



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

CORRECTED NOTICE OF ADOPTED AMENDMENT

April 5, 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 ~~012-06~~ 003-04

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. This notice originally sent out on March 6, 2007 had the incorrect DLCD file number of 012-06. Please note the correction to DLCD file No. 003-04.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 19, 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/



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NOTICE OF ADOPTED AMENDMENT

March 6, 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 ~~012-06~~ 003-04

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 19, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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.

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Cc: Doug White, DLCD Community Services Specialist
John Renz, DLCD Regional Representative
Mike Mattson, Jackson County

<paa> ya

PROF 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE
STAMP

DEPT OF
FEB 28 2007
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **Jackson County**

Local file number: **LRP2004-00005**

Date of Adoption: **2/21/2007**

Date Mailed: **2/26/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **4/19/2006**

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

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

Proposal is to change the Comprehensive Plan Map Designation from Forestry/Open Space Land to Rural Residential Land and the Zoning Map Designation from Woodland Resource and Forest Resource to Rural Residential (RR-10).

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

Plan Map Changed from: **Forestry/Open Space** to: **Rural Residential Land**
 Zone Map Changed from: **Forest & Woodland Resource** to: **Rural Residential 10**
 Location: **.8 mi NW of Johns Peak @ Old Military on Johns** Acres Involved: **342**
 Specify Density: Previous: **1:80 acres** New: **1:10 acres**

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- | | | |
|--|---|-----------------------------|
| 45-days prior to first evidentiary hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, do the statewide planning goals apply? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, did Emergency Circumstances require immediate adoption? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

DLCD # 012-06 (15715)

DLCD file No. _____

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

ODFW, City of Jacksonville, Jackson Co. Fire Dist. #3

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**

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.

Adopted: February 21, 2007

Effective: April 22, 2007

Volume: _____ Page: _____

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

ORDINANCE NO. 2007-10

AN ORDINANCE APPROVING AN AMENDMENT TO THE COMPREHENSIVE PLAN MAP AND ZONING MAP TO CHANGE THE PLAN MAP DESIGNATION FROM FORESTRY/OPEN SPACE LAND (FOS) TO RURAL RESIDENTIAL LAND AND THE ZONING MAP FROM FOREST RESOURCE (FR) AND WOODLAND RESOURCE (WR) TO RURAL RESIDENTIAL (RR-10) ON 342.98 ACRES DESCRIBED AS TOWNSHIP 37 SOUTH, RANGE 2 WEST, SECTION 18, TAX LOTS 300, 400, 401, & 700 AND TOWNSHIP 37 SOUTH, RANGE 2 WEST, SECTION 19, TAX LOT 200, AND LOCATED APPROXIMATELY 0.75 MILES NORTHWEST OF THE INTERSECTION OF OLD MILITARY ROAD AND JOHNS PEAK ROAD, ON JOHNS PEAK ROAD. EDWARD L. COX II, ROBERTA JANE COLE AND JOHN O. SAWYER, JR., WILLIAM M. AND COLLEEN P. COX, NORMAN J. AND KATHY W. SALYER, AND JOSEPH L. AND LYNN A. SMITH, OWNERS. FILE LRP2004-00005.

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 Map 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.
4. An application was received by Jackson County from Edward Cox II, agent for the applicants, on March 31, 2004. The original proposal was a Minor Comprehensive Plan Map and Zoning Map Amendment to change the Comprehensive Plan Map designation from Forestry/Open Space to Rural Use and the zoning district map from Forest Resource (FR) and Woodland Resource (WR) to Rural Use (RU) on 683+ acres. After initial review by staff, the application was deemed incomplete on March 30, 2004. A site visit of the area was scheduled and completed by the Planning Commission on July 8, 2004. On August 11, 2004, a letter was submitted from the agent, Edward L. Cox II, requesting the Planning Department to process the application. The application was deemed complete as of August 11, 2004.

1-ORDINANCE; File LRP2004-00005

Edward L. Cox II, Agent; Edward L. Cox II, et al, Applicants/Owners

18, 2004 first evidentiary hearing. This hearing date was cancelled and a new hearing was not scheduled. The applicants submitted Measure 37 claims to the Board of Commissioners and these claims were affirmed. Following discussion with the agent, Mr. Cox, the application was changed to reduce the number of tax lots involved and to change the Comprehensive Plan Map and Zoning Map to Rural Residential Land and RR-10, respectively. The initial application was to change the comprehensive plan and zoning maps to Rural Use (RU). A new public hearing date was scheduled for June 8, 2006 at 9:15 a.m.

6. On June 8, 2006, the Jackson County Planning Commission held a properly advertised public hearing to consider the evidence and testimony on this application. The public hearing was continued to September 28, 2006. After considering the evidence submitted and testimony, the Planning Commission, by motion and vote, recommended the Board of Commissioners deny the application for a Comprehensive Plan Map and Zoning Map Amendment to change the plan map designation from Forest/Open Space Land (FOS) to Rural Residential Land and the zoning map from Forest Resource (FR) and Woodland Resource (WR) to Rural Residential (RR-10) on 342.98 acres.

7. On January 17, 2007, the Jackson County Board of Commissioners held a properly advertised public hearing to consider the recommendation by the Planning Commission and consider evidence and testimony on this application.

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 adopts, as its own, Section I of the staff report, attached hereto and incorporated herein as Exhibit "A". This section contains pertinent facts about the properties including, but not limited to, access, assessment, lot legality, site characteristics, land use, sewerage, fire protection, wetlands and water,

1.2 The Board of Commissioners hereby adopts, as its own, the findings contained Sections III through VI in the staff report, attached hereto and incorporated herein as Exhibit "A". The Board has addressed the Planning Commission's Recommendation of Denial and their findings for denial of this application below in Section 2, *LEGAL FINDINGS*.

SECTION 2. LEGAL FINDINGS

2.1 The Board of Commissioners does not find the application should be denied as found in the Planning Commission's Recommendation for Denial, attached hereto and incorporated herein as Exhibit "B". The Board incorporates its legal findings below regarding the specific findings for denial of this application by the Planning Commission. Where factual conflicts arose, the Board

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Edward L. Cox II, Agent; Edward L. Cox II, et al, Applicants/Owners

the Board has resolved them consistent with these findings.

2.1.1 The Board of Commissioners finds the properties are “nonresource” lands as defined in the Oregon Administrative Rules, OAR 660-004-0005(3), and are not resource lands protected under Goal 3, Farm Lands, or Goal 4, Forest Lands. Substantial evidence in the record, including a Class 1 soils report (Packet #1, Exhibit 9, pages 114-126) by Gary Kitzrow, Certified Professional Soil Classifier/Scientist, a Forest Productivity Analysis (Packet #1, Exhibit 9, pages 127-145) by Norman Foeller, Registered Professional Forester, and testimony in the public hearing by Norman Foeller, Registered Professional Forester, and Kenneth Cummings, Region Manager for Forest Capital Partners (formerly Boise Cascade Corp.), provide the Board adequate analysis to determine the properties are not Farm or Forest Lands as identified in the OAR’s, Statewide Planning Goals 3 and 4, and the Map Designations Element, Forest Lands Element and Agricultural Lands Element of the Jackson County Comprehensive Plan. The properties are specifically not Forestry/Open Space Lands as identified in the Map Designations Element. Because the properties are “nonresource lands”, an exception to Goals 3 or 4 are not required.

2.1.2 The Board of Commissioners finds the properties meet the characteristics of Rural Residential Lands as identified in the Map Designations Element and Rural and Suburban Lands Element of the Comprehensive Plan. Specifically, substantial evidence in the record show adequate lands are available for residential development that are not on steep slopes and that Jackson County Fire District No. 3 has concluded that there is an acceptable risk of fire hazard with conditions required at time of development (Packet #1, Exhibit 9, page 162), Jackson County Planning Commission record). These issues were the primary issues for noncompliance with the Rural Residential Lands characteristics in the Map Designations Element of the Comprehensive Plan.

2.1.3 The Board of Commissioners finds that while there are steep slopes, slopes greater than 20%, in this area, there is approximately 200 acres on which slopes are less than 20% and are suitable for residential use. Evidence in the record and testimony by Mr. Cox show there is adequate land available for potential residential development in areas that are not considered steep slopes by Jackson County.

2.1.4 The Board of Commissioners finds there is substantial evidence in the record to determine compliance with the Transportation Element and Transportation System Plan of the Comprehensive Plan. Jackson County Roads and Development Services have submitted a letter waiving the TSP requirement for a Traffic Impact Study for any proposed development indicating current traffic facilities can meet increased traffic from the proposed development. The applicant has stated in the application and in testimony at the public hearing that Johns Peak Road will be upgraded to a County “C” road standard by the applicant and any safety issues regarding the intersection Old Military Road and Johns Peak Road will be addressed at time of development.

2.1.5 The Board of Commissioners finds there is an acceptable risk for fire hazard based upon evidence in the record. A letter submitted by the applicant from Jackson County Fire District No. 3 (Packet #1, Exhibit 9, page 162) concludes there is an acceptable risk of fire hazard with conditions applied at time of development and that the

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Edward L. Cox II, Agent; Edward L. Cox II, et al, Applicants/Owners

proposed development will reduce the fire hazard in this area. A letter from and testimony by Kenneth Cummings, Region Manager for Forest Capital Partners (formerly Boise Cascade Corp.) state that the improved access due to development would help to provide better fire protection and reduce fire danger for this area.

2.1.6 The Board of Commissioners finds the proposed development impacts to deer winter range habitat will be minimal. A report from John Thiebes (Packet #1, Exhibit 45, pages 255-264), Wildlife Biologist for Thiebes Fish and Wildlife Consultants LLC, states this area of winter range is of poor quality based upon soil conditions and is in the lowest valued winter range classification (Other Winter Range). Mr. Thiebes also states "*The overall cumulative impact of the proposed development will maintain or improve long-term habitat value of browse and forage, cover and sight obstruction and provide for an overall improvement of carrying capacity.*" The Board agrees with Mr. Thiebes and the development standards of Area of Special Concern (ASC) 90-1 are sufficient to assure protection of this deer habitat.

2.1.7 The Board of Commissioners finds there is substantial evidence in the record and testimony at the public hearing to determine there will be an equitable distribution of public costs because of the proposed development. Transportation improvements proposed by the applicant will help reduce the fire hazard risks for this area by reducing illegal entrance, dumping and burning by those who do not inhabit this area. The Board also finds the proposed development will be an economic benefit due to increased tax revenues and System Development Charges for new development. Power is readily available to this area because of previous residential development and the location of communication towers on some properties. Energy inputs for new development will not be greater than other residentially zoned areas in the County and the applicant will be responsible for most of the costs associated with development.

2.2 The Board finds that the applicant has shown compliance with all other criteria for the Statewide Planning Goals, Oregon Administrative Rules, Jackson County Comprehensive Plan and Jackson County Land Development Ordinance.

SECTION 3. CONCLUSIONS

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

3.2 The Board of Commissioners concludes that the subject properties are "nonresource" lands and are not subject to Statewide Planning Goals 3, Agricultural Lands, or 4, Forest Lands.

3.3 The Board of Commissioners concludes the subject properties are not Farm or Forest Lands as defined in the Map Designations Element, Agricultural Lands Element and Forest Lands Element of the Jackson County Comprehensive Plan.

3.4 The Board of Commissioners concludes the subject properties are consistent with the definition and characteristics of Rural Residential Land found in the Map Designations Element and Rural and Suburban Lands Element of the Jackson County Comprehensive Plan.

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Edward L. Cox II, Agent; Edward L. Cox II, et al, Applicants/Owners

3.3 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, testimony of the public hearing, and the staff report, attached hereto and incorporated herein as Exhibit "A", the Board of Commissioners approves a Comprehensive Plan Map and Zoning Map Amendment to change the plan map designation from Forest/Open Space Land (FOS) to Rural Residential Land and the zoning map from Forest Resource (FR) and Woodland Resource (WR) to Rural Residential (RR-10) on 342.98 acres described as Township 37 South, Range 2 West, Section 18, Tax Lots 300, 400, 401, & 700 and Township 37 South, Range 2 West, Section 19, Tax Lot 200, and located approximately 0.75 miles northwest of the intersection of Old Military Road and Johns Peak Road, on Johns Peak Road, as illustrated on the zoning map of the Jackson County Planning Commission Recommendation in Exhibit "C".

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 21st day of February, 2007, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

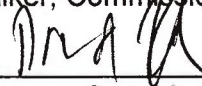
**5-ORDINANCE; File LRP2004-00005
Edward L. Cox II, Agent; Edward L. Cox II, et al, Applicants/Owners**

Volume: _____ Page: _____


Dennis C. W. Smith, Chair

absent

Jack Walker, Commissioner



Dave Gilmour, Commissioner

APPROVED AS TO FORM:



County Counsel

ATTEST:

Donna Bladek

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 February 26, 2007, and the LUBA appeal period will expire on March 19, 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.

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6-ORDINANCE; File LRP2004-00005
Edward L. Cox II, Agent; Edward L. Cox II, et al, Applicants/Owners

EXHIBIT A

**JACKSON COUNTY ROAD, PARKS AND
PLANNING SERVICES
COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT**

APPLICANT/ Edward L. Cox II, et al
AGENT: P.O. Box 157
Jacksonville, OR 97530

FILE: LRP2004-00005

OWNERS: Edward L. Cox II, Roberta Jane
& John O. Sawyer, Jr., William M. &
Colleen P. Cox, Norman J. & Kathy
W. Salyer

Joseph L. & Lynn A. Smith

LEGAL DESCRIPTION: TWP 37 RANGE 2W SECTION 18 TAX LOTS 300, 400, 401 & 700; TWP 37 RANGE 2W SECTION 19 TAX LOT 200

PROPOSAL: A Comprehensive Plan Map and Zoning Map Amendment to change the comprehensive plan map designation from Forest/Open Space (FOS) to Rural Residential Land and the zoning map from Forest Resource (FR) and Woodland Resource (WR) to Rural Residential (RR-10) on 342.98 acres located approximately 0.75 miles northwest of the intersection of Old Military Road and John Peak Road, on John Peak Road.

LOCATION: Approximately 0.75 miles northwest of the intersection of Old Military Road and Johns Peak Road, on Johns Peak Road.

BACKGROUND: On March 31, 2004, an application for a Comprehensive Plan Map and Zoning Map Amendment was submitted by Edward L. Cox II, agent for the various owners and owner of three of the properties. After initial review by staff, the application was deemed incomplete on March 30, 2004. A site visit of the area was scheduled and completed by the Planning Commission on July 8, 2004. On August 11, 2004, a letter was submitted from the agent, Edward L. Cox II, requesting the the Planning Department to process the application. The application was deemed complete as of August 11, 2004.

A notice of the proposed amendment was provided to DLCD on October 4, 2004. The application was scheduled before the Jackson County Planning Commission for a November 18, 2004 first evidentiary hearing. This hearing date was cancelled and a new hearing was not scheduled. The applicants submitted Measure 37 claims to the Board of Commissioners and these claims were affirmed. Following discussion with the applicant, Mr. Cox, the application was changed to reduce the number of tax lots involved and to change the Comprehensive Plan Map and Zoning Map to Rural Residential Land and RR-10, respectively. The initial application was to change the comprehensive plan and zoning maps to Rural Use (RU). A new public hearing date was scheduled for June 8, 2006 at 9:15 a.m.

KEY ISSUES:

- Determine if the Rural Residential Land comprehensive plan map designation and zoning district designation of Rural Residential (RR-10) are more appropriate to the subject properties than the current comprehensive plan map designation of Forestry/Open Space (FOS) and Forest Resource (FR) and Woodland Resource (WR) zoning districts;
- Determine if the characteristics of the subject properties meets the definition of "nonresource" lands as defined in the Oregon Administrative Rules (OAR 660-004-0005(3)). If the subject properties are determined to be "nonresource" lands, a goal exception to Statewide Planning Goals 3 and 4 would not be necessary to change the comprehensive plan map and zoning map.
- Determine compliance with all other Statewide Planning Goals, Oregon Administrative Rules, Comprehensive Plan Elements, and applicable sections of the Jackson County Land Development Ordinance;

I. FACTS:

- 1) **Location:** The properties are located along Johns Peak Road with access to the various properties from a complex network of logging roads, approximately 0.75 miles northwest of the intersection of Old Military Road and John Peak Road, on John Peak Road.
- 2) **Access:** Access to the properties are from Johns Peak Road and a network of logging roads. This portion of Johns Peak Road is a private easement road.
- 3) **Acreage:** The total acreage of the various properties is 342.98 acres.
- 4) **Assessment:** Tax lots 400 and 700 are assessed as *Vacant H & B Forest, Not Designated, Zoning Not Significant*. Tax lot 401 is assessed as *Manufactured Structure H & B Tract, Zoning Not Significant*. Tax lot 200 in Section 19 is assessed as *Vacant H & B Use Tract Land, Zoning Not Significant*. For tax lot 300, 59.7 acres are assessed as *Small Tract Forestland* and 1 acre is assessed as *Rural Tract*. There is a special assessment for *Fire Patrol - Timber* to tax lot 400. For tax lot 400, the entire 113.65 acres is assessed as *FR160 Resource Land* and there is a special assessment for *Fire Patrol - Timber*. For tax lot 401, the entire 40.99 acres is assessed as *Rural Tract* and there is a special assessment for *Fire Patrol - Timber*. For tax lot 700, the entire 90.03 acres is assessed as *FR160 Resource Land* and there is a special assessment for *Fire Patrol - Timber*.
- 5) **Lot Legality:** 372W18, tax lot 300: A letter dated May 12, 1988 determined that this parcel is a lawfully created parcel. 372W18, tax lot 400: A deed, Volume 513, Page 442, conveyed by 160 acres, tax lots 400, 401, 500 and 600. A deed, Volume 533, Page 442, conveyed tax lots 500 and 600. A deed, OR 75-00182, dated 12-28-63, conveyed tax lot 401. Tax lot 400 is the residual property left from these segregations and is considered a lawfully created parcel. 372W18, TAX LOT 401: A deed, OR 75-00182, dated 12-28-63, separated tax lot

401 as a single parcel and is considered a lawfully created parcel. 372W18, tax lot 700: A deed, Volume 364, Page 97, dated 3-25-52, conveyed approximately 80 acres and tax lot 700 is considered a lawfully created parcel. 372W19, tax lot 200: A tax deed, Volume 300, Page 382, conveyed this property and tax lot 200 is considered a lawfully created parcel.

- 6) **Fire Protection:** Tax lot 400, 401 and 700 in Section 18 are within Jackson County Fire District Number 3. Tax lot 300 in Section 18 and tax lot 200 in Section 19 are not within a rural fire district.
- 7) **Water for Potable Supply, Irrigation, and Fire Suppression:** The applicant states there is no current irrigation to the property. The property is not located within an irrigation district. Wells are located on tax lots 300, 400, 401 and 700.
- 8) **Zoning:**
 - A) Subject Properties: Forest Resource (FR) and Woodland Resource (WR)
 - B) North: Forest Resource (FR)
 - C) East: Woodland Resource (WR)
 - D) South: Forest Resource (FR), Woodland Resource (WR) and Aggregate Resource (AR)
 - E) West: Forest Resource (FR)
- 9) **Land Use:** Tax lots 300 and 401 currently have dwellings and accessory structures and tax lot 200 in Section 19 has a radio communications tower. The rest of the properties are vacant.
- 10) **Sewerage:** Tax lots 300 and 401 have septic systems currently installed.
- 11) **Site Characteristics:** The lowest elevations are to the east on tax lot 300, approximately 2,000 feet.. There are many ridges and valleys throughout the properties and the highest elevation is on tax lot 700, approximately 2,960 feet. There are ridge crests scattered through the properties with aspects generally east and southeast, although there are northeast, south, and southwest aspects, depending on their location to the crests. There are approximately 145 acres of slopes exceeding 20 percent as identified by Jackson County's GIS.
- 12) **Soils:**
 - A) Name: Tallowbox gravelly sandy loam; Map No.: 189G & 189E; Slopes: 20-60%; Agricultural Class, Irr.: N/A; Nonirr.: VIe & VIIe; Forest Capability: 42.9 cu. ft. of wood fiber per acre per year; Forest Class: 6; Irrigation Present: No; Percent of Parcel: 67%.

- B) Name: Tallowbox gravelly sandy loam; Map No.: 188G & 188E; Slopes: 20-70%; Agricultural Class, Irr.: N/A, Nonirr.: V1e & V1e; Forest Capability: 85.8 cu. ft. of wood fiber per acre per year; Forest Class: 4; Irrigation Present: No; Percent of Parcel: 31%.

The Soil Survey of Jackson County Area, Oregon, prepared by the USDA Soil Conservation Service, describes the predominant soils (67%) for these properties as Tallowbox gravelly sandy loam (189G & 189E), with slopes ranging between 20 and 60 percent on south slopes. These are a moderately deep, somewhat excessively drained soils on hillslopes. These units are used for timber production and wildlife habitat. These units are suited to the production of ponderosa pine and Douglas fir. Other species that grow on these soils include incense cedar, sugar pine, and pacific madrone. The main limitations affecting timber production are slope, erosion, compaction, seedling mortality, and plant competition. The bedrock also restricts root growth. As a result, windthrow is a hazard. The forest site class index for these soils is 6, with a potential to produce 42.9 cubic feet of wood fiber per acre per year.

Approximately 27% of the soils are Tallowbox gravelly sandy loam (188G & 188E), with slopes ranging from 20 to 70 percent on north slopes. These are moderately deep, excessively drained soil on hillslopes. These units are used for timber production and wildlife habitat. These units are suited for the production of Douglas fir. Other species that grow here are incense cedar, sugar pine and Pacific madrone. The main limitations affecting timber production are slope, erosion, compaction, plant competition, and seedling mortality. The bedrock also restricts root growth. The forest site class index for these soils is 4, with a potential to produce 85.8 cubic feet of wood fiber per acre per year.

Approximately 6% of the soils are Sehfflein loam (165E & 166E), with slopes between 20 and 35 percent. These are deep, well drained soils on north and south hillslopes. These soils are used for timber production and wildlife habitat. The main limitations affecting timber production are erosion, compaction, seedling mortality, and plant competition. The forest site class index for these soils is 4, with a potential to produce between 85.8 and 100.1 cubic feet of wood fiber per acre per year.

The applicant has submitted a soils report from Gary Kitzrow, Certified Professional Soil Classifier/Soil Scientist, as well as a Forest Productivity Analysis from Norman M. Foeller, Registered Professional Forester. In his *Executive Summary*, dated March 15, 2004, Mr. Kitzrow states "*When all parcels are considered, this entire area is plagued with chronic abuse and erosion regardless of ownership. All lands in this area on south aspects will not sustain commercial timber stands. Some eastern aspects, which are gullied and incised, are also unsuited for tree production. Most northern aspects will support resource timber stands however the productive levels are marginal even by the strict ODF standards. By timber company standards (Boise Cascade, Weyerhaeuser) these northern aspects are non-commercial. About 2/3 of the entire area under consideration is non-resource and unsuited for tree production*

according to all state and local standards including those adopted by DLCD and ODF. This entire region is non-resource by preponderance and is unsuited for both timber production and all farm crop production.”-

In a report titled Johns Peak Forest Productivity Analysis, Mr. Foeller states “The objective of the analysis on the Cox property was to determine site productivity and, if possible, determine the cubic foot growth at the culmination of mean annual increment.” The analysis determined that the average site index of dominant trees on these properties was 44. Based upon this site index, Mr. Foeller also states “These properties are not capable of producing 20 cubic feet per year at the culmination of mean annual increment! Although the forested portions of these properties are amply stocked with commercial conifer species, the site characteristics prevent them from developing into fully developed commercial timber within economically efficient rotation cycles. High temperatures, limited rainfall, low elevation, southerly aspect and droughty soils limit the potential production of the timber stands on these properties. Conifers that do become established are of low vigor and quality and are subject to insects and disease that result from repetitious drought conditions.”

“The existing timber stands in this analysis do contribute to other benefits of forest cover. Among those benefits are carbon dioxide recycling, wildlife habitat, temperature relief, erosion prevention, recreation and aesthetic qualities. These benefits are intangible from an economic standpoint and are difficult to quantify. These timber stands are dense natural conditions that have not been actively managed. Activity that has occurred consists of limited timber harvesting, forest fire, mining exploration and off road vehicle use. In their current overstocked condition they are not efficiently producing those intangible benefits. The soil and forest analyses of these properties indicate that they are not productive forest land according to Jackson County Planning Department and LCDC guidelines.”

- 13) **Water:** Four of the properties have wells. The applicant states water will be obtained by private wells following development.
- 14) **Wetlands:** The National Wetlands Inventory map identifies 5 separate wetlands through the properties. Three are associated with Willow Creek on tax lot 200 in Section 18. These are seasonally flooded palustrine wetlands. The six other wetland scattered throughout the properties are saturated and seasonally flooded intermittent streambeds wetlands.
- 15) **Natural Hazard Areas:** These properties have steep slopes throughout. Erosion is pervasive on the soils of these properties per the soils report submitted with the application. While there is no mapped floodplain associated with any of the streams/drainages, a floodplain is presumed to exist and is associated with the streams/drainages. The subject parcel is within a High Risk Wildfire Area. Areas of mass movement may be associated with these properties per the soils report submitted with the application.

- 16) **Areas of Special Concern:** These properties are within Area of Special Concern 90-1, lands on which development will affect survival of Black-tailed deer or Roosevelt elk herds. This unit is the West Valley unit, classified by ODFW as "Other Winter Range". The land division and residential development standards for this unit shall allow development according to the prevailing maximum parcel/lot size for the zoning district.
- 17) **Affected Agency and Property Owner Notification:** On May 10, 2006, agencies and property owners within 750 feet of the subject property were notified of the proposed zone change. Of the agencies and property owners notified, the following responses were submitted:
 - A) Oregon Department of Forestry responded with.
 - B) Oregon Department of Fish and Wildlife recommends denial of this application stating "*Conversion of this property from Forest Resources to Rural Residential zoning would prepare the site for subdivision. It is the opinion of ODFW that the resulting housing development would not have a minimal impact to wintering deer populations.*"
 - C) Jackson County Fire Dist. #3 responded stating "*Please submit a plat map at approval for further (unreadable) water supply, access..*"
 - D) Jackson County Roads responded stating the roads in this area are not experiencing capacity problems and did not require the applicant to submit a traffic study. The only foreseen impact is a safety issue of sight distance at the corner of Johns Peak Road and Old Military Road..
 - E) ODOT responded indicating they had no comment.
 - F) Jackson County Building Division responded with no comment.
 - F) Meriwether Southern Oregon Land and Timber responded stating "*Deeds should carry a restrictive covenant acknowledging adjacent property is farm and forest land and all subsequent owners waive the right to object to customary forest practices and farm practices.*"
 - G) The Motorcycle Riders Association responded stating the zone change would interfere with motorized recreation and wildlife habitat and recommended denial of the application. Many others associated with motorcycle and off-road vehicle recreation responded recommending denial of the application because this area is a popular recreational area and should remain undeveloped.
 - H) Other comments indicated this area should remain undeveloped forest land and deer habitat.

II. APPROVAL CRITERIA: In order to approve an amendment to the Official Comprehensive Plan and Zoning Map, the County must find:

- 1) Compliance with Statewide Planning Goals. Goals 1 through 14 are applicable to this application and are identified as follows: 1, Citizen Involvement; 2, Land Use Planning; 3, Agricultural Lands; 4, Forest Lands; 5, Natural Resources, Scenic and Historic Areas, and Open Spaces; 6, Air, Water and Land Resources Quality; 7, Areas Subject to Natural Hazards; 8, Recreational Needs; 9, Economic Development; 10, Housing; 11, Public Facilities and Services; 12, Transportation; 13, Energy Conservation; and, 14, Urbanization.
- 2) Compliance with the following elements of the Jackson County Comprehensive Plan: Map Designations (Forestry/Open Space Land and Rural Residential Land); Agricultural Lands; Energy Conservation; Economy; Environmental Quality; Forest Lands; Housing; Natural and Historic Resources; Natural Hazards; Public Facilities and Services; Recreation; Rural and Suburban Lands; Urban Lands; and, Transportation Elements.
- 3) Compliance with the Jackson County Land Development Ordinance, Sections 3.7.3(C), 8.7, and 7.1.1(C).
- 4) Oregon Administrative Rules: OAR 660, Division 12, Sections 0060 and 0065, OAR 660, Division 004, Sections 0020, 0022, 0025 or 0028 (Division 004 is applicable only if determined by the local governing body).

III. COMPLIANCE WITH STATEWIDE PLANNING GOALS: The following sets forth the legal references utilized within this report. Other references to state law, court cases, or LUBA decisions not specifically referenced here may, nevertheless, be introduced into the record as appropriate. The applicant has submitted documents (see exhibits) for review regarding findings which have been utilized in this report where possible. The purpose of reviewing plan and zoning map amendments against Statewide Planning Goals is to assure that changes made in the County's acknowledged plan are also acknowledgeable.

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

FINDING: This goal is implemented through the public hearings process for Jackson County. The application has been noticed to affected agencies and property owners within 750 feet of the subject property and public hearings before the Jackson County Planning Commission and Board of Commissioners allows for citizens and agencies to comment on the proposed zone change.

- 2) **Goal 2, Land Use Planning:** Goal 2 is to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. Goal 2 also provides an exceptions process in Part II.

FINDING: This goal is implemented through the Comprehensive Plan and Land Development Ordinance. Jackson County's Comprehensive Plan has been acknowledged by the Department of Land Conservation and Development (DLCD) and the Land Development Ordinance has been determined to conform with the Jackson County Comprehensive Plan by DLCD. The applicant has indicated that the properties are "nonresource" lands and no exception is requested through the Goal 2 process.

- 3) **Goal 3, Agricultural Lands and Goal 4, Forest Lands:** Goal 3 is to preserve and maintain agricultural lands and Goal 4 is to conserve forest lands.

FINDING: The Soil Survey of Jackson County Area, Oregon, prepared by the USDA Soil Conservation Service, identifies the soils on the subject parcel as non-irrigated Class VIe and VIIe soils, which are not considered agricultural soils by Policy 1 of the Jackson County Comprehensive Plan Agricultural Lands Element and OAR 660-033-0020(1). The Order 1 Soil Survey completed by Mr. Kitzrow also identifies these soils as non-agricultural. Staff agrees that these properties should not be identified as agricultural land.

This Soil Survey of Jackson County Area, Oregon also identifies 67 percent of the soils on the subject properties as Forest Capability Class 6 soils capable of producing 42.9 cubic feet per acre per year of wood fiber, specifically Douglas fir. This survey identifies 27 percent of the soils as Forest Capability Class 4 soils, capable of producing 85.8 cubic feet per acre per year of wood fiber, specifically Douglas fir. An Order 1 Soil Survey was completed by Gary A. Kitzrow, Certified Professional Soil Classifier/Soil Scientist, and a report titled *Johns Peak Forest Productivity Analysis* by Norman M. Foeller, Registered Professional Forester, were submitted by the applicant and were discussed in Section I(12) above. Mr. Foeller states in his report dated September 30, 2003 "The true measure of the coniferous productivity of a conifer stand is to measure a portion of the stand of trees. One of the determining factors for that measurement is Site Index. Site index is a numeric reference for the combination of soil, drainage, rainfall, temperature, altitude, slope and aspect as they are expressed in tree growth." Mr. Foeller also states "The planning department defers to the Oregon Department of Forestry (ODF) as to the methods and/or techniques used if other information is different than that is in the soil survey. The ODF Field Guide to the Forest Practice Act has Site Index/Class Comparison tables on pages 7-3 and 7-4 for Douglas fir and ponderosa pine. Those tables show site index and how it relates to cubic foot production per acre for site index 50 thru 220." This table shows that a Site Index of 50 or below has a Cubic Foot Site Class of 7 and Cubic Feet per Acre of 0. Mr. Foeller has determined the average Site Index of dominant trees on these properties is 44 and has a potential of producing 0 cubic feet per acre per year of wood fiber. On the last page of his report, Mr. Foeller states "Although the forested portions of these properties are amply stocked with commercial conifer species, the site characteristics prevent them from developing into fully developed commercial timber within economically efficient rotation cycles. High temperatures, limited rainfall, low elevation, southerly aspect and droughty soils limit the potential production of the timber stands on these properties. Conifers that do become established are of low vigor and quality and are subject to insects and disease that result from repetitious drought conditions." Mr. Foeller concludes "The soil and forest analyses of these properties indicate that they are not

productive forest land according to Jackson County Planning Department and LCDC guidelines."

A letter dated May 8, 2003 from Dan Thorpe, Medford Unit Forester for Oregon Department of Forestry (ODF) states "Mr. Foeller's work was done according to accepted practices within the forestry business and his conclusions are supported by the data presented. He has analyzed the data using three different techniques, the ORGANON being the most applicable to the local area. The property likely burned during the Jacksonville fire in the mid-1950s. Since then has become a brush field that would take substantial investments to attempt to establish a forest. Even so, due to its elevation, slope, aspect, and precipitation, it would be uncertain if the property would ever support a commercial forest."

A letter from Forest Capital Partners, an owner of land contiguous to the subject properties, states "This property makes a good candidate for this kind of higher and better use due to the proximity to Medford and Central Point. Additionally, this is a poor area for growing trees and suffers from a very low site productivity. We agree that the applicant properties are not resource land as evidenced by the fact that your property (Tax Lot 700) was sold to you (several years ago by Boise Cascade) because it had such limited productive capacity. We look forward to seeing the road paved and widened. This will reduce our haul times, increase the safety of hauling and increase firefighting response times."

OAR 660-015-0000(4), Goal 4: Forest Lands, states "Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources." The Jackson County Comprehensive Plan Forest Lands Element, acknowledged by DLCD Order #00119, dated 9-2-94, defines forest lands on page 13-1 as "...1) lands composed of existing and potential forest lands which are suitable for commercial forest uses; 2) other forested lands needed for watershed protection, wildlife and fisheries habitat, and recreation; 3) lands where extreme conditions of climate, soil, and topography require the maintenance of vegetative cover, irrespective of use; 4) other lands which lie adjacent to urban and agricultural areas and which provide urban buffers, windbreaks, wildlife and fisheries habitat, scenic corridors, and recreational use; and, 5) ranching and grazing areas in the above environments." On page 13-2, the Forest Lands Element goes on to establish two distinct resource types of forest land "...Commercial Forest Lands are areas where sustained timber production and preservation of a self-perpetuating forest environment is considered to be the dominant land use. These lands are principally located in higher elevation; are, for the most part, owned and/or managed by the Bureau of Land Management, the U.S. Forest Service, or wood products industry for large scale commercial timber production; have parcel sizes of 40 acres or greater; and, are specifically assessed as forest land and/or have a cubic foot site class rating of between 2+ and 5, as discussed Later in this element. Woodland areas are those on which production of timber and wood fiber is, or can become, a primary use of land. These lands are generally located at or below the established elevation contour lines for

commercial forest lands; are generally in private nonindustrial ownerships, with some wood product industry and less productive publicly owned lands; have parcel sizes predominantly greater than 20 acres; are specially assessed as forest land or have a cubic foot site class potential for timber production; or, occur adjacent to, and buffer, other forest lands."

The subject properties have soil types, conditions and elevations which are similar. Elevations on the subject properties are between 2,000 and 3,000 feet. The prevalent conifer species is Douglas fir, with madrone and oak occurring as pure stands or intermixed with conifers. There are also dense brush fields consisting of manzanita and ceanothus. The Forest Lands Element identifies this area as part of the Rogue-Applegate Upland forest land environment, one of four specific forest land environments. Page 13-6 of the Forest Lands Element states "*The Rogue-Applegate Upland region lies between the Applegate and Rogue River Valleys, and has generally rugged terrain with numerous intermittent stream canyons and ridges. The commercial forest/woodland transition zone generally occurs at about the 3,000 foot elevation contour on south-facing slopes, and at about 2,000 feet on the north-facing Rogue Valley slope. Considerable portions of the upland have been extensively logged, with some areas having been restocked with commercial species.*" Most of the slopes here are generally south-facing slopes and this area is predominantly below the 3,000 foot contour with many ridges and canyons scattered throughout, which would identify this area as a "woodland transition zone." In the Soil Survey dated December 12, 2003, Mr. Kitzrow states in *Summary and Conclusions* "*Based upon current filed conditions, ongoing severe erosion and woater supply degradation for the City of Jacksonville appears imminent. The current landowners in this region are not attempting to stabilize the eroding slopes. No land improvement is being attempted and seasonal rains are further degradiing all steep landscapes. No substantial plan communities are being facilitated and it appears not cost effective for landowners in this area to attempt long-term stabilization. If allowed to continue, permanent destruction of habitat is very likely.*" This helps to identify this area as forest land based the Forest Lands Element definition "2) other forested lands needed for watershed protection, wildlife and fisheries habitat, and recreation...". This area has been used extensively for off-road recreation, which, unfortunately, has increased the erosion patterns in the area. This area is also part of Area of Special Concern 90-1, a wildlife area protecting the habitat of Black-tailed deer or Roosevelt elk herds. This area is part of West Valley Unit and is identified by ODFW as an Other Winter Range unit. Minimum parcel sizes in the unit can be divided according to the prevailing minimum parcel/lot size for the zoning district. The minimum lot size in the Forest Resource and Woodland Resource zoning districts is 80 acres. The minimum lot size for the RR-10 zoning district is 10 acres.

OAR 660-004-0005(3) defines "Nonresource Land" as "*...land not subject to the statewide Goals listed in OAR 660-004-0010(1)(a) through (f) except subsection (c). Nothing in these definitions is meant to imply that other goals, particularly Goal 5, do not apply to nonresource land.*" Subsections which would apply to the definition of nonresource land are (a) and (b), Goal 3 , Agricultural Land, and Goal 4, Forest Land. The applicant proposes that this area is nonresource land, specifically not Agricultural Land or Forest Land, and an exception to these goals is not necessary. While staff agrees with the applicant that this area is unsuitable for commercial timber production and harvest, the Planning Commission will need

to determine if these properties are not Agricultural Land and/or Forest Land, and are nonresource lands as defined by the OAR's. Should the Planning Commission determine these are nonresource lands, an exception to Goals 3 and 4 are not required to amend the Comprehensive Plan Map designation to Rural Residential Land and the Zoning Map to Rural Residential (RR-10).

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

FINDING: Goal 5 resources identified by Jackson County that may affect the site are wetlands associated with Willow Creek and other seasonal wetlands and most of the properties are wholly contained within the West Valley winter range unit for elk and deer. The County implements Goal 5 through development standards at the time of development review. Any development on this parcel will be subject to the requirements of the Land Development Ordinance, particularly development within deer and elk winter range habitat. Any development within the banks of Willow Creek and other seasonal wetlands are subject to disclosure from Jackson County to Division of State Lands of the proposed development. Division of State Lands is the agency responsible for the protection of water resources within the state.

The applicant indicates creating approximately 30 new residences on 342.98 acres will have minimal impact on the winter deer habitat and that this is consistent with and allowed under Section 7.1.1(C), Area of Special Concern 90-1, Deer and Elk Habitat. The applicant states the Other Winter Range units allow division to the prevailing minimum parcel/lot sized for the zoning district. The applicant also states that the area is extensively roaded and residences will be built within 300 feet of any existing road, as required by ASC 90-1.

The applicant submitted a letter from John Thiebes, Thiebes Fish and Wildlife Consultants LLC, from a previous file, 2003-40-CPA, which requested a zone change from Forest Resource and Woodland Resource to Rural Residential (RR-5) on 214 acres consisting of tax lots 400, 500, 600 and 700. This letter addressed the potential effect the development of 26 new dwellings would have on the survival of Black-tailed deer and Roosevelt Elk herds. The conclusion of Mr. Thiebes was that this area was already adversely impacted by the road system on the properties, off-road vehicle traffic, public access to BLM's Off-Highway Vehicle Area, private timber landowners managing timber, the federal government managing public lands, and the maintenance of communication towers. Mr. Thiebes also states the poor soil quality conditions further reduce the remaining value of this "Other Winter Range." Mr. Thiebes outlined conditions which would help to mitigate impacts to the deer habitat including gating of secondary roads near Johns Peak Road, a conservation easement on 50 acres of southerly facing slope in tax lot 700 to protect the best area of winter range habitat, establish a habitat improvement project on at least 25 of these acres, and locating dwellings within 300 feet of secondary roads.

ODFW responded recommending denial of this application. ODFW does not believe the addition of approximately 30 new residences will have minimal impact on the winter deer

habitat and states "Evaluation of the proposal at this stage is especially impractical because the Existing Winter Range overlay has no associated maximum housing density to regulate lot size and subdivision. Instead, protection of Existing Deer Winter Range relies on the underlying zoning, which in this case is Forestry/Open Space. Specifically, the Jackson County Land Development Ordinance states: 'Other Winter Range units may be divided according to the prevailing minimum parcel/lot size for the zoning district.' Changes to the zoning district would, therefore, undermine the originally intended protection of the Deer and Elk Winter Range Ordinance."

Other Winter Range units are allowed by the Jackson County Ordinance to be divided according to the minimum lot size for the zoning district, whether the lands are resource zoned lands or residential lands. Changing the zone to a residential zone, RR-10, would allow parcel sizes to be 10 acres, at a minimum. The Planning Commission will need to determine whether suggested mitigation measures will minimize impacts on deer habitat.

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

FINDING: The applicant states all waste and process discharges from future development, when combined with such discharges from existing development, shall not threaten to, or violate applicable state or federal environmental quality statutes, rules and standards. State and federal environmental standards are the benchmark for protection. The applicant has submitted a report showing the soils on the subject properties are suitable for one or more types of septic systems that meet state standards.

The preservation of the air, water and land resources in the area will be subject to the current development standards for development regardless of the specific zoning district. One area of concern is the degradation of the City of Jacksonville watershed. The Soil Survey submitted by the applicant has described current landowners as neglecting stabilization of eroding slopes, as well as introducing substantial plant communities for long-term stabilization. Any proposed development should address the degradation of this watershed.

- 6) **Goal 7, Areas Subject to Natural Hazards:** The goal is to protect people and property from natural hazards.

FINDING: The applicant has identified wildfire and slope erosion as natural hazards affecting the subject properties. Regarding wildfire hazard, the applicant states Johns Peak Road is of sufficient width to accommodate fire fighting equipment and wide enough for two-way traffic, so as not to block access. The applicant would agree to a condition of approval that requires widening and paving Johns Peak Road to a County Class C road. The applicant also indicates all development will adhere to fire safety standards of the LDO. With respect to slope erosion, the applicant states all new development will be confined to upland areas located on benches, ridge tops, and gentle slopes and vegetation removal and soil disturbances will be necessary minimums on steep slopes and hillsides.

Staff has identified natural hazards specific to this area as steep slopes, erosion, wildfire, stream/drainage flooding and mass movement. Generally, these natural hazards are mitigated through LDO development. More restrictive requirements could be requested to further alleviate possible effects of natural hazards for development in this area.

Jackson County Fire District No. 3 responded to this proposal indicating access, terrain slope, water supply and density of vegetation were concerns of the district. The following suggestions were recommended for the proposed rezoning:

1. *All condition of the new LDO concerning fire protection, access, fuel break setbacks, etc. are strictly adhered to.*
2. *All current (at the time of development) Fire Code requirements with regard to access and water supply are strictly enforced.*
3. *The approval should state, any new construction of additional residences being allowed for this re-zone, include a requirement to install Fire District approved water supply.*

In addition, the Fire District states "*The width, gradient and base foundation of the road overall is adequate for fire response. The surface finish of the road is substantially rutted and rough, which causes a slow response especially for large apparatus. Although rough, the road is traversable. With future development of properties in the area the road will need to be improved to meet current standards at that time. Development of 10 or more properties causes the roadway to be brought to County subdivisions road standards.*" The Fire District further states "*Johns Peak Road is heavily used by recreational traffic. Improvements in roads, water supply and additional residences to watch over activities are improvements. The benefits are obvious for the ability to get an early report with a quick response and adequate water supply to suppress fires in this area.*"

- 7) **Goal 8, Recreational Needs:** The goal is to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

FINDING: This area is used extensively by off-road vehicle, especially ATV's and motorcycles. The road complex allows these vehicles to travel throughout this area and onto other areas in the vicinity. The applicant states Goal 8 does not apply to this proposal.

Many responses from the Motorcycle Riders Association (MRA) have indicated that the proposed development of this area will have a detrimental affect on the ability to use this area for recreational purposes by motorcycles and off-road vehicles. The MRA has an adjacent parcel southwest of tax lot 700 and a tax lot further to the west. The City of Jacksonville has ownership of a large tract of land to the west of the subject properties. The subject properties are in private ownership and many of the adjacent parcels are also within private ownership. The applicant has provided a document, OR 2005-055186, providing a perpetual

nonexclusive easement for the MRA to cross the applicants property in exchange for a perpetual nonexclusive easement to provide for a road for emergency access over land owned by MRA. This easement allows MRA members access to other areas beyond the applicants property for recreational use. The subject properties are not a designated Goal 5 trail nor are they an adopted Goal 8 recreational area, although the BLM does have a dedicated area beyond the subject properties. Johns Peak Road would be developed as a County Class C road and a condition of approval should require this road to be dedicated as a public road to Jackson County. This would assure public access to areas used by motorcycles and off-road vehicles. Public access to all roads on private lands is available only through agreement by land owners to allow access to their private lands. The dedication and acceptance of Johns Peak Road through the subject properties would assure access to recreational areas.

- 8) **Goal 9, Economic Development:** The goal is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDING: The potential for economic development on the subject properties will still exist following a change of zoning to Rural Residential and does not conflict with Goal 9.

- 9) **Goal 10, Housing:** The goal is to provide for the housing needs of the citizens of the state.

FINDING: The applicant states that Goal 10 is primarily focused on housing issues inside urban growth boundaries and to the extent that Goal 10 may have some relevance to rural areas, the proposed development will comply with the goal because it will result in the potential for approximately 30 additional dwelling units.

Goal 10 encourages increased population densities within urban areas. Jackson County has no obligation to provide increased housing densities outside of urban growth boundaries except to provide housing to increased population in the unincorporated areas of Jackson County. The majority of future growth in Jackson County is planned for urban and urbanizable areas. The Rural Residential (RR-10) zoning district is considered rural land. The proposed zoning change will increase the housing density for this area. Should the Planning Commission determine the subject properties are nonresource land and meets the characteristics of Rural Residential Land, the provision of approximately 30 dwellings would not be inappropriate for this area.

- 10) **Goal 11, Public Facilities and Services:** The goal is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: The applicant has indicated sewer and water will be provided by a private septic system and well. A letter was submitted by Dick Florey, former Jackson County Environmental Health Specialist, who states "...numerous sites could be approved for :

standard, steep slope, saprolite, steep slope saprolite, sand filter, and/or steep slope sand filter system. Policy 1 of the Jackson County Comprehensive Plan Public Facilities and Services Element 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 "D" states "*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.*" The proposed development of on-site septic systems would be rural in character and can be found to be compliant with Statewide Planning Goal 11.

The Jackson County Sheriff's Department would provide police protection for any future development. No comment was received from the Sheriff's Department indicating opposition or approval of the proposed development. The Oregon State Police help to supplement the Sheriff's Department within Jackson County.

The three of the five properties are within the boundary of Jackson County Fire District No. 3 which provides fire protection for improvements on the subject property. The fire district responded with recommendations as identified in Section III(6) above. The applicant states "*In the summer of approximately 1996, there was a small brush fire started on parcel 600. Rural Fire District 3, City of Jacksonville Fire Department, an Oregon Department of Forestry and Fire Protection all responded within 10 minutes and extinguished the fire, containing it to an approximate twenty to thirty foot circle. Additionally, in the summer of 2003, a fire was reported on the upper portion of parcel 200 in Section 18. Again, all three fire departments responded within approximately ten minutes and the fire was contained to an extremely small area, approximately a twenty foot circle.*" Any requirements for fire and life safety would occur prior to initiating development. A condition of approval could require the two properties not within the Fire Dist. No. 3 boundaries to apply for annexation to Fire Dist. No. 3

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

FINDING: The applicant states "*John's Peak road services all the parcels. Each parcel has its own extensive internal road system. Potential building sites are within 300 feet of existing roads. All these roads meet the LDO specifications for grade, slope, width, and radius of turn and will accommodate heavy trucks, all fire fighting apparatus, and large heavy equipment. Applicants agree, as a condition of approval, to upgrade John's Peak Road to a Category C grade road. The building of 30 additional houses to be serviced by John's Peak road will not significantly impact the flow of traffic on any private or county road system.*" With regards to the safety of the intersection of Old Military Road and Johns Peak Road, the applicant believes safety can be achieved by brush clearance within the County right-of-way and removal of two to three feet of soil for approximately ten feet abutting the south apex on the western side of the intersection. The applicants will agree to any requirements the County feels necessary to enhance the safety of the intersection.

Jackson County Roads and Parks Services responded to a previous Request for Comment on the application when the proposal was to rezone the properties to Rural Use. They had the following comments:

1. *The first 1,132 feet of Johns Peak Road is a "D" standard county maintained road with a variable right-of-way and limited to serve forty-five (45) lots.*
2. *The next approximately 2,680 feet is a local access road and is maintained by the adjacent property owners and if a county road is required to serve a future subdivision it shall be a county road standard. A County "E" Standard road serves up to twelve (12) lots, while a County "D" Standard road serves up to forty-five (45) lots.*
3. *The next section is considered a private road.*
4. *The applicant will be required to obtain any right-of-way that is necessary for construction of Johns Peak Road as a County Road and the road department will permit and inspect the construction.*
5. *The applicant shall verify the intersection of Johns Peak Road and Old Military Road meet adequate sight distance, geometry and does not warrant improvements due to increased traffic.*
6. *Roads and Parks would like to review and comment on any new development on this property.*
7. *Utility Permits are required from Roads and Parks for any utility work within the county road right-of-way.*

Additional comments received from Eric Niehmeyer state that traffic impact study would not be required by Jackson County Road, as the roads in this area do not have capacity problems. A condition of approval would require the applicant to construct Johns Peak Road as a County Class C road and verify that the intersection of Johns Peak Road and Old Military Road meet adequate sight distance, geometry, and does not warrant improvement due to increased traffic.

Johns Peak Road meanders across these parcels as well as tax lot 200 to the north. The applicant is in the current planning process to adjust the property line between tax lot 200 and tax lots 300, 400 and 401. The new tax lot line would be the northern edge of Johns Peak Road. This is important because if the Board of Commissioners approves the zone change to RR-10, the upgrading of the road which is located outside of the new RR-10 zoning district would require an goal exception to Statewide Planning Goal 4. Since Johns Peak Road traversing the subject tax lots is not currently a public road, an exception is required based upon OAR 660-012-0070.

- 12) **Goal 13, Energy Conservation:** The goal is to conserve energy.

FINDING: The applicant states all new construction allowed under the proposed zone change will be controlled by the LDO and will comply with any energy conservation requirements.

Goal 13 is implemented in Jackson County through compliance with building code requirements. An application to build a residence on this parcel would need to be approved prior to development of a single-family dwelling.

- 13) **Goal 14, Urbanization:** The goal is to provide for an orderly and efficient transition from rural to urban land use.

FINDING: The applicant states the proposed development would not be considered an urban land use and a residential density of one house per ten acre parcel will not result in an urban use. The proposed application does not require an exception to Goal 14. Staff agrees with the findings by the applicant.

IV. JACKSON COUNTY COMPREHENSIVE PLAN:

This section addresses those plan policies which are applicable to the requested map amendment or which raise issues which should be considered at the public hearing.

- 1) **Map Designations Element: Forestry/Open Space:**

Criteria:

- A) *The four principal forest land environments¹ described in the Forest Lands Element of this Plan are inventoried as commercial forest lands and must be designated for Forestry and Open Space unless the land is otherwise qualified as agricultural or aggregate resource land, or an exception to Goal 4 is taken. The generalized boundary of the principal forest land environments is depicted on the Forest Land Environments map in the Forest Land Element. The specific boundary in relation to individual parcels is determined based on the text description of the Forest/Woodland transition elevations described in the Geographic Location and Conditions section of the Forest Lands Element. The valley floors, terraces, and slopes depicted on the Forest Lands Element profile illustrations are lands below the noted transition elevations, and are not part of the commercial forest base. Tracts of land located predominantly below the noted transition contour will similarly be inventoried as being*

¹The forest resource is distributed throughout four specific forest land environments in the County: the Cascade Slope, South Siskiyou, Rogue-Umpqua Divide, and Rogue-Applegate Upland regions.

outside the principal forest land environment and may be considered for Woodland or a rural designation found to be compatible with adjacent forest area.

FINDING: The applicant states the subject properties are below the transition contours outlined in the Forest Lands Element for the Rogue-Applegate Upland unit. They are predominantly south or southeast facing, below 3000 feet in elevation and should be inventoried as being outside the principle forest land environment. The subject properties may be considered for a rural designation compatible with the adjacent forest area.

Based upon the subject properties elevations, the soils study, and the forester's report, staff finds the above characteristics for Forestry/Open Space Lands do not warrant designation of the subject properties as Forestry/Open Space Lands.

- B) *Woodland areas within or near the physiographic areas discussed in (A) above, but located at or below the established elevation contour lines for commercial forest land environments, on which production of timber and wood fiber is, or can become, a primary use of the land are also designated for Forestry/Open Space unless the land is otherwise qualified as agricultural or aggregate resource land. These lands are generally in private nonindustrial ownerships, with some wood product industry and less productive publicly owned lands; have parcel sizes predominantly greater than 20 acres; have been specially assessed or are interspersed among similar properties that have been specially assessed as forest or wood land; and have a cubic foot site class potential for timber production or occur adjacent to and buffer productive forest lands.*

FINDING: The subject properties are located below the established elevation for commercial forest land in or near the Rogue-Applegate Upland region. The applicant states the production of timber and wood fiber cannot become a primary use of the properties because they produce so little of it. The forestry study show this area does not have a cubic foot site class potential for timber production. The applicant indicates the soil study shows the properties do not buffer productive timber lands.

The soils study and forestry study indicate that these properties currently produce merchantable timber and that timber production is not likely to become a primary use of these lands. Timber production and harvest is primarily located beyond the adjacent properties. Staff finds that the above characteristics may not apply to the subject parcels.

- C) *Transition areas of intermingled agricultural and forest lands, and areas not generally suited to intensive land uses or development for a broad range of physical and natural factors, where no other appropriate rural designation exists, are designated for Forestry/Open Space unless the land is otherwise qualified as agricultural land aggregate resource land. These lands are generally poorer forest capability lands than found in the Woodland Resource zoning districts or are located on lands with no*

forest capability combined with poor agricultural soils such as occurs in the Agate Desert.

FINDING: The applicant indicates that this area is not intermingled with agricultural lands and that the subject properties meet the Rural Residential Land characteristics. The soils study and forestry study indicate there is no forest capability and the soils are not agricultural soils. A designation under the above characteristics would be the Open Space Reserve zoning district, which is still Forestry/Open Spaces Lands. The Planning Commission will need to determine whether these properties meet the characteristics above.

- D) *Map amendment requests may demonstrate that property is not located in forest land environments described herein by providing substantive site specific evidence which clearly indicates that the subject property is not forest land or woodland as outlined in the Forest Lands Element of the Jackson County Comprehensive Plan.*

FINDING: The applicant states “Applicants have provided substantive site specific evidence which clearly indicates that the subject properties are not forest land or woodland as outlined in the Forest Lands Element and the Map Designations Element of the Jackson County Comprehensive Plan. A change of designation of the applicant properties to Rural Residential, RR-10 is consistent with the Statewide Planning Goal and the Jackson County Comprehensive Plan. This is an appropriate rural zoning district consistent with the Comprehensive Plan map designation and the Jackson County Land Development Ordinance.”

Staff finds that the applicant has provided site specific evidence showing these properties are not commercial forest lands and that forest capability is low and possibly nonexistent. The Planning Commission will need to determine that there is another rural zoning district more appropriate to the characteristics of these properties.

- E) *Except where another resource land designation is requested, or where justified through the Goal Exceptions process, Goal 4 is deemed to apply and the Forest/ Open Space designation will not be removed from:*
- i) *Lands within the principal forest land environments described in subsection 1A above or woodlands described in 1B above; or,*
 - ii) *Lands which would qualify as agricultural lands as defined under Statewide Planning Goal 3 and ORS Chapter 215; or,*
 - iii) *Lands within mountainous lands where the majority of acreage is comprised of slopes where the average grade exceeds 40% or where the majority of acreage is otherwise subject to risk from identified natural hazards (e.g., rapidly moving landslides); or,*

- iv) *Lands with no legal public road access or where the only public road access is by Bureau of Land Management or Forest Service roads; or,*
- v) *Lands including or adjacent to inventoried Goal 5 natural resource areas except where a Goal 5 review of conflicting uses justifies the proposed land use map designation; or,*
- vi) *Lands adjacent to, intermingled with, or needed for access to public or private commercial forest lands; or,*
- vii) *Lands under a federal or state timber management program; or,*
- viii) *Lands identified as being needed for watershed or aquifer recharge maintenance protection; or,*
- ix) *Lands having outstanding or unusual ecological, botanical, geological, scenic, or other natural resource characteristics; or,*
- x) *Lands outside rural fire protection districts or deemed too remote from other essential public services to support the requested change of use; or,*
- xi) *Lands where the feasibility of providing on-site septic disposal systems and domestic water supply has not been established; or,*
- xii) *Lands that are needed to provide a natural buffer between the commercial forest stands and existing nonresource or exception areas; or,*
- xiii) *Lands that include public use reservoirs or lakes as a predominant feature.*

FINDING: The applicant has addressed each of these items in Attachment 15 of the current application. The conclusion by the applicant is that the subject properties are not characterized by i) through xiii) above and Goal 4 should not be applied to the subject properties. The Planning Commission should review the evidence carefully to determine if the subject properties meet any of the above characteristics.

- F) *Where it can be demonstrated with substantive findings the lands currently designated as Forestry/Open Space pursuant to sections 1A through 1C above do not merit Goal 4 protection pursuant to section 1D above, a rural lands designation may be established that is otherwise consistent with the Statewide Planning Goals and the Jackson County Comprehensive Plan. An appropriate rural zoning district may then be applied to the land consistent with the Comprehensive Plan map designation requirements and the Jackson County Land Development Ordinance.*

FINDING: The applicant believes the evidence is substantial enough to determine that the subject properties do not merit Goal 4 protection and are therefore

nonresource lands, as defined by OAR 660-004-0005(3). The Planning Commission will need to determine whether Goal 4 protection is consistent with these properties and , if

Goal 4 protection is not required, whether the subject properties meet the Map Designations Element criteria for Rural Residential Land of the Jackson County Comprehensive Plan.

Establishment of Zoning Districts:

- A) *The Forest Resource (FR) zoning district will be established for the Forest/Open Space Land described in 1(A) above.*
- B) *The Woodland Resource (WR) zoning district will be established for Forest/Open Space Land described in 1(B) above.*
- C) *The Open Space Reserve (OSR) zoning district will be established for the Forest/Open Space Land described in 1(C) above.*
- D) *Permissible development standards will be established for these districts in the Jackson County Land Development Ordinance in accordance with state law and the Jackson County Comprehensive Plan.*

FINDING: The applicant does not believe that the subject properties meet the characteristics and criteria for Forestry/Open Space Land. Should the Planning Commission agree with the applicant, a careful review of the Map Designations Element for Rural Residential must be completed to determine if the RR-10 designation is the most appropriate for these properties.

2) **Map Designations Element: Rural Residential Land**

Criteria:

- A) *Currently designated Agricultural or Forest/Open Space Lands may not be designated as Rural Residential unless an exception to the applicable Goal 3 or 4 is justified in accordance with the Goal 2 Exceptions Process, ORS 197.732, and OAR 660, Division 4.*

FINDING: The subject properties are currently considered Forestry/Open Space Lands and are protected under Goal 4, Forest Lands. The applicant believes these properties are not resource lands and meet the definition of nonresource land in OAR 660-004-00005(3), and, therefore, do not require an exception to Goal 4. The applicant has cited *Bates vs. Josephine County*, LUBA No. 94-048. In that decision, LUBA states "In these assignments of error, petitioner challenges the exception to Goals 3 and 4 adopted by the challenged decision. However, in rejecting petitioner's fourth assignment of error, supra, we sustain the county's

determination that the subject parcel is not farm or forest land subject to Goals 3 and 4. Therefore, an exception to Goals 3 and 4 is not required to support the plan map amendment to Residential and zone change to RR-5 adopted by the challenged decision, and we do not consider these assignments of error."

Staff finds that the Planning Commission must determine the subject properties are not farm or forest land subject to Goals 3 and 4 in order to remove the Map Designations Element requirement for an exception to Goals 3 or 4.

- B) *Rural Residential lands are to be located on lowland foothill, valley terrace, and valley floor areas with a moderate to gently sloping or level terrain. Other lands may also be included which do not logically fit within any other Plan category, where shown to be suitable for residential use. In any case, feasibility of development in accordance with the standards of one or more of the implementing Rural Residential zoning districts must be established. The following requirements must be included within feasibility findings to support a Plan map amendment to Rural Residential:*
- i) *Within mutually adopted urban growth boundaries, the designation must not conflict with the city's comprehensive plan or mutually adopted urbanization agreement for the urbanizable area; a public road developed to County road standards sufficient to serve the proposed and existing development exists or is proposed for (re)construction within a five-year period as delineated in the Jackson County Capital Improvements Program or as otherwise assured to meet similar standards in the applicable municipality's comparable public works program; and the designation will preserve the ability to develop future sewer, water, and other public utility systems necessary for the long-term urbanization of the area.*
 - ii) *Outside urban growth boundaries, the development potential must not be dependent upon the extension or construction of urban public facilities such as public sewer or water service, unless an exception to Statewide Planning Goals 11 and 14, as applicable, is justified in accordance with the Goal 2 Exceptions Process, ORS 197.732, and OAR 660, Division 4; private sewage disposal² and individual domestic water supply systems must be adequate to service the existing and potential development consistent with the Public Facilities and Services Element of the Jackson County Comprehensive Plan; and a road developed to County road standards C, D, or E, or the equivalent state standards, exists or is proposed for (re)construction within a five-year period as delineated in the Jackson County Capital Improvements Program or as otherwise assured in accordance with OAR 660, Division 12, the*

² *Where private sewerage systems are required, the area conditions such as capability of the soils and subsurface geologic characteristics to accommodate on-site systems must meet Department of Environmental Quality regulations for on-site waste disposal systems.*

Transportation Planning Rule. Forest Service or Bureau of Land Management roads may not be used to satisfy this requirement. However, feasibility of private road access development to a qualifying public road may be considered for Plan amendment purposes.

FINDING: The subject properties have a large areas of steep slopes, which are defined as slopes greater than 20 percent. The applicant states that all new development will be confined to upland areas located on benches, ridge tops, and gentle slopes. The applicant believes these properties are suitable for residential uses. The subject properties are not within an urban growth boundary and subsection i) above is not applicable. The proposed development is not subject to extensions of public water and sewer systems and an exception to Goals 11 and 14 are not required. Private wells and on-site sewer systems currently exist on some of the properties and evidence in the record states that the soils are capable of numerous types of on-site septic systems. The applicant proposes private wells to provide water. The applicant has proposed to upgrade Johns Peak Road to a County Class C road.

Because of the steep slope conditions in the area, the subject properties into "Other lands may also be included which do not logically fit within any other Plan category, where shown to be suitable for residential use." The Planning Commission must determine that the other Plan designation do not fit the subject properties and that the properties are suitable for residential use.

- C) *The subject area must be within a municipal, rural, or voluntary fire protection district having the capacity to serve the existing and potential growth, or is otherwise shown to be provided with contract fire hazard protection service from such a district. The implementing zoning district will be determined, in part, based upon findings of acceptable wildfire hazard risk to the proposed development, the surrounding community, and to nearby commercial timber stands and wildlife areas.*

FINDING: All but two of the subject properties are within Jackson County Fire District No. 3. The other properties could be annexed within the district or a contract for fire protection service could be completed. A condition of approval could require annexation to Fire District No. 3 or evidence from Fire District No. 3 of a contract for fire protection service.

The applicant states that any development will meet the County standards for road and driveway construction, fuelbreak requirements, water storage for fire suppression, and control of fuel loading per LDO mandated requirements. The applicant believes meeting County standards for properties within a mapped Wildfire Hazard Area meets the acceptable hazard risk to the proposed development.

- D) *Where the proposed area includes or adjoins identified Goal 5 resources, or is otherwise mapped within a Goal 5 impact area, a conflicting use analysis must be provided in accordance with the Goal 5 process to support the proposed Plan designation.*

FINDING: The subject properties are within Area of Special Concern 90-1, lands on which development can affect survival of Black-tailed deer or Roosevelt elk herds. This is an identified Goal 5 resource. The designation of the West Valley Unit is "Other Winter Range." The *Goal 5 Resources Background Document 1990* states "The West Valley unit supports low densities of resident deer throughout the year, with animal movement fluctuating according to weather severity. Its slope aspect, predominance of conifers and hardwoods, and limited browse species make this extended range relatively poor habitat and of least importance in comparison to other range units in the county." The applicant states the creating of approximately 30 new residences on these properties will have minimal impact on the winter deer habitat. The applicant also finds that minimal impact is consistent and allowed under Section 7.1.1(C)(2)(c) of the LDO because "Other Winter Range" units may be divided according to the prevailing minimum parcel/lot size for the zoning district. The potential impact study completed by John Thiebes, Fish and Wildlife Biologist, concludes that with the suggested conditions outlined in the report, habitat improvement will increase. ODFW comments indicate the proposed addition of approximately 30 new dwellings will have an adverse impact on the winter range habitat.

Section 7.1.1 of the LDO contains general development standards and possible alternative siting plans approved by ODFW to protect the carrying capacity of the specific range unit. Residential uses are a conflicting use for this Goal 5 resource and the standards for parcel sizes and development standards were adopted to minimize adverse impacts to deer winter range. The proposed conditions referenced by Mr. Thiebes are additional standards to help minimize the impacts from development in this winter range unit. The Planning Commission will need to determine whether LDO standards and other conditions could minimize adverse impacts to this winter range unit.

E) *The Rural Residential designation is appropriately applied where consistent with a rural unincorporated community plan acknowledged under OAR 660, Division 22 (the Unincorporated Community Rule).*

FINDING: This area is not part of a rural unincorporated community plan. This criterion does not apply.

Establishment of Zoning Districts

- A) *Rural Residential zoning districts will be established on the Jackson County Zoning Maps and permissible development standards will be established in the Jackson County Land Development Ordinance*
- B) *Zoning districts permissible within the Rural Residential category may not permit residential densities exceeding one single family residence per ten acres unless otherwise allowed within an acknowledged urban growth boundary, unincorporated community, or where a Goal 14 exception has been taken.*

FINDING: The applicant is proposing an RR-10 zoning district for the subject properties. Should the Planning Commission determine the subject properties are Rural Residential Land, an exception to Goal 14 would not be required because the RR-10 zoning district requires a maximum density of one dwelling per 10 acres.

- 3) **Applicable Elements of the Comprehensive Plan:** Agricultural Lands, Economy, Environmental Quality, Forest Lands, Energy Conservation, Housing, Natural Hazards, Public Facilities and Services, Natural and Historic Resources, Recreation, Rural and Suburban Lands, Urban Lands, and Transportation Elements.

FINDING: Agricultural Lands, Economy, Environmental Quality, Forest Lands, Energy Conservation, Housing, Natural Hazards, Public Facilities and Services, Natural and Historic Resources, Recreation, and Urban Lands Elements have been addressed in the previous findings for the Statewide Planning Goals. Rural and Suburban Lands and Transportation Elements will be addressed below.

A) **Rural and Suburban Lands Element**

Goal: *To alter the course of rural and suburban land development through a phased and on-going process of specific geographic areawide plans which will create an orderly and efficient rural and suburban land use pattern on lands not designated for urban nor for agricultural or forest use. These areawide plans will guide the location and design of such developments to be consistent with, and responsive to, the attitudes and desires of area residents given the social, economic, energy and physical needs, opportunities and constraints applicable to the particular planning area.*

Policy 1: *It is the policy of Jackson County to reduce and reallocate the overall allowable and intensity of rural and suburban lands to the extent necessary to minimize further degradation of air quality, reduce energy consumption and reduce the long-range cost of providing public facilities and services.*

Implementation Strategies:

Base all proposed rural and suburban land use actions on the following principles:

- i) *Recognize the diversity of the County's lands and natural resources and the variety of social and economic needs, attitudes and life-styles prevalent in the citizenry, as well as the overall social, economic, energy, environmental and physical opportunities and constraints these factors influence regarding development in rural areas, and also that planning is a process responsible to these factors.*

- ii) *Recognize the location and extent of existing rural and suburban residential development in areas where commitments to such uses and densities have already been made. (Adopted by Ordinance 2001-30 on 12-12-01, Effective 2-10-02, File 2001-07-OA)*
- iii) *Development in such committed areas will be limited to the infilling of vacant land at rural and suburban densities.*
- iv) *Rural and suburban lands and proposed developments beyond the area cited above will:*
 - a) *Be appropriately, if not uniquely, suited to the area or site proposed for such development;*
 - b) *Promote an orderly and efficient rural and suburban land use pattern; and,*
 - c) *Be located and designed so as to:*
 - * *Preserve and enhance the rural character, natural resources, scenic values and open spaces of the County;*
 - * *Ensure the safety and viability of rural and suburban land uses by limiting development in areas susceptible to natural or man induced hazards;*
 - * *Minimize the long-range public costs of providing facilities and services;*
 - * *Provide an orderly transition between urban, suburban and rural uses and areas;*
 - * *Conserve natural resources with high amenity value;*
 - * *Improve patterns of energy consumption; and,*
 - * *Minimize the further degradation of air and water quality.*

FINDING: The applicant states the property is appropriate and uniquely suited to the area and site proposed for development and will promote an orderly and efficient rural land use pattern. Development is located and will be designed to preserve and enhance the rural character, natural resources, and scenic values of the county. The applicant indicates that strict application of County Codes will insure the safety and viability of rural land uses while greatly reducing any risk of natural or man induced hazards. The applicant also states that long-range costs of providing public facilities and services will be minimal.

Staff finds that with conditions proposed by the applicant, LDO standards of development, and other conditions deemed appropriate by the Commissioners, Policy 1 can be met.

Policy 2: *All land partitioning shall be designed to minimize long-range public costs resulting from property division or development.*

FINDING: Staff finds that the upgrading of Johns Peak Road to a County Class C road by the applicant will minimize public costs from division and development.

Policy 9: *The County shall maintain the viability and integrity of resource lands by providing buffer area on sparsely settled properties adjacent to such resource lands.*

FINDING: The LDO contains setback requirements for residential lands adjacent to resource lands which meet this policy.

B) Transportation Element (Transportation System Plan)

The various Policies of the Transportation Element are implemented through the Transportation System Plan (TSP). Those sections of the TSP relevant to this application are addressed below.

TSP

Section 4.1.4 Safety Policies

4.1.4-A *The County will provide a transportation system that supports emergency access for emergency vehicles and provides for evacuation in the event of a wildfire hazard or other emergency.*

FINDING: The applicant agrees to provide and maintain access to the proposed development that meets emergency vehicle access standards of Section 9.5.4 of the LDO. The applicant has provided evidence of an easement that provides for evacuation through properties to the west should Johns Peak Road be inaccessible.

4.1.4-B *Public Safety will be a primary consideration in the planning, design, and maintenance of all Jackson County Transportation Systems. (RTP 16-4)*

FINDING: Jackson County Roads has expressed concern regarding the intersection of Old Military Road and Johns Peak Road. The applicant has agreed to comply with all conditions necessary to assure the safety of this intersection.

4.1.4-C *Maintain clear vision areas (sight triangle) adjacent to intersections so as not to obstruct the necessary views of motorists, bicyclists, and pedestrians. (RTP 16-3)*

FINDING: The intersection of Old Military Road and Johns Peak Road has been identified by Jackson County Roads as a possible safety concern regarding sight distances. The applicant has agreed to comply with all conditions necessary to assure the safety of this intersection.

4.3.1 Transportation and Land Use Coordination Policies

4.3.1-A The County will prohibit new or expanded development proposals with the potential to prevent placement of, or significantly increase the cost of, designated transportation connections in the TSP.

FINDING: The proposed development does not prevent the placement of or significantly increase the cost of designated transportation connections in the TSP.

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

Strategies:

- (1) *Inside urban growth boundaries, demonstration of adequate transportation facilities for a land-use action should defer to the city's adopted Transportation System Plan; this deference should occur in accordance with any applicable provisions in the Urban Growth Management Agreement between the particular city and the County. Absent an adopted Transportation System Plan for the applicable city, land use actions related to transportation planning and transportation project decisions will be based on the Jackson County Transportation System Plan; application of the County TSP in this situation should account for any applicable provisions in the Urban Growth Management Agreement between the particular city and the County.*
- (2) *Ensure that legislative land use changes will not result in land uses that are incompatible with the public transportation facilities they will use through compliance with, and direct application of, OAR 660 Division 12.*
- (3) *Ensure that quasi-judicial comprehensive plan changes, zone changes and type 3 and 4 land use permits will not result in land uses that are incompatible with the public transportation facilities they will use. To meet this requirement, criteria "i, ii and iii" below must be demonstrated to be met through a Transportation Impact Study (TIS) completed by a registered professional*

engineer with expertise in transportation. Compliance with criteria "i, ii and iii" will be considered sufficient to demonstrate compliance with the Transportation Planning Rule. The TIS requirement may be waived if the Planning Director and the County Engineer administratively concur in writing that sufficient specific evidence is provided from affected transportation management agencies that the cumulative effect of approving the proposed plan amendment, zone change or type 3 or 4 land use permit, along with the potential for similar approvals on similarly situated parcels within 2 miles (.75 miles in the MPO) of the subject parcel (or portion of the parcel that is requesting the land use change or permit), will not significantly affect a transportation facility identified in State, regional or local transportation plans (RTP 6-1).

- (i) Approval of the proposed changes and the cumulative impact of the potential for similar approvals on parcels within 2 miles (.75 miles in the MPO) of the subject parcel would not change the functional classification of an existing or planned transportation facility nor would it change standards implementing the functional classification system (unless the change can be made in conjunction with a TSP amendment pursuant to policy 4.3.3-D).*
- (ii) Approval of the proposed changes and the cumulative impact of the potential for similar approvals on parcels within 2 miles (.75 miles in the MPO) of the subject parcel would not allow types or levels of land uses that would result in levels of travel or access inconsistent with the functional classification of a transportation facility (unless a functional class change is made pursuant to policy 4.3.3-D).*
- (iii) Approval of the proposed land use changes and the cumulative impact of the potential for similar approvals on parcels within 2 miles (.75 miles in the MPO) of the subject parcel would not cause a facility to exceed the adopted performance standards for facilities used by the subject parcel. A facility used by the subject parcel is defined as any facility where approval of the proposed land use changes and the cumulative impact of the potential for similar approvals on parcels within 2 miles (.75 miles in the MPO) of the subject parcel would increase traffic on a facility by more than 3% of the total capacity for collectors and/or 2% of the total capacity for arterials and state highways. ODOT may determine that the subject parcel, beyond this definition and in accordance with the Oregon Highway Plan, will use additional state facilities.*

FINDING: Jackson County Roads has indicated that a TIS is not warranted for the proposed development. A TIS waiver has been submitted to Jackson County Roads by Development Services, but, at the time of this staff report, the TIS waiver has not been returned.

4.3.1-D Regardless of whether adequate capacity exists, changes in land use and new or expanded development proposals will not be approved if they will create, or would worsen, a safety problem on a public transportation system or facility. If a problem would be created or worsened without mitigation, then a mitigation plan that resolves the safety concern must also be approved and included in the proposal in order for the land use change and/or development proposal to be approved. Where a safety concern exists, study by a registered professional engineer with expertise in transportation will be considered to determine if a problem would be created or worsened.

FINDING: Jackson County Roads has stated that “*The applicant shall verify the intersection of Johns Peak Road and Old Military Road meet adequate sight distance, geometry and does not warrant improvement due to increased traffic.*” The applicant has agreed to comply with all conditions necessary to assure the safety of this intersection. A condition of approval could require the applicant to submit verification from a traffic engineer verifying the intersection meets adequate sight distance, geometry and does not warrant improvement due to increased traffic.

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

FINDING: Johns Peak Road already exists through the subject properties and the applicant proposes to upgrade the road to a County Class C road. The road is within ASC 90-1, Deer and Elk Winter Range Habitat. The applicant will comply with development standards of ASC 90-1 and any standards requested by ODFW to minimize impacts to deer winter range habitat.

V. COMPLIANCE WITH THE LAND DEVELOPMENT ORDINANCE:

Chapter 3.7 establishes procedures, standards, and criteria for minor map amendments.

Section 3.7.3 requires findings showing an application's conformance with 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 applicant proposes to upgrade Johns Peak Road to a County Class C Road. Utility facilities already exist to the subject parcels and it will be the applicants responsibility to acquire utility facilities to any new development. This criterion can be 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: ASC 90-1 requirements for development will be a condition of approval for any new development within this area. Additional conditions as proposed by Mr. Thiebes will help to minimize impacts to deer winter range habitat. This criterion can be met.

- 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 subject parcel are included in their entirety and 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: The proposed zone change to RR-10 results in a minimum lot size of 10 acres. An exception to Statewide Planning Goal 14, Urbanization, is not required.

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

FINDING: Should the Planning Commission agree that the subject parcels are more appropriately designated on the Comprehensive Plan Map as Rural Residential Land, the zoning district of RR-10 will be consistent with the Comprehensive Plan Map designation

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

FINDING: The applicant states "A public need exists for this proposed rezone to Rural Residential RR-10, because additional land for rural use development is required to meet additional demand for housing in this zoning district. The amount already provided under current zoning within the district has been developed and it is time to add to the available inventory."

Staff finds that Jackson County currently has approximately 765 acres of RR-10 zoning scattered throughout the County. Most of the parcels within this zone are developed, although there is currently 60 acres of RR-10 parcels that have recently been rezoned and are not, as yet, developed. The addition of approximately 343 acres of RR-10 zoning would increase the RR-10 zoning by 45 percent. With the addition of this area of RR-10, the subject properties would account for approximately 31 percent of the RR-10 zoning in the County. While the addition of RR-10 zoning within the County would be a type of community benefit with regards to additional land available for housing, Policy 1 of the Housing Element of the Jackson County Comprehensive Plan states "All cities and the County have the responsibility of providing for a wide range of housing opportunities including low and moderate income housing. The County's responsibility can only be met in so far as vacant land exists within urban containment boundaries. The zoning/plan designations within the containment boundaries can be increased to provide additional housing opportunities but the primary area for providing "needed housing," as the term is used within Statewide Planning Goal #10, is within urban growth boundaries." Jackson County does not have a responsibility to facilitate zone changes which increase the availability of "needed housing." The County is called on to provide for a variety and range of housing types and design concepts within the context of County codes, Comprehensive Plan, Statewide Planning Goals, and ordinances applicable to land and housing development (Implementation Strategy B, Policy 1, Housing Element).

- 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 applicant has supplied evidence regarding soil characteristics and geology, vegetation, climate, availability of water, on-site sewer systems, existing deer winter range habitat, and building locations for the new parcels (benches, terraces, or gentle slopes). This area has many areas with steep slopes, recreational areas used by the public, wildfire

hazards associated with steep slopes, and development could create adverse impacts to deer winter range habitat, according to ODFW. The Planning Commission should carefully weigh the evidence and impacts associated with the proposed development and determine the appropriate zoning designation.

Chapter 8.7 Wildfire Safety

This Section of the LDO contains mandatory standards for all new construction with respect to fire safety requirements. This chapter will be discussed as a whole rather than to address each requirement or standard.

FINDING: The applicant submitted a letter from Jackson County Fire District No. 3. The letter included suggestions for conditions which would address concerns of the fire district. These conditions included strictly adhering to LDO requirements concerning fire protection access, fuelbreak setbacks, requirement to install an approved water supply, and bringing Johns Peak Road up to County subdivision road standards. The letter also stated that improvements in roads, water supply and additional residences to watch over activities are improvements to the current conditions. These requirements are addressed at the time of construction. Because of the steep slopes in the area, fuelbreak requirements could be set at 150 feet for all development. Water supplies, based upon fire district approval, for every parcel could be required prior to development. Requirements for vegetation management could be added as a condition of approval. Management of vegetation would also help to reduce soil erosion on the parcels. All or a combination of these measures would help to protect this area from wildfire hazards.

Section 7.1.1(C) Deer and Elk Habitat

This section includes lands on which development can affect survival of Black-tailed deer or Roosevelt elk herds. Such lands are identified as winter range habitat on base maps prepared by the Oregon Department of Fish and Wildlife (ODFW) and adopted by the Board of Commissioners as ASC 90-1. Winter range is classified by ODFW as "Especially Sensitive", "Sensitive", and "Other", with commensurate levels of protection provided to protect the carrying capacity of the range as set forth in the Jackson County Comprehensive Plan.

FINDING: This section has been addressed in Section III(4) of this report and will not be addressed again here. Please refer to the findings of Section III(4).

VI. OREGON ADMINISTRATIVE RULES

OAR 660, Division 12, Sections 0060 and 0065

FINDING: These sections of the OAR's deal with requirements for comprehensive plan amendments with regards to existing or planned transportation facilities. Jackson County's Transportation Element and Transportation System Plan have been acknowledged by the State of Oregon and requirements under the OAR's are administered by the Comprehensive Plan. See Sections III(11) and IV(3)(B) of this report.

OAR 660, Division 4, Sections 0020, 0022, 0025, or 0028

FINDING: These sections are the goal exception requirements. The applicant has not requested a goal exception to any Statewide Planning Goal and is requesting the Planning Commission determine that the subject properties are "nonresource lands" as defined by OAR 660-004-0005(3). Should the Planning Commission determine the subject properties are nonresource lands, an exception to Goals 3 or 4 would not be required.

VI. CONCLUSION:

In order to approve an amendment of the Comprehensive Plan Map and Zoning Map for the subject properties to change the plan map designation from Forestry/Open Space (FOS) to Rural Residential Land and zoning map from Forest Resource (FR) and Woodland Resource (WR) to Rural Residential (RR-10), the Planning Commission and Board of Commissioners must find that the applicant has provided adequate evidence for the County to make the requisite findings for a minor map amendment. Should the Planning Commission determine the application meets the criteria for a minor map amendment, a Recommendation for Approval will be submitted for signature by the Planning Commissioners. Should the Planning Commission determine the minor map amendment is not appropriate at this time, an Order denying the application will be submitted to the Planning Commission for review and signature.

JACKSON COUNTY COMPREHENSIVE PLANNING MANAGER



By: Michael W. Mattson, Planner II

Date: 5-29-06

EXHIBIT B

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

IN THE MATTER BEFORE THE JACKSON)
COUNTY PLANNING COMMISSION OF AN)
APPLICATION FOR AN AMENDMENT TO THE)
OFFICIAL COMPREHENSIVE PLAN MAP AND)
ZONING MAP TO CHANGE THE)
COMPREHENSIVE PLAN MAP FROM)
FORESTRY/OPEN SPACE LAND TO RURAL)
RESIDENTIAL LAND AND THE ZONING MAP)
FROM FOREST RESOURCE (FR) AND)
WOODLAND RESOURCE (WR) TO RURAL)
RESIDENTIAL (RR-10), 10 ACRE MINIMUM)
LOT SIZE, ON 342.98 ACRES DESCRIBED AS)
TOWNSHIP 37 SOUTH, RANGE 2 WEST,)
SECTION 18, TAX LOTS 300, 400, 401, AND)
700, AND TOWNSHIP 37 SOUTH, RANGE 2)
WEST, SECTION 19, TAX LOT 200; EDWARD)
L. COX II, AGENT; EDWARD L. II AND)
MILDRED D. COX, ROBERTA JANE AND JOHN)
O. SAWYER, JR., WILLIAM M. AND COLLEEN)
P. COX, NORMAN J. AND KATHY W. SALYER,)
JOSEPH L. AND LYNN A. SMITH, OWNERS;)
FILE NO. LRP2004-00005.)

**RECOMMENDATION
FOR DENIAL**

Jackson County Planning Commission: Recommends denial of a Comprehensive Plan Map and Zoning Map Amendment to change the comprehensive plan map from Forestry/Open Space Land to Rural Residential Land and the zoning map from Forest Resource (FR) and Woodland Resource (WR) to Rural Residential (RR-10), 10 acre minimum lot size, on 342.98 acres described as Township 37 South, Range 2 West, Section 18, tax lots 300, 400, 401, and 700, and Township 37 South, Range 2 West, Section 19, tax lot 200.

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 31, 2004 an application for a Comprehensive Plan Map and Zoning Map Amendment to change the comprehensive plan map from Forestry/Open Space Land to Rural Use Land and the zoning map from Forest Resource (FR) and Woodland Resource (WR) to Rural Use (RU), was submitted by the agent and one of the owners, Edward L. Cox II, for the owners, Edward L. Cox II, et al. After initial review by staff, the application was deemed incomplete on May 10, 2004. The applicant

**1-RECOMMENDATION; File LRP2004-00005
Edward L. Cox II, Agent; Edward L. Cox II et al, Applicants**

submitted the requested information and the application was deemed complete on August 30, 2004. A site visit by the Planning Commission was completed on July 8, 2004.

A notice of the proposed amendment was provided to DLCD on October 4, 2004. The application was scheduled before the Jackson County Planning Commission for a first evidentiary hearing on November 18, 2004 at 9:15 a.m in the Jackson County Auditorium. That public hearing was cancelled. The applicant decided to amend the application to request a Comprehensive Plan Map and Zoning Map Amendment to change the comprehensive plan map to Rural Residential Land and the Zoning Map to Rural Residential (RR-10), 10 acre minimum lot size. A second notice of the changed map amendment was provided to DLCD on April 19, 2006. Another public hearing was scheduled for June 8, 2006 at 9:15 in the Jackson County Auditorium.

3. On June 8, 2006, the Jackson County Planning Commission held a properly advertised public hearing to consider the evidence and testimony on this application. The public hearing was continued to September 28, 2006. At the September 28th public hearing, the Jackson County Planning Commission considered the evidence and testimony for 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, property owners within 750 feet of the subject property, and affected agencies on May 10, 2006. A media notice was sent to the Medford Mail Tribune on and a copy was sent to the Upper Rogue Independent. Legal notice was published in the Sunday, May 28, 2006 edition of the Medford Mail Tribune.
- 1.2 The Planning Commission finds that the subject properties are described as Township 37 South, Range 2 West, Section 18, tax lots 300, 400, 401, and 700, and Township 37 South, Range 2 West, Section 19, tax lot 200.
- 1.3 The Planning Commission finds the subject properties are considered lawfully created parcels.
- 1.4 The current Comprehensive Plan Map Designation is Forestry/Open Space Land and the zoning districts are Forest Resource (FR) and Woodland Resource (WR).
- 1.5 The Planning Commission finds the subject properties have access from Johns Peak Road, this portion being a private easement road.
- 1.6 The Planning Commission finds that tax lots 400, 401, and 700 in Section 18 are within Jackson County Fire District No. 3. Tax lot 300 in Section 18 and tax lot 200 in Section 19 are not within a rural fire protection district.

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Edward L. Cox II, Agent; Edward L. Cox II et al, Applicants**

- 1.7 The Planning Commission finds that tax lots 300 and 401 have septic systems currently installed.
- 1.8 The Planning Commission finds that wells are located on tax lots 300, 400, 401 and 700.
- 1.9 The Planning Commission finds that police protection is provided by the Jackson County Sheriff's Office.
- 1.10 The Planning Commission finds that tax lots 300 and 401 currently have dwellings and tax lot 200 in Section 19 has a radio communications tower. The rest of the parcels are vacant.
- 1.11 The Planning Commission finds that the subject property is within Area of Special Concern (ASC) 90-1, lands on which development will affect survival of Black-tailed deer or Roosevelt elk herds. This unit is the West Valley Unit, classified as "Other Winter Range". The land division and residential development standards for this unit shall allow development according to the prevailing maximum parcel/lot size for the zoning district.
- 1.12 The Planning Commission finds that the subject properties have five wetlands designated R4SBC, seasonally flooded intermittent streambeds.
- 1.13 The Planning Commission finds that agencies and property owners responded with comments to this application and their comments were considered by the Planning Commission.

SECTION 2. LEGAL FINDINGS: To recommend approval of an Official Comprehensive Plan Text and Zoning Map amendment, 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 Sections III, IV, V, and VI of the Staff Report, incorporated herein and attached as Exhibit A. Additional findings by the Planning Commission are described below. Where factual conflicts arose, the Jackson County Planning Commission has resolved them consistent with these findings.

- 2.1 The Planning Commission finds forest lands, as defined in the Forest Lands Element of the Comprehensive Plan, are: ...1) *lands composed of existing and potential forest lands which are suitable for commercial forest uses; 2) other forested lands needed for watershed protection, wildlife and fisheries habitat, and recreation; 3) lands where extreme conditions of climate, soil, and topography require the maintenance of vegetative cover irrespective of use; 4) other lands which lie adjacent to urban and agricultural areas and which provide urban buffers, windbreaks, wildlife and fisheries habitat, scenic corridors, and recreational use; and, 5) ranching and grazing areas in the above environments.* Additionally, the Map Designations Element of the Comprehensive Plan contains criteria for the designation of Forestry/Open Space land. This criteria includes Section 2(B) and 2(C) described below:

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2(B) *Woodland areas within or near the physiographic areas discussed in (A) above, but located at or below the established elevation contour lines for commercial forest land environments, on which production of timber and wood fiber is, or can become, a primary use of the land are also designated for Forestry/Open Space unless the land is otherwise qualified as agricultural or aggregate resource land. These lands are generally in private nonindustrial ownerships, with some wood product industry and less productive publicly owned lands; have parcel sizes predominantly greater than 20 acres; have been specially assessed or are interspersed among similar properties that have been specially assessed as forest or wood land; and have a cubic foot site class potential for timber production or occur adjacent to and buffer productive forest lands.*

2(C) *Transition areas of intermingled agricultural and forest lands, and areas not generally suited to intensive land uses or development for a broad range of physical and natural factors, where no other appropriate rural designation exists, are designated for Forestry/Open Space unless the land is otherwise qualified as agricultural land aggregate resource land. These lands are generally poorer forest capability lands than found in the Woodland Resource zoning districts or are located on lands with no forest capability combined with poor agricultural soils such as occurs in the Agate Desert.*

The Planning Commission finds the subject properties are currently zoned Forest Resource (FR) and Woodland Resource (WR). While the subject properties do not meet the definition of "commercial forest lands" as described in the Forest Lands Element, the Planning Commission also finds the subject properties meet some of the criteria under 2(B) and all of the criteria under 2(C) in the Map Designations Element for Forestry/Open Space, as well as some of the criteria listed in the definition of "woodland" areas in the Forest Lands Element of the Comprehensive Plan. The Planning Commission finds the subject properties meet the definition of Forestry/Open Space lands contained in the Map Designations Element and the Forest Lands Element.

2.2 The Planning Commission has reviewed the Map Designation Criteria for the designation of Rural Residential Land. This criteria states:

2(B) *Rural Residential lands are to be located on lowland foothill, valley terrace, and valley floor areas with a moderate to gently sloping or level terrain. Other lands may also be included which do not logically fit within any other Plan category, where shown to be suitable for residential use. In any case, feasibility of development in accordance with the standards of one or more of the implementing Rural Residential zoning districts must be established. The following requirements must be included within feasibility findings to support a Plan map amendment to Rural Residential:*

i) *Within mutually adopted urban growth boundaries, the designation must not conflict with the city's comprehensive plan or mutually adopted urbanization agreement for the urbanizable area; a public road developed to County road standards sufficient to serve the proposed and existing development exists or is proposed for (re)construction within a five-year period as delineated in the Jackson County Capital Improvements Program or as otherwise assured to meet similar standards in the applicable municipality's comparable public*

**4-RECOMMENDATION; File LRP2004-00005
Edward L. Cox II, Agent; Edward L. Cox II et al, Applicants**

works program; and the designation will preserve the ability to develop future sewer, water, and other public utility systems necessary for the long-term urbanization of the area.

- ii) Outside urban growth boundaries, the development potential must not be dependent upon the extension or construction of urban public facilities such as public sewer or water service, unless an exception to Statewide Planning Goals 11 and 14, as applicable, is justified in accordance with the Goal 2 Exceptions Process, ORS 197.732, and OAR 660, Division 4; private sewage disposal¹ and individual domestic water supply systems must be adequate to service the existing and potential development consistent with the Public Facilities and Services Element of the Jackson County Comprehensive Plan; and a road developed to County road standards C, D, or E, or the equivalent state standards, exists or is proposed for (re)construction within a five-year period as delineated in the Jackson County Capital Improvements Program or as otherwise assured in accordance with OAR 660, Division 12, the Transportation Planning Rule. Forest Service or Bureau of Land Management roads may not be used to satisfy this requirement. However, feasibility of private road access development to a qualifying public road may be considered for Plan amendment purposes.*

2(C) The subject area must be within a municipal, rural, or voluntary fire protection district having the capacity to serve the existing and potential growth, or is otherwise shown to be provided with contract fire hazard protection service from such a district. The implementing zoning district will be determined, in part, based upon findings of acceptable wildfire hazard risk to the proposed development, the surrounding community, and to nearby commercial timber stands and wildlife areas.

2(D) Where the proposed area includes or adjoins identified Goal 5 resources, or is otherwise mapped within a Goal 5 impact area, a conflicting use analysis must be provided in accordance with the Goal 5 process to support the proposed Plan designation.

2(E) The Rural Residential designation is appropriately applied where consistent with a rural unincorporated community plan acknowledged under OAR 660, Division 22 (the Unincorporated Community Rule).

The Planning Commission finds the subject properties have steep slopes throughout and do not meet the characteristics in 2(B) above. The Planning Commission also finds that the development plans in the record do not sufficiently demonstrate how the steep topography on the site will result in acceptable wildfire hazard risk for the RR-10 zoning district. The Planning Commission finds the record is inadequate to ensure the development and surrounding properties will be adequately protected from wildfire hazards. The subject properties are more appropriately designated on the Comprehensive Plan Map as Forestry/Open Space and should remain as currently zoned.

¹ *Where private sewerage systems are required, the area conditions such as capability of the soils and subsurface geologic characteristics to accommodate on-site systems must meet Department of Environmental Quality regulations for on-site waste disposal systems.*

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Edward L. Cox II, Agent; Edward L. Cox II et al, Applicants**

2.3 Policy 1 of the Rural and Suburban Lands Element states:

It is the policy of Jackson County to reduce and reallocate the overall allowable density and intensity of rural and suburban lands to the extent necessary to minimize further degradation of air quality, reduce energy consumption and reduce the long-range cost of providing public facilities and services.

IMPLEMENTATION STRATEGIES:

- A) *Investigate a variety of alternative techniques which could be used to implement the above policy and ensure goal achievement, and consider which are appropriate to the needs and desires of local area residents, including but not limited to: downzoning, clustering/planned unit developments in urban areas, density transfer, upzoning, and other appropriate techniques as may be deemed feasible and applicable. Any density/intensity increases will be emphasized in established communities and/or in areas which are already committed to such densities and uses through existing subdivisions, partitioning or development.*
- B) *Base all proposed rural and suburban land use and actions on the following principles:*
- i) *Recognize the diversity of the county's lands and natural resources and the variety of social and economic needs, attitudes and life-styles prevalent in the citizenry, as well as the overall social, economic, energy, environmental and physical opportunities and constraints these factors influence regarding development in rural areas, and also that planning is a process responsible to these factors.*
 - ii) *Recognize the location and extent of existing rural and suburban residential development in areas where commitments to such uses and densities have already been made (see Goal Exceptions Element).*
 - iii) *Development in such committed areas will be limited to the infilling of vacant land at rural and suburban densities.*
 - iv) *Rural and suburban lands and proposed developments beyond the area cited above will:*
 - a) *Be appropriately, if not uniquely, suited to the area or site proposed for such development;*
 - b) *Promote an orderly and efficient rural and suburban land use pattern; and,*
 - c) *Be located and designed so as to:*
 - * *Preserve and enhance the rural character, natural resources, scenic values and open spaces of the county;*

- * *Ensure the safety and viability of rural and suburban lands uses by limiting development in areas susceptible to natural or man induced hazards;*
 - * *Minimize the long-range public costs of providing facilities and services;*
 - * *Provide an orderly transition between urban, suburban and rural uses and areas;*
 - * *Conserve natural resources with high amenity value;*
 - * *Improve patterns of energy consumption; and,*
 - * *Minimize the further degradation of air and water quality.*
- d) *Meet the standards for an exception as set forth in Goal 2 of the Statewide Planning Goals.*

The Planning Commission finds that considerable energy inputs would be required for development in accordance with the allowable density in the RR-10 district in this area, and that this is not consistent with Comprehensive Plan policies for energy conservation. Considering the wildfire hazard risk, steep topography, access constraints, and energy inputs required to develop the area at the RR-10 designation, the Planning Commission finds that clear and convincing evidence was not entered in the record to show the area is most appropriately zoned RR-10, nor does the application demonstrate how the area is uniquely suited to provide a 10 acre per unit density.

2.4 Policy 1 of the Energy Conservation Element states:

The County shall develop and implement land use policies and related planning and implementation techniques that will maximize energy conservation and efficiency.

IMPLEMENTATION STRATEGIES:

- A) *Manage and control land use patterns and uses in a manner which will optimize the conservation and efficient utilization of all forms of energy, based upon sound economic, environmental, and social principles.*
- B) *Consider means by which land use planning decisions and applicable codes and ordinances can reduce future demands for energy.*
- C) *Encourage land use patterns and densities that facilitate energy efficient public transportation systems.*
- D) *To the optimum extent possible and desirable considering the retention of the county's rural character, increase densities, where appropriate, along high volume/capacity transportation corridors to achieve greater energy efficiency.*

**7-RECOMMENDATION; File LRP2004-00005
Edward L. Cox II, Agent; Edward L. Cox II et al, Applicants**

- E) *Encourage the development of fewer and more land intensive commercial and industrial centers as opposed to strip, isolated, and scattered developments, with emphasis on convenient access to major transportation corridors and systems of public transportation.*
- F) *Encourage people to live in proximity to activity centers and particularly their places of employment.*
- G) *Encourage and promote urban-centered growth within urban communities, as opposed to rural and/or urban/suburban sprawl.*
- H) *Encourage close locational relationships among developments for living, working, shopping, and recreation.*
- I) *Periodically review, update, and amend all applicable policies, codes, and ordinances to reflect energy efficiency in land use matters.*

As is stated in 2.3 above, the Planning Commission finds that because of the energy inputs required to develop these properties at the RR-10 designation, the evidence in the record is not substantial enough to show the application meets the Energy Conservation Element.

2.5 The goal of the Natural and Historic Resources Element states:

To preserve and conserve valued open space lands; protect and maintain existing, and establish new, historic, scenic and wildlife areas and ensure wise utilization of natural resource.

The Planning Commission finds the subject areas are within and adjacent to valuable open space land, forest environments, and an identified Goal 5 resource, winter range habitat for deer and elk, and development at the RR-10 designation would not protect this area as open space, forest land, and deer and elk habitat.

2.6 Policy 1 of the Natural Hazards Element states:

County land use actions shall be based upon a determination of acceptable risk of wildfire hazards, and such hazards shall be reduced through positive County action in terms of guiding development and improving fire protection districts.

The Planning Commission finds that because of the steep topography and limited access, this area has a high potential for wildfire hazard and substantial evidence has not been submitted to determine an acceptable risk of wildfire hazard to the County for any proposed development at the RR-10 designation.

2.7 The goal of the Public Facilities and Services Element states:

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.

In the general discussion of this goal, it also states "*Jackson County has an important role to play in coordination of planning for the optimal use of public facilities and services. First, the County shares the responsibility for planning such facilities and services with the cities and special service districts. In addition, the County has a responsibility to avoid or postpone development in a particular area. New and expanding facilities and services for the County's growing population need to be planned in a way that distributes costs equitably, with benefitted parties bearing costs consistent with the benefits to them.*"

The Planning Commission finds the application does not contain substantial evidence showing the proposed development provides for an equitable distribution of costs for providing public facilities and services to this area, specifically solid waste, fire, and emergency services. Because the proposed development is located in an area isolated from other rural residentially zoned properties, the cost of providing solid waste, fire, and emergency services has not been shown to be distributed equitably to the parties who will benefit from these services.

SECTION 3. CONCLUSIONS: Based on the evidence and arguments included in the record and findings by the Planning Commission, the Planning Commission concludes that the proposed Comprehensive Plan Map and Zoning Map Amendment does not comply with the Statewide Planning Goals 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 does not comply with Statewide Planning Goal 4, Forest Lands, Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources, Goal 7, Areas Subject to Natural Disasters and Hazards, Goal 11, Public Facilities and Services, and Goal 13, Energy Conservation.
- 3.2 Jackson County Comprehensive Plan: The Planning Commission concludes that this application does not comply with the Jackson County Comprehensive Plan regarding the Map Designation Element (Rural Residential Land), Energy Conservation Element, Natural Hazards Element, Public Facilities and Services Element, and Rural and Suburban Lands Element.
- 3.3 The Planning Commission concludes that proper public notice was given.

SECTION 4. RECOMMENDATION: The Jackson County Planning Commission recommends denial of a Comprehensive Plan Map and Zoning Map Amendment to change the comprehensive plan map from Forestry/Open Space Land to Rural Residential Land and the zoning map from Forest Resource (FR) and Woodland Resource (WR) to Rural Residential (RR-10), 10 acre minimum lot size, on 342.98 acres described as Township 37 South, Range 2 West, Section 18, tax lots 300, 400, 401, and 700, and Township 37 South, Range 2 West, Section 19, tax lot 200, as illustrated on the zoning map attached hereto as Exhibit B.

This recommendation for APPROVAL adopted this _____ day of _____, 2006, at Medford, Oregon.

**9-RECOMMENDATION; File LRP2004-00005
Edward L. Cox II, Agent; Edward L. Cox II et al, Applicants**

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

(absent)
Reeve Hennion, Chair

Don Greene, Vice-Chair (Y)

(absent)
Elizabeth Fugas, Commissioner

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

Byron Williams, Commissioner (Y)

ATTEST:

Heather Couch, Secretary

I:\ZONING\WP\Comp Planning\LRP2004-00005 Cox et al\LRP2004-00005-PC-recommendation.wpd

10-RECOMMENDATION; File LRP2004-00005
Edward L. Cox II, Agent; Edward L. Cox II et al, Applicants



ZONING

APPLICANT:
COX II, ET AL.
37-2W-18-300,
400, 401, 700
37-2W-19-200
LRP2004-00005

- County Zoning
- Mutual Concern Area
- Streams & Ditches
- Streams
- Ditches
- Wildlife by Sensitivity
- [1:100] Very Sensitive
- [1:40] Sensitive
- Existing



This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied.

Plot date: Apr 18, 2006; C:\GIS\PLANNING\APR

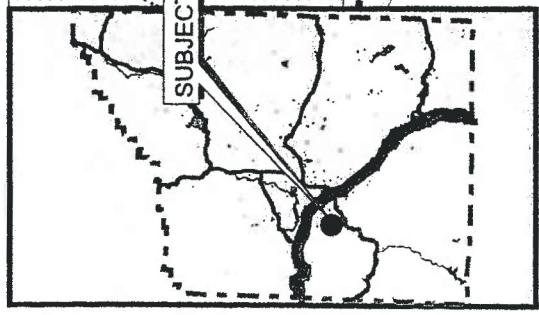
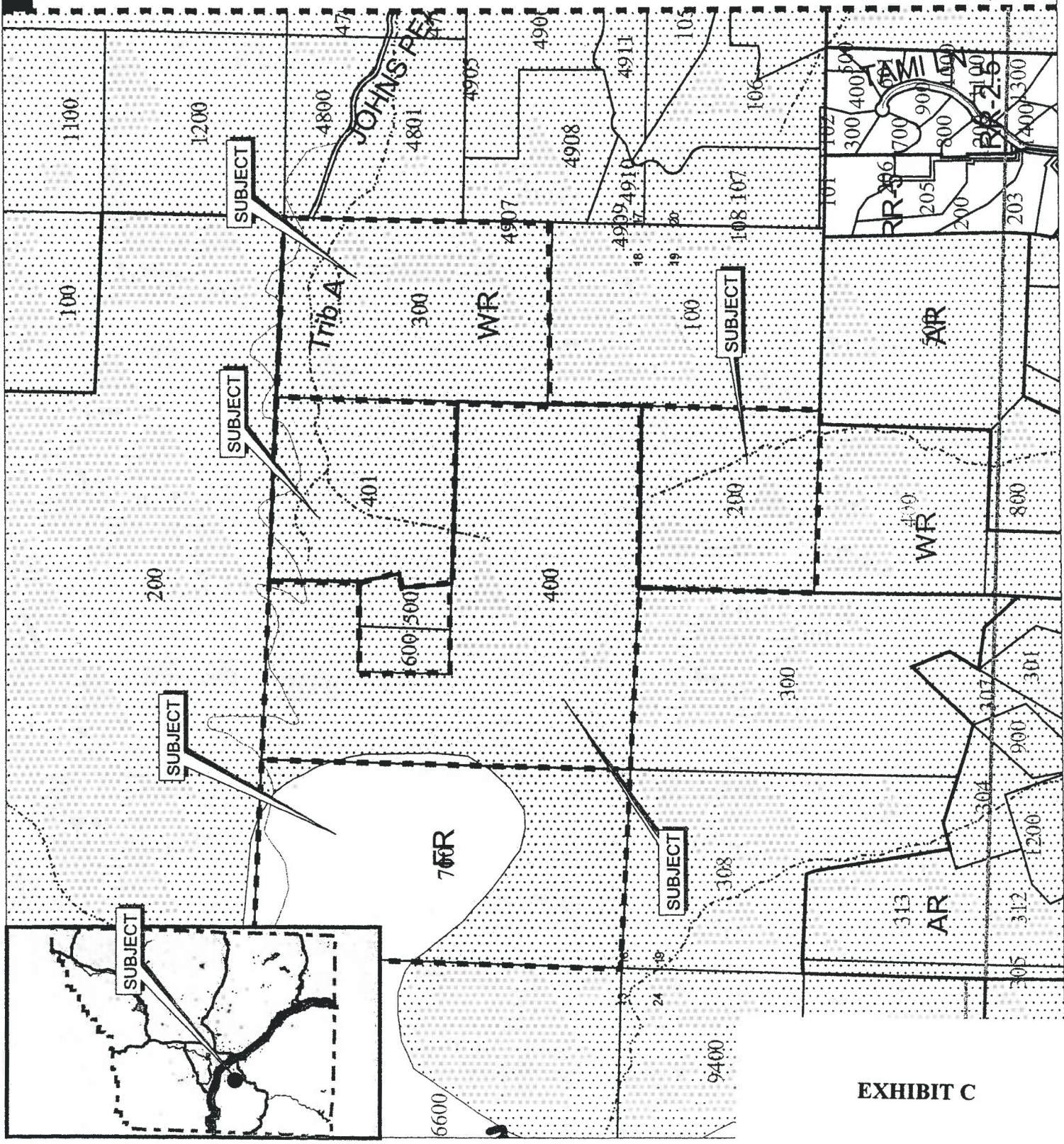


EXHIBIT C

colored office grade paper

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. 2007-10 at a properly advertised public hearing on January 17, 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 April 22, 2007 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2007-10 amends the Comprehensive Plan Map and Zoning Map to change the plan map designation from Forestry/Open Space Land (FOS) to Rural Residential land and the zoning map from Forest Resource (FR) and Woodland Resource (WR) to Rural Residential (RR-10) on 342.98 acres described as Township 37 South, Range 2 West, Section 18, Tax Lots 300, 400, 401, & 700 and Township 37 South, Range 2 West, Section 19, Tax Lot 200, and located approximately 0.75 miles northwest of the intersection of Old Military Road and Johns Peak Road, on Johns Peak Road. Edward L. Cox II, Roberta Jane Cole and John O. Sawyer, Jr., William M. and Colleen P. Cox, Norman J. and Kathy W. Salyer, and Joseph L. and Lynn A. Smith, Owners. File LRP2004-00005.

This notice is being mailed to you on February 26, 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, Jackson 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 February 26, 2007, and the LUBA appeal period will expire on March 19, 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: Zoning Map
Notary Packet

S M A R T M A P

JACKSON COUNTY
GEOGRAPHIC INFORMATION SYSTEM



ZONING

APPLICANT:
COX II, ET AL.
37-2W-18-300,
400, 401, 700
37-2W-19-200
LRP2004-00005



County Zoning

Mutual Concern Area

Streams & Ditches

Streams

Ditches

Wildlife by Sensitivity

(1:100) Very Sensitive

(1:40) Sensitive

Existing

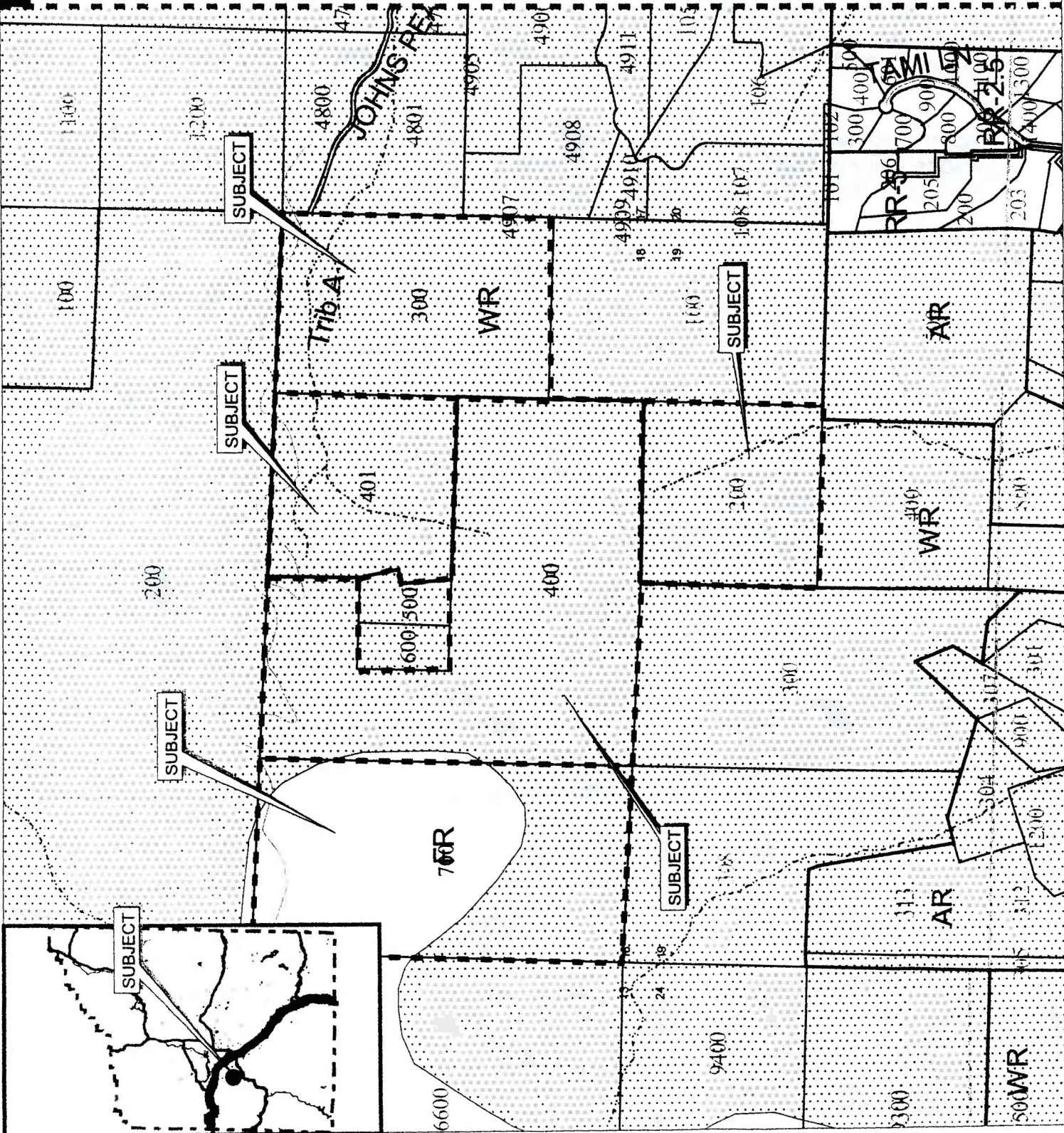
0 500 1000 Feet

1" = 1000 feet



This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied.

Plot date: Apr 18, 2006; C:\GIS\PLANNING\APR



Please recycle with colored office grade paper

NOTARY PAGE

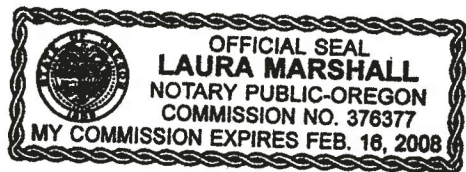
STATE OF OREGON)
)
COUNTY OF JACKSON)

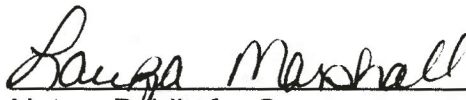
I, Patricia A. Guida, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2007-10 by mailing a copy of the Notice of Adoptions by regular mail to each of the following named persons at their respective last 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 February 26, 2007.


Signature

Personally appeared before me this 26th day of February, 2007, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.




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

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

APPLICANT NAME: EDWARD L. COX II, ET AL

FILE NO: LRP2004-00005

BoC ORDINANCE # 2007-10
File # LRP2004-00005
Parties/Witnesses/Staff
Mailed: 02/26/2007

		APPLICANT EDWARD COX II PO BOX 157 JACKSONVILLE OR 97530	LRP2004-00005	APPLICANT ROBERTA J COLE JOHN O SAWYER 3673 MCMILLAN DR ARCATA CA 95521	LRP2004-00005
PO ROBERT/KAREN JOHNSON PO BOX 159 MEDFORD OR 97504	LRP2004-00005	PO WILLIAM/COLLEEN COX 2375 JOHNS PEAK RD CENTRAL POINT OR97502	LRP2004-00005	PO BOISE CASCADE CORP PO BOX 100 MEDFORD OR 97501	LRP2004-00005
PO TONY REIS 2313 OLD MILITARY RD CENTRAL POINT OR 97502	LRP2004-00005	PO JOE/KATH SALYER 3348 OLD MILITARY RD CENTRAL POINT OR 97502	LRP2004-00005	PO JOSEPH/LYNN SMITH 2015 HANLEY RD CENTRAL POINT OR 97502	LRP2004-00005
AGENDA C. W. SMITH BOARD OF COMMISSIONER	LRP2004-00005	STAFF MIKE MATTSON PLANNER	LRP2004-00005	STAFF THOMAS BIZEAU CURRENT PLANNING MANAGER	LRP2004-00005
STAFF SUSAN LEE PLANNING DIRECTOR	LRP2004-00005	STAFF KELLY MADDING DIRECTOR	LRP2004-00005	AGENCY DOUG MCGEARY COUNTY COUNSEL	LRP2004-00005
IP WESTSIDE NEIGHBORS ASSOC MOTORCYCLE RIDERS ASSOC DAVID LEXOW 1755 THOMAS RD MEDFORD OR 97501	LRP2004-00005	IP BRIAN SCHLAEFLI/KEN CUMMINGS FOREST CAPITAL PARTNERS LLC 572 PARSONS DR STE 124 MEDFORD OR 97501	LRP2004-00005	IP NORMAN FUELLER 2610 DELLWOOD AVE MEDFORD OR 97504	LRP2004-00005
IP TYRRELL HART 3808 ANDREWS RD MEDFORD OR 97501	LRP2004-00005	IP STEVEN CROUCHER 8131 OLD STAGE RD CENTRAL POINT OR 97502	LRP2004-00005	IP GARY KITZROW 244 APPLE BLOSSOM LN ROSEBURG OR 97470	LRP2004-00005
IP KURT BECKMAN 934 SANDOZ ST CENTRAL POINT OR 97502	LRP2004-00005	IP DEREK STEAHLY 3850 PIONEER RD MEDFORD OR 97501	LRP2004-00005	IP PATRICK FOX 1241 DRY CREEK RD EAGLE POINT OR 97524	LRP2004-00005
IP CASEY VANDENBURGH 2459 PAIR A DICE JACKSONVILLE OR 97530	LRP2004-00005	IP JOE COFFMAN 300 DUNLAP RD JACKSONVILLE OR 97530	LRP2004-00005	IP NORMAN FOELLER 2610 DELLWOOD RD MEDFORD OR 97504	LRP2004-00005
IP DAN THOREN 1435 BLUE BONNET MEDFORD OR 97504	LRP2004-00005	IP MASON HARRISON 212 PORTLAND AVE MEDFORD OR 97504	LRP2004-00005	IP M SEQUOYAH 4670 WINNETKA RD WHITE CITY OR 97503	LRP2004-00005

IP
STEVEN CROUCHER
8131 OLD STAGE RD
CENTRAL POINT OR 97502

LRP2004-00005

IP
WILL HISLEBEARD
65 STERLING CRK RD
JACKSONVILLE OR 97530

LRP2004-00005

IP
STEVE MCINTTRE
PO BOX 321
JACKSONVILLE OR 97530

LRP2004-00005

IP
TROY COBURN
1854 STEVENS RD
EAGLE POINT OR 97524

LRP2004-00005

IP
CHERYL NOLES
20 HAMILTON ST
MEDFORD OR 97501

LRP2004-00005

IP
DENNIS WARD
3555 DODSON DR
MEDFORD OR 97504

LRP2004-00005

IP
KRIS EARL
1308 E MAIN ST
MEDFORD OR 97504

LRP2004-00005

IP
JEFF MOFFET
306 JOSEPH ST
CENTRAL POINT OR 97502

LRP2004-00005

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

LRP2004-00005

ASSESSOR'S OFFICE

LRP2004-00005

DRAFTING

LRP2004-00005

GIS

LRP2004-00005

IP
DALE PETRASEK
ROADS & PARKS

LRP2004-00005