



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

AMENDED NOTICE OF ADOPTED AMENDMENT

August 30, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Jacksonville Plan Amendment
DLCD File Number 001-07



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 12, 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.

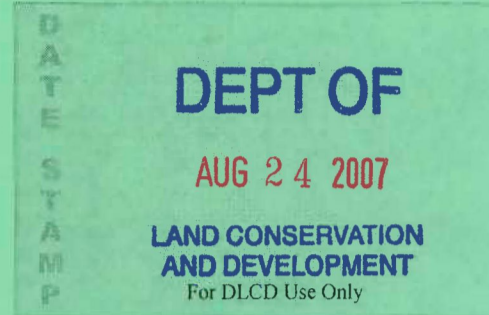
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
John Renz, DLCD Regional Representative
Paul Wyntergreen, City of Jacksonville

<paa> ya

FORM 2 Notice of Adoption

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



Jurisdiction: City of Jacksonville Local file number: _____

Date of Adoption: 8/21/2007 Date Mailed: 8/22/2007

Date original Notice of Proposed Amendment was mailed to DLCD: _____

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

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

Amend comp. plan map designation of Bigham Knoll School site from Special Protection to Historic Core and a re-zoning from SP to HC. Approximately 3.75 acres developed with school buildings would be re-designated and zoned Historic Core land subject to performance zoning standards and the requirements of the City's acknowledged Historic Protection regulations. Existing playfields on remaining property will be retained in Special Protection.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

same

Plan Map Changed from: SP to: HC

Zone Map Changed from: SP to: HC

Location: 525 'E' Street East- 372W32AB 100 Acres Involved: 3.75

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 1,2,5,8-14

Was an Exception Adopted? YES NO

DLCD File No.: 001-07 (16205)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (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

Affected State or Federal Agencies, Local Governments or Special Districts:

No state agency appears to be affected. City will coordinate with ODOT, Medford Water Commission, and Jackson County to determine if concerns may exist.

Local Contact: Paul Wyntergreen Phone: (541) 899-1231 Extension: _____

Address: PO BOX 7 City: Jacksonville

Zip Code + 4: 97530- Email Address: jvillepaul@charter.net

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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only; or 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.

COPY

ORDINANCE NO. 574

**AN ORDINANCE AMENDING THE JACKSONVILLE COMPREHENSIVE
PLAN MAP AND THE JACKSONVILLE ZONING MAP**

THE CITY OF JACKSONVILLE ORDAINS AS FOLLOWS:

RECITALS :

- A. On June 19, 2007, the City Council moved to initiate an amendment to the Jacksonville Comprehensive Plan Map and the Zoning Map of the City of Jacksonville pursuant to JMC 17.108.020 (B), to reflect a change of Comprehensive Plan Map designation and Zoning Map designation for a portion of the property owned by Cascade Christian High School on that date, also known historically as “Bigham Knoll”, and more fully described on attached Exhibit “A” (the “Property”). The proposed change in Comprehensive Plan Map and Zoning Map designations for the Property was from its current designation of Special Protection (SP) District (JMC Chapter 17.37), to a new designation of Historic Core (HC) District (JMC Chapter 17.36). The proposed Comprehensive Plan Map and Zoning Map changes apply only to the upper portion of the Property, which is generally developed with historic structures, and not to the lower portion of the Property, which is currently developed with sports fields, as depicted on attached Exhibit “B”.

- B. On June 28, 2007, the Oregon Department of Land Conservation and Development (“DLCD”) DLCD File # 001-07, The Oregon Department of Transportation (“ODOT”), Jackson County, and the Medford Water Commission were also timely notified of the proposed Comprehensive Plan Map and Zoning Map amendments.

- C. On July 25, 2007, an open neighborhood / citizen involvement meeting was held at the Property to discuss the proposed zone change. An independent citizen’s advisory committee (CAC) was formed. On or about July 26, 2007, the CAC met independently, and later provided its recommendations to the Planning Commission.

- D. Pursuant to JMC 17.108.040 (A), the matter was automatically referred to the Planning Commission.
- E. On August 8, 2007, prior to the Planning Commission public meeting to discuss the proposed amendments to the Comprehensive Plan Map and the Zoning Map, ODOT provided a letter stating, *inter alia*, "In overview, based on the data provided ... the ODOT has no concerns regarding a Transportation Planning Rule (OAR 660-12-0060) significant effect to state transportation facilities (OR-238) for the proposed Cascade Christian High School / Bigham Knoll amendments. We are not requesting a traffic impact study for this project."
- F. On August 8, 2007, the Planning Commission held a public meeting to consider the proposed amendments to the Comprehensive Plan and Zoning Map, changing the zoning and Comprehensive Plan Map designations for the relevant portion of the Property from SP zoning designation to HC zoning designation. After reviewing the report from the CAC, the Planning Commission received public testimony, and then discussed the proposed amendments to the Zoning Map and Comprehensive Plan Map. The Planning Commission then unanimously moved to forward to the City Council a recommendation in support of the proposed amendments.
- G. On August 21, 2007, pursuant to JMC 17.108.050, the City Council held a public hearing on the proposed Comprehensive Plan Map and Zoning Map Amendments. Notice of the public hearing was provided in accordance with the requirements of ORS 227.160 to 227.185, and JMC 17.100.050 through JMC 17.100.070.
- H. At the conclusion of the August 21, 2007, public hearing on the proposed Comprehensive Plan Map and Zoning Map Amendments, the City Council moved to adopt this Ordinance, as set forth below.

ORDINANCE PROVISIONS:

SECTION 1. The City of Jacksonville's Comprehensive Plan Map and Zoning Map are hereby amended to reflect that the relevant portion of the Property described in attached Exhibit "A" is changed from the zoning designation of "Special Protection (SP)" to the zoning designation of "Historic Core (HC)". The portion of the Property affected by these Map changes is depicted on

EXHIBIT "A"
TO ORDINANCE
#574

Exhibit "A"

BIGHAM KNOLL PROPERTY
DESCRIPTION - NOTE: ONLY
PORTION OF PROPERTY
SUBJECT TO MAP AMENDMENT

TRACT A:

Lots One (1), Two (2), and Three (3), Block Seventy-one (71), in POOL & KLIPPEL'S ADDITION to the City of Jacksonville, Jackson County, Oregon. EXCEPTING THEREFROM that portion of Lot One (1) conveyed to the City of Jacksonville, by deed recorded as No. 72-00468, Official Records.

ALSO, Commencing at the southeast corner of Donation Land Claim No. 37 in Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; thence West, along the south line of said claim, 844.8 feet (12.80 chains) to a post; thence North 1,105.5 feet (16.75 chains) to a post; thence North 78° 43' East 493.68 feet (7.48 chains) to a post (from which a white oak 12" in diameter bears South 72° East 22.11 feet (33-1/2 links), and a black oak 12" in diameter bears South 25° West 46.86 feet (71 links); thence South 50.0 feet to the True Point of Beginning (and the true point of beginning of that tract described in Volume 4, Page 592, Deed Records); thence North 78° 45' East 170.0 feet; thence South 390.0 feet; thence West 450.0 feet; thence North 296.0 feet; thence North 78° 45' East 288.0 feet to the True Point of Beginning. ALSO, Beginning at the southeast corner of Lot Three (3), Block Seventy-one (71) of POOL & KLIPPEL'S ADDITION to the City of Jacksonville, Jackson County, Oregon; thence South, along the west line of that tract described in deed to School District No. One (1) recorded in Volume 4, Page 592, Deed Records. to a point on the northerly line of Block 68 in said Addition; thence Northwesterly, along said northerly line to the most northerly corner of Block 68; thence Northerly, in a straight line, to a 5/8" iron pin at the southeast corner of that tract conveyed to the City of Jacksonville, by deed recorded as No. 72-00468, Official Records, said 5/8 iron pin being on the southerly line of Block 71; thence Easterly, along said southerly line, to the Point of beginning. ALSO, all those portions of the vacated Park Street, Seventh Street, and "E" Street adjacent to said property and inuring thereunto by law, vacated by Ordinance No. 437 of the City of Jacksonville, and recorded January 3, 1996 as No. 96-00203, Official Records.

Account 10003242, Levy Code 1-02, Map 372W32AB 100

TRACT B:

Block Sixty-eight (68) in POOL & KLIPPEL'S ADDITION to the City of Jacksonville, Jackson County, Oregon. ALSO, all those portions of the vacated Seventh Street and "E" Street adjacent to said property and inuring thereunto by law, vacated by Ordinance No. 437 of the City of Jacksonville, and recorded January 3, 1996 as No. 96-00203, Official Records.

Account 10003307, Levy Code 1-02, Map 372W32AB 500

TRACT C:

Block Sixty-nine (69) in POOL & KLIPPEL'S ADDITION to the City of Jacksonville, Jackson County, Oregon. ALSO, all those portions of the vacated Seventh Street and "E" Street adjacent to said property and inuring thereunto by law, vacated by Ordinance No. 437 of the City of Jacksonville, and recorded January 3, 1996 as No. 96-00203, Official Records.

Account 10003315, Levy Code 1-02, Map 372W32AB - 600

TRACT D:

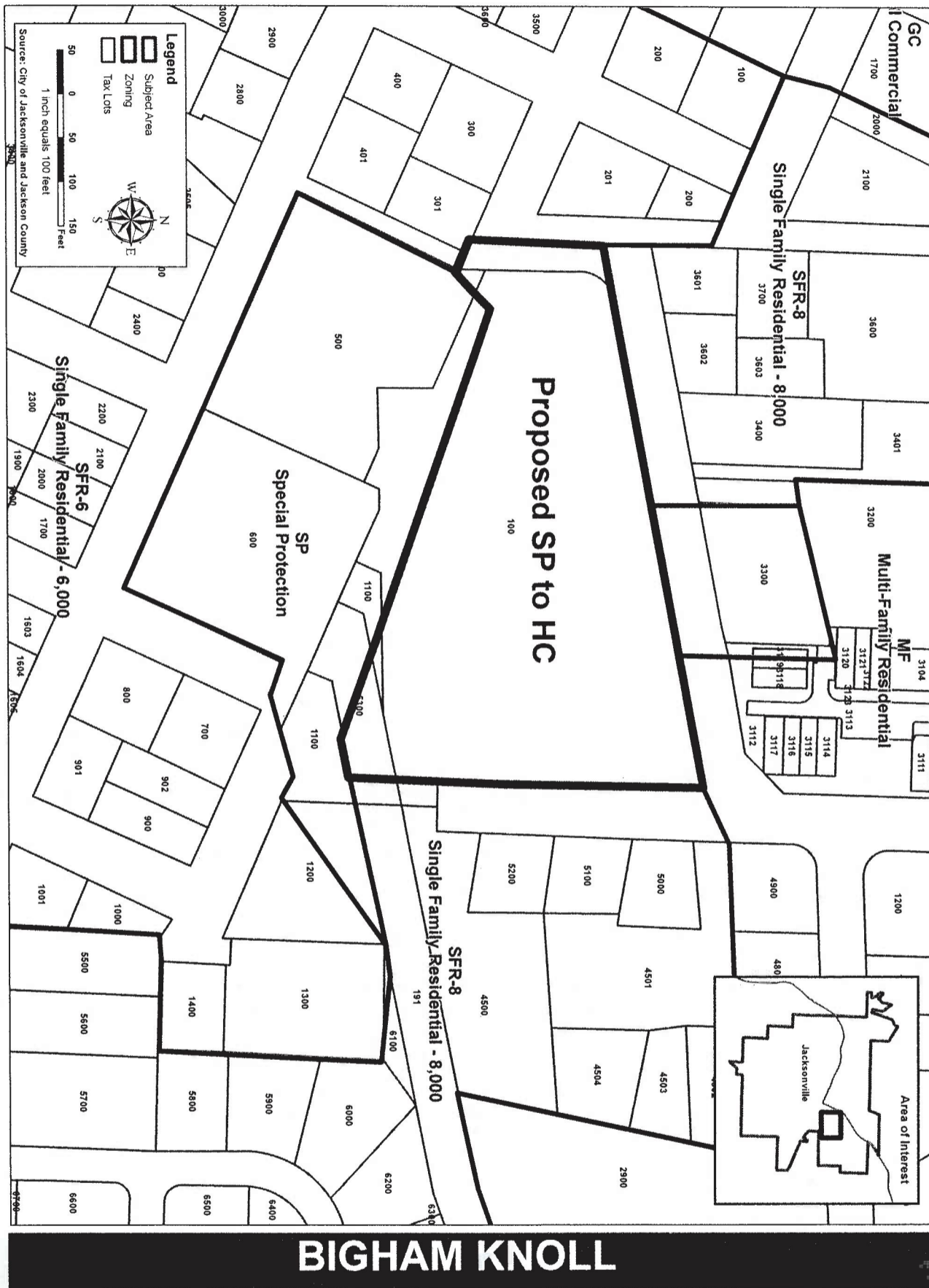
All that portion of Block Seventy-two (72) in POOL & KIPPEL'S ADDITION to the City of Jacksonville, Jackson County, Oregon, lying southerly of the southerly line of the Rogue Valley Railroad right of way (now abandoned). ALSO, all that portion of vacated Park Street adjacent to said property and inuring thereunto by law, vacated by Ordinance No. 437 of the City of Jacksonville, and recorded January 3, 1996 as No. 96-00203, Official Records.

Account 10003372, Levy Code 1-02, Map 372W32AB 1200

TRACT E:

That triangular tract or fractional block lying Northerly of Blocks Sixty-nine (69) and Seventy (70) in POOL & KLIPPEL'S ADDITION to the City of Jacksonville, Jackson County, Oregon; being bounded on the north by the south line of that tract conveyed to School District No. One (1) by deed recorded in Volume 4, Page 592, Jackson County, Oregon, Deed Records; on the East by the west line of Park Street; and on the south by the northerly line of "E" Street. ALSO, all those portions of the vacated Park Street and "E" Street adjacent to said property and inuring thereunto by law, vacated by Ordinance No. 437 of the City of Jacksonville, and recorded January 3, 1996 as No. 96-00203, Official Records.

Account 10003364, Levy Code 1-02, Map 372W32AB - 1100
Account 10571331, Levy Code 1-02, Map 372W32AB 5300



City of Jacksonville

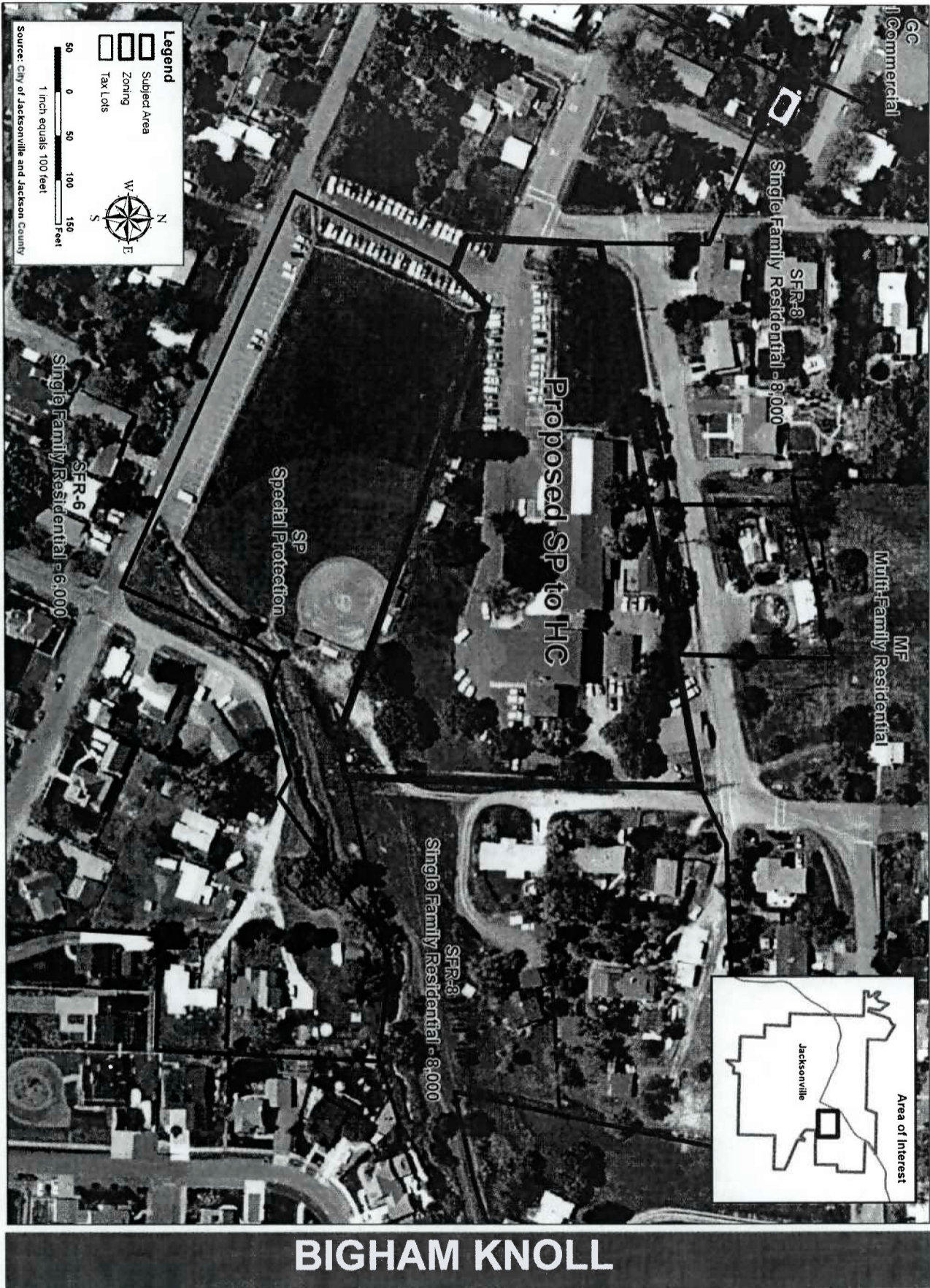
**COMPREHENSIVE PLAN
& ZONING MAP AMENDMENT**

Craig A. Stone &
Associates Ltd.

Exhibit "B"

June 2007

Page 1 of 2



BIGHAM KNOLL

City of Jacksonville

**ZONING MAP AMENDMENT
WITH AERIAL**

Craig A. Stone &
Associates Ltd.

Exhibit B

Page 2 of 2

June 2007

EXHIBIT "C"

FINDINGS SUPPORTING AMENDMENTS TO THE JACKSONVILLE COMPREHENSIVE PLAN MAP AND ZONING MAP TO REFLECT A CHANGE IN DESIGNATION FROM SPECIAL PROTECTION (SP) ZONING TO HISTORICAL CORE (HC) ZONING FOR A PORTION OF THE PROPERTY COMMONLY KNOWN AS "BIGHAM KNOLL".

The City Council of Jacksonville makes the following findings of fact regarding amendments to the Comprehensive Plan Map and Zoning Map for a portion of the property known as Bigham Knoll.

BACKGROUND FINDINGS:

- A. On June 19, 2007, the City Council moved to initiate an amendment to the Jacksonville Comprehensive Plan Map and the Zoning Map of the City of Jacksonville pursuant to JMC 17.108.020 (B), to reflect a change of Comprehensive Plan Map designation and Zoning Map designation for a portion of the property owned by Cascade Christian High School on that date, also known historically as "Bigham Knoll" (the "Property"). The proposed change in Comprehensive Plan Map and Zoning Map designations for the Property was from its current designation of Special Protection (SP) District (JMC Chapter 17.37), to a new designation of Historical Core (HC) District (JMC Chapter 17.36). The proposed change would apply only to the upper portion of the Property which is generally developed with historic structures, and not to the lower portion of the Property, which is currently developed with sports fields, as depicted on attached Exhibit "1".
- B. On June 28, 2007, the Oregon Department of Land Conservation and Development ("DLCD") DLCD File # 001-07. The Oregon Department of Transportation ("ODOT"), Jackson County, and the Medford Water Commission were also timely notified of the proposed Comprehensive Plan Map and Zoning Map amendments.
- C. On July 25, 2007, an open neighborhood / citizen involvement meeting was held at the Property to discuss the proposed zone change. An independent citizen's advisory committee (CAC) was formed. On or about July 26, 2007, the CAC met independently, and later provided its recommendations to the Planning Commission.

Findings and Conclusion for Map Amendments (Exhibit "C") ORD 574

- D. Pursuant to JMC 17.108.040 (A), the matter was automatically referred to the Planning Commission.
- E. On August 8, 2007, prior to the Planning Commission public meeting to discuss the proposed amendments to the Comprehensive Plan Map and the Zoning Map, ODOT provided a letter stating, *inter alia*, "In overview, based on the data provided ... the ODOT has no concerns regarding a Transportation Planning Rule (OAR 660-12-0060) significant effect to state transportation facilities (OR-238) for the proposed Cascade Christian High School / Bigham Knoll amendments. We are not requesting a traffic impact study for this project."
- F. On August 8, 2007, the Planning Commission held a public meeting to consider the proposed amendments to the Comprehensive Plan and Zoning Map, changing the zoning and Comprehensive Plan Map designations for the relevant portion of the Property from SP zoning designation to HC zoning designation. After receiving public testimony and discussing the proposal, the Planning Commission unanimously moved to forward to the City Council a recommendation in support of the proposed amendments.
- G. On August 21, 2007, pursuant to JMC 17.108.050, the City Council held a public hearing on the proposed Comprehensive Plan Map and Zoning Map Amendments. Notice of the public hearing was provided in accordance with the requirements of ORS 227.160 to 227.185, and JMC 17.100.50 through JMC 17.100.070.
- H. At the conclusion of the August 21, 2007, public hearing on the proposed Comprehensive Plan Map and Zoning Map Amendments, the City Council moved to adopt an Ordinance, based upon the findings of fact set forth below.

FINDINGS:

1. Special Protection (SP) District.

"17.37.020 Permitted uses

Findings and Conclusion for Map Amendments (Exhibit "C")

The following are permitted in the SP District:

A. Cemeteries; B. Parks and playgrounds; C. Open space preserve; D. Wildlife and forest preserve; E. Trails/pathways for bicycle and pedestrian use; F. Existing residential uses; G. Historic tours; and H. Agricultural/Horticultural activities. “

“17.37.040 Conditional uses

The following conditional uses may be permitted in the SP District, subject to a conditional use permit:

- A. Schools
- B. Governmental facilities
- C. Quasi-public and nonprofit facilities
- D. Ancillary retail sales not utilizing more than fifteen percent of building area
- E. Parking lot, if part of adopted city parking plan
- E. Trails for equestrian use
- G. Farmer’s Markets and other specialty agricultural uses and other uses, including wineries and other agricultural processing facilities
- H. Churches.
- I. One additional single-family dwelling, if one existed on the property on the date of Special Protection designation.
- J. Low-impact cell tower or other telecommunication alternatives concealed within a historically compatible structure affiliated with a City water reservoir structure. All tower or cell site permits shall include a clause requiring removal of abandoned structures and equipment and clear directives on whether or not permits are required for the addition of antennas.”

Finding: While the current SP zoning for the North portion of the Bigham Property is designed to protect its historic character, it has resulted in the Property having less economic future viability, and does not allow for a flexibility of uses which can protect the historic value of the Property’s structures, yet also provide additional amenities and economic opportunities for the citizens of Jacksonville. Given the attributes of the property (historic school and related buildings on the North portion of the Property and sports fields on the South portion of the Property), it is the South portion of the Property which is best suited to SP zoning. See attached Exhibit “1”. While “schools” are a conditional use in the SP zone, the age and condition of the existing historic structures make their continued viability for “school use” questionable. The welfare and interests of the community will be enhanced if a greater variety of permitted and conditional uses are permitted or conditionally permitted on

Findings and Conclusion for Map Amendments (Exhibit “C”)

the Property. Further, the very limited uses and conditional uses permitted on the North portion of the property under its current SP zoning designation present a risk that the existing historical structures on that portion of the property could fall into disuse and disrepair, which would not promote social and economic vitality for the community.

2. 17.36.010 Purpose - Historical Core (HC) Zoning District.

“This district is designed to stabilize, protect and enhance the historical characteristics of the central core of the City of Jacksonville for the enjoyment of the general public while preserving the livability and economic viability of the individual property owners. A key objective shall be to preserve the historic integrity of and provide affirmative maintenance for structures and sites included on the Jacksonville Landmark List. The historic commercial concentration between and adjacent to Main-and-'C' Streets and 1st-and-5th Streets is contained within this larger district as a subarea, and is subject to the additional specific requirements of the 'Core Enhancement Plan' as adopted by resolution and as described in Chapter 17.35, which promotes commercial uses of land with particular emphasis upon compatibility with the unique historical character of the concentrated downtown business district. Where a conflict occurs between the standards contained herein and the specific requirements of the 'Core Enhancement Plan', the specific requirements shall prevail.”

Finding: The HC district allows for greater flexibility of uses than the SP zone. It allows greater opportunity for conversion of the existing historic structures to a variety of commercial, educational, and residential uses, promoting economic and social vitality of the community. At the same time, the HC zoning designation protects the historical character of the buildings and the site. The HC zoning requires any structural or site design changes be subjected to rigorous performance standards under JMC 17.36.040, and also meet required conditions under JMC 17.36.070. Any structural or site design changes proposed in the HC zone must be reviewed by the planning commission in light of the performance standards and required conditions reflected in JMC Chapter 17.36.

Since the upper (North) portion of the Property is developed with historic structures, the HC zoning designation allows for a potential conversion of that portion of the property from its historic school use to a wider variety of uses – while still preserving and protecting the historic attributes of the Property through the imposition of performance standards. Again, the performance standards require planning commission review of any structural or site design changes which are proposed. The planning commission’s decision may then be appealed

Findings and Conclusion for Map Amendments (Exhibit “C”)

to Council. The historical structural and site attributes of the Property are adequately safe-guarded by the performance standards reflected in JMC 17.36.040.

3. Zoning and Comprehensive Plan Map Amendments.

“17.108.010 Procedure

This title may be amended by changing the boundaries of districts or by changing any other provisions thereof, whenever the public necessity and convenience and the general welfare requires such an amendment, by following the procedure of this title.”

Finding: Historically, the Northern portion of the Property was committed to school use. It was the Old Jacksonville Schoolhouse property, located at 525 “E” Street. Later, the property was owned by School District 549C, which sold it to Cascade Christian High School in July of 1993. More recently, Cascade Christian High School has relocated. While the old school and outbuildings on the property have historic character, it is questionable whether its school use can be retained due to functional obsolescence and economic realities. Public convenience and the general welfare of the community require that the Property not be allowed to fall into disuse and disrepair, now that the historic school use has terminated. Further, on or about December 1, 2006, Cascade Christian High School filed a claim under Ballot Measure 37 (ORS 197.352), seeking just compensation in the amount of \$ 1.85 Million from the City, based on claimed diminution in the value of the Property in 1996, which zoned the Property SP. While the City does not admit that there is any merit to the pending Measure 37 claim, public necessity and convenience and the general welfare are promoted by the City amending the zoning of the Property to one which allows a greater level of flexibility and economic viability, while still protecting the historic structures and site integrity. This action benefits the community in a variety of ways.

4. Initiation of Amendments to Zoning and Comprehensive Plan Maps.

“17.108.020 Initiation of amendments

An amendment to the text of the Unified Development Code or of the zoning map may be initiated by:

- A. Motion of the planning commission
- B. Motion of the city council
- C. Application filed by an owner of record, a purchaser under a recorded land sale contract, a lessee or the holder of an option to purchase

Findings and Conclusion for Map Amendments (Exhibit “C”)

property which is the subject of the application.”

Finding: This Zoning Map and Comprehensive Plan Map amendment was initiated by motion of the City Council on June 19, 2007.

- 5. “17.108.040 Action by the Planning Commission**
- A. Upon filing of said application for an amendment as described in Section 17.108.030, or upon motion of the city council or planning commission for the initiation of an amendment, the matter shall automatically be referred to the planning commission. Any future amendments to a Jacksonville land use regulation which significantly affect a transportation facility (as defined below) shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. Either shall accomplish this:**
- a. Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility**
 - b. Amending the TSP to provide transportation facilities adequate to support the proposed land uses; or**
 - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.**
- A plan or land use regulation amendment significantly affects a transportation facility if it:**
- a. Changes the functional classification of an existing or planned transportation facility**
 - b. Changes standards implementing a functional classification system**
 - c. Allows types or levels of land uses, which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or**
 - d. Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.**
- Determinations of the above criteria shall be coordinated with affected transportation facility and service providers and other affected local governments. Such affected providers shall be given 30 days to comment. The planning commission shall study the matter to the extent that it considers such study to be necessary, including the holding of a public hearing if it so desires, and shall, in open meeting, recommend the approval or disapproval of said amendment. The recommendation shall be made by a majority of those present after the planning commission meeting at which official action is taken on the application. The recommendation shall**

Findings and Conclusion for Map Amendments (Exhibit “C”)

be reported to the city council by filing said recommendation with the city recorder. No further action of acceptance of the recommendation need be taken by the city council, but the city recorder shall, upon filing the recommendation, report the same to the city council at the next regular city council meeting after the filing of the recommendations.

B. The report and recommendations of the planning commission shall be made within ninety days after the filing of the application; provided, that such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. Failure of the commission to so report within ninety days without the aforesaid agreement shall be deemed to be a recommendation of approval of the proposed amendment of the planning commission. If the commission deems it advisable, it may recommend that the area under consideration for change in classifications be enlarged or diminished, or be reclassified to a district other than the district originally initiated.

C. Public Hearing Optional. If the planning commission elects to hold a public hearing on any application for an amendment, notice of said public hearing shall be given as provided in Sections 17.100.050 through 17.100.070.

D. Any amendment that "rezones" property within the City shall be noticed consistent with the requirements of ORS 227.160 to 227.185 if the "rezoning" is initiated by the City."

Finding: On June 28, 2007, the Oregon Department of Land Conservation and Development ("DLCD") was notified of the proposed Map amendments. DLCD File # 001-07. City did not receive any negative response or concerns from DLCD. The Oregon Department of Transportation ("ODOT"), Jackson County, and the Medford Water Commission were also timely notified of the proposed Comprehensive Plan Map and Zoning Map amendments. These agencies similarly did not present any negative response or concerns.

On July 25, 2007, an open neighborhood / citizen involvement meeting was held at the Property to discuss the proposed zone change. An independent citizen's advisory committee (CAC) was formed. On or about July 26, 2007, the CAC met independently, and later provided its recommendations to the Planning Commission.

Findings and Conclusion for Map Amendments (Exhibit "C")

Pursuant to JMC 17.108.040 (A), the matter was automatically referred to the Planning Commission.

On August 8, 2007, prior to the Planning Commission public meeting to discuss the proposed amendments to the Comprehensive Plan Map and the Zoning Map, ODOT provided a letter stating, *inter alia*, "In overview, based on the data provided ... the ODOT has no concerns regarding a Transportation Planning Rule (OAR 660-12-0060) significant effect to state transportation facilities (OR-238) for the proposed Cascade Christian High School / Bigham Knoll amendments. We are not requesting a traffic impact study for this project."

Cascade Christian High School had 275 students and 30 staff on the Property during the 2006-2007 school year. The daily vehicle trips per day generated by the Property under its SP zoning, as well as the regular High School sporting events and extra-curricular activities, indicate that the level of traffic generated by the change of zoning will be less than under the Property's previous high school use. Common sense dictates that a traffic impact study is unnecessary in connection with the proposed Map amendments.

On August 8, 2007, after notice consistent with ORS 227.160 to 227.185, the Planning Commission held a public meeting to consider the proposed amendments to the Comprehensive Plan and Zoning Map, changing the zoning and Comprehensive Plan Map designations for the relevant portion of the Property from SP zoning designation to HC zoning designation. After receiving public testimony and discussing the proposal, the Planning Commission unanimously moved to forward to the City Council a recommendation in support of the proposed amendments. The proper procedure was followed and the recommendation of the Planning Commission has been reviewed by Council.

6. 17.108.050 Action by the city council

A. Hearing Before City Council. Upon receipt of said report from the planning commission, a public hearing is automatically set for the next regular city council meeting following the receipt of the report; provided, however, that the council may, by motion, set the date of such public hearing at such other time or at such other place it desires. Notice of said public hearing shall be given as provided in Sections 17.100.050 through 17.100.070 and the requirements of ORS 227.160 to 227.185.

B. The council shall grant continuance or leave the record open for at least seven days, if so requested by any participant before the close of the initial evidentiary hearing. If the record is left open and new


Findings and Conclusion for Map Amendments (Exhibit "C")

applicant seeking the amendment. If no evidence is produced concerning the requisite findings listed in subsection D of Section 17.108.050, the application must be denied based upon improper or inadequate findings. All evidence produced must be recited in the findings of the ordinance adopting the amendment proposal.

Finding: Notice of the August 21 public hearing before Council on the Map amendments were provided as provided in Sections 17.100.050 through 17.100.070 and the requirements of ORS 227.160 to 227.185. The Council meeting was set for the next regular meeting after receipt of the Planning Commission's report, August 21, 2007. No one at the public hearing requested the record be left open for inclusion of additional evidence. At the conclusion of the public hearing, the Council found that the Map amendment : 1. Complies with and conforms to the comprehensive plan goals, policies, and; 2. Complies with comprehensive plan map, as amended. The substantial evidence supporting this conclusion is the functional obsolescence of the site for school purposes, and the fact that the Map amendments for the Property area from SP to HC are justified by the greater flexibility allowed for viable social and economic uses which will promote the welfare, convenience, and employment needs of the community.

Conclusion: The proposed Comprehensive Plan and Zoning Map amendments are appropriate, and the zoning of the Property from SP to HC for the portion depicted on attached Exhibit "1" is consistent with the goals and policies of the Comprehensive Plan.

The above Recitals, Findings and Conclusions are hereby adopted by the City of Jacksonville, through its Mayor and Council, this 21st day of August, 2007.


James W. Lewis, Mayor