally, the Recreation Element reiterates the importance of tourism and destination resorts:

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“As pointed out in the Economy Element, tourism is an important economic activity in Jackson County; in fact, tourism is one of the top four economic sectors behind the wood products industry. The rich and diverse environmental and cultural resources of the county provide an attractive destination to visitors. Additionally, major transportation routes serve many travelers passing through the area on their way to points north or south. Many of these travelers often require services and overnight accommodations. Jackson County supports the enhancement and diversification of recreational opportunities in the valley through development of destination resorts by the private sector to complement the natural and cultural attraction. It is vital to the economic health of Southern Oregon and Jackson County that the private, as well as the public sector, be actively involved in satisfying recreational demands of citizens and visitors alike. Benefits arising from dual involvement are improved services, greater variety of opportunities, and increased private sector contributions to the local economy. (Page 20-11).”

Recreation Element Policy 3: Private enterprise should be encouraged to be an important force in development and management of recreational area; especially those serving special interest groups, spectator and participant sporting events, and tourist oriented facilities and services. To this end, Jackson County shall cooperate with private enterprise and other public entities in the enhancement and development of recreational opportunities, which are complementary to the natural environment and resource use of the area.

FINDING: The proposed amendments for destination resorts implement the Economic and Recreation Elements of the Comprehensive Plan. Furthermore, the proposed amendments to the comprehensive plan bring the plan into greater compliance with current State statute and rules related to destination resorts.

CONCLUSION: The proposed amendments are consistent with applicable provisions of the Jackson County Comprehensive Plan.

IV. JACKSON COUNTY LAND DEVELOPMENT ORDINANCE

The procedural requirements and approval criteria for amendments to both the Comprehensive Plan and Land Development Ordinance are set out in Chapter 3 of the Jackson County Land Development Ordinance. Under LDO 3.7.2(C) and 3.8.2(B), respectively, both Comprehensive Plan and LDO amendments follow the Type 4 review procedure set forth in Section 3.1.5.

Section 3.7.1(A) Amendments to Comprehensive Plan Text

Except for quasi-judicial map amendments (see Section 3.7.1(B)(1)), which may be initiated by private property owners, all Comprehensive Plan amendments must be initiated by a motion of either the Planning Commission or Board of County Commissioners.

2) Major Text Amendments (Legislative)

Amendments that directly affect adopted goals, policies, or patterns of land use. Examples include, but are not limited to: adopting a new policy or implementation strategy; or revising goals of the Plan.

Section 3.7.1(B) Amendments to the Official Comprehensive Plan Maps or

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Zoning Maps

2) Major Map Amendments (Legislative)

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

FINDING: These amendments were initiated by the Jackson County Board of Commissioners in 2004. Originally, the proposed amendments to the destination resort regulations were included in the comprehensive LDO rewrite that resulted in the current LDO (adopted as Ord. 2004-2). However, when compliance issues were raised regarding whether a new JCCP destination resort siting eligibility map was also required in order to comply with the 1993 amendments to the Destination Resort Statute, the Board of Commissioners decided to delay final action on new destination resort regulations until a new JCCP siting eligibility map, together with JCCP and LDO text amendments, could be reviewed as a separate project.

Section 3.7.3 Approval Criteria

Any Comprehensive Plan 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:

B) Major Text Amendments (Legislative)

The amendment will correct a substantive error, implement a change in policy, or bring the Comprehensive Plan into compliance with State and Federal laws or administrative rules. Such amendments may have widespread and significant impacts, which could require individual property owner notice. (ORS 197.610 and ORS 215.503)."

D) Major Comprehensive Plan Map or Zoning Map Amendments (Legislative)

Major map amendments may be made if one or more of the following apply:

- 1) Changes in economic or social conditions, or settlement patterns, require an adjustment in the configuration of land uses allowed in a region or sub-region of the County;
- 2) Development occurs at rates other than that contemplated by the Plan, making a major map amendment necessary; or
- 3) An error needs to be corrected or the Official Plan and Zoning Map needs to be brought into compliance, or more into compliance, with Statewide Planning Goals and related Oregon Administrative Rules or other relevant law.

In designated Areas of Special Concern, such amendments will also comply with the relevant provisions of Chapter 7. Such amendments may have widespread and significant impacts. Map amendments outside

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urban growth boundaries and urban unincorporated communities that will result in a minimum residential lot size smaller than 10 acres require an exception to Statewide Planning Goal 14.

FINDING: The proposed amendments are a major text and map amendment. Therefore, Section 3.7.3(B) and (D) apply. The proposed amendments will bring the Comprehensive Plan and LDO into compliance with the current versions of the Destination Resort Statute and Goal 8. The relevant provisions of LDO Chapter 7 will continue to apply to designated Areas of Special Concern and are required to be complied with as part of destination resort preliminary development plan approval (LDO 6.3.8(J)(2)(i)). The adoption of the "Lands Eligible for Siting of a Destination Resort" map makes it possible that a destination resort will be sited on land shown as eligible, if all applicable requirements of the LDO are satisfied. The eventual approval of a destination resort on such land may result in the creation of individual residential lots smaller than 10 acres outside urban growth boundaries and urban unincorporated communities. However, Comprehensive Plan Economy Element Strategy 4(A) requires the County to provide a mechanism for siting destination resorts that is consistent with the Destination Resort Statute and Statewide Planning Goal 8. Both ORS 197.450 and Goal 8 specifically state that a Comprehensive Plan may provide for the siting of destination resorts on rural land without taking an exception to Goal 14.

Section 3.8.1(A) Text Amendments to the Land Development Ordinance

Text amendments to the Land Development Ordinance may be initiated only by a motion of either the Planning Commission or Board of County Commissioners.

FINDING: These amendments were initiated by the Jackson County Board of Commissioners in 2004. Originally, the proposed amendments to the destination resort regulations were included in the comprehensive LDO rewrite that resulted in the current LDO (adopted as Ord. 2004-2). However, when compliance issues were raised regarding whether a new JCCP destination resort siting eligibility map was also required in order to comply with the 1993 amendments to the Destination Resort Statute, the Board of Commissioners decided to delay final action on new destination resort regulations until a new JCCP siting eligibility map, together with JCCP and LDO text amendments, could be reviewed as a separate project.

Section 3.8.3 Approval Criteria for Land Development Ordinance Text Amendments

Text amendments to the Land Development Ordinance must be consistent with and adequate to implement all applicable provisions of the Comprehensive Plan, the Statewide Planning Goals and Oregon Administrative Rules.

FINDING: Sections I through III of these findings demonstrate that the proposed text amendments to the Land Development Ordinance are consistent with and adequate to implement the Destination Resort Statute, the Statewide Planning Goals and their implementing rules, and applicable Comprehensive Plan Policies and Implementing Strategies.

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Fees for Destination Resort Applications

Oregon Revised Statute and Oregon Administrative Rules allow Counties to charge actual or average actual costs for Land Use Applications. The existing fee structure for land use applications for Destination Resorts adopted by the Jackson County Codified Ordinance for fees represents a different process than anticipated at the time of adoption.

FINDING: The fee adopted in the 2006 County Codified Ordinance for destination resort land use applications does not represent the current average actual cost of applications because it was based on a different process. Until such an average actual cost can be established, the fee for a Destination Resort application shall be fee based on actual costs and established through a negotiated contract as part of the mandatory preapplication conference for any type 4 land use application.

CONCLUSION: The proposed amendments comply with Jackson County Land Development Ordinance procedural requirements and approval criteria for amendments to the Comprehensive Plan and Land Development Ordinance.