



# 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

October 9, 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 002-07



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: October 26, 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  
Mike Mattson, Jackson County

<paa> ya/ph

FORM 2

# DLCD

## Notice of Adoption

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



Jurisdiction: **Jackson County**

Local file number: **LRP2007-00004**

Date of Adoption: **10/3/2007**

Date Mailed: **10/5/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **April 18, 2007**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

The proposal is a Comprehensive Pla Map an Text Amendment for a Reasons exception to Statewide Planning Goal 11, Public Facilities and Services. The proposed Goal 11 exception will permit an extension of the Rogue Valley Sewer Service (RVSS) sewer line to the subjet property for one single family dwelling.

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

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

to: **N/A**

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

to: **N/A**

Location: **6737 Downing Road, Central Point**

Acres Involved: **139**

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

New: **N/A**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 # 002-07 (16039)**

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

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

DLCD, ODOT, DSL, DEQ, DOA, RVCOG, RVSS

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Local Contact: **Mike Mattson**

Phone: (541) 774-6937 Extension:

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

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

City: **Medford**

Zip: **97501-2902**

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

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### **ADOPTION SUBMITTAL REQUIREMENTS**

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

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

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

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

## JACKSON COUNTY NOTICE OF ADOPTION

Pursuant to Oregon Revised Statutes (ORS) 197.615, you are hereby being notified that the Jackson County Board of Commissioners adopted Ordinance No. 2007-26 at a properly advertised public hearing on October 3, 2007, at 1:30 p.m., in the Auditorium of the Jackson County Offices, 10 South Oakdale, Medford, Oregon 97501.

The ordinance will go into effect on December 2, 2007 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2007-26 allows a Comprehensive Plan Map and Text Amendment for an exception to Statewide Planning Goal 11, to allow the extension of an Rogue Valley Sewer Service (RVSS) sewer line to connect to the property described below and add the subject property to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas, on 139.5 acres described as Township 36 South, Range 2 West, Section 23, Tax Lot 500 and Township 36 South, Range 2 West, Section 26, Tax Lot 100 and located at 6737 Downing Road. File LRP2007-00004.

This notice is being mailed to you on October 5, 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 **Mike Mattson** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6937; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6937.

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

The Board of County Commissioner's Ordinances are the final decisions on this action. Pursuant to State law, Jackson County is hereby notifying all persons who participated in the hearings, either in writing or orally. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on October 5, 2007, and the LUBA appeal period will expire on October 26, 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

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NOTARY PAGE

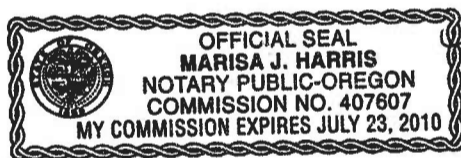
STATE OF OREGON    )  
                                  )  
COUNTY OF JACKSON )

I, Patricia A. Guida, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2007-26 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 October 5, 2007.

Patricia A. Guida  
Signature

Personally appeared before me this 5<sup>th</sup> day of October, 2007, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.



Marisa J. Harris  
Notary Public for Oregon  
My Commission Expires: 7/23/2010

NOTICE OF ADOPTION SENT TO: APPLICANT, AGENT, AND INTERESTED PERSONS.

APPLICANT NAME: JIM & MARILYN RICE

FILE NO: LRP2007-00004

**BoC Decision**  
**File # LRP2007-00004**  
**APPLICANT/AGENT/STAFF**  
**Mailed/Distributed: 10/05/07**

LRP2007-00004 Decision  
JIM & MARILYN RICE  
5480 ROGUE VALLEY HWY  
CENTRAL POINT OR 97502

LRP2007-00004 Decision  
MIKE LANIER  
RICHARD STEVENS & ASSOC  
PO BOX 4368  
MEDFORD OR 97501

LRP2007-00004 Decision  
DENNIS C.W. SMITH, CHAIR  
COMMISSIONER

LRP2007-00004 Decision  
JACK WALKER  
COMMISSIONER

LRP2007-00004 Decision  
DAVE GILMOUR  
COMMISSIONER

LRP2007-00004 Decision  
KELLY MADDING  
DIRECTOR

LRP2007-00004 Decision  
SUSAN LEE  
PLANNING DIRECTOR

LRP2007-00004 Decision  
MIKE MATTSON  
PLANNER

LRP2007-00004 Decision  
ALLIE O'CONNOR  
COUNTY COUNSEL

AA-B5 LRP2007-00004  
CHUCK ROOT  
ROGUE VALLEY SEWER SERVICE  
PO BOX 3130  
CENTRAL POINT OR 97502

AA-G1 LRP2007-00004  
DAVID PYLES  
ODOT REGION 3  
100 ANTELOPE RD  
WHITE CITY OR 97503

LRP2007-00004  
DLCD  
ATTN: PLAN AMEND SPECIALIST  
635 CAPITOL ST NE STE 150  
SALEM OR 97301-2540

LRP2007-00004 CCI  
BARBARA DECKER  
3303 N VALLEY VIEW RD  
ASHLAND OR 97520

LRP2007-00004 CCI  
WALTER FITZGERALD  
PO BOX 3984  
CENTRAL POINT OR 97502

LRP2007-00004 CCI  
PATRICIA GORDON  
1550 YELLOW BRICK RD  
JACKSONVILLE OR 97530

LRP2007-00004 CCI  
STACEY MAVILIA  
PO BOX 1162  
EAGLE POINT OR 97524

LRP2007-00004 CCI  
JOEL OCKUNZZI  
PO BOX 2768  
WHITE CITY OR 97503

LRP2007-00004 CCI  
TANI WOUTERS  
6801 OLD STAGE RD  
CENTRAL POINT OR 97502

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

**ORDINANCE NO. 2007-26**

**AN ORDINANCE APPROVING A COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT FOR AN EXCEPTION TO STATEWIDE PLANNING GOAL 11, PUBLIC FACILITIES AND SERVICES, TO ALLOW THE EXTENSION OF A ROGUE VALLEY SEWER (RVS) SERVICES SEWER LINE TO CONNECT TO THE PROPERTY DESCRIBED BELOW AND ADD THE SUBJECT PROPERTY TO AREA OF SPECIAL CONCERN (ASC) 2003-1, GOAL 11 EXCEPTION AREAS, ON 139.5 ACRES DESCRIBED AS TOWNSHIP 36 SOUTH, RANGE 2 WEST, SECTION 26, TAX LOT 100 AND TOWNSHIP 36 SOUTH, RANGE 2 WEST, SECTION 23, TAX LOT 500, AND LOCATED AT 6737 DOWNING ROAD. RICHARD STEVENS & ASSOCIATES, INC., AGENT; JIM AND MARILYN RICE, OWNERS. FILE LRP2007-00004.**

**RECITALS:**

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan (JCCP) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. The standards justifying minor or quasi-judicial amendments to the Jackson County Comprehensive Plan Text and exceptions to Statewide Planning Goals, and Zoning Map Amendments are contained in the Jackson County Comprehensive Plan and in the Jackson County Land Development Ordinance (JCLDO) Chapter 3.
3. JCLDO Section 3.7.3 states that a minor map amendment must conform to the Statewide Planning Goals, Oregon Administrative Rules, and the Comprehensive Plan as a whole.

**PROCEDURAL FINDINGS:**

1. On March 27, 2007 an application for a Comprehensive Plan Map and Text Amendment for an exception to Statewide Planning Goal 11, Public Facilities and Services, to allow the extension of an RVS sewer line to connect to the property described above and add the subject property to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas, was submitted by the agent, Richard Stevens & Associates, Inc., for the owners Jim and Marilyn Rice. The application was deemed complete 31 days after the application was received by Jackson County, pursuant to Section 2.6.3(E) of the Jackson County Land Development Ordinance (LDO).
2. On June 14, 2007, the Jackson County Planning Commission held a properly advertised public hearing to consider the evidence and testimony on this application. After considering the evidence and testimony submitted, the Planning Commission, by motion and vote, recommended the Board of Commissioners approve a Comprehensive Plan Map and Text Amendment and exception to Statewide Planning Goal 11, to allow the extension of an RVS sewer line to connect to the subject property and add the subject property to Area of

**1-ORDINANCE; File LRP2007-00004**

**Richard Stevens & Associates, Inc., Agent; Jim and Marilyn Rice, Owners**

Special Concern (ASC) 2003-1, Goal 11 Exception Areas. The JCPC signed the Recommendation for Approval on June 28, 2007.

3. On August 29, 2007, the Jackson County Board of Commissioners held a properly advertised public hearing to consider the evidence and testimony for this application. After considering the evidence and testimony submitted, the Board of Commissioners, by motion and vote, approved the Comprehensive Plan Map and Text Amendment and exception to Statewide Planning Goal 11, to allow the extension of an RVS sewer line to connect to the subject property and add the subject property to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas.

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

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

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

1.1 The Board of Commissioners finds that proper public notice was given for the public hearings, and that no objections were raised concerning the hearing notice.

1.2 The Board of Commissioners hereby adopts, as its own, the Findings of Fact contained in the Jackson County Planning Commission's Recommendation, dated June 28, 2007, attached hereto and incorporated herein as Exhibit "1". The Recommendation includes the Staff Report and the Board of Commissioners hereby adopts, as its own, the Staff Report.

#### **SECTION 2. LEGAL FINDINGS**

2.1 The Board of Commissioners adopts, as its own, the Legal Findings and Conclusions as contained in the Jackson County Planning Commission's Recommendation of Approval dated June 28, 2007, attached hereto and incorporated herein as Exhibit "1". The Recommendation includes the Staff Report and the Board of Commissioners hereby adopts, as its own, the Staff Report.

#### **SECTION 3. CONCLUSIONS**

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

3.2 The Board concludes that reasons justify an exception to Statewide Planning Goal 11, Public Facilities and Services, to allow the extension of an RVS sewer line to connect to the subject property and add the subject property to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas. The property owner has an approved homesite on the subject property and has pursued all remedies to locate a private septic system on the property, without success. Extension of the RVS sewer line and connection of the property to the RVS line is the appropriate solution to the septic problem.

3.3 The Planning Commission finds that a Deed Declaration will be completed by the property owners stating that the sewer extension to the property may not be used to justify uses not allowed in the underlying

**2-ORDINANCE; File LRP2007-00004**

**Richard Stevens & Associates, Inc., Agent; Jim and Marilyn Rice, Owners**

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Volume: \_\_\_\_\_ Page: \_\_\_\_\_

zoning district, redesignate the property to a more intensive zoning district, or justify future land division. This Deed Declaration will be completed prior to obtaining building permits for the dwelling.

3.4 The Board concludes the application is consistent with the Statewide Planning Goals, Oregon Administrative Rules, Jackson County Land Development Ordinance, and the Jackson County Comprehensive Plan.

#### **SECTION 4. DECISION**


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

4.1 Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, attached hereto and incorporated herein as Exhibit "1", the Board of Commissioners approves a Comprehensive Plan Map and Text Amendment for an exception to Statewide Planning Goal 11, Public Facilities and Services, to allow the extension of an RVS sewer line to connect to the property described below and add the subject property to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas, on 139.5 acres described as Township 36 South, Range 2 West, Section 23, tax lot 500 and Township 36 South, Range 2 West, Section 26, tax lot 100, as illustrated on the zoning map attached hereto as Exhibit "2".

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

APPROVED this 3<sup>rd</sup> day of October, 2007, at Medford, Oregon.

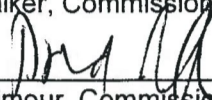
**JACKSON COUNTY BOARD OF COMMISSIONERS**



\_\_\_\_\_  
Dennis C. W. Smith, Chair

*absent at signing*

\_\_\_\_\_  
Jack Walker, Commissioner



\_\_\_\_\_  
Dave Gilmour, Commissioner

APPROVED AS TO FORM:

ATTEST:



\_\_\_\_\_  
County Counsel



\_\_\_\_\_  
By: Recording Secretary

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on October 5, 2007, and the LUBA appeal period will expire on October 26, 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.

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

IN THE MATTER OF PLANNING COMMISSION )  
FILE LRP2007-00004, AN APPLICATION FOR )  
AN AMENDMENT TO THE OFFICIAL )  
COMPREHENSIVE PLAN MAP AND TEXT FOR )  
AN EXCEPTION TO STATEWIDE PLANNING )  
GOAL 11, PUBLIC FACILITIES AND )  
SERVICES, TO ALLOW THE EXTENSION OF A )  
ROGUE VALLEY SEWER SERVICE LINE TO )  
CONNECT TO PROPERTY DESCRIBED )  
BELOW AND ADD THE SUBJECT PROPERTY )  
TO AREA OF SPECIAL CONCERN (ASC) 2003- )  
1, GOAL 11 EXCEPTION AREAS, ON 139.5 )  
ACRES DESCRIBED AS TOWNSHIP 36 )  
SOUTH, RANGE 2 WEST, SECTION 23, TAX )  
LOT 500 AND TOWNSHIP 36 SOUTH, RANGE )  
2 WEST, SECTION 26 TAX LOT 100; RICHARD )  
STEVENS & ASSOCIATES, INC., AGENT; JIM )  
AND MARILYN RICE, OWNERS. )

RECOMMENDATION  
FOR APPROVAL

**Jackson County Planning Commission:** 1) Recommends a Comprehensive Plan Map and Text Amendment for an exception to Statewide Planning Goal 11, Public Facilities and Services, to allow the extension of a Rogue Valley Sewer Service (RVSS) line to connect to the property described below and add the subject property to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas, and, 2) recommends approval of a reasons exception to Statewide Planning Goal 11, Public Facilities and Services. The amendment and exception to Statewide Planning Goal 11, Public Facilities and Services, applies to 139.5 acres described as Township 36 South, Range 2 West, Section 23, tax lot 500 and Township 36 South, Range 2 West, Section 26, tax lot 100.

**RECITALS:**

- 1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan (JCCP) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
- 2. On March 27, 2007 an application for a Comprehensive Plan Map and Text Amendment for an exception to Statewide Planning Goal 11, Public Facilities and Services, to allow the extension of an RVSS sewer line to connect to the property described above and add the subject property to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas, was submitted by the agent, Richard Stevens & Associates, Inc., for the owners Jim and Marilyn Rice. The application was deemed complete 30 days after the application was received by Jackson County, pursuant to Section 2.6.3(E) of the Jackson County Land Development Ordinance (LDO).

**1-RECOMMENDATION; File LRP2007-00004  
Richard Stevens & Associates, Inc., Agent; Jim and Marilyn Rice, Owners**

A notice of the proposed amendment was provided to the Department of Land, Conservation and Development (DLCD) on April 18, 2007. The application was scheduled before the Jackson County Planning Commission for a first evidentiary hearing to be held on June 14, 2007 at 9:00 a.m in the Jackson County Auditorium.

3. On June 14, 2007, the Jackson County Planning Commission held a properly advertised public hearing to consider the evidence and testimony on this application.

Now, therefore,

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

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

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

1.1 The Planning Commission finds that proper legal notice was sent to the applicant and property owners within 750 feet of the subject property and affected agencies on April 16, 2007. Legal notice was published in the Sunday, June 3, 2007 edition of the Medford Mail Tribune.

1.2 The Planning Commission finds that the subject property is described as Township 36 South, Range 2 West, Section 23, tax lot 500 and Township 36 South, Range 2 West, Section 26, tax lot 100. The subject property is located at 6737 Downing Road, with frontage on Gibbon and Newland Roads as well.

1.3 The Planning Commission finds the subject property was determined to be a lawfully established parcel because the aggregate of the three tax lots was created in its current configuration in 1963 by Volume 543, Pages 325 and 326. Assessment records indicate the current owner acquired the property on December 26, 1995.

1.4 The current Comprehensive Plan Map Designation is Agricultural Land and the zoning district is Exclusive Farm Use (EFU).

1.5 The Planning Commission finds the subject property has access from Downing Road, a County owned and maintained road.

1.6 The Planning Commission finds that the subject property is within the Jackson County Fire District No. 3 boundary.

1.7 The Planning Commission finds that police protection is provided by the Jackson County Sheriff's Office.

1.8 The Planning Commission finds that the subject property is currently vacant and is assessed as vacant highest and best use farm land.

#### **2-RECOMMENDATION; File LRP2007-00004**

**Richard Stevens & Associates, Inc., Agent; Jim and Marilyn Rice, Owners**

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1.9 The Planning Commission finds that the subject property is within the Area of Special Concern for the Rogue Valley International Airport. The proposed development is within the Precision Approach area.

1.10 The Planning Commission finds that portion of the property are mapped as vernal pools, but the approved homesite (ZON2006-00177) is not. Other wetlands exist on the site, but the nearest mapped site is approximately 900 feet from the homesite.

1.11 The Planning Commission finds that the parcel is within the Rogue Valley Sewer district boundary and an RVSS sewer main is located approximately 300 feet to the east.

1.12 The Planning Commission finds that the following agencies responded with comments to this application and their comments were considered by the Planning Commission: Jackson County Roads Department, Rogue Valley Sewer Services, Oregon Department of Environmental Quality, Oregon Department of Transportation, and Jackson County Fire District No. 3.

1.13 The Planning Commission finds that property owners were notified and comments were received by a number of property owners. Their comments were considered by the Planning Commission.

**SECTION 2. LEGAL FINDINGS:** To recommend approval of an Official Comprehensive Plan Map and Text Amendment, and exception to Statewide Planning Goal 11, Public Facilities and Services, the Planning Commission must find that the amendment is consistent with the Jackson County Land Development Ordinance (JCLDO) Chapter 3.7, which requires compliance with the Statewide Planning Goals, Oregon Administrative Rules, Jackson County Land Development Ordinance and the Jackson County Comprehensive Plan (JCCP).

The Planning Commission adopts the Findings in the Staff Report, incorporated herein and attached as Exhibit A. These findings demonstrate that the application is in compliance with the Statewide Planning Goals, Oregon Administrative Rules, the Jackson County Comprehensive Plan, and the Jackson County Land Development Ordinance.

**SECTION 3. CONCLUSIONS:** Based on the evidence and arguments included in the record, the Planning Commission concludes that the proposed amendment and exception to Statewide Planning Goal 11, Public Facilities and Services, is justified and in compliance with the Jackson County Land Development Ordinance, the Statewide Planning Goals, Oregon Administrative Rules, and the Jackson County Comprehensive Plan. Where factual conflicts arose, the Jackson County Planning Commission has resolved them consistent with these conclusions.

3.1 Statewide Planning Goals: The Planning Commission concludes that this application complies with Statewide Planning Goals. Discussion of the ability to comply with Statewide Planning Goals is contained in Section IV and VI of the staff report, attached hereto as Exhibit A.

**3-RECOMMENDATION; File LRP2007-00004  
Richard Stevens & Associates, Inc., Agent; Jim and Marilyn Rice, Owners**

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3.2 Jackson County Comprehensive Plan: The Planning Commission concludes that this application complies with the Jackson County Comprehensive Plan as identified in Section VI of the Staff Report, attached hereto as Exhibit A.

3.3 Jackson County Land Development Ordinance: The Planning Commission concludes that this application complies with the Jackson County Land Development Ordinance as identified in Section VII of the Staff Report, attached hereto as Exhibit A.

3.4 Reasons Exception to Goal 11, Public Facilities and Services: The Planning Commission concludes that reasons justify an exception to Statewide Planning Goal 11, Public Facilities and Services, to allow an extension of the RVSS sewer line to connect the subject property. Discussion of the reasons exception to Statewide Planning Goal 11, Public Facilities and Services, is contained Section V of the Staff Report, attached hereto as Exhibit A.

3.5 Addition of Subject Property to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas: The Planning Commission concludes that this the subject property should be added to ASC 2003-1, Goal 11 Exception Areas, as identified in Section VII of the Staff Report, attached hereto as Exhibit A.

3.6 Deed Declaration: The Planning Commission finds that a Deed Declaration will be completed by the property owners stating that the sewer extension to the property may not be used to justify uses not allowed in the underlying zoning district, redesignate the property to a more intensive zoning district, or justify future land division. This Deed Declaration will be completed prior to obtaining building permits for the dwelling.

3.5 The Planning Commission concludes that proper public notice was given.

**SECTION 4. RECOMMENDATION:** The Jackson County Planning Commission: 1) recommends a Comprehensive Plan Map and Text Amendment for an exception to Statewide Planning Goal 11, Public Facilities and Services, to allow the extension of an RVS sewer line to connect to the property described below and add the subject property to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas, and, 2) recommends approval of a reasons exception to Statewide Planning Goal 11, Public Facilities and Services. The amendment and exception to Statewide Planning Goal 11, Public Facilities and Services, applies to 139.5 acres described as Township 36 South, Range 2 West, Section 23, tax lot 500 and Township 36 South, Range 2 West, Section 26, tax lot 100, as illustrated on the zoning map attached hereto as Exhibit B.

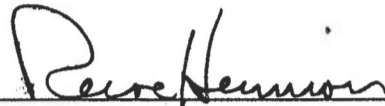
This recommendation for APPROVAL adopted this 28<sup>TH</sup> day of JUNE, 2006, at Medford, Oregon.

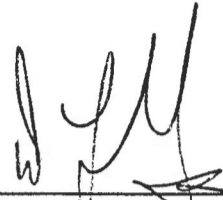
**4-RECOMMENDATION; File LRP2007-00004**

**Richard Stevens & Associates, Inc., Agent; Jim and Marilyn Rice, Owners**

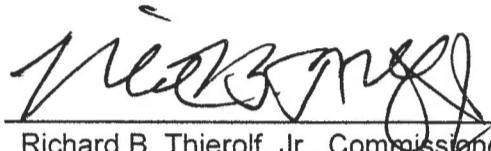
**JACKSON COUNTY PLANNING COMMISSION**

(Vote: Y=Yes; N=No; A=Abstain)

  
\_\_\_\_\_  
Reeve Hennion, Chair (Y)

  
\_\_\_\_\_  
Don Greene, Vice-Chair (ABSTAIN)

\_\_\_\_\_  
Elizabeth Fugas, Commissioner ABSENT

  
\_\_\_\_\_  
Richard B. Thierolf, Jr., Commissioner (Y)

  
\_\_\_\_\_  
Byron Williams, Commissioner (Y)

ATTEST:

  
\_\_\_\_\_  
Heather Couch, Recording Clerk

I:\ZONING\WP\Comp Planning\LRP2007-00004 Rice Goal 11 Exception\LRP2007-00004-PC-recommendation.wpd

**5-RECOMMENDATION; File LRP2007-00004**  
**Richard Stevens & Associates, Inc., Agent; Jim and Marilyn Rice, Owners**

**EXHIBIT A**  
**JACKSON COUNTY DEVELOPMENT SERVICES**  
**STAFF REPORT**

**APPLICANT:** Jim and Marilyn Rice  
5480 Rogue Valley Highway  
Central Point, OR 97502

**FILE:** LRP2007-00004

**AGENT:** Richard Stevens & Associates  
P.O. Box 4368  
Medford, OR 97501

**OWNER:** Jim and Marilyn Rice  
6737 Downing Road  
Central Point, OR 97502

<b>MAP DESCRIPTION:</b>	TWP 36 South	RANGE 2 West	SECTION 23	TAX LOT 500
	TWP 36 South	RANGE 2 West	SECTION 26	TAX LOT 100

**PROPOSAL:** A Comprehensive Plan Map and Text Amendment to extend sanitary sewer service to construct one single-family residence at 6737 Downing Road. The application includes a request for an exception to the Statewide Planning Goal 11 (Public Facilities and Services) provision restricting local governments from allowing the establishment or extension of sewer systems outside urban growth boundaries or unincorporated community boundaries to serve land outside those boundaries. The application also requests the property be added to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas.

**KEY ISSUE:** 1) Determine if the subject parcel qualifies for an Exception to Statewide Planning Goal 11, Public Facilities and Services. 2) Determine if the application meets all of the applicable Statewide Planning Goals, Oregon Administrative Rules, Jackson County Comprehensive Plan, and Jackson County Land Development Ordinance provisions.

**STAFF RECOMMENDATION:** Staff recommends approval.

**I. FACTS:**

- 1) **Location:** The subject parcel is located on Downing Road, across from the street from the Forest Gibbons Urban Containment Boundary.
  - 2) **Lot or Parcel Creation:** The property is a lawfully created parcel, as defined by the Land Development Ordinance Section 10.2, because the aggregate of the three tax lots was created in its current configuration in 1963 by Volume 543, Pages 325 and 326. Assessment records indicate the current owner acquired the property on December 26, 1995.
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- 3) **Access:** The site is located on and obtains access from Downing Road. The site has frontage on Newland and Gibbon Roads as well.
  - 4) **Acreage:** The tract contains a total of 139.50 acres
  - 5) **Assessment:** The subject parcel is assessed as Vacant H & B Use Farm.
  - 6) **Land Use:** The property is a tract of 139.5 acres and used as a farming unit. A single-family homesite has been approved to be located on the northern portion of the property (File ZON2006-00177).
  - 7) **Zoning:** The property is zoned Exclusive Farm Use (EFU). Properties to the west are zoned EFU, to the north Open Space Reserve (OSR), and to the south a combination of EFU and Rural Residential (RR-5). The properties to the east are located within the Forest Gibbons Urban Containment Boundary and are zoned Urban Residential (UR-1)
  - 8) **Sewerage:** Rogue Valley Sewer Service (RVSS) provides sanitary sewer service to the properties across the street, within the Forest Gibbons Urban Containment Boundary, and the sewer line runs along Downing Road, which abuts the subject property. Currently, the subject property is not connected to the RVSS line. An on-site septic system was proposed, but due to soil characteristics, a septic system has been determined to be infeasible. Additionally, the property is located within a high priority, potential health hazard area for septic systems (*Greater Bear Creek Waste Treatment Master Plan, 1978*).
  - 9) **Site Characteristics:** The property is vacant and used for agricultural purposes. The north half of the property is cleared, irrigated pastureland, while the southern half is mixed oak and grassland. A small farm building is in the southwest corner of the property. Farmland is to the west, with residential to the east and south, including a manufactured dwelling park across Downing Road. Lands to the north are owned by the City of Medford and while zoned General Industrial, are used for occasional grazing.
  - 10) **Soils:** The Natural Resources Conservation Service maps show the property containing the following soils:
    - A) Name: Agate-Winlo complex; Mapping Unit No: 6B; Irrigated Class: IVs; Nonirrigated Class: IVs; Percent of the Parcel: 99; Irrigation Present: Yes; Forest Capability: Class -0-; Slope: 0-5 percent.
    - B) Name: Winlo very gravelly clay loam; Mapping Unit No: 198A; Irrigated Class: IVs; Nonirrigated Class: VIs; Percent of the Parcel: 1; Irrigation Present: Yes; Forest Capability: Class -0-; Slope: 0-3 percent
-

This unit is used for hay and pasture, homesite development, and livestock grazing. The main limitations affecting homesite development are the wetness and very gravelly surface layer in the Winlo soil and depth to the hardpan in both soils. These soils are poorly suited to standard systems of waste disposal because of the depth to the hardpan in both soils and the wetness in the Winlo soil.

- 11) **Water:** No public water system is available to this parcel or this area. The residential properties in this area are dependent upon individual wells for domestic water supply.
- 12) **Wetlands:** Portions of the property are mapped as vernal pools, but the homesite is not. Other wetlands exist on the site, but the nearest mapped site is approximately 900 feet from the homesite. The Department of State Lands confirmed the existence of wetlands, and indicated that some might be in the vicinity of the homesite.
- 13) **Past Planning Actions:** Previous planning actions include approval for an ownership of record dwelling and a septic site evaluation that was denied. The ownership of record dwelling was approved and the final decision concluded on March 30, 2006 (file ZON2006-00177). The site evaluation for a septic system was officially denied on Feb. 8, 2007 (file SEP2006-00482).
- 14) **Affected Agency and Property Owner Notification:** On April 16, 2007, affected agencies and property owners within 750 feet of the subject property<sup>1</sup> were notified of the proposed application. Surrounding property owners responded with general support for the proposal. Responding agencies commented as follows:
  - A) Rogue Valley Sewer Services responded, indicating that there is a 60-inch sewer interceptor along Downing Road for the full length of the subject property. Rogue Valley Sewer Services has adequate capacity and will allow a service connection to the subject property if the Goal 11 exception is approved.
  - B) Jackson County Roads responded with a requirement for utility permits be obtained from the Roads Department prior to any utility work within the county road right-of-way.
  - C) Fire District #3 responded with a requirement to provide the county standard road width and address sign. The address sign is available at no charge at the Jackson County Fire Department #3 located at: 8333 Agate Rd. in White City.

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<sup>1</sup> As indicated in the current Jackson County Assessment records.

## II. STAFF DISCUSSION:

File LRP2007-00004 encompasses two land use applications. The first is a request for the County to take an exception to Statewide Planning Goal 11 (Public Facilities and Services) for the subject property. The second component is a request for the County to add the subject property to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas. The overall purpose of this application is to allow RVSS to extend the existing sewer line approximately 300 feet to connect to the subject property, which will facilitate the construction of one single-family home. The property has already been approved for an *Ownership of Record* residential homesite (file ZON2006-00177).

As determined by Jackson County Environmental Services, the site has been denied for a septic system based on the severity of observed soil, groundwater, and topographic conditions. Septic systems on surrounding properties experienced an extremely high failure rate, and were annexed to a municipal sewer system to resolve the health hazard situation in the 1970's. It is the opinion of the County Environmental Services Department that if sewer is available, connection to the sewer system would be the best option.

Public sewer extensions to serve rural areas outside urban growth and unincorporated community boundaries are specifically restricted by Statewide Planning Goal 11. Oregon Administrative Rule 660-011-0060 outlines the conditions under which an extension of a sewer system to a property outside of an urban growth or unincorporated community boundary may occur. These include the mitigation of a public health hazard and taking an exception to Statewide Planning Goal 11, Public Facilities and Services. The subject parcel is located within a "High Priority Potential Health Hazard Area" (*Greater Bear Creek Waste Treatment Master Plan*, 1978) and the applicant requests an exception<sup>2</sup> to Goal 11.

The application is for an exception based on a reasons justification, pursuant to Goal 2 (Land Use Planning), Part II (Exceptions), subsection (c), as applied through OAR 660-004-0020 and OAR 660-004-0022.

## III. APPLICABLE CRITERIA:

- 1) Statewide Planning Goals: Goal 11, Public Facilities and Services
- 2) Oregon Administrative Rules: OAR's 660-004-0020, 660-004-0022, and 660-011-0060
- 3) Jackson County Comprehensive Plan: Public Facilities and Services Element

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<sup>2</sup>

*Exception* means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that (a) is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability; (b) does not comply with some or all goal requirements applicable to the subject properties or situations, and (c) complies with standards for an exception.

- 4) Jackson County Transportation System Plan: *The requirement for a transportation impact study has been waived by the County Engineer and Planning Director (attached).*
- 5) Jackson County Land Development Ordinance (JLCO): Section 3.6 and 3.7.3(C)

**IV. COMPLIANCE WITH STATEWIDE PLANNING GOALS:**

1) **STATEWIDE PLANNING GOAL 11, PUBLIC FACILITIES AND SERVICES**

**OAR 660-015-0000(11)**

***To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.***

*Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan.*

*Counties shall develop and adopt community public facility plans regulating facilities and services for certain unincorporated communities outside urban growth boundaries as specified by Commission rules.*

*Local Governments shall not allow the establishment or extension of sewer systems outside urban growth boundaries or unincorporated community boundaries, or allow extensions of sewer lines from within urban growth boundaries or unincorporated community boundaries to serve land outside those boundaries, except where the new or extended system is the only practicable alternative to mitigate a public health hazard and will not adversely affect farm or forest land.*

*Local governments may allow residential uses located on certain rural residential lots or parcels inside existing sewer district or sanitary authority boundaries to connect to an existing sewer line under the terms and conditions specified by Commission rules.*

*Local governments shall not rely upon the presence, establishment, or extension of a water or sewer system to allow residential development of land outside*

*urban growth boundaries or unincorporated community boundaries at a density higher than authorized without service from such a system.*

*In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.*

**A Timely, Orderly, and Efficient Arrangement** – refers to a system or plan that coordinates the type, locations and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.

**Rural Facilities and Services** – refers to facilities and services suitable and appropriate solely for the needs of rural lands.

**Urban Facilities and Services** – Refers to key facilities and to appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services.

**Public Facilities Plan** – A public facility plan is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plan or plans within an urban growth boundary containing a population greater than 2,500.

**Community Public Facilities Plan** – A support document or documents to a comprehensive plan applicable to specific unincorporated communities outside UGBs. The community public facility plan describes the water and sewer services and facilities which are to support the land uses designated in the plan for the unincorporated community.

**Water system** – means a system for the provision of piped water for human consumption subject to regulation under ORS 448.119 to 448.285.

**Extension of a sewer or water system** – means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing sewer or water system, as defined by Commission rules.

## **GUIDELINES**

### **A. PLANNING**

1. *Plans providing for public facilities and services should be coordinated with plans for designation of urban boundaries, urbanizable land, rural uses and for the transition of rural land to urban uses.*

2. *Public facilities and services for rural areas should be provided at levels appropriate for rural use only and should not support urban uses.*

3. *Public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses.*

4. *Public facilities and services in urbanizable areas should be provided at levels necessary and suitable for existing uses. The provision for future public facilities and services in these areas should be based upon: (1) the time required to provide the service; (2) reliability of service; (3) financial cost; and (4) levels of service needed and desired.*

5. *A public facility or service should not be provided in an urbanizable area unless there is provision for the coordinated development of all the other urban facilities and services appropriate to that area.*

6. *All utility lines and facilities should be located on or adjacent to existing public or private rights-of-way to avoid dividing existing farm units.*

7. *Plans providing for public facilities and services should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development action provided for by such plans should not exceed the carrying capacity of such resources.*

#### **B. IMPLEMENTATION**

1. *Capital improvement programming and budgeting should be utilized to achieve desired types and levels of public facilities and services in urban, urbanizable and rural areas.*

2. *Public facilities and services should be appropriate to support sufficient amounts of land to maintain an adequate housing market in areas undergoing development or redevelopment.*

3. *The level of key facilities that can be provided should be considered as a principal factor in planning for various densities and types of urban and rural land uses.*

4. Plans should designate sites of power generation facilities and the location of electric transmission lines in areas intended to support desired levels of urban and rural development.

5. Additional methods and devices for achieving desired types and levels of public facilities and services should include but not be limited to the following: (1) tax incentives and disincentives; (2) land use controls and ordinances; (3) multiple use and joint development practices; (4) fee and less-than-fee acquisition techniques; and (5) enforcement of local health and safety codes.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

**FINDING:** Goal 11 states that an extension of sewer lines outside urban growth boundaries or unincorporated community boundaries is allowed if it is the only practicable alternative to mitigate a public health hazard and will not adversely affect farm or forest land. An on-site septic system has been denied by the County Environmental Health Division, and the letter of denial states that, "based on the severity of observed soil, groundwater, and topographic conditions, this site does not qualify for any currently available system and must therefore be denied. — Septic systems on surrounding properties experienced an extremely high failure rate, and were annexed to the municipal sewer system to resolve a health hazard situation in the 1970's. — If sewer is available, this would be the best option." Based on this analysis and determination by the Environmental Health Division, a connection to the RVSS sewer line is the most practicable alternative to mitigate a potential public health hazard

Extending sewer service to the subject property will not negatively effect farm or forest uses, because (a) the general area in which the property is located is zoned in a mix of uses, generally for either suburban or rural residential uses to the south and east, or EFU zoned properties to the west and GI zoning to the north, b) the sewer connection is for an approved Ownership of Record Dwelling (ZON2006-00177) on a property that historically has been farmed, and will continue to be farmed, and 3) the connection to the sewer system will be extended along the existing access/driveway on Downing Road, which will have less impact on the farmable lands, or the farm use of the property, than a standard septic or drain field.

Goal 11 also stipulates that utility lines and facilities should be located on or adjacent to existing public or private rights-of-way to avoid dividing existing farm units. The subject parcel is located within the RVSS sewer district boundary. The sewer line is located within the public right-of-way along Downing Road, which is

adjacent to the subject property, thus avoiding the division of any existing farm units. Therefore, based on the reasons state above, staff finds the proposal is consistent with the applicable criteria of Goal 11.

**V. COMPLIANCE WITH OREGON ADMINISTRATIVE RULES (OAR)**

**1) OAR 660-004-0020 & 0022: "REASONS" EXCEPTION CRITERIA**

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

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

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

*i) "Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;*

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

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

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

*i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception,*



*including increasing the density of uses on nonresource land? If not, why not?*

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

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

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

*iii) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such*

*reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;*

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

*C) If the exception involves more than one area for which the reasons and circumstances are the same, the areas may be considered as a group. Each of the areas shall be identified on a map, or their location otherwise described, and keyed to the appropriate findings.*

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

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

*A) For uses not specifically provided for in subsequent sections of this rule or OAR 660, division 014, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:*

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

*ii) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served*

*by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or*

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

*B) Rural Residential Development: For rural residential development the reasons cannot be based on market demand for housing, except as provided for in this section of this rule, assumed continuation of past urban and rural population distributions, or housing types and cost characteristics. A county must show why, based on the economic analysis in the plan, there are reasons for the type and density of housing planned which require this particular location on resource lands. A jurisdiction could justify an exception to allow residential development on resource land outside an urban growth boundary by determining that the rural location of the proposed residential development is necessary to satisfy the market demand for housing generated by existing or planned rural industrial, commercial, or other economic activity in the area.*

**FINDING:** Regarding the question of why the specific goal should not apply to the subject property, the applicant states *"The application before Jackson County, for a Goal 11 exception to allow the subject property to connect to the existing system, is consistent with the long-term experience of the local agencies in dealing with health hazards relating to septic systems in an area where rural levels of development have occurred over the years. Since the existence of the regional sewer system is a known factor, allowing existing legal rural parcels to connect to the system to eliminate on-site septic systems and deal with a public health hazard is a reasonable solution to the issue."* Staff concurs that a potential health hazard is indeed present for the subject property, and a regional sewer system for Jackson County and has been in existence for approximately 40 years.

The property is located on agriculturally designated land and is zoned on Exclusive Farm Use (EFU). Due to the resource designation of the land, the property owners applied for and were approved for an ownership of record dwelling. After pursuing several test pit sites, the County Environmental Health Division denied an on-site septic system due to the unsuitability of the site, necessitating a Goal 11 exception to connect to sewer service.

Upon denying the on-site septic system, the Environmental Health Division offered four alternatives to address the need for a sanitation solution. These included 1) digging additional test pits to search for an adequate drain-field site (however the applicants had already made several attempts at this), 2) apply to have the State Department of Environmental Quality (DEQ) review the determination that was made by the County, 3) apply for a variance from DEQ, or 4) connect to sewer if it is available. Among these alternatives, the Environmental Health staff recommended alternative number four,

connect to sewer, because septic systems on surrounding properties experienced an extremely high failure rate, and were annexed to the municipal sewer system to resolve a health hazard situation in the 1970s. Therefore, the most prudent alternative to an on-site septic system is to extend the RVSS sewer line approximately 300 feet from Downing Road to the subject property.

Evidence in the record verifies the special conditions of the area. A memo to the Bear Creek Valley Sanitary Authority Board of Directors (Aug. 2, 1978) describes the conditions of the Gibbon Road area, and states: *"The area to be served by this project lies in the heart of an area designated as a high priority health hazard area by the RVCOG's Greater Bear Creek Basin Waste Treatment Master Plan (area #1 map #14). Soil types for septic suitability are listed as "very poor." A further complicating factor is a seasonally perched water table of 1.5 feet or less. The area was also included in the March 21, 1973, septic tank moratorium. The Master Plan recommends service through the area-wide [sewer] system."*

Furthermore, there is a demonstrated need for the exception to Goal 11 based on the requirements of Statewide Planning Goal 6, for water quality preservation. The Jackson County Comprehensive Plan, Environmental Quality Element discussion on water quality states: *"Both surface and groundwater quality are also affected by the presence of on-site subsurface sewage disposal systems as well. Many soils occurring within the county are generally unsuitable for the use of conventional septic systems and drain fields. – Saturation of the soils and groundwater table by sewage and other waste products is affecting the quality of water in many areas of the county, with considerable concern expressed by residents of those areas affected. Some of these areas have deteriorated to the point of becoming recognized public health hazards, and steps are being taken to alleviate these hazardous conditions stemming mainly from failing septic tanks and drainfields. These areas are more fully addressed in the public facilities element of the Comprehensive Plan, and the RVCOG 208 document entitled Greater Bear Creek Waste Treatment Master Plan, spring 1978. The entitled General Suitability Rating for Septic Tank Sites, illustrates areas throughout the county and their general suitability or capability for the use of conventional, on-site subsurface sewage disposal systems, while Figure 9, indicates the severity of the problem."*

With respect to the long term environmental, social, economic, and energy (ESEE) consequences, these are discussed as follows:

**Environmental:** If a goal exception is not provided, the environmental consequence of providing an on-site septic system has a very high potential for creating a health hazard. If a goal exception is provided, the environmental consequence of connecting to sewer service will be beneficial, because a potential health hazard will be avoided and water quality within the area will be protected.

**Social:** If a goal exception is not provided, the social consequence would negatively impact the property owners and their family by restricting their ability to construct a

home that has already been approved through an ownership of record dwelling. If a goal exception is provided, the property owners will benefit by being able to build a home for the family on the property for which they have already received approval. Additionally, the applicant states that they will be able to manage the farm better with a home located on the property, as opposed to living off-site and commuting to the subject property multiple times per day.

**Economic:** If a goal exception is not provided, the economic consequences will primarily be born by the property owner for the loss of investments made thus far, for the planning, design and permitting that has been necessary to receive approval to construct a home on their property. If a goal exception is provided, the economic consequences will be the cost of constructing an extension of a sewer line from Downing Road to the subject parcel, which will be born by the property owner. Additionally, the economic viability of the farm is likely to improve with a home on-site, allowing closer proximity to the farming activities.

**Energy:** If a goal exception is not provided, the energy expended commuting to and from the subject property to manage the farm will remain the same. If a goal exception is provided and a home is constructed on the property, the energy expended commuting to and from the subject property to manage the farm will be substantially reduced.

With respect to compatibility, the applicant states that the proposed Goal 11 exception is compatible with other adjacent land uses because they are primarily urban residential uses to the east and south, industrial to the north, and agricultural use to the west – all of which are served by the RVSS facilities. The subject property is currently used as a historic farm, and the addition of a single family residence (approved by the County, File ZON2006-00177) will not change the farm use on this site. Further, no subdivision of the property is proposed or anticipated due to size and location.

In summary, based on the previous discussion, staff finds the most appropriate alternative is to allow an exception to Goal 11, which will facilitate the construction of an approved dwelling on the subject property.

2) **OAR 660-011-0060, Sewer Service to Rural Lands**

Staff does not include the entire subsection 0060, but addresses the applicable criteria outlined in OAR 660-011-0060(9) for an exception to Goal 11 to allow an extension of a sewer system outside of an urban growth boundary and unincorporated community boundary.

*OAR 660-011-0060(9) A local government may allow the establishment of new sewer systems or the extension of sewer lines not otherwise provided for in section (4) of this rule, or allow a use to connect to an existing sewer line not otherwise provided for in section (8) of this rule, provided the standards for an exception to Goal 11 have been met, and provided the local government adopts*

*land use regulations that prohibit the sewer system from serving any uses or areas other than those justified in the exception. Appropriate reasons and facts for an exception to Goal 11 include but are not limited to the following:*

*(a) The new system, or extension of an existing system, is necessary to avoid an imminent and significant public health hazard that would otherwise result if the sewer service is not provided; and*

*(b) There is no practicable alternative to the sewer system in order to avoid the imminent public health hazard.*

**FINDING:** The applicant states that they have attempted to obtain an on-site system through the Jackson County Environmental Health department. However, the soils testing done on the property during the evaluation process by Jackson County Environmental Health indicates that an on-site septic system is infeasible. The letter from Environmental Health states: *"based on the severity of observed soil, groundwater, and topographic conditions, this site does not qualify for any currently available system and must therefore be denied. — Septic systems on surrounding properties experienced an extremely high failure rate, and were annexed to the municipal sewer system to resolve a health hazard situation in the 1970's. — If sewer is available, this would be the best option."* Based on this analysis and determination, a connection to the RVSS sewer line is the most practicable alternative to mitigate a potential public health hazard. Staff finds that a potential public health hazard exists and there is no practicable alternative than to connect to the RVSS sewer line.

**VI. COMPLIANCE WITH THE JACKSON COUNTY COMPREHENSIVE PLAN:**

- 2) **Public Facilities and Services Element:** The stated goal of the element 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 No. 1** states:

**"SEWAGE DISPOSAL SYSTEMS:** *Many of the rural subdivisions and clusters of small rural parcels in the County were created before zoning laws were implemented. Parcelization and subsequent settlement patterns in many parts of the County have developed independent of the land use planning process. In addition, many early land divisions were made without verification of available potable water supplies or septic waste disposal systems."*

*"The Bear Creek Valley Sanitary Authority was also created before the inception of statewide land use planning and local zoning. Based upon its original plan and existing sewer capacity, BCVSA is prepared to provide sewer services to a large part of the County, but laws passed since the formation of the Sewer Authority*

*restrict the extension of sewer service outside of cities and urban growth boundaries.”*

*“The County recognizes four development categories for the provision of sewage disposal services, which establish the different circumstances that affect the availability of sewage disposal systems in various parts of the County.”*

*“**CATEGORY A:** Development within city limits or within an incorporated city’s urban growth boundary is subject to “Category A” development standards. The standard level of service for such areas includes conventional sewage collection and treatment that is part of regional or subregional sewerage system designed to accommodate urban level development.”*

*“**CATEGORY B:** Development within an unincorporated urban containment boundary or an approved destination resort, or outside of an incorporated city’s urban growth boundary in an area that constitutes a pocket of existing urban or suburban level development. Where a probable health hazard is deemed to exist and the area is geographically located so that connection to a regional or subregional sewerage system is determined to be a reasonable solution after alternatives have been evaluated, then conventional sewage collection and treatment systems designed to accommodate existing development may be provided.”*

*“**CATEGORY C:** Development in an area outside of an incorporated city’s urban growth boundary or urban containment boundary that constitutes a pocket of existing urban or suburban level development, but that is geographically located so that connection to a regional or subregional sewerage system is not feasible, is subject to “Category C” development standards. Where a probable health hazard is found to exist, sewer service may be provided by an on-site management district or small community waste disposal system designed to accommodate an appropriate level of development consistent with the Jackson County Comprehensive Plan.”*

*“**CATEGORY D:** Development in an area that is developed to, or designated for, low density development, where all standards can be met for on-site waste disposal, is subject to “Category D” development standards. This standard allows on-site septic waste disposal systems.”*

**“POLICY: RECOGNIZING THE NEED FOR VARIOUS TYPES AND LEVELS OF SANITATION SERVICE, JACKSON COUNTY SHALL STRIVE TO PROVIDE FOR SANITATION SERVICE AT LEVELS APPROPRIATE FOR THE NEEDS OF URBAN, URBANIZABLE, SUBURBAN, RURAL, AND OPEN SPACE LANDS.”**

**“IMPLEMENTATION STRATEGIES:**

- A) *Public sewer district should develop service plans identifying location and levels of service which are consistent with the Comprehensive Plan and the criteria identified in the above policy. These service plans, when deemed consistent with the Jackson County Comprehensive Plan, should be adopted by the County as part of said plan.*
- B) *Proposals for sewer collection facility projects shall be reviewed in accordance with, and for consistency with, the Jackson County Land Development Ordinance.*
- C) *The County should create an exception process for circumstances where strict application of the Jackson County Land Development Ordinance may cause an unnecessary public hardship."*

**Finding 2 begins:**

**"EXTENSION OF SEWER SYSTEMS BEYOND URBAN GROWTH**

**BOUNDARIES:** *The policies of the urban lands element support the concept of urban centered growth as a means to mitigate problems which occur with extensive urban and rural growth outside of urban growth boundaries. The extension of an urban facility beyond an urban growth or containment boundary creates the perception that the area near the facility is committed to urban growth. Therefore, it is desirable to avoid potential conflicts by limiting the location of urban levels of services, such as sewers, to urban growth boundaries and identified health hazard areas."*

**"POLICY: RECOGNIZING THE URBAN GROWTH/CONTAINMENT BOUNDARY AS THE DIVIDING LINE BETWEEN URBAN AND RURAL DEVELOPMENT, THE COUNTY SHALL NOT ALLOW NEW EXTENSIONS OF SEWER PROJECTS BEYOND THESE BOUNDARIES EXCEPT AS ALLOWED IN POLICY 1 AFTER REVIEW BY THE PLANNING COMMISSION AND APPROVAL BY THE BOARD OF COMMISSIONERS OR AS PROVIDED FOR BY STATE LAW, AS DISCUSSED IN POLICY 5 BELOW."**

**Finding 5 begins:**

**"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. Any other situation would require that an exception to Statewide Planning Goal 11 be justified pursuant to the Goal 2 exceptions process."*

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

**FINDING:** The Jackson County Comprehensive Plan includes substantial findings and policies recognizing the need to provide for sewer connections outside urban growth boundaries and unincorporated community boundaries<sup>3</sup> due to pre-existing patterns of development, pre-existence of a rural sewer service provider, and the severe site limitations imposed by local topography, soil conditions, natural hazard areas, and limited lot size. The flexibility was considered essential to pursue the Goal 11 mandate 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.

Policies 1, 2, and 5 of the Public Facilities and Services Element, (specifically Policy 5), allow the establishment or extension of a sewer system outside of an urban growth boundary and unincorporated community boundary pursuant to state law and the JCLDO. The state amended OAR 660-011-0060 in 1998 and 2005 to allow an extension of a sewer system "...provided the standards for an exception to Goal 11 have been met, and provided the local government adopts land use regulation that prohibit the sewer system from serving any uses or areas other than those justified in the exception." The exception criteria is addressed in the previous Section V, and the requirements of the JCLDO are addressed in the following Section VII. Staff finds the Public Facilities and Services Element of the Comprehensive Plan allows for the extension of a sewer system to connect to the subject parcel if the standards for an exception to goal 11 and the local ordinances are met.

## VII. COMPLIANCE WITH THE COUNTY LAND DEVELOPMENT ORDINANCE

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Note: unincorporated containment boundary is a local designation recognizing pre-existing urban land located outside municipal urban growth boundaries. The policies in the JCCP Public Facilities and Services Element pre-date the adoption of the "unincorporated community rule" by the state.

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1) **3.6 SEWER SYSTEMS AND EXTENSIONS ON RURAL LANDS**

**3.6.1 Authorization**

*Public sewer systems may be constructed or extended within urban growth boundaries and acknowledged unincorporated communities without County review except where a floodplain development permit is required.*

*Pursuant to Statewide Planning Goal 11, the following sewer projects are restricted to public health hazard situations established in OAR 660-011-0060(2), unless otherwise justified within an acknowledged Goal 11 Exception Area, or as otherwise provided by State law (ORS 197.712):*

- A) *New sewer systems outside urban growth boundaries or unincorporated community boundaries;*
- B) *The extension of sewer lines from within urban growth boundaries or unincorporated community boundaries in order to serve uses on land outside those boundaries; or*
- C) *The extension of sewer systems that currently serve land outside urban growth boundaries and unincorporated community boundaries in order to serve new or existing uses that are outside such boundaries, except when necessary to mitigate a public health hazard.*

**3.6.2 Procedure**

*Where a sewer project has been constructed in accordance with a County approved sewer extension permit that was issued in accordance with rules in effect prior to the 1998 Goal 11 rule change, connections approved as part of the project may be made in accordance with the approved sewer extension permit conditions as a Type 1 procedure.*

*Permit applications for new sewer systems or sewer extensions to be constructed outside urban growth or unincorporated community boundaries in order to mitigate a public health hazard situation will be processed under the Type 4 procedures of this Ordinance, and in accordance with the provisions of OAR 660-011-0060. To be accepted as complete, a sewer permit application must be filed with a health hazard determination and recommendation from the Oregon Department of Environmental Quality (DEQ) or the Oregon Health Division.*

*Applications for sewer projects to be justified by goal exception will be processed as comprehensive plan amendments under the Type 4 procedures of this Ordinance, and in accordance with the provisions of the Comprehensive Plan and state law for goal exceptions.*

### **3.6.3 Approval Criteria**

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

**FINDING:** The Planning Commission may recommend to the Board of Commissioners that an ASC be created to identify areas restricted to uses justified through a "reasons" exception to Goal 11. A restrictive covenant or declaratory statement to be recorded against the deed to the affected property could be required as a condition prior to sewer system connection. The condition may require the property owner to acknowledge that the sewer extension may not be used to: 1) justify uses not allowed in the underlying zoning district, 2) re-designation of the area to a more intensive zone, nor 3) justify future land division. Therefore, with conditions, this criteria can be met.

## **2) 3.7 AMENDMENTS TO THE COMPREHENSIVE PLAN OR ZONING MAPS**

### **3.7.3 Approval Criteria**

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

#### **C) Minor Comprehensive Plan Map or Zoning Map Amendments (Quasi-Judicial)**

*All proposed minor map amendments will be reviewed for compliance with the criteria set forth below and with all other applicable provisions of this Ordinance and the Comprehensive Plan:*

- 1) *Adequate public safety, transportation, and utility facilities and services can be provided to the subject property. In the case of a minor zoning map amendment, adequate transportation facilities must exist or be assured.*

**FINDING:** The subject property has electricity service from Pacific Power & Light, water is available from on-site wells, and transportation is provided through public roads; existing access is from Downing Road and the property has frontage on Newman and Gibbon Road as well. RVSS has a sanitary sewer service line along Downing Road, but the property is currently not connected to the sewer system. On-site sewage disposal was proposed, but construction of a septic system on this site has been determined to be infeasible due to poor soil conditions, which present a potential health hazard. Therefore, adequate public safety, transportation, and utility facilities and services are available or can be provided to the subject property. The extension of the RVSS sewer line to the property will provide adequate sewer service and effectively mitigate a potential health hazard. Staff finds this criteria is met.

- 2) *The minor map amendment will not prevent implementation of any area of special concern or restrictions specified for that area in Chapter 7 or the adopting ordinance creating it, or both.*

**FINDING:** Portions of the property are mapped as vernal pools, but the approved homesite (ZON2006-00177) is not. Other wetlands exist on the site, but the nearest mapped site is approximately 900 feet from the homesite. The Department of State Lands confirmed the existence of wetlands, and indicated that some might be in the vicinity of the homesite.

The property also lies within the Area of Special Concern for the Rogue Valley International Airport. The proposed development is within the Precision Approach area. The approach zone is between 1500 and 1600 feet, but the homesite elevation is 1250 feet and therefore will not infringe on the approach zone. The applicant has signed an aviation easement in favor of the airport. Therefore, the minor map amendment will not prevent implementation of any area of special concern.

- 3) *On resource zoned lands outside urban growth boundaries, the entire parcel is included in the minor Comprehensive Plan Map unless the purpose of the amendment conforms with the criteria of Policy 1 of the Comprehensive Map Designations Element.*

**FINDING:** The entire parcel is proposed for the minor Comprehensive Plan Map amendment. Therefore, this criterion is met.

- 4) *Map amendments outside urban growth boundaries and urban unincorporated communities that will result in a minimum residential lot size smaller than 10 acres meet the requirements for an exception to Statewide Planning Goal 14.*

**FINDING:** This application will not result in a division of land. Therefore, this criterion does not apply.

- 5) *Any minor Zoning Map amendment is consistent with the Comprehensive Plan Map designation.*

**FINDING:** The proposed amendment does **not** change the Comprehensive Plan Map designation from Agricultural Land. Therefore, this criterion does not apply.

- 6) *In the case of a minor Comprehensive Plan Map amendment, community benefit as a result of the minor map amendment is clearly demonstrated.*

**FINDING:** The proposal will mitigate a potential public health hazard, thus providing a community benefit to Jackson County. Therefore, this criterion is met.

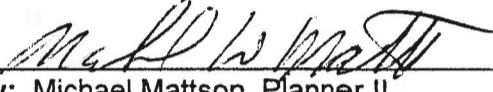
- 7) *In determining the appropriateness of the proposed redesignation, the White City or Jackson County Planning Commission and Board of Commissioners will consider any factors relevant to the proposal, which may include: topography, geology, hydrology, soil characteristics, climate, vegetation, wildlife, water quality, historical or archaeological resources, scenic resources, noise, open space, existing site grading, drainage, adverse impacts on other property in the vicinity, and any other factors deemed to be relevant to the application.*

**FINDING:** The Comprehensive Plan Map and Zoning Map designation will **not** be changed from Agricultural Land as a result of this application. Therefore, this criterion does not apply.

**VIII. SUMMARY CONCLUSION:** Staff recommends the proposed Goal 11 exception for the subject parcel is found to be justified by reasons pursuant to ORS 197.732(1)(c), OAR 660-004-0020, OAR 660-004-0022, and OAR 660-011-0060. Staff further concludes,

that the subject parcel be added to Area of Special Concern 2003-1, Goal 11 Exception Areas, in accordance with JCLDO Section 3.6. Staff supports a Planning Commission recommendation to the Board of Commissioners approving the Comprehensive Plan Map and Text Amendment.

**JACKSON COUNTY COMPREHENSIVE PLANNING MANAGER**



By: Michael Mattson, Planner II

Date: 5-31-07

**EXHIBIT B**

