



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

December 21, 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 003-07



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 4, 2008

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

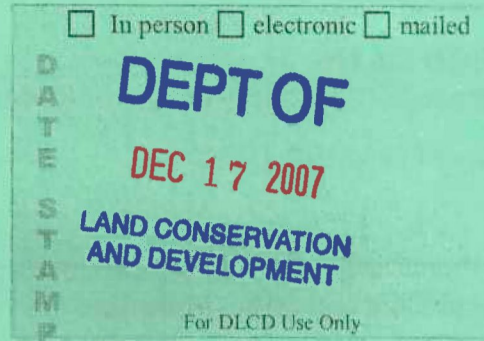
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FORM **2**

DLCD

Notice of Adoption

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



Jurisdiction: **Jackson County**

Local file number: **LRP2007-00002**

Date of Adoption: **12/12/2007**

Date Mailed: **12/14/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 4/23/2007

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Urban Growth Boundary Amendment to add 15+ acres into the Urban Growth Boundary of the City of Gold Hill.

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

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

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

Location: **West edge of the City of Gold Hill So. of 2nd Ave.** Acres Involved: **15**

Specify Density: Previous: **2.5 acres per dwelling** New: **2.5 acres/dwelling**

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment..

45-days prior to first evidentiary hearing? Yes No

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

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

003-07(16057)

DLCD file No. _____

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

City of Gold Hill, DLCD

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-**

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.

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. 2007-27 at a properly advertised public hearing on October 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 February 12, 2008 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2007-27 approving an urban growth boundary amendment to the Gold Hill Urban Growth Boundary to add 15.97 acres to the City of Gold Hill's Urban Growth Boundary. File LRP2007-00002.

This notice is being mailed to you on December 14, 2007, which is within five working days after the adoption date of the ordinance(s) as required by ORS 197.615. If you have any questions on the effect of this ordinance, please contact **Mike Mattson** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6937; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6937.

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

The Board of County Commissioner's Ordinances are the final decisions on this action. Pursuant to State law, Jackson County is hereby notifying all persons who participated in the hearings, either in writing or orally. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on December 14, 2007, and the LUBA appeal period will expire on January 4, 2008. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

Attachments: Notary Packet

NOTARY PAGE

STATE OF OREGON)
)
COUNTY OF JACKSON)

I, Patricia A. Guida, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2007-27 by mailing a copy of the Notice of Adoption by regular mail to each of the following named persons at their respective last known addresses, to wit: (as attached)

Each of said copies of the Notice were enclosed in a sealed envelope addressed to the persons at the addresses above set forth, with postage thereon fully prepaid and was deposited in the post office at Medford, Oregon, on December 14, 2007.

Patricia A. Guida
Signature

Personally appeared before me this 14th day of December, 2007, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.



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

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

APPLICANT NAME: JOANNE BIDDLE, DONALD & DONNA MADESN, FLOYD & VICKIE MARTIN, JOSEPH & PATRICIA FRAZIER

FILE NO: LRP2007-00002

BoC Notice of Decision
File #LRP2005-00007
APPLICANT/AGENT/STAFF
Mailed/Distributed: 12-14-07

LRP2007-00002
JOANNE BITTLE
1560 2ND AVE
GOLD HILL OR 97525

LRP2007-00002
DONALD & DONNA MADSEN
PO BOX 331
GOLD HILL OR 97525

LRP2007-00002
FLOYD & VICKIE MARTIN
1600 2ND AVE
GOLD HILL OR 97525

LRP2007-00002
JOSEPH & PATRICIA FRAZIER
1824 2ND AVE
GOLD HILL OR 97525

LRP2007-00002
EDWARD KESSLER
PO BOX 1577
SHADY COVE OR 97539

BOARD OF COMMISSIONERS:

LRP2007-00002
DENNIS C. W. SMITH
BOARD OF COMMISSIONERS

LRP2007-00002
JACK WALKER
BOARD OF COMMISSIONERS

BOC LRP2007-00002

DAVE GILMOUR
BOARD OF COMMISSION

STAFF:

LRP2007-00002
MIKE MATTSON
PLANNER

LRP2007-00002
SUSAN LEE
PLANNING DIRECTOR

LRP2007-00002
TOM BIZEAU
CURRENT PLANNING MANAGER

LRP2007-00002
ALLIE O'CONNOR
COUNTY COUNSEL

RECEPTIONIST DESK

INTERESTED PARTIES:

LRP2005-00007 IP
FRANCIS MCCONNELL
PO BOX 131
GOLD HILL OR 97525

LRP2005-00007 IP
TERRY HULSE
PO BOX 1070
GOLD HILL OR 97525

LRP2005-00007 IP
TOM WAGGONER
PO BOX 674
GOLD HILL OR 97525

LRP2005-00007 IP
DICK CONVERSE
RVCOG
PO BOX 3275
CENTRAL POINT OR 97502

LRP2005-00007 IP
JOHN RENZ
DLCD
PO BOX 3275
CENTRAL POINT OR 97502

LRP2005-00007 IP
CITY OF GOLD HILL
CITY PLANNER
PO BO X 308
GOLD HILL OR 97525

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

ORDINANCE NO. 2007-27

AN ORDINANCE APPROVING AN URBAN GROWTH BOUNDARY AMENDMENT TO THE GOLD HILL URBAN GROWTH BOUNDARY TO ADD 15.97 ACRES TO THE CITY OF GOLD HILL'S URBAN GROWTH BOUNDARY. THE PROPERTIES ARE DESCRIBED AS TOWNSHIP 36 SOUTH, RANGE 3 WEST, SECTION 16CC, TAX LOT 2400; TOWNSHIP 36 SOUTH, RANGE 3 WEST, SECTION 16CD, TAX LOT 3000; TOWNSHIP 36 SOUTH, RANGE 3 WEST, SECTION 21B, TAX LOTS 400, 500, & 600. THESE PARCELS ARE LOCATED ON 2ND AVE, APPROXIMATELY 4,300 FEET NORTH AND WEST OF THE INTERSECTION OF 2ND AVE. AND HWY 234. EDWARD P. KESSLER, AGENT; JOANNE BITTLE, DONALD & DONNA MADSEN, FLOYD & VICKIE MARTIN, JOSEPH & PATRICIA FRAZIER, OWNERS. FILE NO. LRP2007-00002.

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 Amendments and Urban Growth Boundary 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 and Urban Growth Boundary amendment must conform to the Statewide Planning Goals, Oregon Administrative Rules, and the Comprehensive Plan as a whole.

PROCEDURAL FINDINGS:

1. On January 11, 2007, an application for an Urban Growth Boundary Amendment was submitted by the agent, Edward P. Kessler, for the owners Joanne Bittle, Donald & Donna Madsen, Floyd & Vickie Martin, and Joseph & Patricia Frazier. The application was deemed complete 30 days after the application was received by Jackson County, pursuant to Section 2.6.3(E) of the Jackson County Land Development Ordinance (LDO).
2. A notice of the proposed amendment was provided to DLCD more than 45 days prior to the initial public hearing. A notice was published on Sunday, June 17, 2007 in the Medford Mail Tribune that a first

1-ORDINANCE; File LRP2007-00002

**Edward P. Kessler, Agent; Joanne Bittle, Donald & Donna Madsen, Floyd & Vickie Martin,
Joseph & Patricia Frazier, Owners**

evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday, June 28, 2007 at 9:00 a.m in the Jackson County Auditorium. That public hearing was conducted and continued by the Planning Commission to July 26, 2007 at 9:00 a.m. in the Jackson County Auditorium. That public hearing was conducted and the Planning Commission instructed staff to prepare a preliminary recommendation. The Planning Commission continued the public hearing to August 23, 2007 at 9:00 a.m. in the Jackson County Auditorium. The Planning Commission, by motion and vote, recommended approval of the Urban Growth Boundary Amendment to the Board of Commissioners at the August 23, 2007 public hearing.

3. A properly advertised public hearing was conducted before the Gold Hill Planning Commission on June 5, 2007. The Gold Hill Planning Commission, by motion and vote, recommended the Gold Hill City Council approve the proposed Urban Growth Boundary Amendment.

4. On July 2, 2007, the Gold Hill City Council held a properly advertised public hearing to consider the evidence and testimony on this application. The Gold Hill City Council, by motion and vote, approved the proposed Urban Growth Boundary Amendment.

5. On October 17, 2007, the Jackson County Board of Commissioners held a properly advertised public hearing to consider the evidence and testimony for this application. After considering the evidence and testimony submitted, the Board of Commissioners, by motion and vote, approved expansion of the Urban Growth Boundary for Gold Hill.

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

1.1 The Board of Commissioners finds that proper public notice was given for the public hearings.

1.2 The Board of Commissioners hereby adopts, as its own, the Findings of Fact contained in the Jackson County Planning Commission's Recommendation, dated August 23, 2007, attached hereto and incorporated herein as Exhibit "A". The Recommendation includes the Staff Report and Staff Report Addendum, and the Board of Commissioners hereby adopts, as its own, the Staff Report and Staff Report Addendum.

SECTION 2. LEGAL FINDINGS

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

2-ORDINANCE; File LRP2007-00002

Edward P. Kessler, Agent; Joanne Bittle, Donald & Donna Madsen, Floyd & Vickie Martin, Joseph & Patricia Frazier, Owners

the Staff Report and Staff Report Addendum.

SECTION 3. CONCLUSIONS

- 3.1 The Board of Commissioners concludes that proper public notice was given.
- 3.2 The Board of Commissioners concludes that based upon evidence in the record and arguments presented at the public hearing, an Urban Growth Boundary Amendment to Gold Hill's Urban Growth Boundary to add 15.97 acres to the Gold Hill Urban Growth Boundary is justified. The acreage is needed to accommodate the 20 year population growth and the priority of land is appropriate to the current rural residential designation of the proposed properties.
- 3.3 The Board of Commissioners concludes the subject properties are adjacent to the Rogue River and included within Area of Special Concern 90-9, Scenic Resources. The Rogue River is a protected Goal 5 resource. Jackson County has riparian vegetation protection as well as 75 feet structural setbacks from the bank of the Rogue River to protect this Goal 5 resource. At the current time, the City of Gold Hill does not have a riparian ordinance that would protect this Goal 5 resource. The Board concludes that because the City of Gold Hill does not currently have a riparian ordinance that protects the Rogue River, an identified Goal 5 resource, a condition of approval requires the City of Gold Hill to not annex these properties until the City creates and administers a riparian protection ordinance that complies with Statewide Planning Goal 5.
- 3.4 The Board of Commissioners concludes the current Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement was completed September 26, 1984. Many of the criteria for amendments to Urban Growth Boundaries have changed since that time. Because of these changes, the Board strongly recommends that Jackson County and the City of Gold Hill begin an update to the agreement as soon as possible.
- 3.5 The Board concludes the application is consistent with the Statewide Planning Goals, Oregon Revised Statutes, Oregon Administrative Rules, Jackson County Land Development Ordinance, the Jackson County Comprehensive Plan, and the Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement.

SECTION 4. DECISION

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

- 4.1. Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, attached hereto and incorporated herein as Exhibit "A", the Board of Commissioners approves an Urban Growth Boundary Amendment to the Gold Hill Urban Growth Boundary to add 15.97 acres to the City of Gold Hill's Urban Growth Boundary. The properties are described as Township 36 South, Range 3 West, Section 16CC, tax lot 2400; Township 36 South, Range 3 West, Section 16CD, tax lot 3000; Township 36 South, Range 3 West, Section 21B, tax lots 400, 500, & 600 as illustrated on the zoning map attached hereto as Exhibit "B".

3-ORDINANCE; File LRP2007-00002

**Edward P. Kessler, Agent; Joanne Bittle, Donald & Donna Madsen, Floyd & Vickie Martin,
Joseph & Patricia Frazier, Owners**

4.2 The Board of Commissioners requires that the City of Gold Hill cannot annex these properties until the City creates and administers a riparian protection ordinance that complies with Statewide Planning Goal 5.

4.3 The Board of Commissioners strongly recommends that Jackson County and the City of Gold Hill begin an update to the Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement as soon as possible.

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

APPROVED this 12th day of December, 2007, at Medford, Oregon.


JACKSON COUNTY BOARD OF COMMISSIONERS



Dennis C. W. Smith, Chair



Jack Walker, Commissioner



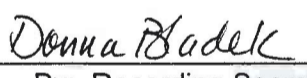
Dave Gilmour, Commissioner

APPROVED AS TO FORM:

ATTEST:



County Counsel



By: Recording Secretary

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on December 14, 2007, 2007, and the LUBA appeal period will expire on January 4, 2008, 2008. 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.

4-ORDINANCE; File LRP2007-00002

Edward P. Kessler, Agent; Joanne Bittle, Donald & Donna Madsen, Floyd & Vickie Martin, Joseph & Patricia Frazier, Owners

EXHIBIT A

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

IN THE MATTER OF PLANNING COMMISSION)
FILE LRP2007-00002, AN APPLICATION FOR)
AN URBAN GROWTH BOUNDARY)
AMENDMENT TO THE JACKSON)
COUNTY/GOLD HILL URBAN GROWTH)
BOUNDARY TO ADD 15.97 ACRES TO THE)
CITY OF GOLD HILL'S URBAN GROWTH)
BOUNDARY. THE PROPERTIES ARE)
DESCRIBED AS TOWNSHIP 36 SOUTH, RANGE)
3 WEST, SECTION 16CC, TAX LOT 2400;)
TOWNSHIP 36 SOUTH, RANGE 3 WEST,)
SECTION 16CD, TAX LOT 3000; TOWNSHIP 36)
SOUTH, RANGE 3 WEST, SECTION 21B, TAX)
LOTS 400, 500, & 600. THESE PARCEL ARE)
LOCATED ON 2ND AVE, APPROXIMATELY 4,300)
FEET NORTH AND WEST OF THE)
INTERSECTION OF 2ND AVE. AND HWY 234.)
EDWARD P. KESSLER, AGENT. JOANNE)
BITTLE, DONALD & DONNA MADSEN, FLOYD)
& VICKIE MARTIN, JOSEPH & PATRICIA)
FRAZIER, OWNERS.)

**RECOMMENDATION
FOR APPROVAL**

Jackson County Planning Commission: Recommends the addition of 15.97 acres to the City of Gold Hill's Urban Growth Boundary. The Urban Growth Boundary Amendment applies to 15.97 acres described as Township 36 South, Range 3 West, Section 16CC, tax lot 2400; Township 36 South, Range 3 West, Section 16CD, tax lot 3000; Township 36 South, Range 3 West, Section 21B, tax lots 400, 500, & 600.

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 January 11, 2007 an application for an Urban Growth Boundary Amendment, was submitted by the agent, Edward P. Kessler, for the owners Joanne Bittle, Donald & Donna Madsen, Floyd & Vickie Martin, and Joseph & Patricia Frazier. The application was deemed complete 30 days after the application was received by Jackson County, pursuant to Section 2.6.3(E) of the Jackson County Land Development Ordinance (LDO).

PROCEDURAL FINDINGS:

**1-RECOMMENDATION; File LRP2007-00002
Edward P. Kessler, Agent; Joanne Bittle, Donald & Donna Madsen, Floyd & Vickie Martin,
Joseph & Patricia Frazier, Owners**

1. A notice of the proposed amendment was provided to DLCD more than 45 days prior to the initial public hearing. A notice was published on Sunday, June 17, 2007 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday, June 28, 2007 at 9:00 a.m in the Jackson County Auditorium. That public hearing was conducted and continued by the Planning Commission to July 26, 2007 at 9:00 a.m. in the Jackson County Auditorium. That public hearing was conducted and the Planning Commission instructed staff to prepare a preliminary recommendation. The Planning Commission did not vote to recommend to the Board of Commissioners an approval or denial of the application.

2. A properly advertised public hearing was conducted before the Gold Hill Planning Commission on June 5, 2007. The Gold Hill Planning Commission, by motion and vote, recommended the Gold Hill City Council approve the proposed Urban Growth Boundary Amendment.

3. On July 2, 2007, the Gold Hill City Council held a properly advertised public hearing to consider the evidence and testimony on this application. The Gold Hill City Council, by motion and vote, approved the proposed Urban Growth Boundary Amendment.

Now, therefore,

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

SECTION 1. FINDINGS OF FACT:

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

1.1 The Planning Commission finds that proper legal notice was sent to the applicant and property owners within 250 feet of the subject properties and affected agencies on June 8, 2007. Legal notice was published in the Sunday, June 17, 2007 edition of the Medford Mail Tribune.

1.2 The Planning Commission finds that the subject properties are described as Township 36 South, Range 3 West, Section 16CC, tax lot 2400; Township 36 South, Range 3 West, Section 16CD, tax lot 3000; Township 36 South, Range 3 West, Section 21B, tax lots 400, 500, & 600.

1.3 The Planning Commission finds the subject properties were determined to be a lawfully created parcels as evidenced in Section I(E) of the staff report attached as Exhibit 1.

1.4 The current Comprehensive Plan Map Designation is Rural Residential Land and the zoning district is Rural Residential (RR-2.5).

2-RECOMMENDATION; File LRP2007-00002

Edward P. Kessler, Agent; Joanne Bittle, Donald & Donna Madsen, Floyd & Vickie Martin, Joseph & Patricia Frazier, Owners

1.5 The Planning Commission finds the subject property has access from 2nd Avenue, a State maintained road.

1.6 The Planning Commission finds that the subject properties were incorrectly determined to be within the Jackson County Fire District No. 3 boundary. The subject properties are within Jackson County Fire District No. 1.

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

1.8 The Planning Commission finds that the subject properties have 5 dwellings and other accessory structure. One property is currently vacant.

1.9 The Planning Commission finds that the staff report incorrectly identified these properties as being within the Bear Creek Greenway, Area of Special Concern (ASC) 82-2, the Air Quality Maintenance Area for Jackson County, and Central Point's Area of Mutual Concern. These properties are adjacent to Area of Special Concern (ASC) 90-9, Scenic Corridors (Rogue River scenic stream corridor) and within the City of Gold Hill's Area of Mutual Concern.

1.10 The Planning Commission finds that there are wetlands associated with the Rogue River in this area.

1.11 The Planning Commission finds that the some of the parcels are currently connected to the City of Gold Hill's sewer system and that sewer and water services from Gold Hill are available. Sewer and water mains are within the right-of-way of 2nd Avenue which is adjacent to the subject properties.

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

1.13 The Planning Commission finds that property owners were notified and their comments were considered by the Planning Commission.

SECTION 2. LEGAL FINDINGS: To recommend approval of an Urban Growth Boundary 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 amendment must also comply with the Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement, dated September 26, 1984, and Oregon Revised Statute 197.298.

The Planning Commission adopts the Findings in the Staff Report and Staff Report Addendum, incorporated herein and attached as Exhibit 1. These findings demonstrate that the application is

3-RECOMMENDATION; File LRP2007-00002

Edward P. Kessler, Agent; Joanne Bittle, Donald & Donna Madsen, Floyd & Vickie Martin, Joseph & Patricia Frazier, Owners

in compliance with the Statewide Planning Goals, Oregon Administrative Rules, the Jackson County Comprehensive Plan, the Jackson County Land Development Ordinance, Oregon Revised Statute 197.298 and the Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement, dated September 26, 1984. Additional findings are included below regarding Planning Commission questions on specific findings in the Staff Report and Staff Report Addendum. Where factual conflicts arose, the Planning Commission has resolved them consistent with these findings.

2.1 The subject properties are adjacent to the Rogue River and Area of Special Concern 90-9, Scenic Resources. The Rogue River is a protected Goal 5 resource. Jackson County has riparian vegetation protection as well as 75 feet structural setbacks from the bank of the Rogue River to protect this Goal 5 resource. At the current time, the City of Gold Hill does not have a riparian ordinance that would protect this Goal 5 resource. The Planning Commission finds that because the City of Gold Hill does not currently have a riparian ordinance that protects the Rogue River, an identified Goal 5 resource, a condition of approval requires the City of Gold Hill to not annex these properties until the City creates and administers a riparian protection ordinance that complies with Statewide Planning Goal 5.

2.2 The current Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement was completed September 26, 1984. Many of the criteria for amendments to Urban Growth Boundaries have changed since that time. Because of these changes, the Planning Commission strongly recommends that Jackson County and the City of Gold Hill begin an update to the agreement as soon as possible.

2.3 The Planning Commission finds that all notices were legally and properly published and sent to necessary persons and affected agencies.

SECTION 3. CONCLUSIONS: Based on the evidence and arguments included in the record, the Planning Commission concludes that the proposed amendment is in compliance with the Statewide Planning Goals, Oregon Administrative Rules, the Jackson County Comprehensive Plan, the Jackson County Land Development Ordinance, Oregon Revised Statute 197.298 and the Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement, dated September 26, 1984. Where factual conflicts arose, the Jackson County Planning Commission has resolved them consistent with these conclusions.

3.1 Statewide Planning Goals: The Planning Commission concludes that this application complies with Statewide Planning Goals. Discussion of the ability to comply with Statewide Planning Goals is contained in Section III of the Staff Report, attached hereto as Exhibit 1. Additional findings and recommendations are found in Sections 2.1 and 2.2 of this recommendation.

3.2 Oregon Revised Statute 197.298: The Planning Commission concludes this application complies with this Oregon Revised Statute. Discussion of compliance with this statute is contained in Section III(N)(2) of the Staff Report, attached hereto as Exhibit 1

4-RECOMMENDATION; File LRP2007-00002

Edward P. Kessler, Agent; Joanne Bittle, Donald & Donna Madsen, Floyd & Vickie Martin, Joseph & Patricia Frazier, Owners

3.3 Jackson County Comprehensive Plan: The Planning Commission concludes that this application complies with the Jackson County Comprehensive Plan as identified in Section IV of the Staff Report, attached hereto as Exhibit 1.

3.4 Jackson County Land Development Ordinance: The Planning Commission concludes that this application complies with the Jackson County Land Development Ordinance as identified in Section V of the Staff Report, attached hereto as Exhibit 1.

3.5 Oregon Administrative Rule 660, Division 12, Transportation Rule: The Planning Commission concludes this application complies with OAR 660, Division 12. Discussion of compliance with this OAR is contained Section III(L) of the Staff Report, attached hereto as Exhibit 1.

3.6 Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement: The Planning Commission concludes that this application complies with the Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement, dated September 26, 1984, as identified in Section VI of the Staff Report, attached hereto as Exhibit 1.

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

SECTION 4. RECOMMENDATION: The Jackson County Planning Commission:

1) Recommends the addition of 15.97 acres to the City of Gold Hill's Urban Growth Boundary. The Urban Growth Boundary Amendment applies to 15.97 acres described as Township 36 South, Range 3 West, Section 16CC, tax lot 2400; Township 36 South, Range 3 West, Section 16CD, tax lot 3000; Township 36 South, Range 3 West, Section 21B, tax lots 400, 500, & 600, as illustrated on the zoning map attached hereto as Exhibit 2.

2) Recommends as a condition of approval that the City of Gold Hill must not annex these properties until the City creates and administers a riparian protection ordinance that complies with Statewide Planning Goal 5.

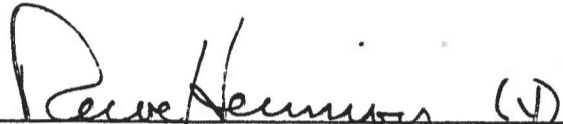
3) Recommends Jackson County and the City of Gold Hill begin an update to the Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement as soon as possible.

This recommendation for APPROVAL adopted this 23rd day of August, 2007, at Medford, Oregon.


5-RECOMMENDATION; File LRP2007-00002

Edward P. Kessler, Agent; Joanne Bittle, Donald & Donna Madsen, Floyd & Vickie Martin, Joseph & Patricia Frazier, Owners

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



Reeve Hennion, Chair (Y)



Don Greene, Vice-Chair (Y)



Elizabeth Fugas, Commissioner (Y)

Richard B. Thierolf, Jr., Commissioner absent

Byron Williams, Commissioner absent

ATTEST:



Heather Couch, Recording Clerk

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6-RECOMMENDATION; File LRP2007-00002
Edward P. Kessler, Agent; Joanne Bittle, Donald & Donna Madsen, Floyd & Vickie Martin,
Joseph & Patricia Frazier, Owners

**JACKSON COUNTY DEVELOPMENT SERVICES
COMPREHENSIVE PLAN AND URBAN GROWTH BOUNDARY AMENDMENT
STAFF REPORT**

APPLICANT: Joanne Bittle; Donald & Donna
Madsen; Floyd & Vickie Martin;
Joseph & Patricia Frazier

FILE: LRP2007-00002

AGENT: Edward P. Kessler
P.O. Box 1577
Shady Cove, OR 97539

OWNER: Joanne Bittle; Donald & Donna
Madsen; Floyd & Vickie Martin;
Joseph & Patricia Frazier

LEGAL DESCRIPTION:

TWP 36 South RANGE 3 West SECTION 21B TAX LOT(S) 400, 500, 600
TWP 36 South RANGE 3 West SECTION 16CC TAX LOT(S) 2400
TWP 36 South RANGE 3 West SECTION 16CD TAX LOT(S) 3000

PROPOSAL: An Urban Growth Boundary Amendment to add 15.96 acres to the City of Gold Hill's Urban Growth Boundary.

LOCATION: Located approximately 4,300 feet northwest of the intersection of 2nd Ave. and Hwy 234 and on 2nd Ave..

BACKGROUND: An application was received by Jackson County Development Services on January 11, 2007. The application was deemed complete on February 12, 2007. A public hearing before the Jackson County Planning Commission has been scheduled for June 28, 2007 at 9:00 a.m. in the Jackson County Auditorium.

KEY ISSUES:

- Determine if the housing needs for City of Gold Hill are such that an expansion of the Urban Growth Boundary is warranted.
- Determine if the application complies with the applicable criteria in the Oregon Revised Statutes, Oregon Administrative Rules, Jackson County Comprehensive Plan, Land Development Ordinance and Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement.

I. FACTS:

- A. **Location:** The properties are located on 2nd Ave., approximately 4,300 feet northwest of the intersection of 2nd Ave. and Hwy 234.
 - B. **Access:** Current access is from 2nd Ave, a state maintained road.
-

C. Acreage:

| MAP ID | ACREAGE |
|---------------|--------------------|
| 363W21B-400 | 6.00 |
| 363W21B-500 | 2.16 |
| 363W21B-600 | 3.00 |
| 363W16CC-2400 | 3.11 |
| 363W16CD-3000 | 1.70 |
| TOTAL: | 15.97 acres |

D. Assessment:

| MAP ID | PROP. CLASS | DEFINITION |
|---------------|-------------|---|
| 363W21B-400 | 408 | Improved Rural Tract, Waterfront |
| 363W21B-500 | 408 | " " " " " |
| 363W21B-600 | 408 | " " " " " |
| 363W16CC-2400 | 406 | Unimproved Rural Tract, Waterfront |
| 363W16CD-3000 | 101 | Residential Improved, Zoned Residential |

E. Lot Legality:

| MAP ID | |
|-------------|--|
| 363W21B-400 | Tax lot 400 was described as part of two documents, Volume 257, Page 308 and Volume 264, Page 204. These documents also described parts of tax lots 100 and 300. The deed record card for this tax lot included the legal description for this property, which was noted to have been written for tax lotting purposes only. The 1973 zoning and tax lot map shows this parcel to be in the same configuration as it is today. Based upon this information, Development Services determines tax lot 400 to be a lawfully created parcel. The current owner acquired ownership in 1999. |
| 363W21B-500 | Tax lot 500 was created by a document, Volume 461, Pages 197-8, recorded on 9-22-58 and is a lawfully created parcel. Current owner acquired ownership in 1989. |
| 363W21B-600 | Tax lot was 600 was described in documents Volume 257, Page 307 and Volume 257, Page 309. The above described areas were further configured through documents Volume 257, Page 308, Volume 317, Page 209, Volume 325, Page 451, and Volume 374, Page 198. The 1973 zoning and tax lot map shows this parcel in the same configuration as it is today. Based upon this information, Development Services determines tax lot 400 to be a legal separate parcel. The current owner acquired ownership in 2001. |

363W16CC-2400 Tax lot 2400 was created by file 1997-4-MP, a minor partition, approved October 27, 1997 and is a lawfully created parcel. The current owner acquired ownership in 2000.

363W16CD-3000 Tax lot 3000 was created by a document, Volume 447, Page 130, recorded on 9-17-57 and is a lawfully created parcel. The current owner acquired ownership in 2004.

- F. **Fire Protection:** The parcels are within Jackson County Fire District No. 3.
- G. **Irrigation:** The subject properties are not within an irrigation district boundary, but tax lot 2400 does appear to have irrigation rights from the Rogue River. According to the applicant, this water right has not been used since 1999.
- H. **Zoning:**
1. Subject Properties: Rural Residential (RR-2.5)
 2. North: City of Gold Hill
 3. East: City of Gold Hill
 4. South: Rogue River
 5. West: Rural Residential (RR-2.5)
- I. **Land Use:** Land uses for these parcels are residential with residential accessory structures.
- J. **Site Characteristics:** The subject properties are gently sloping, between 0-3% slopes. The riparian areas near the Rogue River normally have slopes greater than 35% from the top of bank to the river. Vegetation includes manicured lawns, open fields, fruit trees, mixed hardwood, and pine.
- K. **Soils:**
Over 57% of the soil types for these properties are considered Prime Farmland (NRCS) or High Value Farmland (OAR 660-033-0020(8)), Central Point sandy loam (31A). 32% of the other soils (27% Takilma cobbly loam, 5% Camas-Newberg-Evans) are considered Agricultural Land (OAR 660-033-0020(1)). A map of the soil types and percentages of soil types is provided in the record. The soil types do not have a determination in the *Soil Survey of Jackson County Area, Oregon* as to whether they could be considered Forest Land.
- L. **Water:** The subject properties are currently served by private wells.
- M. **Wetlands:** There are wetlands associated with the Rogue River.
- N. **Area of Special Concern:** Portions of these properties are within Area of Special Concern (ASC) 82-2, Bear Creek Greenway. These properties are also within the Air Quality Maintenance Area for Jackson County. A portion of tax lots 800 and 900 near Blackwell Road is within Central Point's Area of Mutual Concern.
- O. **Floodplain:** Most of the properties have portions of the property within the 100 year floodway and floodplain of the Rogue River. A map of the floodplain/floodway has been submitted by staff.
- P. **Affected Agency and Property Owner Notification:** On May 7, 2007 agencies and property owners were notified of the Urban Growth Boundary Amendment. Specific comments are shown below.
1. Jackson County Roads and Parks had no comment
 2. Jackson County Fire District #3 states that plot plans should be submitted and owners of new development should apply for free address signs.

3. A conversation with David Pyles, ODOT, indicated ODOT was not concerned that a Transportation Impact Study be submitted if current zoning density was not changing. Should the zoning district change to allow an increase in vehicle trips, a Traffic Impact Study should be submitted for approval at that time.;

II. APPLICABLE CRITERIA:

In order to approve an amendment to the Official Comprehensive Plan Map and Urban Growth Boundary Amendment, the County must find that the amendment is consistent with:

- A. Compliance with Statewide Planning Goals: Goal 1, Citizen Involvement; Goal 2, Land Use Planning; Goal 3, Agricultural Land; Goal 4, Forest Land; Goal 5, Open Spaces and Natural Resources; Goal 6, Air, Water and Land Resource Quality; Goal 7, Areas Subject to Natural Hazards; Goal 8, Recreational Needs; Goal 9, Economic Development; Goal 10, Housing; Goal 11, Public Facilities and Services; Goal 12, Transportation; Goal 13, Energy Conservation; and, Goal 14, Urbanization.
- B. Compliance with Oregon Revised Statute (ORS) 197.298
- C. Compliance with Oregon Administrative Rule (OAR) 660, Division 12.
- D. Compliance with the following elements of the Jackson County Comprehensive Plan: Economy Element, Housing Element, Natural Hazards Element, Population Element, Public Facilities and Services Element, Rural and Suburban Lands Element, Transportation (Transportation System Plan), and Urban Lands Element
- E. Compliance with the following sections of the Jackson County Land Development Ordinance: 3.7.3 (C & E).
- F. Compliance with the Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement, dated September 26, 1984.

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.

III. COMPLIANCE WITH STATEWIDE PLANNING GOALS:

The purpose of reviewing plan and zoning map amendments against Statewide Planning Goals and Oregon Administrative Rules is to assure that changes made in the County's acknowledged plan are also acknowledgeable.

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

FINDING: The quasi-judicial procedure allows affected citizens, local governments and agencies to participate in the planning process. This goal is satisfied through this process.

- B. **Goal 2, Land Use Planning:** The goal is to establish a land use planning process and policy framework as a bases for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Part II, Exceptions, states a local government may adopt an exception to a goal when: (a) The land subject to the exception is physically development to the extent that it is no longer available for uses allowed by the applicable goal; (b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable or; (c) Reasons justify why the state policy embodied in the applicable goals should not apply.

FINDING: The proposed application and quasi-judicial process provides a framework for which the application can be reviewed. The Commissioners must find that the evidence supports the proposed zone change and proposed development. The specific Statewide Planning Goals are administered through the criteria identified in the acknowledged Jackson County Comprehensive Plan and Land Development Ordinance (LDO). Goal 2 is satisfied through this quasi-judicial process. A Goal 3, Agricultural Lands, and Goal 4, Forest Lands committed exception was determined in 1982 and no exception to any Statewide Planning Goal is requested.

- C. **Goal 3, Agricultural Lands:** The goal is to preserve and maintain agricultural lands.

FINDING: A Goal 3 exception for the subject properties was determined in 1982 for Rural Residential Land, RR-2.5 (2.5 acre minimum lot size). Another Goal 3 exception is not required to include the subject properties in the City of Gold Hill Urban Growth Boundary.

- D. **Goal 4, Forest Lands:** The goal is to conserve forest lands.

FINDING: The soil class rating for forest production on all of the soil types is 0. The applicant indicates the area is not considered Forest Land and is not near designated Forest Land. Goal 4 does not apply to the subject properties.

- E. **Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources:** The goal is to conserve open space and protect natural and scenic resources.

FINDING: The subject properties border the Rogue River, an identified scenic stream corridor. Urbanization of a commercial, industrial, or high density residential nature is considered a conflicting use for this Area of Special Concern (ASC 90-9). Bringing these properties into the City of Gold Hill Urban Growth Boundary would not remove the development requirements for building within this Area of Special Concern. Annexation into the City of Gold Hill would remove these properties from County development requirements regarding this Goal 5 resource. Jackson County believes it would be in the interest of Gold

Hill and Jackson County to apply riparian vegetation considerations and setbacks from stream banks to subsequent residential development that would protect the riparian area as a continued scenic resource for the City and County.

- F. **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: Jackson County does not believe the addition of this area to the City of Gold Hill's Urban Growth Boundary would affect the air, water or land resources of the state because most of these properties are already developed with single family dwellings. Assuming the properties are approved for an R-1 zoning upon annexation, requested by the applicant, 8 units are allowed per acre (minimum 5,000 square foot lots). There are approximately 5.7 acres located within the floodway of the Rogue River, which precludes any residential development in the floodway. That leaves approximately 10.27 acres of land which may be developed at the R-1 zoning density. Assuming the existing single family dwellings will remain, 5 total, the maximum buildout for these properties would be approximately 84 dwellings with a minimum lot size of 5,000 sq. ft. The average density for Gold Hill is 4.12 dwelling units per acre. A total of 42 dwellings could be expected to be built when these properties are annexed into the City. This does not include areas needed for streets. The applicant is not proposing full buildout for the subject parcels because of limited parcel sizes, limited access from a state highway, floodway development restrictions, and configurations of the parcels. The average parcel size along this reach of the Rogue River is 0.89 acre. Staff finds the air, water and land resources quality could be maintained.

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

FINDING: This area contains a significant area of FEMA mapped floodplain and floodway associated with the Rogue River. Goal 7 is administered through the City of Gold Hill's Zoning Development Ordinance. Through this ordinance, development is not allowed within the floodway of the Rogue River and development within the floodplain is adequately addressed to National Flood Insurance Program standards. There are approximately 5.7 acres of the subject properties that are within the floodway and not available for development. Staff finds that any proposal for development within the floodplain would comply with Goal 7.

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

FINDING: The Rogue River has a variety of recreational opportunities and activities for residents and visitors of the state. The addition of these properties to the City of Gold Hill's Urban Growth Boundary would not affect recreational opportunities and activities on the Rogue River. There is also a proposed Rogue River Greenway bicycle/pedestrian trail proposed between the City of Rogue River and Central Point. This Greenway is proposed

for the roadway in front the subject properties and development would not affect this portion of the Greenway. Staff finds this proposal complies with Goal 8.

- I. **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 applicant states that if this proposal is approved, the development of these properties would provide some of the short fall currently projected in the vacant lands inventory of for Gold Hill. The applicant also states that adding these properties to the UGB would not make any substantial impact to the current economy.

Staff finds this proposal would provide for economic opportunities regarding the development of single family dwellings following annexation and rezoning by the City of Gold Hill. While this has a short-term affect on the economy, it could provide economic opportunities for small business start-ups in the commercial and, possibly, industrial areas of Gold Hill because of the increased population provided by the increase in dwelling units within the City. It also provides an increased tax base for the City. Staff finds this proposal complies with Goal 9.

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

FINDING: The Housing Element of the Comprehensive Plan states "*While the initial evaluation of housing needs concerns itself with the number of living units needed to accommodate the total projected county population inclusive of cities, it should be noted that Jackson County is only directly responsible for assuring the provision of the number of housing units needed to accommodate the estimated increased population in unincorporated areas. The application of urban growth boundaries in the county and the urbanization agreements between these cities and the county are, in essence, policy statements to the effect that the majority of future growth, and therefore, provisions for housing, will occur within the urban and urbanizable portions of the county where public facilities and services, and employment and shopping opportunities are the most favorable and can economically accommodate this growth. In this sense, the County has relinquished a portion of its direct involvement in the provision of housing by delegating that responsibility to municipalities.*"(Pages 15-2 & 15-3, Housing Element, Jackson County Comprehensive Plan (JCCP))

Under Policy 1 of the JCCP Housing Element (Page 15-41), it 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 designation within the containment boundaries can be increased to provide additional housing opportunities by the primary area for providing "needed housing," as the term is used within Statewide Planning Goal #10, is within urban growth boundaries.*"

It is clear from these two sections of the JCCP that the responsibility for "needed housing" lies primarily with the incorporated cities. The applicant has submitted evidence into the record that the City of Gold Hill 20-year population growth will require an additional number of dwelling units, between 327 and 377 units, although staff has analyzed these numbers and more realistic numbers are between 153 and 166 dwelling units needed. This vacant and buildable lands study also states approximately 65 dwellings could be developed on currently vacant lands within Gold Hill. This difference between "needed housing" and vacant lands currently available for dwelling units shows that Gold Hill is in need of additional lands within their urban growth boundary to accommodate their 20-year population growth. Staff finds the proposed application complies with Goal 10.

- K. **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 application shows that the development on these parcels currently are connected to the City of Gold Hill's public sewer system. Water lines are currently within the right-of-way on 2nd Ave. to the north of these properties. The developments are currently connected to electrical utilities and future development could be connected easily. The properties are with Fire District No. 3 boundaries and are currently served by the district. Law enforcement services would be available through the City of Gold Hill or the Jackson County Sheriff's Department. Staff finds any proposed development can feasibly be accommodated by the current framework of public facilities and services.

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

FINDING: The properties front on 2nd Ave., an ODOT maintained road. ODOT has stated the capacity of the road and current development on the properties is adequate to maintain the transportation facility's current designation. Any future development may need to be assessed by ODOT for capacity and access to the transportation facility. Future development on the properties would be the responsibility of Gold Hill and ODOT standards could feasibly be met.

A letter from John Renz, Southern Oregon Representative for DLCD, to the City of Jacksonville regarding the applicability of OAR 660-012-0060, the Transportation Planning Rule, to an urban growth boundary expansion states "*Therefore, the city need not address OAR 660-012-0060 as long as the city applies a zoning district that does not increase the vehicle trips over those generated prior to the UGB expansion.*" Because this amendment does not change the current zoning district for the subject properties, the Transportation Planning Rule does not need to be addressed at this time. Should the applicant apply to the City of Gold Hill for a zoning density that would increase the vehicle trips over those of the current zoning district, OAR 660-012-0060 would need to be addressed by the City in that application.

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

FINDING: The City of Gold Hill will be responsible for the energy conservation measures as required by building code requirements. This goal can feasibly be met.

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

1. **Land Need**

Establishment and change of urban growth boundaries shall be based upon the following:

- a. *Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and*
- b. *Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection.*

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

FINDING: The proposed population for the City of Gold Hill in 2027 is projected to be 1,504. This population forecast was recently adopted as part of the Population Element of the JCCP in 2007. This is significantly different than the projected population of the Gold Hill Buildable Lands Update submitted by the applicant, 2,128. The current Population Element was not adopted by the County when the Gold Hill Buildable Lands Update was completed. Dick Converse, RVCOG and speaking for the City of Gold Hill, states in a letter dated December 6, 2007, that "The county is updating its population estimates, and is projecting a population of 1,476 in 2020, increasing to 1,901 by 2040. The average annual growth rate is 1.50 percent until 2020, increasing to 1.63 percent between 2020 and 2040. This compares to countywide rates of 1.33 percent and 1.07 percent respectively."

This letter further states "We received the latest Portland State University population estimates late last month. The estimated population of 1,080 is the same as for 2005, and only 10 more than the 2000 census. This can be attributed to declining household sizes and the lack of easily developed vacant land. Nonetheless, Gold Hill's strategic location between Grants Pass and Medford continues to support the County staff's contention that Gold Hill is poised for a faster growth rate than the county as a whole." Staff agrees with the statement that Gold Hill will grow faster than the county as a whole. The population forecasts

in the new Population Element of the JCCP show that between 2000 and 2020 the annual growth rate was 1.37 percent and between 2020 and 2040 the annual growth rate was 1.94 percent. These annual growth rates are higher than the countywide growth rates.

Staff will use the projected population figures shown in the JCCP Population Element to determine the approximate dwelling units needed for a 20-year population increase between 2007 and 2027. The estimated 2007 population is 1,113 and the 2027 estimate is 1,504, a difference of 391 persons. Another element of the update is the persons per household figure. The update uses both the 1990 Census figure of 2.71 persons per household and a projected 2.35 persons per household, although the source of this figure was not identified. The 2000 Census figure for Gold Hill's average household size is 2.56 persons and will be used to determine the number of dwelling units needed for the 20-year increase in population. For comparative purposes, the 2.35 persons per household from the Gold Hill update will be used. All other information identified in the letter from Mr. Converse and the Gold Hill Buildable Lands Update will be used.

On page 6 of the Gold Hill Buildable Lands Update (updated from information in the letter from Mr Converse), the section titled *VACANT LANDS*, it states there are approximately 17 fully vacant parcels available for residential use. Using the net density of 4 dwelling units per acre for Gold Hill, approximately 68 dwellings could be developed. The needed dwelling units to house the 20-year increase in population is between 153 and 166, using 2.56 and 2.35 persons for the average household size respectively. This equates to between 85 and 98 dwelling units needed to accommodate the 20-year population increase. The acreage needed to accommodate the dwelling units is between 21 and 25 acres. As discussed in III(F) above, full buildout of approximately 10.27 acres available for development on the subject properties would be 84 dwelling units, 5,000 sq. ft. minimum lot size (R-1 city zoning). This would not include areas needed for streets or required open space. According to the Buildable Lands Update, Gold Hill consistently does not achieve full buildout of lots and the net density for residential development within the city is 4.12 dwelling units per acre. Using this figure, the number of dwelling units built on the 10.27 acres available for development would be 42. This is considerably more than is proposed by the applicant, between 15 and 20 dwelling units.

The Buildable Lands Update discusses available land within the city that may be available for residential development. Commercial, industrial, and public/quasi public lands, and railroad right-of-ways are not included as land available for residential development. The update states "*As the number of developable vacant parcels diminishes, Gold Hill has increasingly limited opportunities for "in-fill" development of vacant lots in established neighborhoods (Page 7).*" The document also indicates fewer than 20 parcels contained adequate acreage and no restraints for additional dwelling,s and fewer than 15 additional homes could be expected.

The Buildable Lands Update states "*There are some significant opportunities for residential development along the south City limits, overlooking the river. Presently, there are several homes in this area on exceptionally large lots. With riverfront "view" property continuing to*

be in high demand, it is likely that future development pressures will result in new proposals for residential development in these areas, portions of which are zoned for high density residential developments. Multi-family housing has not been a large factor in Gold Hill, however, because of limited employment conditions and a lack of public transportation for commuting to the employment centers of Jackson and Josephine counties. Staff finds that many of these properties have limited access capabilities and some of those vacant parcels are within the floodplain, limiting development. The parcels closest to the river are narrow and development is limited to a one single family dwelling per parcel. Subdivision development is limited because of the small parcel sizes and access requirements.

Another area discussed is near the business district that may be suitable for future residential development. The update states *"The parcels are zoned R-3 and contain a total of approximately six acres. Full buildout could result in nearly 200 units, although it is unlikely that this density would be reached."* Further review of these R-3 zoned parcels indicate some are already developed and approximately 1 acre is available for high density development in the R-3 zoning district. If these parcels reach full buildout, it could result in 32 units. Areas for streets and required common areas not included in the full buildout potential, resulting in fewer units being built.

Staff finds that while there are lands within the City limits which could accommodate at least a partial amount of needed dwelling units to meet the projected 20-year population total, there doesn't appear to be enough land available to achieve the needed development. Staff finds the proposed UGB amendment satisfies the Land Need criteria of Goal 14.

2. **Boundary Location**

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- a. *Efficient accommodation of identified land needs;*
- b. *Orderly and economic provision of public facilities and services;*
- c. *Comparative environmental, energy, economic and social consequences; and*
- d. *Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*

FINDING: The applicant states and staff agrees that needs analysis above demonstrates the land needs of the City of Gold Hill can be achieved with the approval of this amendment. Public facilities and services are already servicing the subject properties (sewer) or are within the right-of-way bordering these properties (water). Police and fire protection is already occurring for these properties and the proposed development will not tax these services beyond what is reasonably needed. The applicant states the properties are already established with single family dwellings and there would be no environmental, energy, economic or social consequences from proposed development. There are no agricultural

and/or forest activities occurring near the subject parcels. All uses are residential and no farm or forest lands are located in close proximity to these properties.

With regards to the environmental, energy, economic or social consequences considerations, staff finds that these consequences would be limited at best. Environmental consequences are minimized by requirements from Oregon Department of Fish and Wildlife, Dept. of State Lands (wetlands), Dept. of Environment Quality (air, land and water resources), and the City of Gold Hill's environmental regulations regarding building codes. The energy consequences are minimized by the building code requirements for development. There appear to be no negative economic consequences because the proposed amendment would provide short-term economic growth through building more single family dwellings and long-term growth through an increase in the tax base for the City. Social consequences could include increased housing density on the Rogue River, a recreational asset for Gold Hill and Jackson County. These social consequences could be minimized by riparian vegetation landscaping along the river as well as setbacks from the bank of the Rogue River. Staff finds all of the consequences can be minimized to help mitigate impacts.

ORS 197.298 sets the priority of land to be included within an urban growth boundary. The first priority land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan. The City of Gold Hill does not have land designated urban reserve land. The second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710. The subject properties are adjacent to the Gold Hill UGB and are exception lands identified in the JCCP. The subject properties meet the second priority of lands to be included within an urban growth boundary. Staff finds the amendment complies with the Boundary Location criteria of Goal 14.

IV. COMPLIANCE WITH THE JACKSON COUNTY COMPREHENSIVE PLAN:

This section addresses those plan elements and policies which are applicable to the requested map amendment or which raise issues which should be considered at the public hearing. The following elements of the Jackson County Comprehensive Plan are applicable: Economy Element, Housing Element, Natural Hazards Element, Population Element, Public Facilities and Services Element, Rural and Suburban Lands Element, Transportation (Transportation System Plan), and Urban Lands Element.

FINDING: Staff believes that the findings for the Statewide Planning Goals 1 through 14 found in Section III are applicable and the same as would be addressed for the above Comprehensive Plan Elements, except for the Population Element, and do not need to be addressed a second time. Staff incorporates those findings as addressing the applicable Comprehensive Plan Elements.

A. Population Element

The Population Element of the Comprehensive Plan was recently updated in early 2007. The population projections for Gold Hill will be used for the 20-year population estimate. The 20-year span will be between 2007 and 2027.

V. COMPLIANCE WITH THE LAND DEVELOPMENT ORDINANCE

A. **Section 3.7:** Any amendment must comply with all applicable Statewide Planning Goals, Oregon Administrative Rules and the Comprehensive Plan as a whole.

FINDING: Findings have been made regarding the Statewide Planning Goals, Oregon Administrative Rules and the Comprehensive Plan as they apply to this application.

1. Section 3.7.3(C), Minor Comprehensive Plan or Zoning Map Amendments (Quasi-Judicial) establishes procedures, standards, and criteria for minor map amendments.

- a. *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 adequacy of transportation and public facilities and services to service the subject properties has been determined to comply with this criterion. The proposed amendment does not attempt to change the current zoning for these properties to a higher density and would not generate more vehicle trips than currently generated by existing development. The Transportation Planning Rule under OAR 660-012-0060 will need to be addressed by the City of Gold Hill should the applicant request a higher zoning density.

Public facilities and services are currently available and adequate for the subject properties.

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

FINDING: Portions of the subject properties are within the 100-year floodplain/floodway of the Rogue River. Gold Hill has specific restrictions for Natural Hazard areas the amendment will not prevent the implementation of those restrictions.

- c. *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 properties are not resource zoned lands and this criterion does not apply.

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

FINDING: This proposal does not involve a change in lot size and an exception to Statewide Planning Goal 14 is not required.

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

FINDING: The amendment does not change Comprehensive Plan Map designation for the subject properties and this criterion does not apply.

- f. *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 City of Gold Hill will benefit by increasing the potential of land needed to accommodate the 20-year projected increase in population. The applicant states the benefits will include additional housing and a greater tax base and revenue for city services. Staff agrees with applicant's findings.

- g. *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: Staff finds that all factors relevant to the proposal have been addressed through the analysis and findings for the Statewide Planning Goals.

- 2. Section 3.7.3(E) established standards for amending an adopted urban growth boundary, urban fringe, or buffer area.
 - a. *In addition to the requirements contained in joint urban growth boundary management agreements, all proposed boundary amendments must comply with applicable State Law, Statewide Planning Goals, the County Comprehensive Plan and any Regional Problem Solving documents adopted by the County.*

FINDING: Staff finds that the proposed amendment to the City of Gold Hill's urban growth boundary complies with applicable State Law, Statewide Planning Goals, and the County Comprehensive Plan. Compliance with each of these have been addressed in this staff report. Compliance with the Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement is addressed below.

VI. COMPLIANCE WITH THE GOLD HILL/JACKSON COUNTY URBAN GROWTH BOUNDARY AND POLICY AGREEMENT

A. The proposed amendment must comply with Amendments and Corrections Section 1(D) and 2 of the Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement. This amendment is not considered a Major Revision of the urban growth boundary for Gold Hill and must only address the criteria of Section 1(D) and 2 of the management agreement

1. Section 1(D) of the Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement has the following criteria:

a. *Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;*

FINDING: The need to accommodate the long-range urban growth for Gold Hill was addressed in Section III(N) under Goal 14, Urbanization. The applicant states this area has the highest probability for expansion of the urban growth boundary. The applicant also indicates the vacant lands within the current UGB has a large percentage of land that is too steep for development and that Mr. Converse stated that in his letter. Staff found that while there are lands within the City limits which could accommodate at least a partial amount of needed dwelling units and acreage to meet the projected 20-year population total, there doesn't appear to be enough land available to achieve the needed development and the proposed UGB amendment satisfies the need for additional land within the urban growth boundary.

b. *Need for housing, employment opportunities, and livability;*

FINDING: The applicant states that there are less than 17 acres available for development with the current UGB and the city planner, Mr. Converse, has estimated the number of dwellings that could be built on the 17 acres is approximately 68. The applicant uses a average household size of 3 to determine 204 persons could inhabit the 68 dwellings, which does not meet the projected population increase of 287 persons by 2026.

Staff finds that while the pertinent numbers are not necessarily exact as determined by staff, the conclusions are the same. Again, staff finds that while there are lands within the City limits which could accommodate at least a partial amount of needed dwelling units and acreage to meet the projected 20-year population total, there doesn't appear to be enough land available to achieve the needed development and the proposed UGB amendment satisfies the need for additional land within the urban growth boundary.

c. *Orderly and economic provision for public facilities and services;*

FINDING: The applicant states and staff agrees that the subject properties have public facilities and services currently available, if not already connected and that these facilities and services are adequate for any proposed development.

- d. *Maximum efficiency of land uses within and on the fringe of the existing urban area;*

FINDING: The applicant states that this area has already been identified as having the highest potential for inclusion in the UGB and for additional housing in Gold Hill. The applicant also states that not all of the property owners are interested in full buildout at this time, but the inclusion of these lands in the UGB would provide for future growth and development potential.

Staff finds that Gold Hill's net density is 4.12 dwelling units per acre. While this is not necessarily a maximum efficiency of land uses within the City, it is indicative of the City's personality regarding development density. Expanding the UGB to include these properties does not limit the density to which these properties could be developed. Staff finds that maximum efficiency of lands uses for these properties is feasible.

- e. *Environmental, energy, economic and social consequences;*

FINDING: The applicant has previously stated that all the properties are or have been established for single family dwellings and there would be no environmental, energy, economic and social consequences.

Staff finds that these consequences would be limited at best. Environmental consequences are minimized by requirements from Oregon Department of Fish and Wildlife, Dept. of State Lands (wetlands), Dept. of Environment Quality (air, land and water resources), and the City of Gold Hill's environmental regulations regarding building codes. The energy consequences are minimized by the building code requirements for development. There appear to be no negative economic consequences because the proposed amendment would provide short-term economic growth through building more single family dwellings and long-term growth through an increase in the tax base for the City. Social consequences could include increased housing density on the Rogue River, a recreational asset for Gold Hill and Jackson County. These social consequences could be minimized by riparian vegetation landscaping along the river, as well as setbacks from the bank of the Rogue River. Staff finds all of the consequences can be minimized to help mitigate impacts.

- f. *Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority;*

FINDING: The applicant states the properties have been zoned and used for residential uses and have no history of agricultural or forest uses. Staff finds these lands are exception lands as defined by Oregon Administrative Rules and are no longer considered agricultural or forest lands, irrespective of agricultural capability as determined by soil types. ORS 197.298 determines the priority of lands to be included in an expansion of an urban growth boundary and the subject properties have the second lowest priority, exception lands adjacent to an urban growth boundary.

- g. *Compatibility of the proposed urban uses with nearby agricultural activities.*

FINDING: While there are agricultural lands to the north of the subject properties, 2nd Ave./Hwy 234 and other residential properties within the City buffer the agricultural properties from any proposed urban uses and residential development. Staff finds that the proposed development will be compatible to any nearby agricultural activities.

2. Minor Boundary Line Adjustments:

- a. *Minor adjustments to an Urban Growth Boundary may be considered subject to similar procedures used by the City and County in hearing zoning requests. A minor amendment is defined as one that focuses on specific individual properties and does not have a significant impact beyond the immediate area of the change.*

FINDING: Staff finds this application is a minor amendment to an urban growth boundary.

- b. *Application for a minor boundary line amendment can only be made by property owners, their authorized agents, or by a City or County governing body. Written applications for amendments shall be filed in the office of the Jackson County Department of Planning and Development on forms prescribed by the County. The standards for processing an application are as follows:*

- (1) *Documentation must exist indicating the minor adjustment or amendment is based on:*

- (a) *A demonstrated need for the change consistent with the urbanization policies of the City and County;*

FINDING: The need to accommodate the long-range urban growth for Gold Hill was addressed in Section III(N) under Goal 14, Urbanization. Staff found that while there are lands within the City limits which could accommodate at least a partial amount of needed dwelling units and acreage to meet the projected 20-year population total, there doesn't appear to be enough land available to achieve the needed development and the proposed UGB amendment satisfies the need for additional land within the urban growth boundary.

- (b) *Maximum efficiency of land use and urban facilities and services;*

FINDING: The applicant states that all of the properties have access to or are using urban facilities and services. Staff finds that maximum efficiency of urban facilities and services is or can be achieved by this amendment.

The findings for maximum efficiency of land use has been addressed in Section VI(1)(A)(d) and staff hereby incorporates those findings for this criterion.

- (c) *The effect on the existing land use character in the immediate area of the request;*

FINDING: Staff finds the existing land use character in the immediate area is residential and the development proposals would increase the residential density for this area, although not at full buildout potential. The applicant proposes between 15 and 20 new dwellings on the 15.97 acres for a net density of 1.25 dwelling units per acre. Staff finds this would not have an adverse affect on the land use character of the immediate area.

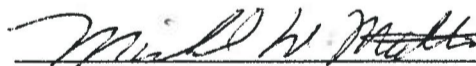
- (d) *Findings of fact addressing the seven urbanization factors of Goal 14, as listed above for major revisions.*

FINDING: These factors were addressed in Section VI(A)(1) and are incorporated herein.

VII. CONCLUSION AND RECOMMENDATION

In order to recommend approval of this Urban Growth Boundary Amendment, the Planning Commission must find all applicable criteria have been met. Staff believes this application and findings herein meet applicable Oregon Revised Statutes, Oregon Administrative Rules, Jackson County Comprehensive Plan, Jackson County Land Development, and Gold Hill/Jackson County Urban Growth Boundary and Policy Agreement criterial. Staff recommends the Planning Commission approve this Urban Growth Boundary Amendment and send a Recommendation for Approval to the Jackson County Board of Commissioners.

JACKSON COUNTY COMPREHENSIVE PLANNING MANAGER



By: Michael W. Mattson, Planner II

Date: 5-29-07

**JACKSON COUNTY DEVELOPMENT SERVICES
COMPREHENSIVE PLAN AND URBAN GROWTH BOUNDARY AMENDMENT
STAFF REPORT ADDENDUM**

The purpose of this addendum is to address new information received by Planning staff regarding Statewide Planning Goal 14, Urbanization, with respect to Land Need. The original staff report was presented to the Gold Hill Planning Commission at a public hearing for this application on June 5, 2007. The Gold Hill Planning Commission alerted Planning staff to this information and, along with the evidence in the record, voted to recommend expansion of the Gold Hill Urban Growth Boundary to the Gold Hill City Council.

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

A. Land Need

Establishment and change of urban growth boundaries shall be based upon the following:

- i. *Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and*
- ii. *Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection.*

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

ADDITIONAL FINDINGS: Information received from the Gold Hill Planning Commission indicates there have been two subdivisions approved in the last year in Gold Hill. One of the subdivisions could contain a maximum of 48 dwellings (multi-family dwellings). The other subdivision could have a maximum of 17 single-family dwellings. The total number of dwellings built could be 65. The number of dwellings needed to accommodate the 20-year population growth for Gold Hill is between 153 and 166, depending upon the average household size used for Gold Hill. Staff will assume an average household size of 2.32 persons, as indicated by the applicant, for a total of 166 dwellings. This would equate to the need for 40 acres of land to accommodate the projected 20-year population, assuming the net density of 4.12 dwellings per acre as determined in the Gold Hill Buildable Lands Update in the record.

The proposed R-1 zoning district for Gold Hill has a minimum lot size of 5,000 sq. ft. Testimony by Gold Hill Planning Commissioners in the public hearing indicated properties that are rezoned in Gold Hill can only achieve a minimum lot size of 7,000 sq. ft. The maximum dwelling density for the R-1 district is 8 dwellings per acre with a

minimum lot size of 5,000 sq. ft. A minimum lot size of 7,000 sq. ft. will allow only 6 dwellings per acre. Using the net density of 4.12 dwellings per acre, the 10.27 buildable acres could achieve a total of 42 dwellings. Adding the proposed subdivisions dwelling units to this number equals 107 dwellings. The vacant 17 acres identified in the Gold Hill Buildable Lands Update could accommodate another 70 dwellings, again using the net density of 4.12 dwellings per acre. This would equal a total of 177 dwellings. This total is quite close to the total number of dwellings needed to accommodate the projected 20-year population for Gold Hill, 166 dwellings.

To address the possibility of accommodating the 20-year projected population within the current urban growth boundary, in-fill development must be considered. Partially developed parcels within the UGB are a prime examples of underdeveloped land for which in-fill development could be considered. In Gold Hill, there are several parcels in the R-3 zoning district south of 2nd Avenue and several parcels in the R-1 zoning district to the west of the R-3 zoned parcels. The R-3 zoned parcels total 5.47 parcels. Each of these parcels has a dwelling. The maximum density for the R-3 zoning district is 32 dwellings per acre, without taking into account streets, open space, etc. To achieve that density, multi-family dwellings would have to be built. A 2.12 acre parcel in this area has already been approved for 48 multi-family dwellings in two phases, an approximate density of 22 dwellings per acre. Using a conservative density of 20 dwellings per acre in the R-3 zoning district, the 5.47 acres could accommodate about 105 dwellings, minus the dwellings currently built. But this number is based upon building multi-family dwellings.

The R-1 zoning district parcels that appear to have development potential total 4.46 acres. The average parcel size for R-1 properties in this area is approximately 0.3 acres, or about 3 dwellings per acre. Using that parcel size to determine the number of dwellings that could be built, the number of new dwellings for this R-1 zoning district is about 13 new single family dwellings, minus the dwellings currently built. Using the net density in the Buildable Lands Update, 4.12 dwellings per acre, this area would add approximately 18 new dwellings to the building inventory of Gold Hill.

With respect to the R-3 zoned properties along the river, the Buildable Lands Update states "*Multi-family housing has not been a large factor in Gold Hill, however, because of limited employment conditions and a lack of public transportation for commuting to the employment centers of Jackson and Josephine counties.*" Staff finds that many of these properties have limited access capabilities and some of those vacant parcels are within the floodplain, limiting development. The parcels closest to the river are narrow and development is limited to a one single family dwelling per parcel. Subdivision development is limited because of the small parcel sizes and access requirements. Staff does not believe that these R-3 zoned properties will achieve the density allowed in the zoning district and 105 new multi-family dwellings will not be built because of market conditions, slow growth in Gold Hill, limited employment conditions, and the lack of public transportation. Staff believes the net density used in the Buildable Lands Update, 4.12 dwellings per acre is appropriate for this area and buildout of the 5.47 acres would add approximately 23 dwellings. The number of new dwellings in these R-1 and R-3 zoned parcels would be approximately 41.

Another area of potentially underdeveloped properties is along Ambrose St., west of Hwy 234, overlooking the Rogue River but not adjacent to the river. There are four

parcels with a total of 3.57 acres. These parcels are zoned R-1-U, Hillside Residential. Each of these properties has a single family dwelling with portions of the properties having slopes greater than 25%, which would keep the properties from being partitioned. The expectation for these properties is they would not be partitioned and remain single properties with single family dwellings on each.

One final area that contains a potentially underdeveloped property is in the northeast corner of Gold Hill along Hwy 234. This is a 4.95 acre parcel with a single family dwelling. The parcel is also zoned R-1-U and over 2/3 of the property has slopes greater than 25%, limiting division and development. Staff finds the development of this property is severely constrained because of the slope issue.

CONCLUSION: Staff finds that the projected 20-year population increase of 391 persons for the City of Gold Hill will need between 153 and 166 dwelling units. The number of dwelling units which could be built from vacant lands, including the proposed addition of buildable land into the urban growth boundary, could total 177 dwelling units. The total number of dwelling units from the proposed UGB amendment is approximately 42. In-fill development for properties already inside the UGB could be approximately 41 dwelling units because of constraints to development on these underdeveloped properties. While greater dwelling density is possible for these properties, the characteristics for development within Gold Hill show that lower dwelling densities are the norm rather than the exception. Staff finds that although the proposed addition of land to the Gold Hill UGB would allow a greater number of dwelling units to be built than could be accommodated by the projected 20-year population increase, the number would appear to be acceptable.

**JACKSON COUNTY COMPREHENSIVE PLANNING
MANAGER**


By: Michael W. Mattson, Planner II

Date: 6-12-07

ZONING

APPLICANT:
KESSLER
36-3W-21B-400,
500 & 600
36-3W-16CC-2400
36-3W-16CD-3000
LRP2007-00002

County Zoning
Mutual Concern Area
Urban Growth Boundary

City Limits

- Ashland
- Butte Falls
- Central Point
- Eagle Point
- Gold Hill
- Jacksonville
- Medford
- Phoenix
- Rogue River
- Shady Cove
- Talent

Rivers & Lakes

- Streams & Ditches
- Major Rivers & Streams
- Named Streams
- Intermittent Streams
- Ditches

Wildlife by Sensitivity

- [1:160] Very Sensitive
- [1:40] Sensitive
- Existing

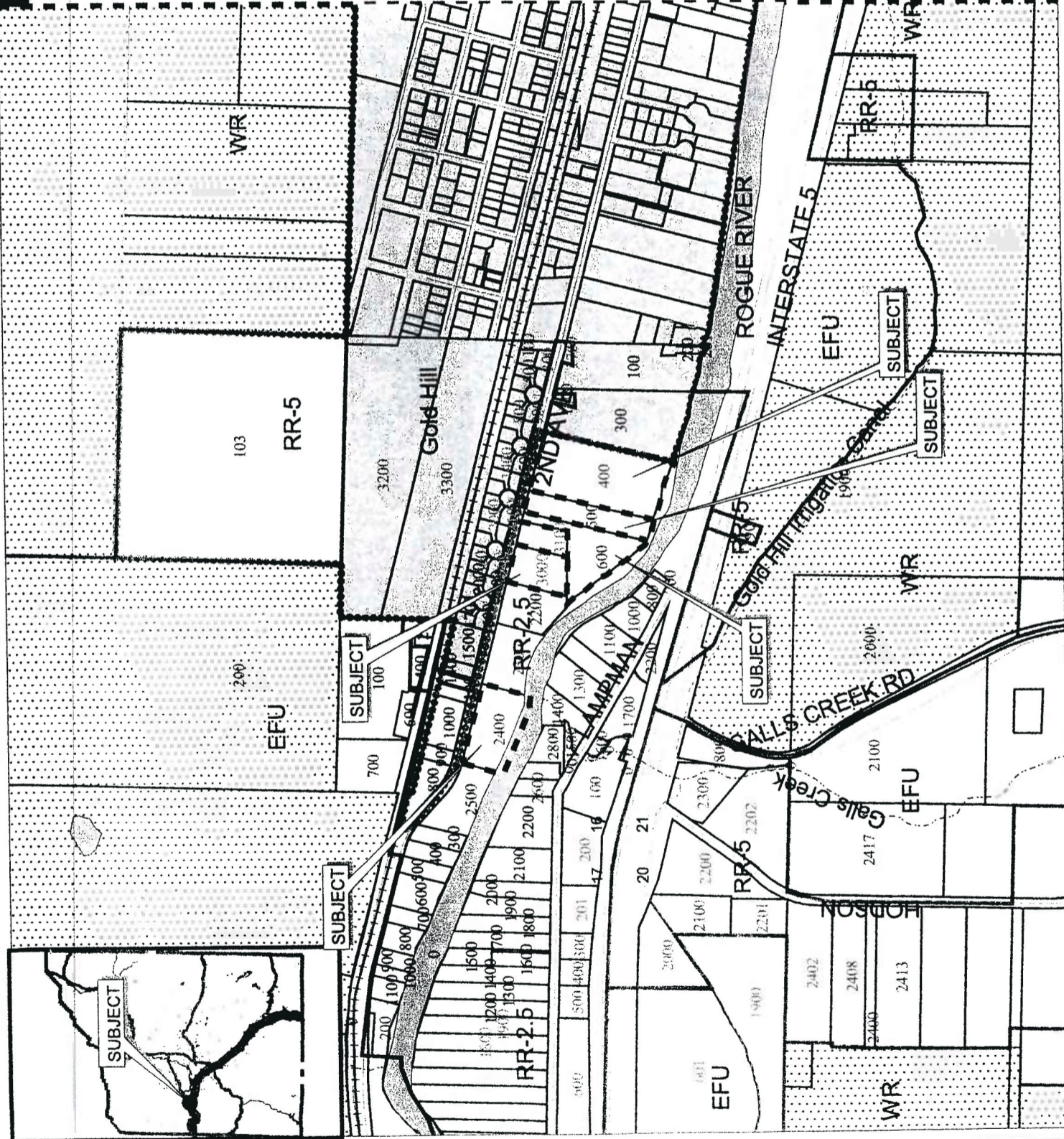
Railroads

0 400 800 Feet

1"= 800 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 inaccuracy. There are no warranties, expressed or implied. Plot date: May 15, 2007; C:\GIS\PLANNING\APR



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Planning Services

Planning & Development Division
10 South Oakdale Ave., Room 100
Medford, Oregon 97501-2902



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12/14/2007

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