



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

6/14/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Jackson County Plan Amendment
DLCD File Number 007-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, June 25, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Craig Anderson, Jackson County
Jon Jinings, DLCD Community Services Specialist
John Renz, DLCD Regional Representative
Darren Nichols, DLCD Community Services Division Manager
Angela Lazarean, DLCD Urban Planner

<paa> YA

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: LRP2008-00003

Date of Adoption: 6/2/10

Date Mailed: 6/3/10

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 12/1/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amend the Jackson County Comprehensive Plan by taking a "reasons" exception to Goal 11 to allow 1,603 rural properties to connect to Rogue Valley Sewer Service.

Does the Adoption differ from proposal? Please select one Yes

Amend the Jackson County Comprehensive Plan by taking a "reasons" goal exception to Statewide Planning Goal 11, Public Facilities and Services, to allow the connection of specific rural properties within the boundary of the Rogue Valley Sewer Services District to the sewer services provided by that agency; and an amendment of the Jackson County Land Development Ordinance, Area of Special Concern (ASC) 2003-1 Goal 11 Exception Areas, Section 7.2.3(B) and the procedures of Section 3.6 consistent with the above proposal

Plan Map Changed from: N/A

to: N/A

Zone Map Changed from: N/A

to: N/A

Location: Throughout Jackson County

Acres Involved: 6,121

Specify Density: Previous: N/A

New: N/A

Applicable statewide planning goals:

- 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
[checkboxes for each goal, with goal 11 checked]

Was an Exception Adopted? [checked] YES [] NO

Did DLCD receive a Notice of Proposed Amendment? Yes, but not 45 days prior.

45-days prior to first evidentiary hearing?

[] Yes [checked] No

If no, do the statewide planning goals apply?

[checked] Yes [] No

If no, did Emergency Circumstances require immediate adoption?

[] Yes [] No

DLCD file No. _____

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

DEQ, DLCD and Rogue Valley Sewer Service.

Local Contact: **Craig Anderson**

Phone: (541) 774-6918 Extension:

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

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

City: **Medford**

Zip: **97501**

E-mail Address: **anderscm@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, or by emailing larry.french@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 larry.french@state.or.us - **Attention: Plan Amendment Specialist.**



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. 2010-4 at a properly advertised public hearing on March 31, 2010, 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 August 2, 2010 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2010-4 amends the Jackson County Comprehensive Plan by taking a "Reasons" Goal Exception to Statewide Planning Goal 11, Public Facilities and Services, to allow the connection of specific rural properties within the boundary of the Rogue Valley Sewer Services District to the sewer services provided by that agency; and an amendment of the Jackson County Land Development Ordinance, Area of Special Concern (ASC) 2003-1 Goal 11 Exception Areas, Section 7.2.3(b) and the procedures of Section 3.6 consistent with the above proposal. File No. LRP2008-00003.

This notice is being mailed to you on June 4, 2010, 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 Craig Anderson at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford (541) 774-6918; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6918.

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 11:00 a.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 June 4, 2010, and the LUBA appeal period will expire on June 25, 2010. 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

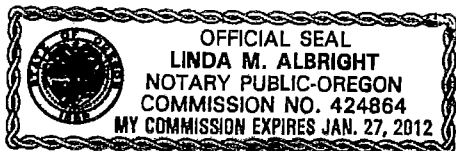
STATE OF OREGON)
)
COUNTY OF JACKSON)

I, Laura Marshall, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2010-4 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 was 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 June 4, 2010.

Laura Marshall
Signature

Personally appeared before me this 4th day of June, 2010, the above named Laura Marshall who acknowledged the foregoing affidavit to be her voluntary act and deed.



Linda M. Albright
Notary Public for Oregon
My Commission Expires: 1-27-2012

NOTICE OF PUBLIC HEARING SENT TO: PROPERTY OWNERS, AGENCIES, AND INTERESTED PERSON.

NAME: JACKSON COUNTY

FILE NO: LRP2008-00003

BOARD OF COMMISSION ADOPTION LABELS LRP2008-00003 MAILED: 6/4/10		LRP2008-00003 BOARD OF COMMISSIONERS JACK WALKER CHAIR		LRP2008-00003 BOARD OF COMMISSIONERS DAVE GILMOUR
	LRP2008-00003 BOARD OF COMMISSIONERS DENNIS C.W. SMITH	LRP2008-00003 STAFF KELLY MADDING DIRECTOR		LRP2008-00003 STAFF CRAIG ANDERSON PLANNER
AGENCY FRANK HAMMOND COUNTY COUNSEL	LRP2008-00003	LRP2008-00003 STAFF CAROL YATES RECEPTION DESK		LRP2008-00003 JCPC DON GREENE PO BOX 516 ASHLAND OR 97520
IP JUD HOLTEY PO BOX 1090 ASHLAND OR 97520	LRP2008-00003	LRP2008-00003 IP TOM LOWELL 7340 ADAMS RD TALENT OR 97540		LRP2008-00003 IP PATTY VILKS 4745 SARDINE CR RD GOLD HILL OR 97525
IP CSA PLANNING 4497 BROWNRIDGE TERRACE STE 101 MEDFORD OR 97504	LRP2008-00003	LRP2008-00003 IP RON MARTINSON 3249 WILLOWSPRINGS RD CENTRAL POINT OR 97502		LRP2008-00003 IP BARBARA ARGENTO SPILLER PO BOX 926 ASHLAND OR 97520
IP MIKE/JUDY BREEDEN 3440 OLD MILITARY RD CENTRAL POINT OR 97502	LRP2008-00003	LRP2008-00003 IP MARCO HANSEN 5204 SOUTH PACIFIC HWY PHOENIX OR 97535		LRP2008-00003 IP CONSTANCE MONTANEZ 6650 TOLO RD CENTRAL POINT OR 97502
IP RICHARD STEVENS & ASSOCIATES PO BOX 4368 MEDFORD OR 97501	LRP2008-00003	LRP2008-00003 IP LOWELL SMITH PO BOX 5524 SALEM OR 97304		LRP2008-00003 IP GREG HOLMES 1000 FRIENDS OF OREGON PO BOX 2442 GRANTS PASS OR 97528
IP DEL HANSEN 132 W LINN RD EAGLE POINT OR 97524	LRP2008-00003	LRP2008-00003 IP TIM FLETCHER 3888 MADRONA LN MEDFORD OR 97501		LRP2008-00003 IP PRISCILLA/JOEL WORKS 2711 SYRINGA DR MEDFORD OR 97501
IP MARIA JORDAN 239 W GREGORY RD CENTRAL POINT OR 97502	LRP2008-00003	LRP2008-00003 IP LAWENCE WORCH 3220 GRIFFIN CR RD MEDFORD OR 97501		LRP2008-00003 IP JOHN RENZ PO BOX 3275 CENTRAL POINT OR 97502
IP ELIZABETH ROBINSON 183 E ASHLAND LN ASHLAND OR 97520	LRP2008-00003	LRP2008-00003 IP BRENT MITCHELL 4450 FERN VALLEY RD MEDFORD OR 97504		LRP2008-00003 IP MATT ROPP LUC 10 S BARTLETT ST STE 203 MEDFORD OR 97501

IP LRP2008-00003
ROGER HOWE
4810 FERN VALLEY RD
MEDFORD OR 97501

IP LRP2008-00003
DONALD DENMAN
1655 CADY RD
JACKSONVILLE OR 97530

IP LRP2008-00003
EDWARD GRAY
4002 LIVINGSTON RD
CENTRAL POINT OR 97502

IP LRP2008-00003
JOE SMITH
2015 HANLEY RD
CENTRAL POINT OR 97502

IP LRP2008-00003
RON ROTH
6950 OLD HWY 99 S
ASHLAND OR 97520

IP LRP2008-00003
LAWRENCE D MANN
3865 SURREY DR
MEDFORD OR 97501

IP LRP2008-00003
CHARLES H VANDERPOOL DMD
PO BOX 14531
ALBUQUERQUE NM 87191-4531



FIRST READING AND SCHEDULING OF A PUBLIC
HEARING OF AN ORDINANCE IN THE MATTER OF
APPROVING AN AREA-WIDE EXCEPTION TO
STATEWIDE PLANNING GOAL 11

FILE NO. LRP2008-00003

Item No. 2010-4

Board Letter No. 11062
Agenda: May 19, 2010

Honorable Members of the Board of Commissioners:

As an item for the agenda for the Board meeting of May 19, 2010, is the first reading and scheduling of a public hearing of an ordinance approving an area-wide exception to Statewide Planning Goal 11 in order to enable the potential connection of up to 1,644 tax lots to the sewer services provided by the Rogue Valley Sewer Service District.

Synopsis and Benefit to Jackson County

Approval of the application through the signing of this ordinance will improve water quality in the ground and surface waters of Jackson County by helping to eliminate fecal contamination resulting from inadequate septic treatment.

Benefit to Citizens of Jackson County

Property owners within the Goal 11 Exception Area will benefit as a result of having an option to connect to sewer service. Others in Jackson County benefit from improved water quality.

Financial Impact

There is no direct financial impact resulting from the approval of this application.

Recommendation

The Board of Commissioners and Development Services Director recommend the attached ordinance be accepted at the First Reading and the Second Reading and Public Hearing be scheduled for Wednesday, June 2, 2010, at 1:30 p.m. in the Courthouse Auditorium. Should the Board of Commissioners approve this ordinance, it will become effective 60 days following signature by the Board, pending any appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Danny Jordan".

Danny Jordan
County Administrator

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

IN THE MATTER OF A PROPOSAL TO)
AMEND THE JACKSON COUNTY)
COMPREHENSIVE PLAN BY TAKING A)
"REASONS" GOAL EXCEPTION TO)
STATEWIDE PLANNING GOAL 11, PUBLIC)
FACILITIES AND SERVICES, TO ALLOW THE)
CONNECTION OF SPECIFIC RURAL)
PROPERTIES WITHIN THE BOUNDARY OF)
THE ROGUE VALLEY SEWER SERVICES)
DISTRICT TO THE SEWER SERVICES)
PROVIDED BY THAT AGENCY; AND AN)
AMENDMENT OF THE JACKSON COUNTY)
LAND DEVELOPMENT ORDINANCE, AREA)
OF SPECIAL CONCERN (ASC) 2003-1 GOAL)
11 EXCEPTION AREAS, SECTION 7.2.3(B))
AND THE PROCEDURES OF SECTION 3.6)
CONSISTENT WITH THE ABOVE)
PROPOSAL. FILE NO. LRP2008-00003.)

ORDINANCE NO. 2010-4

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 major or legislative amendments to the Jackson County Comprehensive Plan Map and exceptions to Statewide Planning Goals are contained in

1- ORDINANCE; FILE LRP2008-00003
Goal 11 Area-Wide Exception

the Jackson County Comprehensive Plan and in the Jackson County Land Development Ordinance (JCLDO) Chapter 3.

3. On May 28, 2009, the Jackson County Planning Commission (JCPC) approved an order initiating a legislative amendment to the Comprehensive Plan for an area-exception to Statewide Planning Goal 11, Public Services.

PROCEDURAL FINDINGS:

1. A notice of the proposed amendment was provided to the Department of Land Conservation and Development (DLCD) on December 1, 2009. A Notice of Public Hearing was sent to property owners affected by the proposal on November 19, 2009, and was published in the Medford Mail Tribune on November 29, 2009, prior to the JCPC's first evidentiary hearing held on December 10, 2009.
2. On December 10, 2009 and January 14, 2010, the JCPC held properly advertised public hearings to consider the evidence and testimony on this proposal. After considering the evidence and testimony submitted, the JCPC, by motion and vote, recommended that the Board of Commissioners approve the proposal. The JCPC signed the Recommendation for Approval on January 28, 2010.
3. A Notice of Public Hearing was sent to property owners affected by the proposal on March 9, 2010, and was published in the Medford Mail Tribune on March 14, 2010, prior to the Board of Commissioners first evidentiary hearing held on March 31, 2010.
4. On March 31, 2010 and April 14, 2010, the Jackson County Board of Commissioners held properly advertised public hearings to consider the evidence and testimony for this application. After considering the evidence and testimony submitted, the Board of Commissioners, by motion and vote, approved the proposal.

Now, therefore,

The Jackson County Board of Commissioners finds and concludes as follows:

SECTION 1. FINDINGS OF FACT:

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

- 1.1 The Board of Commissioners finds that proper legal notice was provided to the affected property owners on March 9, 2010 for a public hearing on this matter. Legal notice was published in the Sunday, March 14, 2010 edition of the Medford Mail Tribune.

- 1.2 The Board of Commissioners finds that the JCPC's recommendations are based upon following proper procedures and are consistent with the evidence available at the time of the JCPC hearings. The Board of Commissioners hereby adopts, as its own, the Findings of Fact contained in the JCPC Recommendation for Approval, incorporated herein and attached as Exhibit "A." Any findings made by the Board of Commissioners that are inconsistent with those of the JCPC are noted in Section 2 below.

SECTION 2. LEGAL FINDINGS:

- 2.1 The Board of Commissioners hereby adopts, as its own, the Legal Findings contained in the JCPC's Recommendation for Approval, incorporated herein and attached as Exhibit "A."
- 2.2 Where the findings or other information in Exhibit "A" include reference to 1,603 tax lots or parcels, the Board of Commissioners finds that evidence and testimony in the record demonstrates that such findings should be amended to include a total of 1,644 tax lots within the Goal 11 Exception Area and that these 1,644 tax lots are identified in the attached map as Exhibit "B" and are further listed in Exhibit "C." Exhibits 1 and 2 of the JCPC's recommendation are hereby amended to reflect the Board of Commissioners findings.
- 2.3 The Board of Commissioners hereby adopts the text changes to Chapters 3 and 7 of the Land Development Ordinance (LDO) identified in Exhibit 3 of the JCPC recommendation. The revised versions of LDO Chapters 3 and 7 are attached as Exhibit "D."

SECTION 3. CONCLUSIONS:

- 3.1 The Board of Commissioners concludes that proper public notice was given.
- 3.2 The Board of Commissioners hereby adopts, as its own, the Conclusions contained in the JCPC's Recommendation for Approval, incorporated herein and attached as Exhibit "A." These conclusions demonstrate that the proposal is in compliance with the applicable Statewide Planning Goals, Oregon Administrative Rules, the applicable policies in the Jackson County Comprehensive Plan, and the applicable sections of the Jackson County Land Development Ordinance.
- 3.3 The Board of Commissioners concludes that reasons justify an exception to Statewide Planning Goal 11, Public Facilities and Services, to allow the connection of the rural properties identified in Exhibits "B" and "C" to the sewer services provided by Rogue Valley Sewer Services. The Board further concludes that amendments to the Jackson County Land Development Ordinance, Area of Special Concern (ASC) 2003-1 Goal 11 Exception Areas, Section 7.2.3(B) and the procedures of Section 3.6, included within attached Exhibit "D," are consistent with the above proposal.

SECTION 4. DECISION:

Now, therefore,

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

- 4.1. Based on the record of the public hearing, the Board of Commissioners approves an amendment to the Comprehensive Plan and Land Development Ordinance as identified in Section 2 of this Ordinance.

APPROVED this 2nd day of June, 2010, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

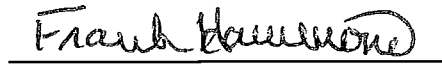

Jack Walker, Chair

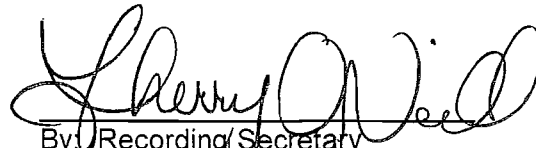
Absent
Dave Gilmour, Commissioner


Dennis C. W. Smith, Commissioner

APPROVED AS TO
LEGAL SUFFICIENCY:

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 June 4, 2010, and the LUBA appeal period will expire on June 25, 2010. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

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

IN THE MATTER OF AN APPLICATION TO)
AMEND THE JACKSON COUNTY)
COMPREHENSIVE PLAN BY TAKING A)
"REASONS" GOAL EXCEPTION TO)
STATEWIDE PLANNING GOAL 11, PUBLIC)
FACILITIES AND SERVICES, TO ALLOW THE)
CONNECTION OF SPECIFIC RURAL)
PROPERTIES WITHIN THE BOUNDARY OF)
THE ROGUE VALLEY SEWER SERVICES)
DISTRICT TO THE SEWER SERVICES)
PROVIDED BY THAT AGENCY; AND AN)
AMENDMENT OF THE JACKSON COUNTY)
LAND DEVELOPMENT ORDINANCE, AREA OF)
SPECIAL CONCERN (ASC) 2003-1 GOAL 11)
EXCEPTION AREAS, SECTION 7.2.3(B) AND)
THE PROCEDURES OF SECTION 3.6)
CONSISTENT WITH THE ABOVE PROPOSAL.)
FILE NO. LRP2008-00003.)

RECOMMENDATION
FOR APPROVAL

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. Public hearings were held on December 10, 2009 and January 14, 2010 before the Jackson County Planning Commission in the Jackson County Auditorium.
3. 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 provided to property owners and agencies affected by this application on November 19, 2009 for an initial public hearing.

- 1.2 The Planning Commission finds that the properties included in the proposed Goal 11 Exception Area are located within the Rogue Valley Sewer Services (RVS) district boundary and outside of existing urban growth and urban unincorporated containment boundaries.
- 1.3 The Planning Commission finds that a staff report was prepared for the initial public hearing (pgs. 2-294, JCPC Record).
- 1.4 The Planning Commission finds that public hearings were held to consider the evidence on this matter on 12/10/09 and 1/14/10.

SECTION 2. LEGAL FINDINGS:

- 2.1 To recommend approval, the Planning Commission must find that the application complies with the Oregon Administrative Rules for an exception to Statewide Planning Goal 11. In addition, other criteria from the Comprehensive Plan and the Land Development Ordinance apply, as described in the Staff Report (pgs. 29-41, JCPC Record).
- 2.2 The Planning Commission adopts Exhibit 1 (Staff Report Findings and Condition of Approval), Exhibit 2 (Map and Tax Lot Listing of Goal 11 Exception Area), and Exhibit 3 (Recommended LDO Revisions) as a basis for this recommendation.
- 2.3 The deliberations held on January 14, 2010 resulted in a motion to recommend approval of the application. The vote was unanimous, adopted by the Planning Commission 5-0.

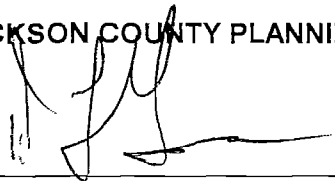
SECTION 3. CONCLUSIONS:

The Planning Commission concludes that the application, with the recommended condition of approval, sufficiently addresses the exception criteria and other County plan and zoning criteria required for an amendment and approval of the application. The evidence in the record details the requirements of this application and demonstrates that procedural requirements have been met.

SECTION 4. RECOMMENDATION: The Jackson County Planning Commission adopts the attached Exhibit 1 (Staff Report Findings and Condition of Approval), Exhibit 2 (Map and Tax Lot Listing of Goal 11 Exception Area) and Exhibit 3 (Recommended LDO Revisions), and recommends approval of an exception to Statewide Planning Goal 11 to allow the properties identified in Exhibit 2 to connect to sewer services. The Planning Commission further recommends approval of an amendment to the Jackson County Land Development Ordinance Section 7.2.3(B), Area of Special Concern (ASC) 2003-1 (Goal 11 Exception Areas), and the procedures of Section 3.6, consistent with the above proposal.

This recommendation for APPROVAL adopted this 28th day of January, 2010, at Medford, Oregon.

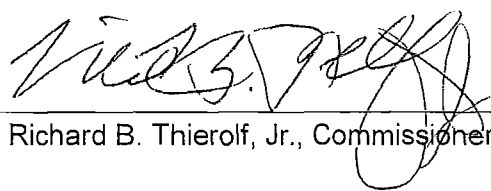
JACKSON COUNTY PLANNING COMMISSION



Don Greene, Chair



Joel Ockunzzi, Commissioner



Richard B. Thierolf, Jr., Commissioner



Tani Wouters, Commissioner

ATTEST:



Kelly Madding, Development Services Director

- Attachments: Exhibit 1: Findings and Conditions of Approval
 Exhibit 2: Map and Tax Lot Listing of Goal 11 Exception Area
 Exhibit 3: Recommended LDO Revisions

I:\ZONING\WP\Comp Planning\LRP2008-00003 Goal 11 Exception\Planning Commission\JCPC recommendation.docx

EXHIBIT 1

STAFF REPORT FINDINGS AND CONDITION OF APPROVAL

A “reasons” goal exception to Goal 11 (Public Facilities and Services) requires an amendment to the Jackson County Comprehensive Plan and a demonstration of compliance with the following criteria:

- Statewide Planning Goal 2, Part II (Exceptions)
- Other applicable statewide planning goals
- ORS 197.732 (Goal Exceptions)
- OAR 660-004-0018 (Planning and Zoning for Exception Areas)
- OAR 660-004-0020 (Goal 2, Part II(c), Exception Requirements)
- OAR 660-004-0022 (Reasons Necessary to Justify an Exception Under Goal 2, Part II(c))
- Applicable provisions of the Jackson County Comprehensive Plan
- Applicable provisions of the Jackson County Land Development Ordinance

Because this goal exception is a reasons exception, it applies only to specific properties, as depicted in Exhibits A and D, and does not establish a planning or zoning policy of general applicability in Jackson County pursuant to ORS 197.732(8).

Staff’s findings of compliance with the applicable criteria begin with the Statewide Planning Goals.

A. Statewide Planning Goals

1. Goal 1 (Citizen Involvement)

OAR 660-015-0000(1): To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: Opportunities for citizen involvement will be provided as required by state and local law. All property owners potentially affected by this proposal have been provided with advanced notice and were invited to submit testimony for the record.

2. Goal 2 (Land Use Planning)

OAR 660-015-0000 (2) (PART I - PLANNING): To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

OAR 660-015-0000(2) (PART II - EXCEPTIONS): A local government may adopt an exception to a goal when...

FINDING: By addressing the criteria of OAR 660-004 (see below), the implementing rule for both Goal 2 and ORS 197.732 that both Goal 2 and ORS 197.732 have been satisfied.

3. Goal 3 (Agricultural Lands)

OAR 660-015-0000(3): To preserve and maintain agricultural lands.

FINDING: This proposal will not affect the amount of agricultural land in Jackson County nor will it result in the establishment of uses on agricultural land that are in conflict with the provisions of Goal 3. This is evidenced, in part, in that all resource-designated properties included in this proposal are currently developed according to Jackson County assessment records. Also, a condition of approval (see Section V) will require property owners to sign a restrictive covenant(s) that specifies that the public sewer connection is available only for uses allowable in the existing underlying rural zoning district, and cannot be used to justify further land division or up-zoning while the subject property is located outside an urban growth or urban containment boundary.

The maintenance of agricultural lands will be accomplished by the removal of sources of water contamination on Goal 3-protected properties. In the rare case that the extension of a sewer line must run through a Goal 3 (Exclusive Farm Use) parcel, the disruption to farming practices will be in a narrow linear pattern and be of temporary duration.

4. Goal 4 (Forest Lands)

OAR 660-015-0000(4): To conserve forest lands for forest uses.

FINDING: This proposal will not affect the amount of forest land in Jackson County nor will it result in the establishment of uses on forest land that are in conflict with the provisions of Goal 4. This is evidenced, in part, in that all resource-designated properties included in this proposal are currently developed according to Jackson County assessment records. Also, a condition of approval (see Section V) will require property owners to sign a restrictive covenant(s) that specifies that the public sewer connection is available only for uses allowable in the existing underlying rural zoning district, and cannot be used to justify further land division or up-zoning while the subject property is located outside an urban growth or urban containment boundary. Finally, where Goal 4 land is included in this exception area, it is zoned Open Space Reserve or Woodland Resource and is devoid of commercial timber.

The maintenance of forest lands will be accomplished by the removal of sources of water contamination on Goal 4-protected properties. In the rare case that the extension of a sewer line must run through a Goal 4 parcel, any disruption will be in a narrow linear pattern and be of temporary duration.

5. Goal 5 (Natural Resources, Scenic and Historic Areas)

OAR 660-015-0000(5): To protect natural resources and conserve scenic and historic areas and open spaces.

FINDING: The Goal 5 resources potentially impacted by this proposal include riparian corridors and wetlands due to the installation of sewer lines. This impact is permitted at OAR 660-023-0090(8)(a)(B) for utilities in riparian corridors. Any sewer line extension, including those in wetland areas, must comply with applicable regulations that will be

addressed through a separate application process. Potential impacts to aggregate operations would be short-term and related to the installation of sewer lines.

6. Goal 6 (Air, Water and Land Resources Quality)

OAR 660-015-0000(6): To maintain and improve the quality of the air, water and land resources of the state.

FINDING: Substantial evidence has been presented as to why this area-wide Goal 11 exception proposal will result the improvement in water quality in Jackson County ground and surface waters. Connection of properties in the exception area to a sewer system will eliminate sources of water pollution and will thereby improve the quality of water resources in the state. Related findings are also presented under Section IV (D) (Environmental Quality Element) of this document.

7. Goal 11 (Public Facilities and Services)

OAR 660-015-0000(11): To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: This proposal seeks an exception to Goal 11. The requirements for this exception are addressed in the criteria of OAR 660-004 (see below).

8. Goal 14 (Urbanization)

OAR 660-015-0000(14): To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

FINDING: The areas proposed for a Goal 11 exception are predominately zoned rural residential and developed to suburban densities. While it may take a Goal 14 exception to establish these zones today, none was required at the time zoning was put in place. Any lands included in this proposal that would be deemed "urban" under the terms of Goal 14 are currently committed to those uses and a committed exception has been approved for such lands. The "up-zoning" of lands included in the proposed exception area will not be justified on the basis of a sewer connection approved through this proposal per the condition of approval described in Section V of this document.

B. Oregon Revised Statutes

1. ORS 197.732 Goal Exceptions

FINDING: By addressing the criteria of OAR 660-004 (see below), the implementing rule for both Goal 2 and ORS 197.732 that both Goal 2 and ORS 197.732 have been satisfied.

C. Oregon Administrative Rules

1. OAR 660-004-0018(4) "Reasons" Exceptions:

(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception;

(b) When a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required;

FINDING: Restrictions already imposed by existing zoning, the Rural Residential Rule, and the Map Designations Element will limit the uses, density, public facilities and services and activities to only those that justified by the "reasons" exception, in accordance with OAR 660-004-0018(4)(a) and (b). Each of the 1,603 parcels subject to this review are part of the "reasons" justified Goal 11 Exception Area.

This exception authorizes, but does not require, specific properties to connect to public sewer. This exception does not propose any changes of use to properties included within the exception area and restricts uses to those allowable in the existing underlying zoning district, per the condition of approval described in Section V of this document. Any change in use inconsistent with this goal exception proposal would require a new exception.

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

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

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

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

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

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

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

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

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

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

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

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

(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from

the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

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

FINDING: The findings and reasons addressing compliance with OAR 660-004-0022 (see below) also address and satisfy compliance with 660-004-0020(1) and OAR 660-004-0020(2)(a).

Regarding OAR 660-004-0020(2)(b), each of the questions outlined in the rule are based on an assumption that new non-resource land uses are proposed for existing resource lands. The proposed "use," in this case, are existing and permitted developments (primarily residential) that pose an imminent and significant public health hazard without connection to a sewer system. No vacant resource lands are included in the exception area.

Sewer extensions are meant to primarily serve existing development on non-resource land, and would not be available to increase densities or add uses beyond that already existing or permitted by zoning. Although sewer extensions are permitted within urban growth boundaries, unincorporated communities and certain rural residential zoned property that are within 300 feet of an existing sewer line, it is not reasonable to require established neighborhoods to relocate to other areas where service is currently provided, either within or outside an urban growth boundary or community boundary. Notwithstanding that, any other lands also located outside an urban growth or unincorporated community boundary are also restricted from additional sewer connections, so increasing density allowances for those other non-resource areas is similarly impractical.

Since the requirements for a "reasons" exception calls for an analysis of whether "alternative areas...can reasonably accommodate the use," this exception acknowledges that a site-by-site analysis must be used to determine whether allowed uses (based on zoning) can be reasonably served by use of individual on-site sewage disposal systems. Such an analysis is beyond the scope of this proposal. In general, and based on the information presented in Section III of this document, the soil limitations, existing water contamination issues, and existing development, make the use of on-site systems unreasonable to accommodate the allowed uses.

Regarding OAR 660-004-0020(2)(c), This proposal to allow sewer extensions is intended to serve areas under existing acknowledged zoning. The uses to be served by the proposed sewer extension either currently exist or are permitted under current zoning. Sewer connections to other areas would not resolve the situational assumptions set forth in the findings addressing OAR 660-004-0022, below.

The resulting sewer connections would likely reduce the adverse environmental impacts already existing from septic discharges, and would require far less excavation, and thereby erosion, of ground near the riparian corridor than septic system repair activities. The economic benefits would be realized by targeting dollars to a beneficial public system rather than expending them for on-site systems that are prone to failure. Another economic benefit is the assurance that existing dwellings may be replaced, a requirement for most financing programs. Similarly, the social benefits are realized by maintaining a stable housing stock in the area, and by reducing concerns about groundwater pollution affecting local families. Since septic systems often require substantial energy inputs for pumps and other ancillary equipment, and they typically require more maintenance and eventual replacement, the long term energy use will likely be less for a sewer-served area as compared to areas with septic systems.

This exception to Goal 11 is intended to encompass the majority of the area zoned for rural development for which the soil and groundwater conditions result in an imminent and significant public health hazard. Since sewer service can be made available to these areas, there are no reasonable alternatives to septic systems to consider.

Finally, with regard to OAR 660-004-0020(2)(d), sewer lines would generally be provided along existing public road rights-of-way. While in some cases a sewer line may have to cross resource land, the installation of the sewer line would be a temporary disruption of the resource use limited to a linear area on the resource land. Further land division would be limited by the existing zoning and a restrictive covenant(s) will be required as described in Section V of this document. Sewer services will further efforts to achieve compatibility by assuring that a health hazard will not occur through failure of septic systems from overuse or failure caused by soils susceptible to failure.

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

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

(1) For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

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

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

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

FINDING: The following summary of facts establishes why the policy in Goal 11 prohibiting connection of sewer service to exception area properties should not apply. These facts are supported by substantial evidence included in Sections II and III of this document.

First, 95% of the properties located in the proposed exception area are situated on soils that are rated as "severe" in terms of septic limitations. The exception area includes soils having very slow permeability, periodic wetness, poor filtering capacity, minimal depth to hardpan, high water tables, and severe shrink-swell characteristics. Several properties are located in floodplains, in proximity to streams and/or on lots under 2 acres. These factors severely limit the adequacy of on-site septic treatment facilities to treat sewage.

Second, much of the exception area is situated along or near riparian corridors identified as DEQ 303d listed limited water quality streams for fecal coliform and/or E. Coli. Although it has not been demonstrated that failing septic systems in the exception area are entirely responsible for these water quality issues, there is substantial evidence that provides this linkage. Historical documentation dating to the mid-1970's has focused on septic contamination issues resulting from the severe soil conditions present in much of the Rogue Valley area. To the degree that septic systems are responsible for the degradation of water quality, this represents a significant public health hazard that can only be adequately remedied through extension of sewer service.

Third, 91% of the properties included in the exception area are developed, with many approaching urban densities. Where existing housing is served by private wells and on-site septic disposal systems, these wells are prone to potential health hazard because failing systems would likely pollute the only potable water source. The existing underlying zoning districts in the exception area establish minimum lot sizes. Approval of this exception shall not be used as a basis for changes in zoning densities and uses. This exception to Statewide Planning Goal 11 is limited to providing the opportunity for extension of sewer lines to the properties within the exception areas.

Fourth, many of the developments included in the exception area were constructed prior to current sanitary siting standards and other health and safety-related planning regulations. Any substantial remodeling or replacement of existing housing units requires that septic systems be brought up to current siting and construction standards. Due to many existing small parcels and setback restrictions (from wells, buildings, streams, and property lines), many residences will not be able to be remodeled or replaced if sewer is not available.

Fifth, a regional sewer system (RVS) is available (located one mile or less from exception area properties) and has the capacity to provide the service to the exception properties. In many cases, adjacent properties outside of UGB/UCBs are already being served by RVS with no resulting urban/rural conflicts and without facilitating "urban sprawl", consistent with the provisions of Goal 11.

Finally, there is a long-standing recognition that the properties included in the proposed exception area are best served by a regional sewer system. Records of failed septic systems, studies produced by local agencies, and the many years of experience by Jackson County Environmental Quality staff, verify the need for sewer service to the proposed exception area.

FINDING: For all of the reasons set forth in Section IV(C) above, this proposal is consistent with and satisfies the requirements for taking a "reasons" goal exception to Goal 11 as set out in OAR 660, Division 4.

4. OAR 660-011-0060 Sewer Service to Rural Lands

(9) A local government may allow the establishment of new sewer systems or the extension of sewer lines not otherwise provided for in section (4) of this rule, or allow a use to connect to an existing sewer line not otherwise provided for in section (8) of this rule, provided the standards for an exception to Goal 11 have been met, and provided the local government adopts land use regulations that prohibit the sewer system from serving any uses or areas other than those justified in the exception. Appropriate reasons and facts for an exception to Goal 11 include but are not limited to the following:

(a) The new system, or extension of an existing system, is necessary to avoid an imminent and significant public health hazard that would otherwise result if the sewer service is not provided; and, there is no practicable alternative to the sewer system in order to avoid the imminent public health hazard, or

(b) The extension of an existing sewer system will serve land that, by operation of federal law, is not subject to statewide planning Goal 11 and, if necessary, Goal 14.

FINDING: This proposal seeks an exception to Goal 11 consistent with OAR 660-011-0060(9)(a) above. Based on the evidence presented in this document, staff finds that the extension of an existing sewer system is necessary to avoid an imminent and significant public health hazard that would otherwise result if the sewer service is not

provided; and, there is no practicable alternative to the sewer system in order to avoid the imminent public health hazard.

D. Jackson County Comprehensive Plan

1. Environmental Quality Element

POLICY 3: Conserve the water resource of Jackson County and protect, manage and improve the quality of surface and groundwaters, for the propagation of wildlife and for domestic, agricultural, industrial, recreational and other beneficial uses.

POLICY 4: The County shall, to the extent of its legal authority, provide for the protection of municipal watersheds from uses which could impact the quality of the water and increase erosion.

FINDING: This proposal is aimed at reducing an imminent and substantial health hazard that has been brought about by the continued reliance on septic systems to treat sewage. The Environmental Quality Element identifies on-site septic disposal systems as affecting both surface and groundwater quality. Factors such as high water tables, floodplains, proximity to streams, shrink-swell soils, very slow permeability, periodic soil wetness, poor filtering capacity, depth to hardpan, slope and small lot sizes characteristic of the exception area are all septic treatment limiting factors that contribute to water pollution and environmental quality degradation.

If approved, public sewer will be made available to replace existing on-site septic systems in many areas that are already developed to suburban densities. Much of this area has already been identified in the acknowledged Jackson County Comprehensive Plan and other studies to be in a potential health hazard area. It is found that any measure that removes a significant source of potential ground and surface water contaminants would be consistent with the policies cited above.

Public sewer installations result in far less ground disturbance than would otherwise be caused through the installation of septic systems. Certain lateral sewer extensions may be accomplished through boring methods instead of trench and fill. These methods are consistent with the erosion and sedimentation policy stated above because it saves the riparian area of the creek from invasive and detrimental excavation within the actual stream channel. Detailed analysis of any sewer extensions will be reviewed by the County through a subsequent development application to ensure that impacts are consistent with the Land Development Ordinance and other applicable standards or approval criteria.

Jackson County has committed to improving the quality of ODEQ 303d listed limited quality streams, and recognizes that septic systems near such streams are a significant source of ground and surface water contamination. Reducing potential septic discharge to the Bear Creek sub-basin will promote state and county goals to improve recreational opportunities, tourism.

2. Public Facilities and Services Element

POLICY 1: Recognizing the need for various types and levels of sanitation service, Jackson County shall strive to provide for sanitation service at levels

appropriate for the needs of urban, urbanizable, suburban, rural, and open space lands.

POLICY 2: Recognizing the urban growth/containment boundary as the dividing line between urban and rural development, the County shall not allow new extensions of sewer projects beyond these boundaries except as allowed in Policy 1 after review by the planning commission and approval by the board of commissioners or as provided for by state law, as discussed in Policy 5 below

POLICY 5: Connections to sewer or water lines in areas located outside acknowledged urban growth boundaries, unincorporated community boundaries or destination resorts may be permitted only pursuant to state law and the Jackson County Land Development Ordinance.

POLICY 6: New sewerage lines shall not pass through lands designated for agricultural use except for land that is the subject of an approved destination resort development plan, or when deemed the most reasonable route after the county has made every effort to minimize development pressure and protect agricultural operations.

POLICY 8: The absence or presence of public facilities should be weighed and evaluated against other development concerns so it does not receive disproportionate emphasis.

FINDING: The Jackson County Comprehensive Plan includes substantial findings and policies recognizing the need to provide for sewer connections outside urban growth boundaries and unincorporated community boundaries due to pre-existing patterns of development, pre-existence of a rural sewer service provider, and the severe site limitations imposed by local topography, soil conditions, natural hazard areas, and limited lot size. Findings 1, 2, and 5 of the Public Facilities and Services Element allow the establishment or extension of a sewer system outside of an urban growth boundary and unincorporated community boundary pursuant to state law and the JCLDO. The exception criteria is addressed above in Section IV (C) and the requirements of the JCLDO area addressed below in Section IV (E).

This exception proposal considered the development impacts on resource lands. In most cases, the extension of service will follow existing rights of way easements. Where new lines must pass through agricultural lands, the lines will be undergrounded so as not to disrupt resource uses or the character of the same. Further, the existence of the line itself will not determine the allowable land use(s), rather zoning will continue to prevail in determining allowable use(s). It is found that the proposed exception to the Statewide Planning Goal 11 does not conflict with the policies outlined in the Public Facilities and Services Element of the Jackson County Comprehensive Plan.

E. Jackson County Land Development Ordinance

1. LDO Section 3.6.3 Sewer Systems and Extensions on Rural Lands - Approval Criteria

The basis for approval of a development permit for a sewer service to rural lands will be OAR 660-011-0060 to mitigate existing public health hazard situations,

unless a goal exception is justified for another purpose. Approval of an application for a Statewide Planning Goal 11 Exception Area must ensure that only rural land uses will be served, unless an exception to Statewide Planning Goal 14 is also justified for urban uses. If a Goal 11 exception is justified, the exception area will be depicted as within ASC 2003-1 on the Jackson County Comprehensive Plan and Zoning Maps, and uses within the area will be restricted to those justified in the exceptions document.

FINDING: "Rural Lands" are defined as: "Those areas outside Urban Growth Boundaries or Urban Unincorporated Communities that are not suitable, necessary or intended for urban use and that are: agricultural, forest or open space lands; or, other lands suitable for sparse settlement, small farms or acreage home sites with no or hardly any public services." Staff finds that properties included in this proposal that do not fit the definition of "rural lands" are not subject to review under LDO 3.6.3.

Upon approval, the exception area proposed here will be depicted as within ASC 2003-1 (Comprehensive Plan and Zoning Map overlay) and uses will be restricted to those allowable in the existing underlying zoning district, per the condition of approval described in Section V of this document.

2. LDO Section 3.7.3(D) Major Comprehensive Plan Map or Zoning Map Amendments (Legislative)

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

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

In designated Areas of Special Concern, such amendments will also comply with the relevant provisions of Chapter 7. Such amendments may have widespread and significant impacts. Map amendments outside urban growth boundaries and urban unincorporated communities that will result in a minimum residential lot size smaller than 10 acres require an exception to Statewide Planning Goal 14.

FINDING: Section 3.7.3(D)(3) is found to apply to this proposal because an amendment of the Official Plan and Zoning Map (ASC 2003-1) will be brought into compliance with relevant law consistent with the "reasons" exception approved through this proposal.

3. LDO Section 7.2.3(B) Areas of Special Concern ASC 2003-1, Goal 11 Exception Areas

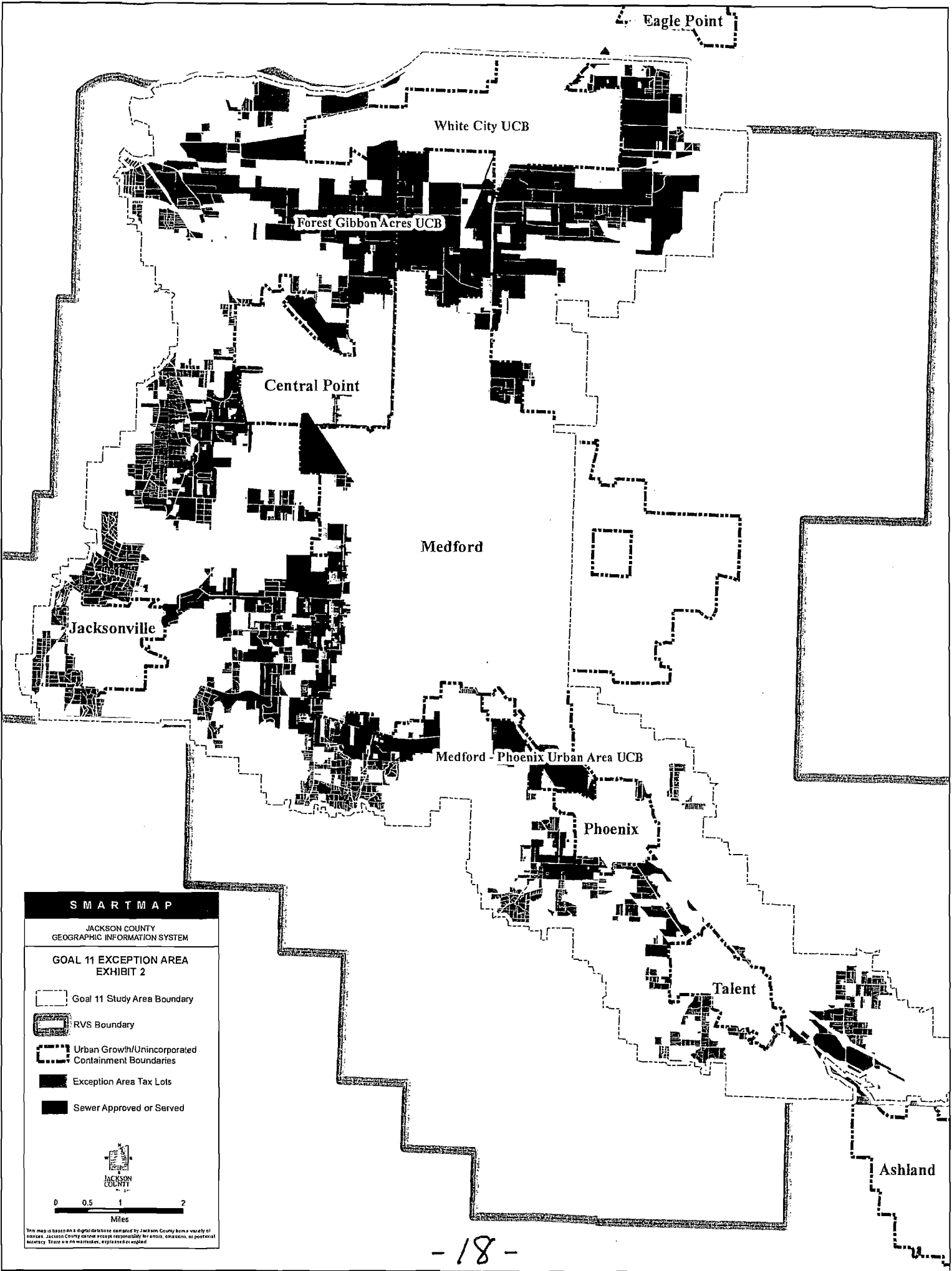
This Area of Special Concern includes lands justified as "Reasons" Exception Areas to Statewide Planning Goal 11, Public Facilities and Services, where creation or extension of a public sewer facility has been approved to serve a specified use in the Goal Exception Area. This ASC may also be applied to "Physically Developed" and/or "Irrevocably Committed" Exception Areas where additional use restrictions are found to be merited beyond the base zoning district provisions. Development of properties within this ASC is subject to the restrictions outlined in the adopting ordinance for the Goal 11 Exception Area.[File 2002-3-OA]

FINDING: Approval of this proposal will result in the addition of 1,603 tax lots to the overlay map ASC 2003-1, Goal 11 Exception Areas, consistent with the LDO Section 7.2.3(B).

CONDITION OF APPROVAL

As a condition of approval and prior to connection to sewer services allowed through this proposal, the following deed declaration must be signed by owners of the properties included within this exception area:






An exception to Statewide Planning Goal 11, Public Facilities and Services, has been approved for the subject property to allow extension of sewer service outside of an urban growth or unincorporated community boundary. Public sewer connection is available only for uses allowable in the existing underlying zoning district and cannot be used to justify further land division or up-zoning while the subject property is located outside the urban growth or unincorporated community boundary.




SMARTMAP

JACKSON COUNTY
GEOGRAPHIC INFORMATION SYSTEM

**GOAL 11 EXCEPTION AREA
EXHIBIT 2**

-  Goal 11 Study Area Boundary
-  RVS Boundary
-  Urban Growth/Unincorporated Containment Boundaries
-  Exception Area Tax Lots
-  Sewer Approved or Served



0 0.5 1 2
Miles

The 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 potential inaccuracy. There is no warranty, expressed or implied.

EXHIBIT 2

TAX LOT LISTING OF GOAL 11 EXCEPTION AREA

36-1W-15-1503	36-1W-28D-300	36-2W-28-1800	36-2W-29-2105	36-2W-29-930	37-2W-03B-1901
36-1W-15-301	36-1W-28D-400	36-2W-28-2604	36-2W-29-2106	36-2W-29-931	37-2W-03B-1902
36-1W-15-500	36-1W-28D-700	36-2W-28-2700	36-2W-29-2600	36-2W-29-932	37-2W-03B-1903
36-1W-15-501	36-1W-28D-800	36-2W-28-2702	36-2W-29-2700	36-2W-33-1100	37-2W-04-1000
36-1W-15-502	36-1W-30D-600	36-2W-28-2703	36-2W-29-2701	36-2W-33-3000	37-2W-04-1100
36-1W-15-503	36-1W-31B-200	36-2W-28-2704	36-2W-29-2703	36-2W-33-400	37-2W-04-1101
36-1W-15-504	36-1W-32C-1900	36-2W-28-2800	36-2W-29-2704	36-2W-34-401	37-2W-04-1200
36-1W-15-505	36-1W-33-1200	36-2W-28-300	36-2W-29-2705	36-2W-34-402	37-2W-04-2204
36-1W-15-506	36-2W-13-600	36-2W-28-3400	36-2W-29-2706	36-2W-34C-2000	37-2W-04-2302
36-1W-15-507	36-2W-14-800	36-2W-28-3700	36-2W-29-2707	36-2W-34C-2001	37-2W-04-2304
36-1W-15-508	36-2W-15-1001	36-2W-28-3800	36-2W-29-2708	36-2W-34C-2002	37-2W-04-2305
36-1W-15-600	36-2W-16-700	36-2W-28-3900	36-2W-29-2709	36-2W-34D-100	37-2W-04-2401
36-1W-15B-100	36-2W-16-701	36-2W-28-4000	36-2W-29-2710	36-2W-35-1000	37-2W-04-2500
36-1W-15B-2000	36-2W-16-702	36-2W-28-4100	36-2W-29-2800	36-2W-35-1100	37-2W-04-2700
36-1W-15B-2200	36-2W-16-703	36-2W-28-4200	36-2W-29-3000	36-2W-35-1200	37-2W-04-2801
36-1W-15B-2201	36-2W-16-705	36-2W-28-4300	36-2W-29-3100	36-2W-35-1300	37-2W-04-2802
36-1W-15B-300	36-2W-16-706	36-2W-28-4400	36-2W-29-3200	36-2W-35-1400	37-2W-04-300
36-1W-15B-400	36-2W-16-709	36-2W-28-4500	36-2W-29-3300	36-2W-35-1500	37-2W-04-3000
36-1W-15B-500	36-2W-16-715	36-2W-28-4601	36-2W-29-3400	36-2W-35-1600	37-2W-04-3101
36-1W-15B-700	36-2W-20-1000	36-2W-28-4700	36-2W-29-3500	36-2W-35-1802	37-2W-04-3103
36-1W-16A-100	36-2W-20-1100	36-2W-28-4800	36-2W-29-3700	36-2W-35-1900	37-2W-04-3105
36-1W-16B-900	36-2W-20-1200	36-2W-28-4900	36-2W-29-3800	36-2W-35-400	37-2W-04-3200
36-1W-20D-2200	36-2W-20-400	36-2W-28-700	36-2W-29-3900	36-2W-35-900	37-2W-04-400
36-1W-22A-100	36-2W-20-401	36-2W-29-100	36-2W-29-3901	36-2W-35D-2600	37-2W-04-500
36-1W-22A-1000	36-2W-20-406	36-2W-29-1000	36-2W-29-400	36-2W-35D-2602	37-2W-04-600
36-1W-22A-200	36-2W-20-407	36-2W-29-1100	36-2W-29-500	36-2W-35D-2604	37-2W-04-700
36-1W-22A-300	36-2W-20-412	36-2W-29-1101	36-2W-29-600	36-2W-36A-700	37-2W-04-800
36-1W-22A-900	36-2W-20-415	36-2W-29-1102	36-2W-29-700	37-1W-05-1800	37-2W-05D-100
36-1W-22D-700	36-2W-20-600	36-2W-29-1103	36-2W-29-800	37-1W-05-2000	37-2W-05D-102
36-1W-23-109	36-2W-20-700	36-2W-29-1200	36-2W-29-901	37-1W-05-2101	37-2W-05D-2401
36-1W-23-600	36-2W-20-800	36-2W-29-1201	36-2W-29-902	37-1W-05-2200	37-2W-05D-2500
36-1W-27B-100	36-2W-20-900	36-2W-29-1300	36-2W-29-904	37-1W-05-2300	37-2W-05D-2600
36-1W-27B-1000	36-2W-21-100	36-2W-29-1700	36-2W-29-906	37-1W-05-601	37-2W-08-100
36-1W-27B-1100	36-2W-21-1000	36-2W-29-200	36-2W-29-907	37-1W-05-801	37-2W-08-1000
36-1W-27B-900	36-2W-21-1002	36-2W-29-2000	36-2W-29-908	37-1W-08-200	37-2W-08-101
36-1W-27C-300	36-2W-21-1100	36-2W-29-2001	36-2W-29-909	37-1W-31D-1400	37-2W-08-1200
36-1W-28A-1400	36-2W-21-1202	36-2W-29-2002	36-2W-29-910	37-1W-31D-1500	37-2W-08-1300
36-1W-28A-1401	36-2W-21-1300	36-2W-29-2004	36-2W-29-911	37-1W-31D-1600	37-2W-08-1400
36-1W-28A-1402	36-2W-21-600	36-2W-29-2008	36-2W-29-912	37-1W-31D-1700	37-2W-08-1500
36-1W-28A-1403	36-2W-21-900	36-2W-29-201	36-2W-29-913	37-1W-31D-1800	37-2W-08-1501
36-1W-28A-1600	36-2W-22-201	36-2W-29-2010	36-2W-29-914	37-1W-31D-1900	37-2W-08-1600
36-1W-28A-2000	36-2W-22-202	36-2W-29-2011	36-2W-29-915	37-1W-31D-2000	37-2W-08-1700
36-1W-28B-3500	36-2W-22-290	36-2W-29-2100	36-2W-29-921	37-1W-31D-2100	37-2W-08-1901
36-1W-28B-3600	36-2W-23-100	36-2W-29-2101	36-2W-29-922	37-1W-31D-2200	37-2W-08-200
36-1W-28C-100	36-2W-26-2107	36-2W-29-2102	36-2W-29-924	37-2W-02-2701	37-2W-08-2000
36-1W-28D-100	36-2W-27-600	36-2W-29-2103	36-2W-29-926	37-2W-02D-300	37-2W-08-2001
36-1W-28D-200	36-2W-28-1300	36-2W-29-2104	36-2W-29-928	37-2W-02D-700	37-2W-08-2100

EXHIBIT 2

TAX LOT LISTING OF GOAL 11 EXCEPTION AREA

37-2W-08-2300	37-2W-09B-700	37-2W-15-2901	37-2W-17-2300	37-2W-17-5004	37-2W-20B-300
37-2W-08-2400	37-2W-09B-800	37-2W-15-2904	37-2W-17-2400	37-2W-17-5100	37-2W-20B-400
37-2W-08-2500	37-2W-09B-801	37-2W-15-3000	37-2W-17-2500	37-2W-17-5200	37-2W-20B-500
37-2W-08-2800	37-2W-09B-802	37-2W-16B-1000	37-2W-17-2600	37-2W-17-5300	37-2W-20B-601
37-2W-08-2801	37-2W-09B-900	37-2W-16B-1100	37-2W-17-2800	37-2W-17-5400	37-2W-20B-700
37-2W-08-2900	37-2W-09B-902	37-2W-16B-1200	37-2W-17-2900	37-2W-17-5500	37-2W-20B-701
37-2W-08-300	37-2W-09B-903	37-2W-16B-1201	37-2W-17-300	37-2W-17-5600	37-2W-20B-800
37-2W-08-3301	37-2W-09B-904	37-2W-16B-1300	37-2W-17-3000	37-2W-17-5700	37-2W-20B-900
37-2W-08-3302	37-2W-09B-906	37-2W-16B-1303	37-2W-17-301	37-2W-17-5701	37-2W-20C-1100
37-2W-08-3303	37-2W-09C-100	37-2W-16B-1700	37-2W-17-302	37-2W-17-5800	37-2W-20C-200
37-2W-08-3500	37-2W-09C-1200	37-2W-16B-1900	37-2W-17-3100	37-2W-17-5900	37-2W-20C-300
37-2W-08-3700	37-2W-09C-1202	37-2W-16B-200	37-2W-17-3200	37-2W-17-600	37-2W-20C-500
37-2W-08-3800	37-2W-09C-1300	37-2W-16B-2000	37-2W-17-3300	37-2W-17-6000	37-2W-20C-502
37-2W-08-3801	37-2W-09C-1303	37-2W-16B-2100	37-2W-17-3400	37-2W-17-601	37-2W-20C-507
37-2W-08-3900	37-2W-09C-1304	37-2W-16B-2101	37-2W-17-3500	37-2W-17-6100	37-2W-20C-508
37-2W-08-400	37-2W-09C-1305	37-2W-16B-2102	37-2W-17-3600	37-2W-17-6200	37-2W-20C-509
37-2W-08-4000	37-2W-09C-1306	37-2W-16B-2200	37-2W-17-3602	37-2W-17-6201	37-2W-20C-510
37-2W-08-4001	37-2W-09C-1307	37-2W-16B-800	37-2W-17-3603	37-2W-17-6300	37-2W-20C-511
37-2W-08-4002	37-2W-09C-1502	37-2W-16B-804	37-2W-17-3604	37-2W-17-6400	37-2W-20C-516
37-2W-08-4100	37-2W-09C-2000	37-2W-16B-805	37-2W-17-3605	37-2W-17-6500	37-2W-20C-517
37-2W-08-501	37-2W-09C-2102	37-2W-16B-807	37-2W-17-3700	37-2W-17-6600	37-2W-20C-518
37-2W-08-503	37-2W-09C-2104	37-2W-16B-808	37-2W-17-3800	37-2W-17-6700	37-2W-20C-519
37-2W-08-601	37-2W-09C-2105	37-2W-16B-900	37-2W-17-3801	37-2W-17-6800	37-2W-20C-520
37-2W-09A-300	37-2W-09C-2106	37-2W-16C-1201	37-2W-17-3900	37-2W-17-900	37-2W-20C-521
37-2W-09A-500	37-2W-09C-2107	37-2W-16C-1202	37-2W-17-3901	37-2W-17-901	37-2W-20C-529
37-2W-09B-100	37-2W-09C-2108	37-2W-16C-1300	37-2W-17-3902	37-2W-19-1300	37-2W-20C-530
37-2W-09B-1000	37-2W-09C-2109	37-2W-16C-1600	37-2W-17-400	37-2W-19-1400	37-2W-20C-531
37-2W-09B-1101	37-2W-09C-2110	37-2W-16D-1100	37-2W-17-4000	37-2W-19-606	37-2W-20C-600
37-2W-09B-1200	37-2W-09C-2111	37-2W-16D-1200	37-2W-17-4200	37-2W-20-3001	37-2W-20C-700
37-2W-09B-1300	37-2W-09C-2202	37-2W-17-100	37-2W-17-4300	37-2W-20-3200	37-2W-20C-900
37-2W-09B-1400	37-2W-09C-2300	37-2W-17-101	37-2W-17-4301	37-2W-20-3204	37-2W-20C-901
37-2W-09B-1500	37-2W-09C-2401	37-2W-17-102	37-2W-17-4303	37-2W-20AB-1400	37-2W-20C-902
37-2W-09B-1600	37-2W-09C-2402	37-2W-17-103	37-2W-17-4304	37-2W-20AB-500	37-2W-20C-909
37-2W-09B-1700	37-2W-09C-2502	37-2W-17-1300	37-2W-17-4305	37-2W-20AB-600	37-2W-20C-910
37-2W-09B-1800	37-2W-09D-4200	37-2W-17-1400	37-2W-17-4306	37-2W-20AB-800	37-2W-21-3400
37-2W-09B-1900	37-2W-09D-4300	37-2W-17-1500	37-2W-17-4307	37-2W-20AB-900	37-2W-21B-1100
37-2W-09B-200	37-2W-09D-4301	37-2W-17-1600	37-2W-17-4308	37-2W-20B-1000	37-2W-21B-2800
37-2W-09B-2000	37-2W-09D-4400	37-2W-17-1700	37-2W-17-4309	37-2W-20B-1100	37-2W-21B-3300
37-2W-09B-2001	37-2W-09D-7100	37-2W-17-1800	37-2W-17-4310	37-2W-20B-1200	37-2W-22-100
37-2W-09B-2100	37-2W-10C-502	37-2W-17-1900	37-2W-17-4311	37-2W-20B-1300	37-2W-22-1100
37-2W-09B-2200	37-2W-14-900	37-2W-17-1901	37-2W-17-4500	37-2W-20B-1400	37-2W-22-201
37-2W-09B-2400	37-2W-15-1301	37-2W-17-200	37-2W-17-4503	37-2W-20B-1500	37-2W-22-503
37-2W-09B-2500	37-2W-15-2200	37-2W-17-201	37-2W-17-4504	37-2W-20B-200	37-2W-22-800
37-2W-09B-2600	37-2W-15-2600	37-2W-17-202	37-2W-17-4912	37-2W-20B-203	37-2W-22-902
37-2W-09B-2800	37-2W-15-2601	37-2W-17-203	37-2W-17-500	37-2W-20B-204	37-2W-22-903
37-2W-09B-300	37-2W-15-2602	37-2W-17-2100	37-2W-17-5002	37-2W-20B-205	37-2W-22-904
37-2W-09B-400	37-2W-15-2800	37-2W-17-2200	37-2W-17-5003	37-2W-20B-206	37-2W-26C-5001

EXHIBIT 2

TAX LOT LISTING OF GOAL 11 EXCEPTION AREA

37-2W-26C-5301	37-2W-29-1801	37-2W-30A-1101	37-2W-30C-3100	37-2W-31-3100	37-2W-34A-6400
37-2W-26C-6601	37-2W-29-1802	37-2W-30A-1102	37-2W-30C-3200	37-2W-31-3200	37-2W-34B-1000
37-2W-27C-1701	37-2W-29-1803	37-2W-30A-1103	37-2W-30C-3300	37-2W-31-3201	37-2W-34B-1100
37-2W-27C-1800	37-2W-29-1805	37-2W-30A-1104	37-2W-30C-400	37-2W-31-3202	37-2W-34B-1200
37-2W-27C-1900	37-2W-29-1806	37-2W-30A-1105	37-2W-30D-100	37-2W-31-3300	37-2W-34B-1300
37-2W-27D-101	37-2W-29-1807	37-2W-30A-1106	37-2W-30D-200	37-2W-31-3400	37-2W-34B-1400
37-2W-27D-1200	37-2W-29-1808	37-2W-30A-1107	37-2W-31-1401	37-2W-31-3500	37-2W-34B-1500
37-2W-27D-1300	37-2W-29-1810	37-2W-30A-1300	37-2W-31-1402	37-2W-31-3600	37-2W-34B-1700
37-2W-27D-1400	37-2W-29-1811	37-2W-30A-1600	37-2W-31-1403	37-2W-31-3601	37-2W-34B-1800
37-2W-27D-1500	37-2W-29-1812	37-2W-30A-1700	37-2W-31-1404	37-2W-31-3701	37-2W-34B-2200
37-2W-27D-1600	37-2W-29-1813	37-2W-30A-1900	37-2W-31-1405	37-2W-31-3800	37-2W-34B-2700
37-2W-27D-1700	37-2W-29-1814	37-2W-30A-200	37-2W-31-1406	37-2W-31-3900	37-2W-34B-2800
37-2W-27D-1701	37-2W-29-1815	37-2W-30A-2000	37-2W-31-1407	37-2W-31-3901	37-2W-34B-2900
37-2W-27D-1703	37-2W-29-1816	37-2W-30A-2100	37-2W-31-1408	37-2W-31-4000	37-2W-34B-300
37-2W-27D-2600	37-2W-29-1817	37-2W-30A-2200	37-2W-31-1409	37-2W-31-4100	37-2W-34B-3000
37-2W-27D-2700	37-2W-29-1818	37-2W-30A-2300	37-2W-31-1410	37-2W-31-4200	37-2W-34B-3900
37-2W-27DB-1600	37-2W-29-1825	37-2W-30A-2400	37-2W-31-1412	37-2W-31-4300	37-2W-34B-400
37-2W-27DB-3000	37-2W-29-1826	37-2W-30A-2500	37-2W-31-1413	37-2W-31-4400	37-2W-34B-500
37-2W-27DB-3004	37-2W-29-1832	37-2W-30A-2600	37-2W-31-1414	37-2W-31-4500	37-2W-34B-600
37-2W-28-1000	37-2W-29-1833	37-2W-30A-2700	37-2W-31-1415	37-2W-31-4600	37-2W-34B-700
37-2W-28-104	37-2W-29-1834	37-2W-30A-2800	37-2W-31-1416	37-2W-31-4700	37-2W-34B-800
37-2W-28-200	37-2W-29-1900	37-2W-30A-2900	37-2W-31-1417	37-2W-31-4800	37-2W-34B-900
37-2W-28-301	37-2W-29-1901	37-2W-30A-300	37-2W-31-1418	37-2W-31-4900	37-2W-34C-200
37-2W-28-3600	37-2W-29-1902	37-2W-30A-3000	37-2W-31-1601	37-2W-31-5000	37-2W-34C-300
37-2W-28-3700	37-2W-29-1903	37-2W-30A-3100	37-2W-31-1602	37-2W-31-5100	37-2W-34C-400
37-2W-28CC-1300	37-2W-29-2000	37-2W-30A-400	37-2W-31-1603	37-2W-33-1702	37-2W-34C-500
37-2W-29-1200	37-2W-29-2100	37-2W-30A-700	37-2W-31-1604	37-2W-33-1800	37-2W-34C-600
37-2W-29-1300	37-2W-29-2101	37-2W-30A-800	37-2W-31-1605	37-2W-33-1801	37-2W-34C-700
37-2W-29-1400	37-2W-29-2400	37-2W-30A-901	37-2W-31-1700	37-2W-33-1802	37-2W-34D-100
37-2W-29-1500	37-2W-29-2500	37-2W-30B-300	37-2W-31-1800	37-2W-33-1900	37-2W-34D-101
37-2W-29-1600	37-2W-29-301	37-2W-30B-400	37-2W-31-1900	37-2W-33-2000	37-2W-34D-400
37-2W-29-1700	37-2W-29-500	37-2W-30B-500	37-2W-31-1901	37-2W-33-500	37-2W-35AB-700
37-2W-29-1701	37-2W-29-501	37-2W-30B-600	37-2W-31-2100	37-2W-33-501	37-2W-35C-1800
37-2W-29-1702	37-2W-29-600	37-2W-30B-700	37-2W-31-2200	37-2W-33-702	37-2W-35C-500
37-2W-29-1703	37-2W-29-700	37-2W-30B-800	37-2W-31-2201	37-2W-33-703	37-2W-35C-600
37-2W-29-1705	37-2W-29C-100	37-2W-30B-900	37-2W-31-2202	37-2W-34A-2600	37-2W-35C-601
37-2W-29-1707	37-2W-29C-1000	37-2W-30C-100	37-2W-31-2300	37-2W-34A-4100	37-2W-35C-602
37-2W-29-1708	37-2W-29C-200	37-2W-30C-1700	37-2W-31-2500	37-2W-34A-4300	37-2W-35C-603
37-2W-29-1709	37-2W-29C-300	37-2W-30C-1900	37-2W-31-2604	37-2W-34A-5200	37-2W-35C-604
37-2W-29-1710	37-2W-29C-400	37-2W-30C-200	37-2W-31-2606	37-2W-34A-5500	37-2W-35C-900
37-2W-29-1711	37-2W-29C-500	37-2W-30C-2000	37-2W-31-2700	37-2W-34A-5600	38-1E-19-501
37-2W-29-1712	37-2W-29C-600	37-2W-30C-2600	37-2W-31-2800	37-2W-34A-5700	38-1E-29-1000
37-2W-29-1713	37-2W-29C-700	37-2W-30C-2700	37-2W-31-2900	37-2W-34A-5800	38-1E-29-1001
37-2W-29-1714	37-2W-29C-800	37-2W-30C-2800	37-2W-31-2901	37-2W-34A-5900	38-1E-29-1100
37-2W-29-1715	37-2W-29C-900	37-2W-30C-2900	37-2W-31-3001	37-2W-34A-6000	38-1E-29-1201
37-2W-29-1716	37-2W-30A-1000	37-2W-30C-300	37-2W-31-3002	37-2W-34A-6200	38-1E-29-1202
37-2W-29-1717	37-2W-30A-1100	37-2W-30C-3000	37-2W-31-3003	37-2W-34A-6300	38-1E-29-1204

EXHIBIT 2

TAX LOT LISTING OF GOAL 11 EXCEPTION AREA

38-1E-29-1205	38-1E-30-101	38-1E-30-900	38-1W-11B-1000	38-1W-16C-2900	38-1W-17-3802
38-1E-29-1206	38-1E-30-1300	38-1E-31-3500	38-1W-11B-1100	38-1W-16C-3200	38-1W-17-3900
38-1E-29-1207	38-1E-30-200	38-1E-31-3600	38-1W-11B-1200	38-1W-16C-3301	38-1W-17-5300
38-1E-29-1300	38-1E-30-2800	38-1E-31-3700	38-1W-11B-1300	38-1W-16C-3500	38-1W-17-5402
38-1E-29-1400	38-1E-30-2900	38-1E-31-3800	38-1W-11B-1400	38-1W-16C-3601	38-1W-17-5500
38-1E-29-1500	38-1E-30-3001	38-1E-31-500	38-1W-11B-1500	38-1W-16C-3602	38-1W-17-5600
38-1E-29-1600	38-1E-30-3200	38-1E-32-1500	38-1W-11B-1600	38-1W-16C-501	38-1W-17-5700
38-1E-29-1700	38-1E-30-3201	38-1E-32-1501	38-1W-11B-1700	38-1W-16D-2200	38-1W-17-5800
38-1E-29-1800	38-1E-30-3202	38-1E-32-201	38-1W-11B-200	38-1W-16D-2300	38-1W-20-1000
38-1E-29-1801	38-1E-30-3300	38-1E-32-3700	38-1W-11B-300	38-1W-16D-2301	38-1W-20-1100
38-1E-29-1900	38-1E-30-3400	38-1E-32-3800	38-1W-11B-400	38-1W-16D-2302	38-1W-20-1101
38-1E-29-2000	38-1E-30-3601	38-1E-32-3900	38-1W-11B-500	38-1W-16D-2303	38-1W-20-1200
38-1E-29-2903	38-1E-30-3700	38-1E-32-4000	38-1W-11B-600	38-1W-16D-2304	38-1W-20-1300
38-1E-29-2907	38-1E-30-400	38-1E-32-4100	38-1W-11B-700	38-1W-16D-2305	38-1W-20-1400
38-1E-29-3001	38-1E-30-500	38-1E-32-4200	38-1W-11B-800	38-1W-16D-2306	38-1W-20-1401
38-1E-29-3002	38-1E-30-5300	38-1E-32-4300	38-1W-11B-900	38-1W-16D-3700	38-1W-20-1500
38-1E-29-3200	38-1E-30-5400	38-1E-32-4400	38-1W-11C-100	38-1W-16D-3800	38-1W-20-1600
38-1E-29-3201	38-1E-30-5500	38-1E-32-4500	38-1W-11C-200	38-1W-16D-3900	38-1W-20-1601
38-1E-29-3300	38-1E-30-5600	38-1E-32-4600	38-1W-11C-300	38-1W-16D-4000	38-1W-20-1700
38-1E-29-3400	38-1E-30-5700	38-1W-02-500	38-1W-11C-400	38-1W-16D-600	38-1W-20-1805
38-1E-29-3500	38-1E-30-5800	38-1W-02-501	38-1W-11C-500	38-1W-16D-700	38-1W-20-2200
38-1E-29-3600	38-1E-30-600	38-1W-02-502	38-1W-11C-600	38-1W-16D-701	38-1W-20-2300
38-1E-29-3601	38-1E-30-6200	38-1W-02-503	38-1W-11C-700	38-1W-16D-702	38-1W-20-3000
38-1E-29-3603	38-1E-30-6300	38-1W-02-504	38-1W-11C-800	38-1W-16D-706	38-1W-20-3100
38-1E-29-3604	38-1E-30-6400	38-1W-05B-2100	38-1W-11C-900	38-1W-16DA-900	38-1W-20-3200
38-1E-29-3605	38-1E-30-6600	38-1W-05B-2200	38-1W-11D-400	38-1W-17-1502	38-1W-20-3300
38-1E-29-3700	38-1E-30-6700	38-1W-05C-800	38-1W-11D-500	38-1W-17-1600	38-1W-20-3400
38-1E-29-3800	38-1E-30-6800	38-1W-06-1600	38-1W-11D-600	38-1W-17-1700	38-1W-20-3500
38-1E-29-3801	38-1E-30-6900	38-1W-06-1801	38-1W-14-2800	38-1W-17-1701	38-1W-20-3600
38-1E-29-3802	38-1E-30-700	38-1W-08-1000	38-1W-15C-201	38-1W-17-1800	38-1W-20-3601
38-1E-29-3900	38-1E-30-7000	38-1W-08-1200	38-1W-15C-800	38-1W-17-1801	38-1W-20-3602
38-1E-29-4600	38-1E-30-7100	38-1W-08-1203	38-1W-15CB-3000	38-1W-17-1802	38-1W-20-3603
38-1E-29-6400	38-1E-30-7200	38-1W-08-2200	38-1W-15D-3700	38-1W-17-1900	38-1W-20-3604
38-1E-29-6401	38-1E-30-7300	38-1W-08-2301	38-1W-15D-3800	38-1W-17-2001	38-1W-20-3700
38-1E-29-6500	38-1E-30-7400	38-1W-08-2303	38-1W-15D-3900	38-1W-17-2100	38-1W-20-3800
38-1E-29-6600	38-1E-30-7500	38-1W-08-2304	38-1W-15DB-400	38-1W-17-2200	38-1W-20-3801
38-1E-29-6700	38-1E-30-7600	38-1W-08-702	38-1W-16B-201	38-1W-17-2300	38-1W-20-3890
38-1E-29-6900	38-1E-30-7700	38-1W-09C-1000	38-1W-16B-2700	38-1W-17-2500	38-1W-20-3900
38-1E-29-7000	38-1E-30-7800	38-1W-09C-1100	38-1W-16B-3500	38-1W-17-2600	38-1W-20-3903
38-1E-29-7100	38-1E-30-800	38-1W-09C-1101	38-1W-16B-3600	38-1W-17-2601	38-1W-20-3904
38-1E-29-7200	38-1E-30-8000	38-1W-09C-1202	38-1W-16C-2001	38-1W-17-2603	38-1W-20-3905
38-1E-29-800	38-1E-30-8100	38-1W-09C-700	38-1W-16C-2700	38-1W-17-2701	38-1W-20-4000
38-1E-29-801	38-1E-30-8200	38-1W-09C-800	38-1W-16C-2701	38-1W-17-3000	38-1W-20-500
38-1E-29-802	38-1E-30-8300	38-1W-09C-900	38-1W-16C-2801	38-1W-17-3300	38-1W-20-600
38-1E-29-900	38-1E-30-8400	38-1W-10-1300	38-1W-16C-2802	38-1W-17-3401	38-1W-20-601
38-1E-30-100	38-1E-30-8500	38-1W-10-600	38-1W-16C-2803	38-1W-17-3601	38-1W-20-602
38-1E-30-1000	38-1E-30-8600	38-1W-11B-100	38-1W-16C-2805	38-1W-17-3700	38-1W-20-603

EXHIBIT 2

TAX LOT LISTING OF GOAL 11 EXCEPTION AREA

38-1W-20-606	38-1W-26C-703	38-1W-34AD-500	38-1W-35C-1000	38-2W-02CD-1000	38-2W-04-2001
38-1W-20-607	38-1W-26C-704	38-1W-34AD-600	38-1W-35C-500	38-2W-02CD-1100	38-2W-04-2002
38-1W-20-608	38-1W-26C-705	38-1W-34AD-700	38-1W-35C-700	38-2W-02CD-1200	38-2W-04-2007
38-1W-20-609	38-1W-26C-706	38-1W-34AD-800	38-1W-35C-900	38-2W-02CD-1300	38-2W-04-2100
38-1W-20-610	38-1W-26C-801	38-1W-34AD-900	38-1W-35CB-100	38-2W-02CD-1400	38-2W-04-2101
38-1W-20-611	38-1W-26C-803	38-1W-35A-100	38-1W-35CB-200	38-2W-02CD-1700	38-2W-04-2200
38-1W-20-612	38-1W-26D-1200	38-1W-35A-1000	38-1W-35CB-500	38-2W-02CD-1800	38-2W-04-2300
38-1W-20-613	38-1W-26D-1300	38-1W-35A-1100	38-1W-35D-200	38-2W-02CD-1900	38-2W-04-2400
38-1W-20-614	38-1W-26D-1400	38-1W-35A-1200	38-1W-35D-300	38-2W-02CD-2000	38-2W-04-2500
38-1W-20-615	38-1W-26D-1500	38-1W-35A-1300	38-1W-36-1301	38-2W-02CD-2100	38-2W-04-2600
38-1W-20-700	38-1W-26D-1600	38-1W-35A-1400	38-1W-36-1302	38-2W-02CD-2200	38-2W-04-2602
38-1W-20-800	38-1W-26D-1700	38-1W-35A-1500	38-1W-36-1303	38-2W-02CD-900	38-2W-04-500
38-1W-20-801	38-1W-26D-1800	38-1W-35A-1600	38-1W-36-500	38-2W-02DB-100	38-2W-04-501
38-1W-20-900	38-1W-26D-301	38-1W-35A-1700	38-1W-36-800	38-2W-02DB-200	38-2W-04-602
38-1W-21-1000	38-1W-26D-302	38-1W-35A-1800	38-2W-01AD-900	38-2W-02DB-300	38-2W-04-603
38-1W-21-1001	38-1W-26D-303	38-1W-35A-1900	38-2W-01C-1800	38-2W-02DB-400	38-2W-04-605
38-1W-21-1302	38-1W-26D-304	38-1W-35A-200	38-2W-01CD-1000	38-2W-02DC-100	38-2W-04-607
38-1W-21-2900	38-1W-26D-305	38-1W-35A-300	38-2W-01CD-1300	38-2W-02DC-1000	38-2W-04-609
38-1W-21-3000	38-1W-26D-400	38-1W-35A-400	38-2W-01D-200	38-2W-02DC-1100	38-2W-04-610
38-1W-21-600	38-1W-26D-500	38-1W-35A-500	38-2W-01D-2401	38-2W-02DC-1300	38-2W-04-611
38-1W-21-601	38-1W-26D-501	38-1W-35A-600	38-2W-01D-2402	38-2W-02DC-200	38-2W-04-613
38-1W-21-602	38-1W-26D-502	38-1W-35A-700	38-2W-02-1000	38-2W-02DC-300	38-2W-04-618
38-1W-21-703	38-1W-26D-503	38-1W-35A-800	38-2W-02-1100	38-2W-02DC-400	38-2W-04-621
38-1W-21-704	38-1W-26D-504	38-1W-35A-900	38-2W-02-900	38-2W-02DC-500	38-2W-04-700
38-1W-22A-700	38-1W-26D-505	38-1W-35B-100	38-2W-02AC-1400	38-2W-02DC-600	38-2W-04-701
38-1W-22B-1000	38-1W-26D-507	38-1W-35B-1000	38-2W-02AC-1500	38-2W-02DC-800	38-2W-04-900
38-1W-22B-1800	38-1W-26D-508	38-1W-35B-1100	38-2W-02AC-1600	38-2W-02DC-900	38-2W-05-1000
38-1W-22B-300	38-1W-26D-509	38-1W-35B-1200	38-2W-02AC-1700	38-2W-02DD-1900	38-2W-05-1100
38-1W-22B-600	38-1W-26D-600	38-1W-35B-1700	38-2W-02AC-1800	38-2W-02DD-2000	38-2W-05-1200
38-1W-22D-400	38-1W-26D-601	38-1W-35B-1800	38-2W-02AC-2000	38-2W-02DD-2200	38-2W-05-1201
38-1W-22D-500	38-1W-26D-602	38-1W-35B-200	38-2W-02BC-100	38-2W-02DD-2300	38-2W-05-900
38-1W-23A-601	38-1W-26D-603	38-1W-35B-300	38-2W-02BC-200	38-2W-02DD-2400	38-2W-05-901
38-1W-23B-1901	38-1W-27A-100	38-1W-35B-600	38-2W-02BC-300	38-2W-02DD-2500	38-2W-05-902
38-1W-23B-200	38-1W-27A-1000	38-1W-35B-700	38-2W-02BC-400	38-2W-02DD-2600	38-2W-05-905
38-1W-24C-300	38-1W-27A-1100	38-1W-35B-800	38-2W-02BC-500	38-2W-02DD-2700	38-2W-05-906
38-1W-24C-400	38-1W-27A-1200	38-1W-35B-900	38-2W-02BC-600	38-2W-02DD-2800	38-2W-05-907
38-1W-24C-500	38-1W-27A-200	38-1W-35BC-100	38-2W-02BC-700	38-2W-02DD-2900	38-2W-05-909
38-1W-24C-600	38-1W-27A-300	38-1W-35BC-1000	38-2W-02BC-800	38-2W-02DD-3000	38-2W-05-910
38-1W-24C-700	38-1W-27A-500	38-1W-35BC-1100	38-2W-02BD-800	38-2W-02DD-3100	38-2W-05-911
38-1W-24C-800	38-1W-27A-800	38-1W-35BC-200	38-2W-02BD-900	38-2W-02DD-3200	38-2W-06-101
38-1W-25C-4002	38-1W-27A-900	38-1W-35BC-300	38-2W-02CA-1900	38-2W-02DD-3300	38-2W-06-102
38-1W-25C-4004	38-1W-34-200	38-1W-35BC-400	38-2W-02CA-2000	38-2W-03-6600	38-2W-06-103
38-1W-25D-2201	38-1W-34AD-100	38-1W-35BC-500	38-2W-02CA-2100	38-2W-03A-3400	38-2W-06-104
38-1W-25D-2202	38-1W-34AD-1000	38-1W-35BC-600	38-2W-02CA-2200	38-2W-04-1200	38-2W-06-105
38-1W-26BC-3500	38-1W-34AD-1100	38-1W-35BC-700	38-2W-02CA-2300	38-2W-04-1400	38-2W-06-106
38-1W-26C-701	38-1W-34AD-300	38-1W-35BC-800	38-2W-02CA-2400	38-2W-04-1500	38-2W-06-107
38-1W-26C-702	38-1W-34AD-400	38-1W-35BC-900	38-2W-02CA-2500	38-2W-04-2000	38-2W-06-108

EXHIBIT 2

TAX LOT LISTING OF GOAL 11 EXCEPTION AREA

38-2W-06-300	38-2W-11A-3800	38-2W-11BD-2100	38-2W-11D-2600	38-2W-12B-3900
38-2W-06AA-100	38-2W-11A-3900	38-2W-11BD-2200	38-2W-11D-2700	38-2W-12B-400
38-2W-06AA-200	38-2W-11A-400	38-2W-11BD-2300	38-2W-11D-2800	38-2W-12B-4000
38-2W-06AA-300	38-2W-11A-4000	38-2W-11BD-2400	38-2W-11D-300	38-2W-12B-4100
38-2W-06AA-400	38-2W-11A-4001	38-2W-11BD-2500	38-2W-11D-400	38-2W-12B-500
38-2W-06AA-500	38-2W-11A-4100	38-2W-11BD-2600	38-2W-11D-500	38-2W-12B-600
38-2W-06AA-600	38-2W-11A-4200	38-2W-11BD-300	38-2W-11D-600	38-2W-12B-700
38-2W-06AA-700	38-2W-11A-4400	38-2W-11BD-400	38-2W-12A-100	38-2W-12B-900
38-2W-06AD-100	38-2W-11A-4500	38-2W-11BD-500	38-2W-12A-1000	38-2W-12C-100
38-2W-06AD-1000	38-2W-11A-4600	38-2W-11BD-600	38-2W-12A-1100	38-2W-12C-1000
38-2W-06AD-1300	38-2W-11A-4700	38-2W-11BD-700	38-2W-12A-1200	38-2W-12C-1100
38-2W-06AD-1400	38-2W-11A-4800	38-2W-11BD-800	38-2W-12A-1300	38-2W-12C-1200
38-2W-06AD-1500	38-2W-11A-4900	38-2W-11BD-900	38-2W-12A-200	38-2W-12C-1300
38-2W-06AD-1600	38-2W-11A-500	38-2W-11C-100	38-2W-12A-300	38-2W-12C-1400
38-2W-06AD-1700	38-2W-11A-5000	38-2W-11C-1200	38-2W-12A-400	38-2W-12C-1500
38-2W-06AD-300	38-2W-11A-5100	38-2W-11C-1300	38-2W-12A-500	38-2W-12C-1600
38-2W-06AD-400	38-2W-11A-600	38-2W-11C-1600	38-2W-12A-600	38-2W-12C-1700
38-2W-06AD-500	38-2W-11A-700	38-2W-11CA-100	38-2W-12A-700	38-2W-12C-1800
38-2W-06AD-600	38-2W-11A-800	38-2W-11CA-1000	38-2W-12A-800	38-2W-12C-1900
38-2W-06AD-700	38-2W-11B-300	38-2W-11CA-1200	38-2W-12B-100	38-2W-12C-200
38-2W-06AD-800	38-2W-11BA-100	38-2W-11CA-1300	38-2W-12B-1000	38-2W-12C-2800
38-2W-06AD-900	38-2W-11BA-1000	38-2W-11CA-1400	38-2W-12B-1100	38-2W-12C-2900
38-2W-11A-100	38-2W-11BA-1100	38-2W-11CA-1500	38-2W-12B-1200	38-2W-12C-300
38-2W-11A-1000	38-2W-11BA-1200	38-2W-11CA-1600	38-2W-12B-1300	38-2W-12C-3200
38-2W-11A-1100	38-2W-11BA-1300	38-2W-11CA-1700	38-2W-12B-1400	38-2W-12C-3300
38-2W-11A-1200	38-2W-11BA-1400	38-2W-11CA-200	38-2W-12B-1500	38-2W-12C-3800
38-2W-11A-1300	38-2W-11BA-1500	38-2W-11CA-300	38-2W-12B-1600	38-2W-12C-3900
38-2W-11A-1400	38-2W-11BA-200	38-2W-11CA-400	38-2W-12B-1800	38-2W-12C-400
38-2W-11A-1600	38-2W-11BA-300	38-2W-11CA-500	38-2W-12B-1900	38-2W-12C-4000
38-2W-11A-1700	38-2W-11BA-400	38-2W-11CA-600	38-2W-12B-200	38-2W-12C-4100
38-2W-11A-1800	38-2W-11BA-500	38-2W-11CA-700	38-2W-12B-2000	38-2W-12C-4200
38-2W-11A-1900	38-2W-11BA-600	38-2W-11CA-800	38-2W-12B-2100	38-2W-12C-4201
38-2W-11A-200	38-2W-11BA-700	38-2W-11CA-900	38-2W-12B-2200	38-2W-12C-4300
38-2W-11A-2000	38-2W-11BA-800	38-2W-11D-100	38-2W-12B-2300	38-2W-12C-500
38-2W-11A-202	38-2W-11BA-900	38-2W-11D-1200	38-2W-12B-2400	38-2W-12C-600
38-2W-11A-2100	38-2W-11BD-100	38-2W-11D-1300	38-2W-12B-2600	38-2W-12C-700
38-2W-11A-2300	38-2W-11BD-1000	38-2W-11D-1400	38-2W-12B-2700	38-2W-12C-800
38-2W-11A-2600	38-2W-11BD-1100	38-2W-11D-1401	38-2W-12B-2800	38-2W-12C-900
38-2W-11A-2800	38-2W-11BD-1200	38-2W-11D-1500	38-2W-12B-2900	38-3W-01-100
38-2W-11A-2900	38-2W-11BD-1300	38-2W-11D-1600	38-2W-12B-300	38-3W-01-101
38-2W-11A-300	38-2W-11BD-1400	38-2W-11D-1700	38-2W-12B-3000	
38-2W-11A-3100	38-2W-11BD-1500	38-2W-11D-1701	38-2W-12B-3100	
38-2W-11A-3200	38-2W-11BD-1700	38-2W-11D-1702	38-2W-12B-3200	
38-2W-11A-3300	38-2W-11BD-1800	38-2W-11D-1800	38-2W-12B-3400	
38-2W-11A-3400	38-2W-11BD-1900	38-2W-11D-1900	38-2W-12B-3500	
38-2W-11A-3500	38-2W-11BD-200	38-2W-11D-200	38-2W-12B-3600	
38-2W-11A-3600	38-2W-11BD-2000	38-2W-11D-2500	38-2W-12B-3700	

EXHIBIT 3 RECOMMENDED LDO REVISIONS

The following minor revisions to sections 3.6.2 and 7.2.3(B) of the LDO are recommended by the Jackson County Planning Commission. Text additions are shown in **bold and underline**, and deletions are shown in ~~strikeout~~:

3.6.2 Procedure

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

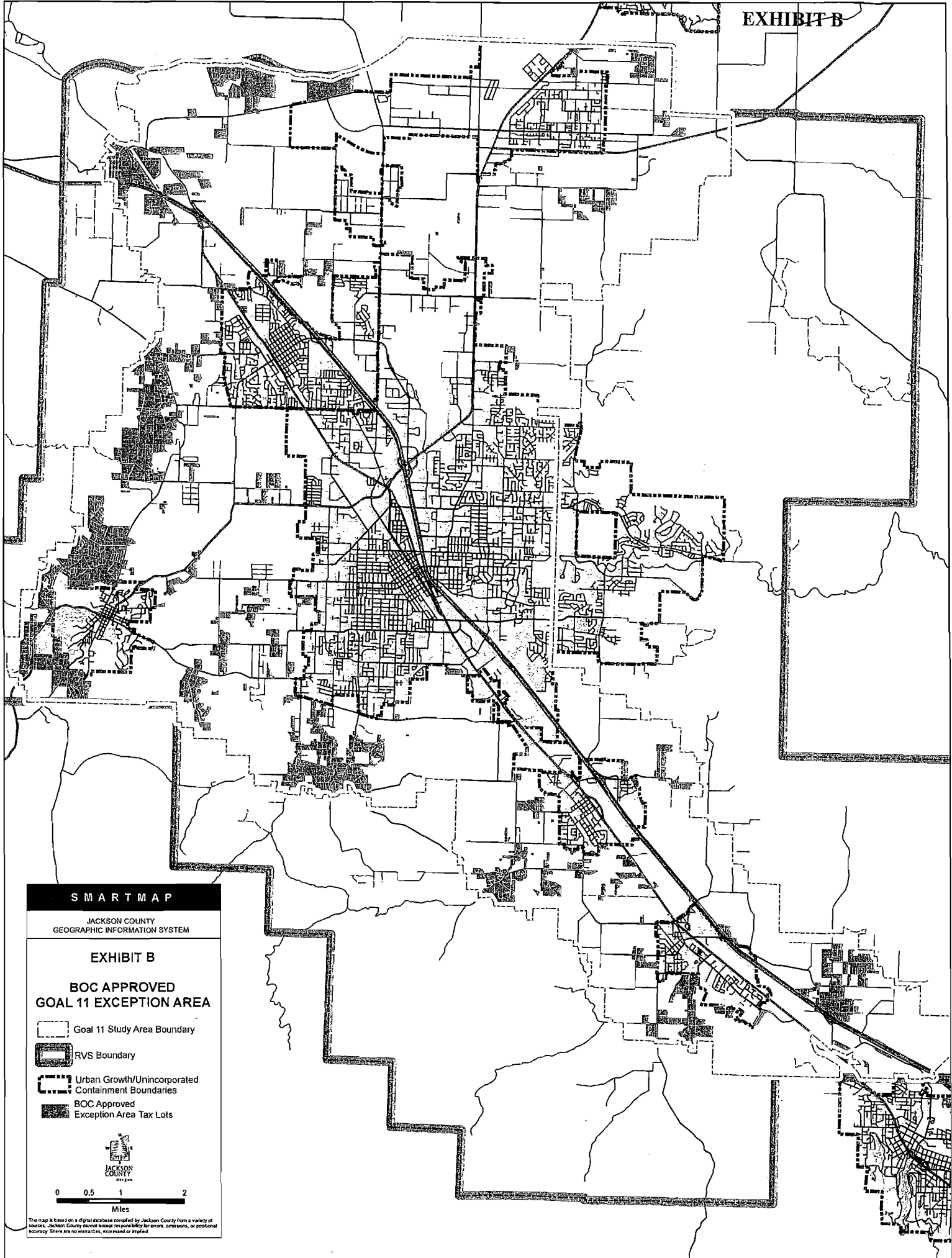
Permitted uses and lawfully established structures on properties approved for sewer connection as depicted within ASC 2003-1 shall be permitted connection through a Type 1 procedure.

Permit applications for new sewer systems or sewer extensions to be constructed outside urban growth or unincorporated community boundaries in order to mitigate a public health hazard situation will be processed under the Type 2 procedures of this Ordinance, and in accordance with the provisions of OAR 660-011-0060. To be accepted as complete, a sewer permit application must be filed with a health hazard determination and recommendation from the Oregon Department of Environmental Quality (DEQ) or the Oregon Health Division.

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

7.2.3 B) ASC 2003-1, Goal 11 Exception Areas [*insert footnote #3 here: "**ASC 2003-1 adopted in File 2002-3-OA**"*]

*This Area of Special Concern includes lands justified as "Reasons" Exception Areas to Statewide Planning Goal 11, Public Facilities and Services, where creation or extension of a public sewer facility has been approved to serve a specified use in the Goal Exception Area. This ASC may also be applied to "Physically Developed" and/or "Irrevocably Committed" Exception Areas where additional use restrictions are found to be merited beyond the base zoning district provisions. Development of properties within this ASC is subject to the restrictions outlined in the adopting ordinance for the Goal 11 Exception Area. **Section 3.6.2 identifies the procedure for sewer connection approvals depicted in this ASC.** [~~File 2002-3-~~]*







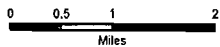
SMARTMAP

JACKSON COUNTY
GEOGRAPHIC INFORMATION SYSTEM

EXHIBIT B

BOC APPROVED
GOAL 11 EXCEPTION AREA

-  Goal 11 Study Area Boundary
-  RVS Boundary
-  Urban Growth/Unincorporated Containment Boundaries
-  BOC Approved Exception Area Tax Lots



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

EXHIBIT C

TAX LOT LISTING - BOC APPROVED GOAL 11 EXCEPTION AREA

36-1W-15-1503	37-2W-08-1200	37-2W-20C-700	37-2W-34B-800	38-1W-20-1400	38-2W-04-2300
36-1W-15-301	37-2W-08-1300	37-2W-20C-900	37-2W-34B-900	38-1W-20-1401	38-2W-04-2400
36-1W-15-500	37-2W-08-1400	37-2W-20C-901	37-2W-34C-200	38-1W-20-1500	38-2W-04-2500
36-1W-15-501	37-2W-08-1500	37-2W-20C-902	37-2W-34C-300	38-1W-20-1600	38-2W-04-2600
36-1W-15-502	37-2W-08-1501	37-2W-20C-909	37-2W-34C-400	38-1W-20-1601	38-2W-04-2602
36-1W-15-503	37-2W-08-1600	37-2W-20C-910	37-2W-34C-500	38-1W-20-1700	38-2W-04-500
36-1W-15-504	37-2W-08-1700	37-2W-21-3400	37-2W-34C-600	38-1W-20-1805	38-2W-04-501
36-1W-15-505	37-2W-08-1901	37-2W-21B-1100	37-2W-34C-700	38-1W-20-2200	38-2W-04-602
36-1W-15-506	37-2W-08-200	37-2W-21B-2800	37-2W-34D-100	38-1W-20-2300	38-2W-04-603
36-1W-15-507	37-2W-08-2000	37-2W-21B-3300	37-2W-34D-101	38-1W-20-3000	38-2W-04-605
36-1W-15-508	37-2W-08-2001	37-2W-22-100	37-2W-34D-400	38-1W-20-3100	38-2W-04-607
36-1W-15-600	37-2W-08-2100	37-2W-22-1100	37-2W-35AB-700	38-1W-20-3200	38-2W-04-609
36-1W-15B-100	37-2W-08-2300	37-2W-22-201	37-2W-35C-1800	38-1W-20-3300	38-2W-04-610
36-1W-15B-2000	37-2W-08-2400	37-2W-22-503	37-2W-35C-500	38-1W-20-3400	38-2W-04-611
36-1W-15B-2200	37-2W-08-2500	37-2W-22-800	37-2W-35C-600	38-1W-20-3500	38-2W-04-613
36-1W-15B-2201	37-2W-08-2800	37-2W-22-902	37-2W-35C-601	38-1W-20-3600	38-2W-04-618
36-1W-15B-300	37-2W-08-2801	37-2W-22-903	37-2W-35C-602	38-1W-20-3601	38-2W-04-621
36-1W-15B-400	37-2W-08-2900	37-2W-22-904	37-2W-35C-603	38-1W-20-3602	38-2W-04-700
36-1W-15B-500	37-2W-08-300	37-2W-26C-5001	37-2W-35C-604	38-1W-20-3603	38-2W-04-701
36-1W-15B-700	37-2W-08-3301	37-2W-26C-5301	37-2W-35C-900	38-1W-20-3604	38-2W-04-900
36-1W-16A-100	37-2W-08-3302	37-2W-26C-6601	38-1E-19-501	38-1W-20-3700	38-2W-05-1000
36-1W-16B-900	37-2W-08-3303	37-2W-27C-1701	38-1E-29-1000	38-1W-20-3800	38-2W-05-1100
36-1W-20D-2200	37-2W-08-3500	37-2W-27C-1800	38-1E-29-1001	38-1W-20-3801	38-2W-05-1200
36-1W-22A-100	37-2W-08-3700	37-2W-27C-1900	38-1E-29-1100	38-1W-20-3890	38-2W-05-1201
36-1W-22A-1000	37-2W-08-3800	37-2W-27D-101	38-1E-29-1201	38-1W-20-3900	38-2W-05-900
36-1W-22A-200	37-2W-08-3801	37-2W-27D-1200	38-1E-29-1202	38-1W-20-3903	38-2W-05-901
36-1W-22A-300	37-2W-08-3900	37-2W-27D-1300	38-1E-29-1204	38-1W-20-3904	38-2W-05-902
36-1W-22A-900	37-2W-08-400	37-2W-27D-1400	38-1E-29-1205	38-1W-20-3905	38-2W-05-905
36-1W-22D-700	37-2W-08-4000	37-2W-27D-1500	38-1E-29-1206	38-1W-20-4000	38-2W-05-906
36-1W-23-109	37-2W-08-4001	37-2W-27D-1600	38-1E-29-1207	38-1W-20-500	38-2W-05-907
36-1W-23-600	37-2W-08-4002	37-2W-27D-1700	38-1E-29-1300	38-1W-20-600	38-2W-05-909
36-1W-27B-100	37-2W-08-4100	37-2W-27D-1701	38-1E-29-1400	38-1W-20-601	38-2W-05-910
36-1W-27B-1000	37-2W-08-501	37-2W-27D-1703	38-1E-29-1500	38-1W-20-602	38-2W-05-911
36-1W-27B-1100	37-2W-08-503	37-2W-27D-2600	38-1E-29-1600	38-1W-20-603	38-2W-06-101
36-1W-27B-900	37-2W-08-601	37-2W-27D-2700	38-1E-29-1700	38-1W-20-606	38-2W-06-102
36-1W-27C-300	37-2W-09A-300	37-2W-27DB-1600	38-1E-29-1800	38-1W-20-607	38-2W-06-103
36-1W-28A-1400	37-2W-09A-500	37-2W-27DB-3000	38-1E-29-1801	38-1W-20-608	38-2W-06-104
36-1W-28A-1401	37-2W-09B-100	37-2W-27DB-3004	38-1E-29-1900	38-1W-20-609	38-2W-06-105
36-1W-28A-1402	37-2W-09B-1000	37-2W-28-1000	38-1E-29-2000	38-1W-20-610	38-2W-06-106
36-1W-28A-1403	37-2W-09B-1101	37-2W-28-104	38-1E-29-2903	38-1W-20-611	38-2W-06-107
36-1W-28A-1600	37-2W-09B-1200	37-2W-28-200	38-1E-29-2907	38-1W-20-612	38-2W-06-108
36-1W-28A-2000	37-2W-09B-1300	37-2W-28-301	38-1E-29-3001	38-1W-20-613	38-2W-06-300
36-1W-28B-3500	37-2W-09B-1400	37-2W-28-3600	38-1E-29-3002	38-1W-20-614	38-2W-06AA-100
36-1W-28B-3600	37-2W-09B-1500	37-2W-28-3700	38-1E-29-3200	38-1W-20-615	38-2W-06AA-200
36-1W-28C-100	37-2W-09B-1600	37-2W-28CC-1300	38-1E-29-3201	38-1W-20-700	38-2W-06AA-300
36-1W-28D-100	37-2W-09B-1700	37-2W-29-1200	38-1E-29-3300	38-1W-20-800	38-2W-06AA-400

EXHIBIT C

TAX LOT LISTING - BOC APPROVED GOAL 11 EXCEPTION AREA

36-1W-28D-200	37-2W-09B-1800	37-2W-29-1300	38-1E-29-3400	38-1W-20-801	38-2W-06AA-500
36-1W-28D-300	37-2W-09B-1900	37-2W-29-1400	38-1E-29-3500	38-1W-20-900	38-2W-06AA-600
36-1W-28D-400	37-2W-09B-200	37-2W-29-1500	38-1E-29-3600	38-1W-21-1000	38-2W-06AA-700
36-1W-28D-700	37-2W-09B-2000	37-2W-29-1600	38-1E-29-3601	38-1W-21-1001	38-2W-06AD-100
36-1W-28D-800	37-2W-09B-2001	37-2W-29-1700	38-1E-29-3603	38-1W-21-1302	38-2W-06AD-1000
36-1W-30D-600	37-2W-09B-2100	37-2W-29-1701	38-1E-29-3604	38-1W-21-2900	38-2W-06AD-1300
36-1W-31B-200	37-2W-09B-2200	37-2W-29-1702	38-1E-29-3605	38-1W-21-3000	38-2W-06AD-1400
36-1W-32C-1800	37-2W-09B-2400	37-2W-29-1703	38-1E-29-3700	38-1W-21-600	38-2W-06AD-1500
36-1W-32C-1900	37-2W-09B-2500	37-2W-29-1705	38-1E-29-3800	38-1W-21-601	38-2W-06AD-1600
36-1W-33-1200	37-2W-09B-2600	37-2W-29-1707	38-1E-29-3801	38-1W-21-602	38-2W-06AD-1700
36-2W-13-600	37-2W-09B-2800	37-2W-29-1708	38-1E-29-3802	38-1W-21-703	38-2W-06AD-300
36-2W-14-800	37-2W-09B-300	37-2W-29-1709	38-1E-29-3900	38-1W-21-704	38-2W-06AD-400
36-2W-15-1001	37-2W-09B-400	37-2W-29-1710	38-1E-29-4600	38-1W-22A-700	38-2W-06AD-500
36-2W-15-900	37-2W-09B-700	37-2W-29-1711	38-1E-29-6400	38-1W-22B-1000	38-2W-06AD-600
36-2W-16-700	37-2W-09B-800	37-2W-29-1712	38-1E-29-6401	38-1W-22B-1800	38-2W-06AD-700
36-2W-16-701	37-2W-09B-801	37-2W-29-1713	38-1E-29-6500	38-1W-22B-300	38-2W-06AD-800
36-2W-16-702	37-2W-09B-802	37-2W-29-1714	38-1E-29-6600	38-1W-22B-600	38-2W-06AD-900
36-2W-16-703	37-2W-09B-900	37-2W-29-1715	38-1E-29-6700	38-1W-22D-400	38-2W-11A-100
36-2W-16-705	37-2W-09B-902	37-2W-29-1716	38-1E-29-6900	38-1W-22D-500	38-2W-11A-1000
36-2W-16-706	37-2W-09B-903	37-2W-29-1717	38-1E-29-7000	38-1W-23A-601	38-2W-11A-1100
36-2W-16-709	37-2W-09B-904	37-2W-29-1801	38-1E-29-7100	38-1W-23B-1901	38-2W-11A-1200
36-2W-16-710	37-2W-09B-906	37-2W-29-1802	38-1E-29-7200	38-1W-23B-200	38-2W-11A-1300
36-2W-16-711	37-2W-09C-100	37-2W-29-1803	38-1E-29-800	38-1W-24C-300	38-2W-11A-1400
36-2W-16-714	37-2W-09C-1200	37-2W-29-1805	38-1E-29-801	38-1W-24C-400	38-2W-11A-1600
36-2W-16-715	37-2W-09C-1202	37-2W-29-1806	38-1E-29-802	38-1W-24C-500	38-2W-11A-1700
36-2W-20-1000	37-2W-09C-1300	37-2W-29-1807	38-1E-29-900	38-1W-24C-600	38-2W-11A-1800
36-2W-20-1100	37-2W-09C-1303	37-2W-29-1808	38-1E-30-100	38-1W-24C-700	38-2W-11A-1900
36-2W-20-1200	37-2W-09C-1304	37-2W-29-1810	38-1E-30-1000	38-1W-24C-800	38-2W-11A-200
36-2W-20-400	37-2W-09C-1305	37-2W-29-1811	38-1E-30-101	38-1W-25C-4002	38-2W-11A-2000
36-2W-20-401	37-2W-09C-1306	37-2W-29-1812	38-1E-30-1300	38-1W-25C-4004	38-2W-11A-202
36-2W-20-406	37-2W-09C-1307	37-2W-29-1813	38-1E-30-200	38-1W-25D-2201	38-2W-11A-2100
36-2W-20-407	37-2W-09C-1502	37-2W-29-1814	38-1E-30-2800	38-1W-25D-2202	38-2W-11A-2300
36-2W-20-412	37-2W-09C-2000	37-2W-29-1815	38-1E-30-2900	38-1W-26BC-3500	38-2W-11A-2600
36-2W-20-415	37-2W-09C-2102	37-2W-29-1816	38-1E-30-3001	38-1W-26C-701	38-2W-11A-2800
36-2W-20-600	37-2W-09C-2104	37-2W-29-1817	38-1E-30-3200	38-1W-26C-702	38-2W-11A-2900
36-2W-20-700	37-2W-09C-2105	37-2W-29-1818	38-1E-30-3201	38-1W-26C-703	38-2W-11A-300
36-2W-20-800	37-2W-09C-2106	37-2W-29-1825	38-1E-30-3202	38-1W-26C-704	38-2W-11A-3100
36-2W-20-900	37-2W-09C-2107	37-2W-29-1826	38-1E-30-3300	38-1W-26C-705	38-2W-11A-3200
36-2W-21-100	37-2W-09C-2108	37-2W-29-1832	38-1E-30-3400	38-1W-26C-706	38-2W-11A-3300
36-2W-21-1000	37-2W-09C-2109	37-2W-29-1833	38-1E-30-3601	38-1W-26C-801	38-2W-11A-3400
36-2W-21-1002	37-2W-09C-2110	37-2W-29-1834	38-1E-30-3700	38-1W-26C-803	38-2W-11A-3500
36-2W-21-1100	37-2W-09C-2111	37-2W-29-1900	38-1E-30-400	38-1W-26D-1200	38-2W-11A-3600
36-2W-21-1202	37-2W-09C-2202	37-2W-29-1901	38-1E-30-500	38-1W-26D-1300	38-2W-11A-3800
36-2W-21-1300	37-2W-09C-2300	37-2W-29-1902	38-1E-30-5300	38-1W-26D-1400	38-2W-11A-3900
36-2W-21-600	37-2W-09C-2401	37-2W-29-1903	38-1E-30-5400	38-1W-26D-1500	38-2W-11A-400
36-2W-21-900	37-2W-09C-2402	37-2W-29-2000	38-1E-30-5500	38-1W-26D-1600	38-2W-11A-4000

EXHIBIT C

TAX LOT LISTING - BOC APPROVED GOAL 11 EXCEPTION AREA

36-2W-22-201	37-2W-09C-2502	37-2W-29-2100	38-1E-30-5600	38-1W-26D-1700	38-2W-11A-4001
36-2W-22-202	37-2W-09D-4200	37-2W-29-2101	38-1E-30-5700	38-1W-26D-1800	38-2W-11A-4100
36-2W-22-290	37-2W-09D-4300	37-2W-29-2400	38-1E-30-5800	38-1W-26D-301	38-2W-11A-4200
36-2W-23-100	37-2W-09D-4301	37-2W-29-2500	38-1E-30-600	38-1W-26D-302	38-2W-11A-4400
36-2W-26-2107	37-2W-09D-4400	37-2W-29-301	38-1E-30-6200	38-1W-26D-303	38-2W-11A-4500
36-2W-27-600	37-2W-09D-7100	37-2W-29-500	38-1E-30-6300	38-1W-26D-304	38-2W-11A-4600
36-2W-28-1300	37-2W-10C-502	37-2W-29-501	38-1E-30-6400	38-1W-26D-305	38-2W-11A-4700
36-2W-28-1800	37-2W-14-900	37-2W-29-600	38-1E-30-6600	38-1W-26D-400	38-2W-11A-4800
36-2W-28-2604	37-2W-15-1301	37-2W-29-700	38-1E-30-6700	38-1W-26D-500	38-2W-11A-4900
36-2W-28-2700	37-2W-15-2200	37-2W-29-901	38-1E-30-6800	38-1W-26D-501	38-2W-11A-500
36-2W-28-2702	37-2W-15-2600	37-2W-29C-100	38-1E-30-6900	38-1W-26D-502	38-2W-11A-5000
36-2W-28-2703	37-2W-15-2601	37-2W-29C-1000	38-1E-30-700	38-1W-26D-503	38-2W-11A-5100
36-2W-28-2704	37-2W-15-2602	37-2W-29C-200	38-1E-30-7000	38-1W-26D-504	38-2W-11A-600
36-2W-28-2800	37-2W-15-2800	37-2W-29C-300	38-1E-30-7100	38-1W-26D-505	38-2W-11A-700
36-2W-28-300	37-2W-15-2901	37-2W-29C-400	38-1E-30-7200	38-1W-26D-507	38-2W-11A-800
36-2W-28-3400	37-2W-15-2904	37-2W-29C-500	38-1E-30-7300	38-1W-26D-508	38-2W-11B-300
36-2W-28-3700	37-2W-15-3000	37-2W-29C-600	38-1E-30-7400	38-1W-26D-509	38-2W-11BA-100
36-2W-28-3800	37-2W-16B-1000	37-2W-29C-700	38-1E-30-7500	38-1W-26D-600	38-2W-11BA-1000
36-2W-28-3900	37-2W-16B-1100	37-2W-29C-800	38-1E-30-7600	38-1W-26D-601	38-2W-11BA-1100
36-2W-28-4000	37-2W-16B-1200	37-2W-29C-900	38-1E-30-7700	38-1W-26D-602	38-2W-11BA-1200
36-2W-28-4100	37-2W-16B-1201	37-2W-30A-1000	38-1E-30-7800	38-1W-26D-603	38-2W-11BA-1300
36-2W-28-4200	37-2W-16B-1300	37-2W-30A-1100	38-1E-30-800	38-1W-27A-100	38-2W-11BA-1400
36-2W-28-4300	37-2W-16B-1303	37-2W-30A-1101	38-1E-30-8000	38-1W-27A-1000	38-2W-11BA-1500
36-2W-28-4400	37-2W-16B-1700	37-2W-30A-1102	38-1E-30-8100	38-1W-27A-1100	38-2W-11BA-200
36-2W-28-4500	37-2W-16B-1900	37-2W-30A-1103	38-1E-30-8200	38-1W-27A-1200	38-2W-11BA-300
36-2W-28-4601	37-2W-16B-200	37-2W-30A-1104	38-1E-30-8300	38-1W-27A-200	38-2W-11BA-400
36-2W-28-4700	37-2W-16B-2000	37-2W-30A-1105	38-1E-30-8400	38-1W-27A-300	38-2W-11BA-500
36-2W-28-4800	37-2W-16B-2100	37-2W-30A-1106	38-1E-30-8500	38-1W-27A-500	38-2W-11BA-600
36-2W-28-4900	37-2W-16B-2101	37-2W-30A-1107	38-1E-30-8600	38-1W-27A-800	38-2W-11BA-700
36-2W-28-700	37-2W-16B-2102	37-2W-30A-1300	38-1E-30-900	38-1W-27A-900	38-2W-11BA-800
36-2W-29-100	37-2W-16B-2200	37-2W-30A-1600	38-1E-31-3500	38-1W-34-200	38-2W-11BA-900
36-2W-29-1000	37-2W-16B-800	37-2W-30A-1700	38-1E-31-3600	38-1W-34AD-100	38-2W-11BD-100
36-2W-29-1100	37-2W-16B-804	37-2W-30A-1900	38-1E-31-3700	38-1W-34AD-1000	38-2W-11BD-1000
36-2W-29-1101	37-2W-16B-805	37-2W-30A-200	38-1E-31-3800	38-1W-34AD-1100	38-2W-11BD-1100
36-2W-29-1102	37-2W-16B-807	37-2W-30A-2000	38-1E-31-500	38-1W-34AD-300	38-2W-11BD-1200
36-2W-29-1103	37-2W-16B-808	37-2W-30A-2100	38-1E-32-1500	38-1W-34AD-400	38-2W-11BD-1300
36-2W-29-1200	37-2W-16B-900	37-2W-30A-2200	38-1E-32-1501	38-1W-34AD-500	38-2W-11BD-1400
36-2W-29-1201	37-2W-16C-1201	37-2W-30A-2300	38-1E-32-201	38-1W-34AD-600	38-2W-11BD-1500
36-2W-29-1300	37-2W-16C-1202	37-2W-30A-2400	38-1E-32-3700	38-1W-34AD-700	38-2W-11BD-1700
36-2W-29-1700	37-2W-16C-1300	37-2W-30A-2500	38-1E-32-3800	38-1W-34AD-800	38-2W-11BD-1800
36-2W-29-200	37-2W-16C-1600	37-2W-30A-2600	38-1E-32-3900	38-1W-34AD-900	38-2W-11BD-1900
36-2W-29-2000	37-2W-16D-1100	37-2W-30A-2700	38-1E-32-4000	38-1W-35A-100	38-2W-11BD-200
36-2W-29-2001	37-2W-16D-1200	37-2W-30A-2800	38-1E-32-4100	38-1W-35A-1000	38-2W-11BD-2000
36-2W-29-2002	37-2W-17-100	37-2W-30A-2900	38-1E-32-4200	38-1W-35A-1100	38-2W-11BD-2100
36-2W-29-2004	37-2W-17-101	37-2W-30A-300	38-1E-32-4300	38-1W-35A-1200	38-2W-11BD-2200
36-2W-29-2008	37-2W-17-102	37-2W-30A-3000	38-1E-32-4400	38-1W-35A-1300	38-2W-11BD-2300

EXHIBIT C

TAX LOT LISTING - BOC APPROVED GOAL 11 EXCEPTION AREA

36-2W-29-201	37-2W-17-103	37-2W-30A-3100	38-1E-32-4500	38-1W-35A-1400	38-2W-11BD-2400
36-2W-29-2010	37-2W-17-1300	37-2W-30A-400	38-1E-32-4600	38-1W-35A-1500	38-2W-11BD-2500
36-2W-29-2011	37-2W-17-1400	37-2W-30A-700	38-1W-02-500	38-1W-35A-1600	38-2W-11BD-2600
36-2W-29-2100	37-2W-17-1500	37-2W-30A-800	38-1W-02-501	38-1W-35A-1700	38-2W-11BD-300
36-2W-29-2101	37-2W-17-1600	37-2W-30A-901	38-1W-02-502	38-1W-35A-1800	38-2W-11BD-400
36-2W-29-2102	37-2W-17-1700	37-2W-30B-300	38-1W-02-503	38-1W-35A-1900	38-2W-11BD-500
36-2W-29-2103	37-2W-17-1800	37-2W-30B-400	38-1W-02-504	38-1W-35A-200	38-2W-11BD-600
36-2W-29-2104	37-2W-17-1900	37-2W-30B-500	38-1W-05B-2100	38-1W-35A-300	38-2W-11BD-700
36-2W-29-2105	37-2W-17-1901	37-2W-30B-600	38-1W-05B-2200	38-1W-35A-400	38-2W-11BD-800
36-2W-29-2106	37-2W-17-200	37-2W-30B-700	38-1W-05C-800	38-1W-35A-500	38-2W-11BD-900
36-2W-29-2600	37-2W-17-201	37-2W-30B-800	38-1W-06-1600	38-1W-35A-600	38-2W-11C-100
36-2W-29-2700	37-2W-17-202	37-2W-30B-900	38-1W-06-1801	38-1W-35A-700	38-2W-11C-1200
36-2W-29-2701	37-2W-17-203	37-2W-30C-100	38-1W-08-1000	38-1W-35A-800	38-2W-11C-1300
36-2W-29-2703	37-2W-17-2100	37-2W-30C-1700	38-1W-08-1200	38-1W-35A-900	38-2W-11C-1600
36-2W-29-2704	37-2W-17-2200	37-2W-30C-1900	38-1W-08-1203	38-1W-35B-100	38-2W-11CA-100
36-2W-29-2705	37-2W-17-2300	37-2W-30C-200	38-1W-08-2200	38-1W-35B-1000	38-2W-11CA-1000
36-2W-29-2706	37-2W-17-2400	37-2W-30C-2000	38-1W-08-2301	38-1W-35B-1100	38-2W-11CA-1200
36-2W-29-2707	37-2W-17-2500	37-2W-30C-2600	38-1W-08-2303	38-1W-35B-1200	38-2W-11CA-1300
36-2W-29-2708	37-2W-17-2600	37-2W-30C-2700	38-1W-08-2304	38-1W-35B-1700	38-2W-11CA-1400
36-2W-29-2709	37-2W-17-2800	37-2W-30C-2800	38-1W-08-702	38-1W-35B-1800	38-2W-11CA-1500
36-2W-29-2710	37-2W-17-2900	37-2W-30C-2900	38-1W-09C-1000	38-1W-35B-200	38-2W-11CA-1600
36-2W-29-2800	37-2W-17-300	37-2W-30C-300	38-1W-09C-1100	38-1W-35B-300	38-2W-11CA-1700
36-2W-29-3000	37-2W-17-3000	37-2W-30C-3000	38-1W-09C-1101	38-1W-35B-600	38-2W-11CA-200
36-2W-29-3100	37-2W-17-301	37-2W-30C-3100	38-1W-09C-1202	38-1W-35B-700	38-2W-11CA-300
36-2W-29-3200	37-2W-17-302	37-2W-30C-3200	38-1W-09C-700	38-1W-35B-800	38-2W-11CA-400
36-2W-29-3300	37-2W-17-3100	37-2W-30C-3300	38-1W-09C-800	38-1W-35B-900	38-2W-11CA-500
36-2W-29-3400	37-2W-17-3200	37-2W-30C-400	38-1W-09C-900	38-1W-35BC-100	38-2W-11CA-600
36-2W-29-3500	37-2W-17-3300	37-2W-30D-100	38-1W-10-1300	38-1W-35BC-1000	38-2W-11CA-700
36-2W-29-3700	37-2W-17-3400	37-2W-30D-200	38-1W-10-600	38-1W-35BC-1100	38-2W-11CA-800
36-2W-29-3800	37-2W-17-3500	37-2W-31-1401	38-1W-11B-100	38-1W-35BC-200	38-2W-11CA-900
36-2W-29-3900	37-2W-17-3600	37-2W-31-1402	38-1W-11B-1000	38-1W-35BC-300	38-2W-11D-100
36-2W-29-3901	37-2W-17-3602	37-2W-31-1403	38-1W-11B-1100	38-1W-35BC-400	38-2W-11D-1200
36-2W-29-400	37-2W-17-3603	37-2W-31-1404	38-1W-11B-1200	38-1W-35BC-500	38-2W-11D-1300
36-2W-29-500	37-2W-17-3604	37-2W-31-1405	38-1W-11B-1300	38-1W-35BC-600	38-2W-11D-1400
36-2W-29-600	37-2W-17-3605	37-2W-31-1406	38-1W-11B-1400	38-1W-35BC-700	38-2W-11D-1401
36-2W-29-700	37-2W-17-3700	37-2W-31-1407	38-1W-11B-1500	38-1W-35BC-800	38-2W-11D-1500
36-2W-29-800	37-2W-17-3800	37-2W-31-1408	38-1W-11B-1600	38-1W-35BC-900	38-2W-11D-1600
36-2W-29-901	37-2W-17-3801	37-2W-31-1409	38-1W-11B-1700	38-1W-35C-1000	38-2W-11D-1700
36-2W-29-902	37-2W-17-3900	37-2W-31-1410	38-1W-11B-200	38-1W-35C-500	38-2W-11D-1701
36-2W-29-904	37-2W-17-3901	37-2W-31-1412	38-1W-11B-300	38-1W-35C-700	38-2W-11D-1702
36-2W-29-906	37-2W-17-3902	37-2W-31-1413	38-1W-11B-400	38-1W-35C-900	38-2W-11D-1800
36-2W-29-907	37-2W-17-400	37-2W-31-1414	38-1W-11B-500	38-1W-35CB-100	38-2W-11D-1900
36-2W-29-908	37-2W-17-4000	37-2W-31-1415	38-1W-11B-600	38-1W-35CB-200	38-2W-11D-200
36-2W-29-909	37-2W-17-4200	37-2W-31-1416	38-1W-11B-700	38-1W-35CB-500	38-2W-11D-2500
36-2W-29-910	37-2W-17-4300	37-2W-31-1417	38-1W-11B-800	38-1W-35D-200	38-2W-11D-2600
36-2W-29-911	37-2W-17-4301	37-2W-31-1418	38-1W-11B-900	38-1W-35D-300	38-2W-11D-2700

EXHIBIT C

TAX LOT LISTING - BOC APPROVED GOAL 11 EXCEPTION AREA

36-2W-29-912	37-2W-17-4303	37-2W-31-1601	38-1W-11C-100	38-1W-36-1301	38-2W-11D-2800
36-2W-29-913	37-2W-17-4304	37-2W-31-1602	38-1W-11C-200	38-1W-36-1302	38-2W-11D-300
36-2W-29-914	37-2W-17-4305	37-2W-31-1603	38-1W-11C-300	38-1W-36-1303	38-2W-11D-400
36-2W-29-915	37-2W-17-4306	37-2W-31-1604	38-1W-11C-400	38-1W-36-500	38-2W-11D-500
36-2W-29-921	37-2W-17-4307	37-2W-31-1605	38-1W-11C-500	38-1W-36-800	38-2W-11D-600
36-2W-29-922	37-2W-17-4308	37-2W-31-1700	38-1W-11C-600	38-2W-01AD-900	38-2W-12A-100
36-2W-29-924	37-2W-17-4309	37-2W-31-1800	38-1W-11C-700	38-2W-01C-1800	38-2W-12A-1000
36-2W-29-926	37-2W-17-4310	37-2W-31-1900	38-1W-11C-800	38-2W-01CD-1000	38-2W-12A-1100
36-2W-29-928	37-2W-17-4311	37-2W-31-1901	38-1W-11C-900	38-2W-01CD-1300	38-2W-12A-1200
36-2W-29-930	37-2W-17-4500	37-2W-31-2100	38-1W-11D-400	38-2W-01D-200	38-2W-12A-1300
36-2W-29-931	37-2W-17-4503	37-2W-31-2200	38-1W-11D-500	38-2W-01D-2401	38-2W-12A-200
36-2W-29-932	37-2W-17-4504	37-2W-31-2201	38-1W-11D-600	38-2W-01D-2402	38-2W-12A-300
36-2W-33-1100	37-2W-17-4912	37-2W-31-2202	38-1W-14-2800	38-2W-02-1000	38-2W-12A-400
36-2W-33-3000	37-2W-17-500	37-2W-31-2300	38-1W-15C-201	38-2W-02-1100	38-2W-12A-500
36-2W-33-400	37-2W-17-5002	37-2W-31-2500	38-1W-15C-800	38-2W-02-900	38-2W-12A-600
36-2W-34-401	37-2W-17-5003	37-2W-31-2604	38-1W-15CB-3000	38-2W-02AC-1400	38-2W-12A-700
36-2W-34-402	37-2W-17-5004	37-2W-31-2606	38-1W-15D-3700	38-2W-02AC-1500	38-2W-12A-800
36-2W-34C-2000	37-2W-17-5100	37-2W-31-2700	38-1W-15D-3800	38-2W-02AC-1600	38-2W-12B-100
36-2W-34C-2001	37-2W-17-5200	37-2W-31-2800	38-1W-15D-3900	38-2W-02AC-1700	38-2W-12B-1000
36-2W-34C-2002	37-2W-17-5300	37-2W-31-2900	38-1W-15DB-400	38-2W-02AC-1800	38-2W-12B-1100
36-2W-34D-100	37-2W-17-5400	37-2W-31-2901	38-1W-16B-201	38-2W-02AC-2000	38-2W-12B-1200
36-2W-35-1000	37-2W-17-5500	37-2W-31-3001	38-1W-16B-2700	38-2W-02BC-100	38-2W-12B-1300
36-2W-35-1100	37-2W-17-5600	37-2W-31-3002	38-1W-16B-3500	38-2W-02BC-200	38-2W-12B-1400
36-2W-35-1200	37-2W-17-5700	37-2W-31-3003	38-1W-16B-3600	38-2W-02BC-300	38-2W-12B-1500
36-2W-35-1300	37-2W-17-5701	37-2W-31-3100	38-1W-16C-2001	38-2W-02BC-400	38-2W-12B-1600
36-2W-35-1400	37-2W-17-5800	37-2W-31-3200	38-1W-16C-2700	38-2W-02BC-500	38-2W-12B-1800
36-2W-35-1500	37-2W-17-5900	37-2W-31-3201	38-1W-16C-2701	38-2W-02BC-600	38-2W-12B-1900
36-2W-35-1600	37-2W-17-600	37-2W-31-3202	38-1W-16C-2801	38-2W-02BC-700	38-2W-12B-200
36-2W-35-1802	37-2W-17-6000	37-2W-31-3300	38-1W-16C-2802	38-2W-02BC-800	38-2W-12B-2000
36-2W-35-1900	37-2W-17-601	37-2W-31-3400	38-1W-16C-2803	38-2W-02BD-800	38-2W-12B-2100
36-2W-35-400	37-2W-17-6100	37-2W-31-3500	38-1W-16C-2805	38-2W-02BD-900	38-2W-12B-2200
36-2W-35-900	37-2W-17-6200	37-2W-31-3600	38-1W-16C-2900	38-2W-02CA-1900	38-2W-12B-2300
36-2W-35D-2600	37-2W-17-6201	37-2W-31-3601	38-1W-16C-3200	38-2W-02CA-2000	38-2W-12B-2400
36-2W-35D-2602	37-2W-17-6300	37-2W-31-3701	38-1W-16C-3301	38-2W-02CA-2100	38-2W-12B-2600
36-2W-35D-2604	37-2W-17-6400	37-2W-31-3800	38-1W-16C-3500	38-2W-02CA-2200	38-2W-12B-2700
36-2W-36A-700	37-2W-17-6500	37-2W-31-3900	38-1W-16C-3601	38-2W-02CA-2300	38-2W-12B-2800
37-1W-05-1800	37-2W-17-6600	37-2W-31-3901	38-1W-16C-3602	38-2W-02CA-2400	38-2W-12B-2900
37-1W-05-2000	37-2W-17-6700	37-2W-31-4000	38-1W-16C-501	38-2W-02CA-2500	38-2W-12B-300
37-1W-05-2101	37-2W-17-6800	37-2W-31-4100	38-1W-16D-2200	38-2W-02CD-1000	38-2W-12B-3000
37-1W-05-2200	37-2W-17-900	37-2W-31-4200	38-1W-16D-2300	38-2W-02CD-1100	38-2W-12B-3100
37-1W-05-2300	37-2W-17-901	37-2W-31-4300	38-1W-16D-2301	38-2W-02CD-1200	38-2W-12B-3200
37-1W-05-601	37-2W-19-1300	37-2W-31-4400	38-1W-16D-2302	38-2W-02CD-1300	38-2W-12B-3400
37-1W-05-801	37-2W-19-1400	37-2W-31-4500	38-1W-16D-2303	38-2W-02CD-1400	38-2W-12B-3500
37-1W-08-200	37-2W-19-606	37-2W-31-4600	38-1W-16D-2304	38-2W-02CD-1700	38-2W-12B-3600
37-1W-31D-1400	37-2W-20-3001	37-2W-31-4700	38-1W-16D-2305	38-2W-02CD-1800	38-2W-12B-3700
37-1W-31D-1500	37-2W-20-3200	37-2W-31-4800	38-1W-16D-2306	38-2W-02CD-1900	38-2W-12B-3900

EXHIBIT C

TAX LOT LISTING - BOC APPROVED GOAL 11 EXCEPTION AREA

37-1W-31D-1600	37-2W-20-3204	37-2W-31-4900	38-1W-16D-3700	38-2W-02CD-2000	38-2W-12B-400
37-1W-31D-1700	37-2W-20AB-1400	37-2W-31-5000	38-1W-16D-3800	38-2W-02CD-2100	38-2W-12B-4000
37-1W-31D-1800	37-2W-20AB-500	37-2W-31-5100	38-1W-16D-3900	38-2W-02CD-2200	38-2W-12B-4100
37-1W-31D-1900	37-2W-20AB-600	37-2W-33-1702	38-1W-16D-4000	38-2W-02CD-900	38-2W-12B-500
37-1W-31D-2000	37-2W-20AB-800	37-2W-33-1800	38-1W-16D-600	38-2W-02DB-100	38-2W-12B-600
37-1W-31D-2100	37-2W-20AB-900	37-2W-33-1801	38-1W-16D-700	38-2W-02DB-200	38-2W-12B-700
37-1W-31D-2200	37-2W-20B-1000	37-2W-33-1802	38-1W-16D-701	38-2W-02DB-300	38-2W-12B-900
37-2W-02-2701	37-2W-20B-1100	37-2W-33-1900	38-1W-16D-702	38-2W-02DB-400	38-2W-12C-100
37-2W-02D-300	37-2W-20B-1200	37-2W-33-2000	38-1W-16D-706	38-2W-02DC-100	38-2W-12C-1000
37-2W-02D-700	37-2W-20B-1300	37-2W-33-500	38-1W-16DA-900	38-2W-02DC-1000	38-2W-12C-1100
37-2W-03B-1901	37-2W-20B-1400	37-2W-33-501	38-1W-17-1502	38-2W-02DC-1100	38-2W-12C-1200
37-2W-03B-1902	37-2W-20B-1500	37-2W-33-702	38-1W-17-1600	38-2W-02DC-1300	38-2W-12C-1300
37-2W-03B-1903	37-2W-20B-200	37-2W-33-703	38-1W-17-1700	38-2W-02DC-200	38-2W-12C-1400
37-2W-04-1000	37-2W-20B-203	37-2W-34A-2600	38-1W-17-1701	38-2W-02DC-300	38-2W-12C-1500
37-2W-04-1100	37-2W-20B-204	37-2W-34A-4100	38-1W-17-1800	38-2W-02DC-400	38-2W-12C-1600
37-2W-04-1101	37-2W-20B-205	37-2W-34A-4300	38-1W-17-1801	38-2W-02DC-500	38-2W-12C-1700
37-2W-04-1200	37-2W-20B-206	37-2W-34A-5200	38-1W-17-1802	38-2W-02DC-600	38-2W-12C-1800
37-2W-04-2204	37-2W-20B-300	37-2W-34A-5500	38-1W-17-1900	38-2W-02DC-800	38-2W-12C-1900
37-2W-04-2302	37-2W-20B-400	37-2W-34A-5600	38-1W-17-2001	38-2W-02DC-900	38-2W-12C-200
37-2W-04-2304	37-2W-20B-500	37-2W-34A-5700	38-1W-17-2100	38-2W-02DD-1900	38-2W-12C-2800
37-2W-04-2305	37-2W-20B-601	37-2W-34A-5800	38-1W-17-2200	38-2W-02DD-2000	38-2W-12C-2900
37-2W-04-2401	37-2W-20B-700	37-2W-34A-5900	38-1W-17-2300	38-2W-02DD-2200	38-2W-12C-300
37-2W-04-2500	37-2W-20B-701	37-2W-34A-6000	38-1W-17-2500	38-2W-02DD-2300	38-2W-12C-3200
37-2W-04-2700	37-2W-20B-800	37-2W-34A-6200	38-1W-17-2600	38-2W-02DD-2400	38-2W-12C-3300
37-2W-04-2801	37-2W-20B-900	37-2W-34A-6300	38-1W-17-2601	38-2W-02DD-2500	38-2W-12C-3800
37-2W-04-2802	37-2W-20C-1100	37-2W-34A-6400	38-1W-17-2603	38-2W-02DD-2600	38-2W-12C-3900
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37-2W-04-600	37-2W-20C-511	37-2W-34B-2200	38-1W-17-5300	38-2W-03A-3400	38-2W-12C-700
37-2W-04-700	37-2W-20C-516	37-2W-34B-2700	38-1W-17-5402	38-2W-04-1200	38-2W-12C-800
37-2W-04-800	37-2W-20C-517	37-2W-34B-2800	38-1W-17-5500	38-2W-04-1400	38-2W-12C-900
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CHAPTER 3.¹ APPLICATION REVIEW AND DECISION

3.1 LAND USE PERMITS/DECISIONS

3.1.1 General Provisions

A) ***Land Use Permits Required***

Before establishing any land use regulated by this Ordinance, other than a Type 1 use, an application for a Land Use Permit will be filed with the Department. Approval criteria applicable to each permit type are specified below. All uses, regardless of permit type, will comply with any applicable standards set forth in Chapters 4 through 8, and with the general development standards set forth in Chapter 9.

B) ***Effect of Approval***

The Department will issue a Land Use Permit only when the development is in compliance with all applicable procedures and standards of this Ordinance, subject to the expiration provisions in Section 2.6.8. A Land Use Permit will run with the land, unless otherwise expressly provided in its terms or conditions, and the rights and responsibilities conferred by it will vest jointly and severally in the applicant, as defined in this ordinance, and person(s) holding legal and/or equitable title to the property and their successors or assigns. Compliance with the obligations imposed by its conditions is the responsibility of all the owners and successive owners of the land, and any other person who conducts or permits the use authorized by the permit.

C) ***Zoning Information Sheet***

Zoning Information Sheets (a.k.a., Zoning Clearance Sheets) are used to: (1) provide information regarding the status of development; (2) ensure compliance with all standards and procedures of this Ordinance; and, (3) to authorize Type 1 uses. However, other approvals may be necessary for specific developments, such as, but not limited to, building and septic permits. Such other approvals are addressed in other sections of the County Code. When a Zoning Information Sheet is used to authorize development, the authorization will be valid for a maximum of two (2) years from the date of issuance, provided there has been no change in applicable regulations or laws.

3.1.2 Type 1 Land Use Authorizations, Permits and Zoning Information Sheet²

Type 1 uses are authorized by right, requiring only non-discretionary staff review to demonstrate compliance with the standards of this Ordinance. A Zoning Information Sheet may be issued to document findings or to track progress toward compliance. Type 1 authorizations are limited to situations that do not require interpretation or the exercise of policy or legal judgment. Type 1 authorizations are not land use decisions as defined by ORS 215.402.

¹Ordinance 2006-10, effective 2-18-07, amended Ordinance 2009-1, effective 8-16-2009

² Ordinance 2009-1, effective 8-16-2009

3.1.3 Type 2 Land Use Permits

Type 2 uses are subject to administrative review. These decisions are discretionary and therefore require a notice of decision and opportunity for hearing.

A) **Procedures**

Applications for a Type 2 Land Use Permit will follow the applicable review procedure set forth in Section 2.7 as identified in Table 2.7-1.

B) **Approval Criteria**

A site development plan may be required pursuant to Section 3.2.4. If a site development plan is required, it shall comply with Section 3.2 and all other applicable provisions of this Ordinance.

3.1.4 Type 3 Land Use Permits

The purpose of the Type 3 Land Use Permit is to allow the development of uses that may be suitable only in specific locations or if the site is regulated in a particular manner. Uses that require a Type 3 Permit may be allowed subject to findings of compliance with applicable approval criteria and development standards, and submission of a site development plan (Section 3.2.4) when physical development is proposed as part of the permit. Type 3 decisions require a notice of decision and opportunity for hearing.³

A) **Procedures**

Applications for a Type 3 Land Use Permit will follow the applicable review procedure set forth in Section 2.7 as identified in Table 2.7-1.

B) **Approval Criteria**

- 1) The County may issue Type 3 and 4 Permits only upon finding that the proposed use is in conformance with any applicable development approval criteria and standards contained in the Comprehensive Plan, applicable standards of this Ordinance, and that all the following criteria have been met:
 - a) The proposed use will cause no significant adverse impact on existing or approved adjacent uses in terms of scale, site design, and operating characteristics (e.g., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts). In cases where there is a finding of overriding public interest, this criterion may be deemed met when significant incompatibility resulting from the use will be mitigated or offset to the maximum extent practicable;
 - b) Adequate public facilities (e.g., transportation) are available or can be made available to serve the proposed use;
 - c) The proposed use is not a conflicting use certified in an adopted Goal 5 ESEE applicable to the parcel, or if an identified conflicting use, one that can be mitigated to substantially reduce or eliminate impacts;

³Ordinance 2004-12, effective 2-6-2005

- d) The applicant has identified and can demonstrate due diligence in pursuing all Federal, State, and local permits required for development of the property; and
 - e) On land outside urban growth boundaries and urban unincorporated communities, the proposed use will either provide primarily for the needs of rural residents and therefore requires a rural setting in order to function properly, or else the nature of the use (e.g., an aggregate operation) requires a rural setting, even though the use may not provide primarily for the needs of rural residents. Schools however are not subject to this criterion.
- 2) In addition, in the Exclusive Farm Use zone the use may be approved only where it:
- a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 - b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

The applicant may demonstrate that the standards set forth in this Section will be satisfied through the imposition of conditions. Any conditions so imposed must be clear and objective. [ORS 215.296; OAR 660-033-030(5)]

- 3) In addition, in forest zones the use may be approved only when the following findings can be made:
- a) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
 - b) The proposed use will not significantly increase fire hazard, significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel. Further, it must be demonstrated that the use will comply with the fire safety requirements in Chapter 8; and
 - c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules. [OAR 660-006-0025(5)(c)]

3.1.5 Type 4 Land Use Permits (See Section 3.7 for Comprehensive Plan and Zoning Map Amendments)

A Type 4 Permit requires review by the Planning Commission and the Board of Commissioners, as applicable to ensure the proper integration of uses that may be suitable only in specific locations. Approval of a Type 4 Permit to allow a specific use requires review and approval of a site development plan pursuant to Section 3.2.4 when physical development is proposed, as part of the Type 4 permit review.⁴

⁴Ordinance 2004-12, effective 2-6-2005

- A) **Procedures**
Applications for a Type 4 land use permit will follow the applicable review procedure set forth in Section 2.7 as identified in Table 2.7-2.
- B) **Approval Criteria**
The County may issue Type 4 Permits only upon finding that all of the applicable approval criteria set forth in Section 3.1.4(B) have been met.

3.2 SITE DEVELOPMENT PLANS

3.2.1 Purpose

The purpose of the site development plan review process is to ensure compliance with the standards of this Ordinance, while encouraging quality development in the County reflective of the goals and policies found in the Comprehensive Plan. This process is implemented through zoning permit review, and thus does not address every building, fire, or life safety requirement.

3.2.2 Applicability⁵

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

New, expanded or altered multi-family, commercial, industrial, or public/semi-public uses are subject to all applicable standards of this Ordinance, including use-specific standards of Section 6.3 and the general regulations of Chapter 9. When a site development plan is required, it will be submitted to and approved by the Planning Staff prior to issuance of building permits. Such reviews may be either ministerial (as with most Type 1 land use permits), or part of a discretionary review (as in Type 2-4 permits). In all cases, the review will follow the applicable procedures described in this Ordinance.

A Type 1 review site development plan may be submitted simultaneously with or prior to application for a building permit. In reviewing all site development plans, the County will, at a minimum, apply parking, pedestrian circulation, buffering, landscaping, access and other development standards of this Ordinance in determining if a land use permit may be issued.

3.2.3 Site Development Review Requirement

Applications to expand, materially change, redevelop, or alter existing multi-family, commercial, industrial or public/quasi-public uses that do not exceed the thresholds below require a Type 1 review to verify compliance with the applicable development standards of this Ordinance only when no prior site plan has been approved, or the proposed change does not conform to any plan previously approved. A change in use or change in ownership in an existing development is not subject to this Section when the criteria of Section 3.2.5(B) are met.

New uses, substantial expansion, change in use (other than as exempted in Section 3.2.5(B)), redevelopment or alteration of existing uses require a site development plan review if the proposed development exceeds one or more of the thresholds listed below:

⁵Ordinance 2004-12, effective 2-6-2005

- A) Non-residential construction where the change in use will result in an increase in traffic of more than 100 trips per day as a result of increased employees, customers or a combination of both;
- B) Any new development of 20,000 square feet or more gross floor area, or any addition to an existing use that results in a gross floor area of 20,000 square feet or more;
- C) Any use adding or incorporating a drive-through or walk-up window;
- D) Any new paved area greater than 4,000 square feet for commercial/office uses, or 10,000 square feet for industrial/manufacturing uses, or any addition to an existing paved area that exceeds 4,000 or 10,000 square feet, respectively;
- E) Multi-family development with more than 10 dwelling units;
- F) Expansion of lawful nonconforming structures or uses greater than 20% over a five (5)-year period.

3.2.4 Approval Criteria

A site development plan reviewed under a Type 2-4 procedure may only be approved if affirmative findings can be made for all the criteria set forth below. The County will require adherence to sound planning principles, while allowing for design flexibility in the administration of these criteria:

- A) The site development plan fully complies, or in the case of a lawful nonconformity complies to the maximum extent feasible, with all applicable requirements of this Ordinance, including the general development regulations of Chapters 8 and 9 and the dedications and improvement requirements of Chapter 10;
- B) On properties that are not zoned for farm or forest use, the site development plan adequately protects other property from the potential adverse effects of nonresidential uses;⁶
- C) The site design promotes a proper relationship between existing and proposed streets and highways within the vicinity in order to assure the safety and convenience of pedestrian and vehicular traffic; to ensure efficient traffic flow and control; to ensure easy access in cases of fire, catastrophe, and emergency; and so as not to create or contribute to undue traffic congestion on abutting public streets. An assessment of traffic impacts and identification of traffic impact mitigation measures may be required to demonstrate compliance with this criterion;
- D) The property owner and applicant have agreed to record in the County Clerk's Office a deferred improvement agreement against the property for any future public road improvements that will be required as a result of the proposed development. Deferral of frontage improvements will be required under the following circumstances: (1) the land served by an existing road is zoned for more intensive development; and (2) only a minor part of potential traffic on the road would be generated by the

⁶Ordinance 2004-12, effective 2-6-2005

proposed development. In both cases it will be necessary to obtain a binding commitment to make needed road improvements when warranted;

- E) The property owner and applicant have agreed to record a building site improvement agreement, agreeing to complete all conditions of approval either prior to issuance of any building permits or within the time period specified in the final land use decision (See Section 3.2.7); and
- F) The site is served by sewer or septic, water, fire protection and access sufficient to meet the needs for the use as determined by local service providers.

3.2.5 Amendments to Approved Site Development Plans/Exemptions

A) **Amendments**

An amendment to an approved site development plan is required when the change would exceed one or more of the thresholds listed in Section 3.2.3 above. Amendment applications will follow the same procedure as for an original approval. A major amendment may be approved when all of the following criteria are met:

- 1) All changes conform to the minimum required standards for the zoning district in which the property is located;
- 2) The effect of the landscaping, buffers, or screening on the site is not diminished;
- 3) Access points to public roads are neither increased in number nor relocated in a manner that would interfere with their capacity or function; and
- 4) The changes will result in better or equal performance of all components of the approved site development plan and meet the objectives of the zoning district.

B) **Exemption for Changes in Use or Ownership⁷**

A change in use or change in ownership in an existing development is exempt from the requirements of this Section when all of the following conditions are met:

- 1) The development is already subject to, and in conformance with, a site plan of record approved by the County;
- 2) Any change of use is to a listed use in the zoning district; and
- 3) The applicant presents clear and convincing evidence showing that impacts resulting from the change in use will be commensurate with those of the existing use, including:
 - a) Overall traffic, including traffic generation to and from the site; access points, both in relation to location and number; and number of parking spaces and arrangement of internal

⁷Ordinance 2004-12, effective 2-6-2005

- traffic and pedestrian circulation;
- b) Exterior impacts, including visibility and amount of outdoor storage or merchandise display; location of loading areas and trash storage; and amount of on-site lighting and signage; and
- c) Hours of operation when the use is not in a commercial or industrial district.

For purposes of this Section, "existing use" means the current use, or if the site is not occupied, the last use of the site during the 24-month period preceding the request for exemption. Sites that have not been occupied for more than 24 months are subject to Site Development Plan review under subsection (A), above.

3.2.6 Effect and Duration of Approval

- A) Upon approval by the review authority, the site development plan will act as the official plan of development for the parcel. Grading, excavating, or filling in mapped floodplain areas, construction (e.g., parking, detention/retention), or any building(s) or uses(s) to occur on the site must be in strict compliance with the approved plan. The approved site development plan may be modified only in accordance with Section 3.2.5.
- B) Approval of a site development plan authorizes the applicant to proceed with any application for land use permits, building permits, or other permits and approvals that may be required in order to develop the property in conformity with the approved site development plan. A permit or other approval may be issued by the County only if it conforms to the approved plan.
- C) Once approved, a site development plan will remain in effect in accordance with Section 2.6.8.

3.2.7 Completion of Improvements

- A) Any and all site improvements are the joint and several responsibility of the applicant, the person(s) holding legal and/or equitable title, and their successors or assigns. Improvements include the construction of roads, obtaining inspections of public roads from Roads and Parks Services, and inspection of private roads by the applicant's Oregon-registered professional engineer or engineering geologist.
- B) Except for required landscaping, or when the conditions of approval for the development specifically state otherwise, the County will not approve any associated final plat nor will it finalize a building permit until the improvements have been completed and accepted by the applicable agency or department, or unless the applicant posts a performance bond or provides a letter of credit as provided in Chapter 10.
- C) If inclement weather conditions do not allow immediate installation of landscaping, installation may be deferred but never for more than six (6) months. In this instance, a temporary certificate of occupancy may be issued prior to the installation of all required landscaping. In any event, required landscaping must be installed prior to issuance of a final certificate of occupancy.

- D) All streets and roads for public use must be dedicated without any reservation or restrictions other than reversionary rights upon vacation and easements for public utilities.

3.2.8 Inspection for Compliance with Approval Conditions

It will be the joint and several responsibility of the applicant to contact the Department prior to issuance of the Certificate of Occupancy for an inspection to determine compliance with the conditions imposed by the Department. A subsequent landscaping inspection will be required after the first year of operation and will occur during the growing season to determine if plant materials have survived. In the case of an approved site development plan where no building permits are issued, inspections will occur prior to operation of the new use and one (1) year thereafter.

3.2.9 Minor Alteration or Expansion of Public Parks not Subject to a JCPP Overlay

This Section is for existing parks that were not developed under a Parks Master Plan, and does not apply to lands within the Jackson County Public Park Overlay. This Section is used as the sole basis to consider minor alterations or minor expansions of existing public parks. The uses and procedures of any other overlay affecting the park, such as Section 7.1.2, Floodplain Overlay, continue to govern with respect to allowable uses and activities, and the procedures for their authorization.

A) *Authorization and Applicable Substantive Criteria*

Minor alteration or expansion of public parks existing prior to January 1, 1991 is allowed provided: (1) the alteration will not result in significant impacts beyond the boundaries of the existing park; or (2) in the event of a minor park expansion, beyond the expanded boundaries of the park. Minor park expansions, which are not located on high value farm land, may increase the total acreage by up to 20% or five (5) acres, whichever is less, subject to the review procedures described in this Section and the requirements of Chapter 4.

B) *Procedure*

The method used by the County to consider minor alterations of existing public parks will be as follows:

- 1) A site plan and written narrative outlining the proposed alteration or expansion will be prepared by the Parks Division. Authorized representatives of the Planning Staff and the County Parks Division will hold a pre-application conference to discuss the proposed alteration or expansion. Following the meeting, the Planning Staff may require submission of a site development plan and written application covering any or all of the elements described in the User's Guide requirements for submission of a public park master plan under Section 3.7.4.
- 2) Based on the site plan and narrative, the Director will make a written determination of impacts and prepare findings regarding whether the proposed alteration or expansion is major or minor as described above. If the alteration or expansion is found to be

major in nature, the project review will proceed in accordance with the requirements for a site development plan review under Section 3.2.

- 3) If the alteration or expansion is found to be minor, the written determination and findings of the Director will be considered a final land use decision unless appealed under Section 2.7.5(D). Notice of the action will be mailed to affected property owners in conformance with Type 2 noticing requirements.

3.3 LAND DIVISIONS

3.3.1 General Provisions

A) ***Purpose and Authorization***

The purpose of these regulations is to establish procedures to be followed in the development and approval of land divisions, related maps, and plats. Authorization and minimum standards for this Ordinance are provided by Oregon Revised Statutes (ORS) Chapters 92 and 215. See Chapter 10.

B) ***Applicability***

These land division regulations apply to all divisions of land located within the political boundaries of Jackson County, exclusive of the corporate limits of any city except expedited land divisions as described in (C), below. The specific types of land division are:

1) ***Subdivisions***

A subdivision is the act of subdividing an area, parcel, or tract of land into four (4) or more lots within a calendar year.

2) ***Partitions***

A partition is a division of land within a calendar year.

3) None of the following acts constitute a division of land for purposes of authorizing development of a previously divided lot or parcel [ORS 92.010]:

- a) Adjustment of a property line by the relocation of a common lot or parcel boundary. (See Section 3.4).
- b) Creation of cemetery lots.
- c) Creation or recording of a condominium plat.
- d) Lien foreclosures and foreclosure of recorded contracts for the sale of real property.
- e) Surveying of or recording a deed description of a tract of land in order to define a mining claim or to describe agricultural or forestry or aggregate tracts for resource use.
- f) Issuance of a mining patent or other lot created by the federal government.
- g) A sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes, provided that such road or right-of-way complies with the Comprehensive Plan and ORS 215.283(2) (q) to (s). Any property divided by such sale or grant of property will continue to be considered a single unit of land until such time as the property is further

- subdivided or partitioned. [ORS 92.010(7)(d)]
- h) A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets, or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment must be approved or denied by the County. If the property line adjustment is approved, it will be recorded in the County deed records. [ORS 92.010(7)(e)]

C) ***Expedited Land Divisions***

Applications for expedited land divisions to partition residentially zoned land inside an urban growth boundary will be processed according to the standards and procedures in ORS 197.360 through 197.380 rather than this Ordinance.

3.3.2 Procedures

Applications for subdivisions, planned unit developments, and creation of public roads or streets are processed as a Type 4 procedure, partitions which include the creation of a private road or street are processed as a Type 3 procedure, and partitions which do not include creation of a road or street are processed as a Type 2 procedure, pursuant to Section 3.1.3 with the following modifications and additions:

A) ***Pre-Application Conference***

Pre-application conferences are required for all subdivision tentative plan applications.

B) ***Tentative Plan Application***

Applications will include the following:

- 1) A tentative subdivision or partition plan that conforms to the requirements of this Ordinance. The tentative plan must be to scale, complete, and accurate, and may be prepared by other than an Oregon registered land surveyor;
- 2) A Subdivision/Partition Title Report and exception documents for proposed road area(s), if any. The report will be based on research going back in time without limitation, indicating all easements and encumbrances of record that affect the property, and will include any graphic depictions of such easements and encumbrances that are of record; and
- 3) Information indicating the proposed method of obtaining a potable water supply, sanitation and utilities consistent with Section 10.4.2.

C) ***Tentative Plan Procedures***

1) ***Partitions, Subdivisions and Planned Unit Developments***

Applications for tentative plan approval for partitions not including creation of a road will be processed under the Type 2 procedure. Applications for tentative plan approval for partitions that also

create a road and subdivisions will be processed under the Type 3 or 4 procedure, as applicable. County approval, approval with conditions, or denial of the tentative plan application will be set out in a written decision, and will be based on compliance with the approval criteria set forth in Section 3.3.3. Upon approval of the tentative plan, the applicant will comply with the standards and conditions set forth by the County in the approval and will prepare a final plat according to the procedures set forth below.

- 2) *Validity, Duration and Extension of Tentative Plan Approval:* An approved tentative plan will become void 24 months after the date of the final decision approving the tentative plan if the final plat has not been prepared and submitted to the Department for review. For the purposes of this section "date of the final decision" shall mean the date the final County decision approving the tentative plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or the appeal is dismissed.
- a) Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original 24 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). The application may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - b) An additional extension of 12 months may be granted by the Director upon a written request as specified in Section 3.3.2(C)(2)(a) provided that it must be submitted prior to the expiration of the extension granted under that subsection or within 30 days thereafter. The application may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - c) In any event, the total time period within which to submit a final plat will not exceed four years after the date of the final decision approving the tentative plan.
 - d) No extension of the validity of a tentative plan pursuant to Section 3.3.2(C)(2)(a) or (b) shall be granted if the Director determines that the tentative plan is not consistent with changes in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance that has been adopted after the date of the final decision approving the tentative plan. In that event, a new application must be submitted for the tentative plan.

D) ***Final Plat Procedures***

Regardless of the type of approval process required for the tentative plan, the Director will review the final plat for consistency with the approved tentative plan as a Type 1 review procedure. If the Director determines that the final plat complies with the requirements of paragraphs (1) and (2) of this Section, the Director will so certify and sign the final plat. No additional conditions will be imposed on the final plat. If the Director determines the final plat does not comply with the requirements of paragraphs (1) and (2) of this Section, it will be returned to the developer

to correct the deficiencies and must be resubmitted for approval within the time established through the tentative plan approval.

1) *Requirements for Final Plat Approval*

- a) The final plat conforms to the tentative plan as approved by the County, including compliance with any conditions imposed or modifications required by the County at the time of tentative plan approval;
- b) The final plat is prepared according to specifications established in ORS Chapter 92 (see User's Guide). The developer is required to consult with the County Surveyor prior to submitting the final plat for approval by the Director; and
- c) When publicly dedicated land will be created, a signature line for the Board of Commissioners is provided. See Section 10.5.2.

2) *Required Documents for Land Divisions That Include Creation of a Road:* Final plats that include creation of a road will be accompanied by:

- a) Any written certificates pertaining to improvement assurances or responsibilities, such as a road maintenance agreement prepared consistent with the requirements of this Ordinance;
- b) A partition title report; and
- c) The location of all existing improvements, including dwellings and other structures, wells, and installed septic systems as necessary to show conformance with setbacks or other requirements of approval, will be identified on a copy of the original plat.

E) ***Phased Developments***⁸

1) *Generally:*

- a) In a phased development the applicant secures final plat approval in phases that are composed of a portion of the land for which the tentative plan approval was granted. Each stage requires the satisfaction of all conditions of approval for the portion of land which is being developed.
- b) The phases to be developed must be clearly set out on the tentative plan together with the order of their development. Each phase must be designed to be independent of all later phases so that each phase stands on its own, even if later phases are not developed.
- c) Any alteration in the order of development of the phases requires approval for an amendment to the tentative plan.

2) *Validity, Duration and Extensions of Tentative Plan Approval:* An approved tentative plan for a phased development shall become void 24 months after the date of the final decision approving the tentative plan, subject to the following provisions. For the purposes

⁸ Ordinance 2009-1, effective 8-16-2009

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

- a) A time extension of not more than 12 additional months may be granted by the Director based upon a written request from the applicant made prior to the expiration of the original 24 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). The request may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - b) An additional extension of 12 months may be granted by the Director upon a written request as specified in Section 3.3.2(C)(2)(a) provided that it must be submitted prior to the expiration of the extension granted under that subsection or within 30 days thereafter. The request may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - c) The other provisions of Sections 3.3.2 notwithstanding, the Planning Commission shall have the discretion to allow extensions to the validity of a tentative plan approved for a phased development to be for a different period or periods, provided that the total period of validity may not exceed the maximum allowed by the applicable provisions of the Oregon Revised Statutes. Any such approval must be based on specific findings related to the phased development which justify the different periods of validity
 - d) Except as provided in Section 3.3.2(E)(2)(c), in no event shall the total time period within which to submit the final plat for the last phase designated on the approved tentative plan exceed five years after the date of the final decision approving the tentative plan.
 - e) The granting of any extension pursuant to Sections 3.3.2(E)(2)(a), (b) or (c) is subject to the limitation of Section 3.3.2(E)(3).
- 3) Changes in the State or County criteria: No extension of the validity of a tentative plan pursuant to Section 3.3.2(E)(2)(a), (b) or (c) shall be granted if the Director determines that the tentative plan is not consistent with changes in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance that has been adopted after the date of the final decision approving the tentative plan. In that event, a new application must be submitted for the tentative plan.

F) ***Completion of Improvements, Bonding, Other Assurances***

- 1) Any and all improvements will be the responsibility of the applicant prior to submittal of a final plat. Improvements include the construction of roads, inspection of County roads by the Roads Division, and the inspection of private roads by the applicant's Oregon-registered professional engineer or engineering geologist. Unless specifically stated otherwise in the conditions of approval for the development, the County will not approve the final plat or

issue building permits until the improvements have been completed and certified as acceptable by the Road Division or applicant's engineer, unless adequate bonding, consistent with Section 10.6, exists to ensure installation of the improvements.

- 2) All streets and roads for public use must be dedicated without any reservation or restrictions other than reversionary rights upon vacation of any such street or road and easements for public utilities.

G) ***Documents to be Recorded and Filed***

Approval of the final plat by the Director as provided by this regulation will be conditioned on its prompt recording. The developer will, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat will be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

H) ***Replats***

- 1) The Department will review all proposed replats for compliance with the approval criteria set forth in Section 3.3.3.
- 2) All replats will be processed in the same manner as an application for a division occurring on lands not previously platted.
- 3) A replat will occur only as allowed under ORS Chapter 92.180 through 92.190. A property line adjustment between subdivision lots is not a replat.

I) ***Plat Amendment***

Any plat of a subdivision or partition properly filed and recorded under provisions of law may be amended by an affidavit of correction pursuant to ORS Chapter 92.

J) ***Vacation of Undeveloped Subdivisions***

Undeveloped subdivisions may be vacated according to the procedures established under ORS 92.205 through 92.245.

3.3.3 Approval Criteria

The County may approve applications for division of land only upon finding that the proposed division will comply with all applicable standards of the zoning district and development standards contained in Chapters 7 through 10. (See Section 10.3)

3.4 Property Line Adjustments

3.4.1 Purpose and Scope

Property line adjustments allow the relocation of all or a portion of a common boundary line between abutting properties without creating additional lots or parcels. Property line adjustments may be permitted in any zoning district or across zoning districts, or between subdivision lots. Properties located within zoning districts with no minimum parcel size requirements (e.g., RR-00,

commercial or industrial zones), are eligible for property line adjustments subject to the procedure and criteria of this Section. Boundary line agreements, as defined, are not subject to the requirements of this Section. A property line adjustment is not required for a boundary line agreement establishing the physical location of an existing lawful property boundary.

3.4.2 Procedure

Applications for property line adjustments comprised of entirely non-resource lands will be processed as Type 1 permits. Applications for property line adjustments involving any resource lands will be processed under the Type 2 procedure of Section 3.1.3. Both the Type 1 and Type 2 permits are subject to the following:

- A) A scaled plot plan will be submitted that shows: (1) all existing property lines; (2) the proposed location of the adjusted property line; (3) the location of existing above ground structures; (4) septic systems and wells and their distances from existing and proposed property lines and easements; and (5) the amount of land area in square footage or acres being added or subtracted, along with the approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all water courses;
- B) The owners of both properties that will be modified by the property line adjustment must sign the application form or a letter of authorization;
- C) If the application is approved, the adjusted property line will be surveyed and monumented by an Oregon licensed surveyor in accordance with the procedures of ORS 92, unless the circumstances in (1) or (2) apply. The survey will be submitted to the Planning Division for signature prior to filing with the County Surveyor, and will be accompanied by a written legal description of each of the adjusted parcels. A survey and monumentation are not required when both parcels will be greater than 10 acres [ORS 92.060(8)];
- D) Within one (1) year of final approval of a property line adjustment application, the survey, if required, will be filed with the County Surveyor and the deeds or other instruments of conveyance will be recorded with the County Clerk. The deeds or other instruments will describe the adjusted properties in their entirety. Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director based upon a written request from the applicant made prior to the expiration of the original 12 months, or within 30 days after that expiration date in accordance with Section 2.6.8. After 12 months, or at the end of any extension granted, the approval will be considered void if the required documents have not been recorded. In any event, the total time period within which to finalize the approval will not exceed two (2) years; and
- E) If the property line adjustment will result in any portion of a septic system, driveway, or well being located on a different parcel than the structure served by them, a condition of approval will require that an easement granting continued use of the improvement be recorded with the County Clerk.

3.4.3 Approval Criteria⁹

In nonresource districts, a property line adjustment may be approved if it complies with (A through F) below. In resource districts, a property line adjustment may be approved if it complies with all of the following:

- A) All properties were lawfully created;
- B) No new parcels will result from the adjustment;
- C) Except as provided by (F) and (G) below, and provided the standards of Section 10.4.4 are met, for properties located entirely outside the corporate limits of a city:
 - 1) Where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, after the adjustment one is as large as or larger than the minimum lot or parcel size for the applicable zone;
or
 - 2) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment. [2008 HB 3629]
- D) All buildings and improvements (e.g., septic systems, wells, etc.) will comply with the minimum setback requirements from the adjusted property line, unless a building or improvement does not currently comply with the minimum setback, in which case such building or improvement will not be made more nonconforming by the adjustment. Additionally, conforming on-site characteristics (e.g., landscaping or access) will not be made nonconforming;
- E) The adjustment will not result in parcel(s) that overlap a city limit, urban growth boundary, county, or State line;
- F) The adjustment will not result in a parcel being made buildable that was not capable of being developed prior to the adjustment for reasons such as being too small or narrow. However, a parcel that cannot be developed for residential purposes because it lacks access may acquire road frontage and be made buildable through a property line adjustment;
- G) In resource districts:
 - 1) A property line adjustment will not:
 - a) Decrease the size of a lot or parcel that, before the relocation or elimination of all or a portion of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

⁹Ordinance 2004-12, effective 2-6-2005

- (b) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
 - (c) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard. [2008 HB 3629]
- 2) A property line adjustment for the purpose of adjusting percentages of nonproductive soils on a vacant parcel for a zone change to a non-resource zone is prohibited.
 - 3) A property line adjustment for the purpose of transferring a dwelling from one parcel to another may be approved provided the parcel receiving the dwelling qualifies for a homesite.
 - 4) When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract. [OAR 660-006-0005(4) & 660-033-0020(4)]

3.5 PLANNED UNIT DEVELOPMENT (PUD) AND CLUSTER DEVELOPMENT PERMITS

3.5.1 Purpose and General Concept

Traditional zoning establishes zone boundaries, permitting specific uses of land within the various zones, and setting general conditions for those uses. Sometimes, however, land may be more effectively developed in planned unit developments (PUDs) or cluster developments that allow imaginative site design techniques through limited modification of the general standards of this Ordinance. This Section sets forth a procedure for developing PUDs and cluster developments, in order to achieve the following objectives:

- A) To ensure the creation of attractive, healthful, and efficient environments for housing, commerce, and industry;
- B) To permit flexibility in the application of this Ordinance in order to achieve more efficient and aesthetic development that harmonizes with adjoining uses;
- C) To encourage variety in site design through creative location of buildings, open spaces, off-street parking areas, and street alignment;
- D) To promote shared community facilities, open space, commonly shared amenities (beyond standard required public improvements such as lighting, streets, sanitary and storm sewer, water, and sidewalks) and sustainable development;
- E) To capitalize on the potential of special site features such as geography, topography, size, or shape; and

- F) To preserve open space for aesthetic, environmental and resource management purposes.

3.5.2 Authorization and Applicability

The County may authorize PUDs and cluster developments as set forth in this Section. Such developments will be subject to all conditions imposed by the County and may be exempted from other provisions of this Ordinance only to the extent specified in the development approval. Uses allowed in a PUD or cluster development are limited to those that may be permitted in the zoning district(s) in which the development is to be located.

3.5.3 Procedures

Applications for PUDs and cluster developments will follow the Type 4 standard review procedure set forth in Section 3.1.5, with the following modifications:

A) **Application**

The application will include a preliminary development plan for the entire project and supporting materials as specified in the User's Guide. The preliminary development plan may propose phased development.

B) **Planning Staff Recommendation**

The Planning Staff will prepare a written staff report, based upon the approval criteria set forth in Section 3.5.4, for review by the Planning Commission. The report will recommend approval, approval with conditions/modifications, or denial of the preliminary development plan based on those criteria.

C) **Decision on Preliminary Development Plan**

- 1) After a quasi-judicial public hearing, the Planning Commission and, if an appeal from the Planning Commission is filed, the Board of Commissioners will issue a written decision approving, approving with conditions or modifications, or denying the preliminary development plan based on the criteria set forth in Section 3.5.4.
- 2) Modifications or conditions which may be imposed by the approval authority include, but are not limited to, the following:
 - a) View-obscuring shrubbery, walls, or fences along property lines and around unsightly areas such as trash and equipment storage areas, and industrial and heavy commercial activities;
 - b) Retention of and setbacks from specified trees, rock outcroppings, ponds or water courses, and other natural features;
 - c) Sidewalks, dedicated right-of-ways for streets and pedestrian ways, and easements for utilities, waterways, or slopes;
 - d) Type and placement of lights used for pedestrian circulation and parking facilities;
 - e) On-site fire hydrants, with protective barricades if specified;
 - f) Height restrictions or increased setbacks;
 - g) Environmental and/or economic impact studies; and
 - h) Dedication of right-of-way needed for public use.

D) ***Final Development Plan and Platting Requirements***

Upon final approval of the preliminary development plan, the applicant will comply with the standards and conditions set forth by the County in the approval and will prepare a final development plan according to the procedures set forth below. In addition, when a PUD includes a land division, the final development plan must be accompanied by a final plat that satisfies the requirements of Section 3.3.2.

- 1) Within 24 months following the approval of the preliminary development plan, the applicant must submit the final plan to the County for review under a Type 1 procedure, along with any deed restrictions or deed declarations or land division plats needed to conform with the preliminary development plan approval. The final development plan and any land division plat required will contain the information required by the preliminary development plan approval, and will be reviewed by the County in accordance with Section 3.3.2(D). Notwithstanding any other provision of this Ordinance, the submittal of a final plan and final plat for a PUD or cluster development may be extended by action of the Planning Director for two additional 12 month periods consistent with the provisions of Sections 3.3.2(E)(2)(a) and (b) and Section 3.3.2(E)(3).
- 2) The permit will be null and void if the above deadline is not met, unless an extension request is filed and approved in compliance with Section 2.6.8;
- 3) The final development plan and plat, if any, must conform to the preliminary development plan, as approved by the County and any additional conditions that were imposed. The final plan will be prepared according to User's Guide specifications;
- 4) If the final development plan does not conform with the approved preliminary development plan including any conditions or modifications imposed, the County will not approve the final plan or plat, if any, and the applicant will be advised to submit an application for amendment of the PUD, which will be processed and considered in the same manner as an original application;
- 5) Any and all improvement work, including construction and inspection of County roads by Roads and Parks Services, will be the responsibility of the applicant prior to submission of a final development plan or plat. Where the applicant intends to post a bond or provide other assurances in lieu of completing the improvements, pursuant to Section 10.6, such bond or assurances will be to the satisfaction of the Director or other administrative official of the applicable agency or utility company, as a condition of final approval by the County; and
- 6) Development will be initiated within two (2) years of recordation of the final development plan and plat, if any. However, the County may grant a one (1) year extension as it deems appropriate.

E) ***Changes to a Planned Unit Or Cluster Development Subsequent to Its Completion***

The final development plan will continue to control the PUD after it is completed. Section 3.12 (Administrative Adjustments) does not apply to PUD approvals, and no change will be made in development contrary to the approved final development plan without approval of an amendment, as described in Section 3.5.3(D), except as follows:

- 1) Minor modifications of existing buildings or structures may be authorized by the Director through a Type 1 review process if they are consistent with the purposes and intent of the final plan and do not significantly modify the square footage of a building or structure.
- 2) A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned unit development if it is in compliance with the final development plan.

No modification or amendment to a completed PUD or cluster development may be approved that would violate a deed declaration limiting the use of the land, buildings, structures, and improvements within the area of the planned unit development.

3.5.4 Approval Criteria

The objectives of Section 3.5.1 must demonstrably be met by the proposed PUD or cluster development plan. In addition, a PUD or cluster development may be approved only if it complies with all of the following criteria:

- A) There will be no significant adverse effects on the project site or surrounding areas, in terms of water quality, public facilities, public safety, natural hazards, or scenic quality labeled as such within an Area of Special Concern;
- B) Adequate circulation facilities are provided in and around the project so that existing and planned development is not impeded, and no areas of undue congestion are created;
- C) The development will not require publicly maintained roads, streets, or County services beyond those that would otherwise be required by this Ordinance;
- D) There are adequate provisions for ongoing maintenance of open space and common areas, and if development is to occur in phases, early phases will have the same or higher ratio of amenities as proposed in later phases of the development; and
- E) In rural residential areas outside urban growth or urban unincorporated community boundaries, the proposed development complies with the standards of Section 6.3.2(D)(2) and OAR 660-004-0040(7)(e)(A) through (H).

3.6 SEWER SYSTEMS AND EXTENSIONS ON RURAL LANDS

3.6.1 Authorization

Public sewer systems may be constructed or extended within urban growth

boundaries and acknowledged unincorporated communities without County review except where a floodplain development permit is required.

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

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

3.6.2 Procedure

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

Permitted uses and lawfully established structures on properties approved for sewer connection as depicted in ASC 2003-1 shall be permitted connection through a Type 1 procedure.

Permit applications for new sewer systems or sewer extensions to be constructed outside urban growth or unincorporated community boundaries in order to mitigate a public health hazard situation will be processed under the Type 2 procedures of this Ordinance, and in accordance with the provisions of OAR 660-011-0060. To be accepted as complete, a sewer permit application must be filed with a health hazard determination and recommendation from the Oregon Department of Environmental Quality (DEQ) or the Oregon Health Division.

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

3.6.3 Approval Criteria

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

3.7 AMENDMENTS TO THE COMPREHENSIVE PLAN OR ZONING MAPS

3.7.1 Types of Comprehensive Plan Amendments

A) **Amendments to Text**

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

- 1) *Minor Text Amendments (Legislative)*: Text amendments to the Comprehensive Plan that do not directly affect adopted goals, policies, or patterns of land use. Examples include, but are not limited to: changes to document style, format, or layout to enhance clarity; revising text to reflect updated inventories; adding explanatory text; and grammar. See Section 3.8 for text amendments to this Ordinance.
- 2) *Major Text Amendments (Legislative)*: Amendments that directly affect adopted goals, policies, or patterns of land use. Examples include, but are not limited to: adopting a new policy or implementation strategy; or revising goals of the Plan.

B) **Amendments to the Official Comprehensive Plan Maps or Zoning Maps**

- 1) *Minor Map Amendments (Quasi-Judicial)*: Amendments that propose a change applicable to a relatively small area or number of parcels or ownerships and that do not have significant impact beyond the immediate area of the proposed change (e.g., changes to the Map designation of a single property). Such changes will be based on the factual evidence supporting the change.
- 2) *Minor Map Amendment (Legislative)*: Amendments that propose a change to correct mapping, iconographic, scrivener and similar errors and that do not alter the substance of a map. Such changes will be based on a comparison of the map with the ordinance that created it and the legislative history of the ordinance.
- 3) *Major Map Amendments (Legislative)*: Amendments that may have widespread and significant impact beyond the immediate area or parcels where a land use action is proposed that are subject to the amendment; or that involve a qualitative change of use; or that involve a spatial change affecting a large area or many ownerships. Such amendments are intended to be the result of special studies or other information that can serve as the factual basis to support the change.
- 4) *Jackson County Public Park (JCPP) Overlay (Quasi-Judicial)*: The Jackson County Public Park (JCPP) Overlay is exempt from the provisions of Sections 3.7.2 and 3.7.3. Adoption or amendments of a JCPP is subject to the standards and procedures of Section 3.7.4.
- 5) *Historic Landmarks*: Designation of historic landmarks is subject to Section 3.7.5.

3.7.2 Procedures

A) **Initiation**

- 1) Text amendments to the Comprehensive Plan may be initiated only by the Board of County Commissioners or the Jackson County or White City Planning Commissions.
- 2) Minor Comprehensive Plan Map or Zoning Map amendments may be initiated as provided in Section 2.6.1 or by the Board of County Commissioners or the Jackson County or White City Planning Commissions.
- 3) Major Comprehensive Plan Map or Zoning Map amendments may be initiated only by the Board of County Commissioners or the Jackson County or White City Planning Commissions.

B) **Scheduling Major and Minor Amendments**

Major and minor text or map amendments may be heard as often as deemed necessary by the relevant Planning Commissions or the Board of Commissioners. Text amendments needed to bring this Ordinance or the Comprehensive Plan into compliance with changes in State or Federal Law will be scheduled as needed.

C) **Standard Review Procedure**

Comprehensive Plan amendments will follow the Type 4 review procedure set forth in Section 3.1.5.

D) **Joint Consideration**

The relevant Planning Commission and the Board of Commissioners may hold a joint hearing on a proposed amendment, provided the notice of hearing required by Section 2.7.6 is mailed at least 20 days before the hearing. In addition, the Planning Commission or the Board of Commissioners may hold joint hearings with city planning commissions or city councils to consider matters of mutual concern. Joint hearings will be governed by the same general rules as would otherwise apply to hearings by the bodies separately. Prior to accepting testimony on the proposed amendment, the Commission and Board will determine if the bodies will jointly or separately deliberate on the matter.

3.7.3 Approval Criteria

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

A) **Minor Text Amendments (Legislative)**

The amendment will correct a nonsubstantive error, improve the accuracy of information, or expand the data contained in the Comprehensive Plan.

B) **Major Text Amendments (Legislative)**

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

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

All proposed minor map amendments will be reviewed for compliance with the criteria set forth below and with all other applicable provisions of this Ordinance and the Comprehensive Plan¹⁰:

- 1) Adequate public safety, transportation, and utility facilities and services can be provided to the subject property. In the case of a minor zoning map amendment, adequate transportation facilities must exist or be assured;
- 2) The minor map amendment will not prevent implementation of any area of special concern or restrictions specified for that area in Chapter 7 or the adopting ordinance creating it, or both;
- 3) On resource zoned lands outside urban growth boundaries, the entire parcel is included in the minor Comprehensive Plan Map unless the purpose of the amendment conforms with the criteria of Policy 1 of the Comprehensive Map Designations Element;
- 4) Map amendments outside urban growth boundaries and urban unincorporated communities that will result in a minimum residential lot size smaller than 10 acres meet the requirements for an exception to Statewide Planning Goal 14;
- 5) Any minor Zoning Map amendment is consistent with the Comprehensive Plan Map designation;
- 6) In the case of a minor Comprehensive Plan Map amendment, community benefit as a result of the minor map amendment is clearly demonstrated; and
- 7) In determining the appropriateness of the proposed redesignation, the White City or Jackson County Planning Commission and Board of Commissioners will consider any factors relevant to the proposal, which may include: topography, geology, hydrology, soil characteristics, climate, vegetation, wildlife, water quality, historical or archaeological resources, scenic resources, noise, open space, existing site grading, drainage, adverse impacts on other property in the vicinity, and any other factors deemed to be relevant to the application.

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

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

- 1) Changes in economic or social conditions, or settlement patterns, require an adjustment in the configuration of land uses allowed in a region or subregion of the County;

¹⁰ These criteria are superseded in Aggregate Resource plan and zone amendments by OAR 660-023-0180. The applicable criteria in aggregate amendment cases is found in the Map Designation Element of the Comprehensive Plan, other elements of this Plan, and in other sections of this LDO.

- 2) Development occurs at rates other than that contemplated by the Plan, making a major map amendment necessary; or
- 3) An error needs to be corrected or the Official Plan and Zoning Map needs to be brought into compliance, or more into compliance, with Statewide Planning Goals and related Oregon Administrative Rules or other relevant law.

In designated Areas of Special Concern, such amendments will also comply with the relevant provisions of Chapter 7. Such amendments may have widespread and significant impacts. Map amendments outside urban growth boundaries and urban unincorporated communities that will result in a minimum residential lot size smaller than 10 acres require an exception to Statewide Planning Goal 14.

E) ***Standards For Amending an Adopted Urban Growth Boundary, Urban Fringe, or Buffer Area***

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.

3.7.4 Designation of a Jackson County Public Park Overlay (JCPP)

A) ***Public Park Master Plan Required***

A Jackson County Public Park Overlay will be adopted and applied to property only when in conjunction with a Public Park Master Plan pursuant to ORS 275.320 and the provisions of this Section. A Public Park Master Plan is an overall plan adopted by the County to guide the development of park uses and services, and to define the boundaries of the JCPP Overlay.

Public Park Master Plans are adopted as part of the Comprehensive Plan in conformance with OAR 660-034-0040(1). Plans will be prepared and adopted applying criteria comparable to those required for uses in state parks under OAR 736, Division 18. Public Park Master Plans will also demonstrate compliance with ORS 215.296 for all uses and activities proposed on or adjacent to land zoned for farm or forest use. [OAR 660-034-0040]

- 1) ***Standards and Criteria:*** In order to grant approval of a Public Park Master Plan, the County must make the following findings:
 - a) That the Public Park Master Plan complies with applicable provisions of this Section and the Jackson County Land Development Ordinance as a whole, and applicable state statutes, federal laws, state and federal administrative rules, and regulations. Findings are not required for those portions of the Land Development Ordinance that have been specifically exempted by the provisions of this Section; and,
 - b) For approval of a Public Park Master Plan covering land zoned for Exclusive Farm Use (EFU) under ORS Chapter 215, the County must also find that the use will not:

- i) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or,
- ii) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

The County, at its discretion, may impose any conditions it deems necessary to ensure the criteria identified in this Section are met.

- 2) *Contents of Public Park Master Plan:* A Public Park Master Plan composed of a physical development plan and narrative adopted under the provisions of this Chapter will contain the elements prescribed in the User's Guide for this Ordinance.
- 3) *Allowable Uses:* Allowable uses are subject to the provisions of the Jackson County Comprehensive Plan and Land Development Ordinance, except where specifically exempted or modified by the special provisions of this Section, or as otherwise provided below. An exception to Statewide Planning Goals 3 or 4 is not required for the uses listed herein on agricultural or forest land within a local park, provided such uses, alone or in combination, meet all other statewide goals and are described and authorized in a Public Park Master Plan adopted in accordance with this Section. [OAR 660-034-0040]
 - a) Lawful uses in existence in local parks on July 15, 1998, may continue as otherwise provided by this Ordinance;
 - b) All uses allowed in the Jackson County Public Park Overlay are subject to a Public Park Master Plan as provided for in this Section. Uses approved as part of the plan are permitted as a Type 1 use, along with all uses allowed in the underlying zone. Uses may include some or all of the following:
 - i) Uses otherwise allowed in the underlying zone;
 - ii) Campground areas: recreational vehicle sites, tent sites, camper cabins, yurts, tepees, covered wagons, group shelters, campfire program areas, camp stores;
 - iii) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
 - iv) Recreational trails: walking hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - v) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump-out stations;
 - vi) Amenities related to park use intended only for park visitors and employees: laundry facilities, recreation shops, snack shops not exceeding 1,500 square feet of floor area;
 - vii) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage

- collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - viii) Park maintenance and management facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - ix) Uses allowed by a park master plan that was adopted as part of the acknowledged Comprehensive Plan prior to July 15, 1998;
- c) Other uses may be allowed if an exception to any Statewide Planning Goal that would prohibit the use, is adopted pursuant to ORS 197.732 and OAR Chapter 550, Division 004; and
 - d) In cases where land subject to a JCPP Overlay is also subject to one or more other overlays, the uses and procedures of the other overlays will govern.

B) Adoption Procedures

In considering and adopting a Public Park Master Plan and JCPP Overlay, the administrative procedures of Section 3.1.5 will apply with respect to public notice, public hearings, conditions or approval, and appeals. A Public Park Master Plan and JCPP Overlay may be initiated by written declaration by Jackson County Parks Services, Jackson County Board of Commissioners, or a designated agent of any local, state or federal jurisdiction. The declaration will state the scope and nature of the park to be proposed for consideration under this Section. The declaration will be noticed in the same manner as provided for public hearings under Section 2.7.5. After initiation, the procedures listed below will be followed:

- 1) The Jackson County Parks Advisory Committee will determine a level of citizen involvement appropriate to the scale and nature of the planning effort, and provide appropriate direction to the Development Services Department regarding how citizen input should be solicited and received. Within five days following a determination by the Parks Advisory Committee, the Director will so advise the Board of Commissioners and the designated agent of any other public body in writing. The Board of Commissioners may direct a greater or lesser level of citizen involvement;
- 2) The Jackson County Parks Advisory Committee will gather and receive information and materials pertinent to the project, study the plans and information, consider alternatives, advise staff, revise plans where appropriate, formulate, and forward a recommendation to the Planning Commission;
- 3) Upon receiving a recommendation from the Jackson County Parks Advisory Committee, the Planning Commission will hold a public hearing for the purpose of formulating a recommendation to the Board of Commissioners regarding the adoption of a proposed Public Park Master Plan and JCPP Overlay; and

- 4) Upon receiving the Planning Commission's recommendation, the Board of Commissioners will hold a public hearing for the purpose of considering the Parks Advisory Committee and Planning Commission recommendations. The Board of Commissioners may adopt, reject, or modify the recommendations. An action by the Board of Commissioners approving a Public Park Master Plan and JCPP Overlay will be in the form of an ordinance amending the Official Comprehensive Plan and Zoning Map(s), and may include conditions of approval deemed necessary to ensure the criteria of Section 3.7.4(A)(1).

C) **Revisions of an Adopted Public Park Master Plan**

Revisions of an adopted Public Park Master Plan fall into three (3) categories: changes to elements within building envelopes, minor revisions, and major revisions. The Director will determine whether proposed changes are to be considered major or minor under the provisions of this Section. The standards and criteria for major and minor revisions are the same as set forth in Section 3.7.4(A)(1). The procedures for considering and adopting the different types of revisions are as follows:

- 1) *Elements within Building Envelopes:* Within building envelope(s) as illustrated and described in an adopted Public Park Master Plan, the size, location, and arrangement of elements is expressly allowed to change without need for further authorization unless the Director determines that the scope of the changes are of sufficient importance to warrant a minor or major revision.
- 2) *Minor Revisions:* Minor revisions include any revision to a Public Park Master Plan that will not result in widespread or significant impacts beyond the boundaries of an existing JCPP Overlay. Minor revisions may be approved by the County under the Type 2 procedures described in this Chapter.
- 3) *Major Revisions:* Major revisions include any revision that significantly changes the boundaries of a Public Park Master Plan or JCPP Overlay, or other change which will result in widespread or significant impacts beyond the boundaries of an existing JCPP Overlay. Major revisions will follow the same procedures as used for the original adoption, as described in this Section.

3.7.5 Designation of Historic Landmarks

The Jackson County Register of Historic Landmarks, hereafter referred to as the "Register," is a document that has as its purpose an increase in public awareness of, together with an official recognition and intent to protect, the districts, sites, buildings, structures, objects, and natural features that have contributed to the archaeological, architectural, aesthetic, cultural, and historic development of Jackson County.

A) **Designation of Historic Landmark**

- 1) **Required Findings:** The County may designate an historic resource as a landmark under a Type 4 procedure when the resource has been listed on the National Register of Historic Places or if all of the following findings can be made:

- a) The proposed historic landmark has historic significance;
- b) The proposed historic landmark has integrity of location, design, setting, materials or workmanship; and,
- c) The value of preserving the historic resource as an historic landmark outweighs the value of the identified conflicting uses, taking into consideration the economic, social, environmental, and energy consequences of each alternative.

The specific criteria relevant to each of these are set out fully in subsections (2) through (4) below.

- 2) *Criteria for Historic Significance:* In order for a property to be determined to be of historic significance and eligible for listing in the Register, it must be at least 50 years of age (if the property is less than 50 years of age it must be shown to be of exceptional significance) and satisfy at least one of the following criteria:
 - a) Inclusion on the National Register of Historic Places;
 - b) Association with events or periods of development that have made a significant contribution to the broad cultural patterns of history. This association will be direct and the event or activities will have significantly affected past social behavior, historic trends, or community, state, or national development;
 - c) Significant architectural design or mode of construction because of:
 - i) Representative character of a period or style of architecture or method of construction;
 - ii) Extraordinary or unusual architectural merit by reason of its design detail, use of materials or craftsmanship; or,
 - iii) Identification as the work of an architect, designer, or master builder whose individual work has influenced development in the nation, state, region, or County;
 - d) Association with ethnic, religious, or social groups with distinctive traits, beliefs, and social forms;
 - e) Identification as a significant object representing an aesthetic, educational, or scientific feature of the region, such as:
 - i) Archaeological sites which contain material evidence of human activities of the prehistoric or historic past;
 - ii) Natural features which provided habitat or influenced settlement and development of the prehistoric or historic past;
 - iii) Scenic features which have received value for their aesthetic appearance and recreational use during the historic period; or,
 - iv) Conservation areas which represent early attempts at protecting natural resources for public benefit; and,
 - f) Contains interior features of a nonresidential, historic

landmark provided the County finds that the feature:

- i) Is in a building or structure that is normally open to the public;
 - ii) Is physically attached to the building or structure so as to become a part of the building or structure; and,
 - iii) Meets the historic significance, integrity, and conflicting use identification criteria of this Section.
- 3) *Determination of Integrity, Quality, and Quantity:* In determining whether the proposed historic landmark has integrity of location, design, setting, materials, or workmanship, the County will consider the criteria below:
- a) Findings will be made as to the quality of the proposed resource site's relative value as compared to other examples of the same resource within the study area. Relevant, but not necessary to this finding, are the following:
 - i) Whether or not the property is in its historic setting and remains essentially as it appeared during the relevant historic period;
 - ii) Whether or not sufficient original workmanship and material remain to show the construction technique and stylistic character of a given period;
 - iii) Whether or not the immediate setting of the property retains the planting scheme, plant materials, or land uses of the relevant historic period or the landscaping is consistent with that period; and,
 - iv) Whether or not the property contributes materially to the architectural continuity or scheme of the area (street or neighborhood); and
 - b) Findings will be made as to the relative abundance of the same or similar resource within the study area.
- 4) *Conflicting Use Identification:* In order to carry out the conflicting use analysis contained within Section 3.7.5(A)(1)(c) above, uses that, if allowed, could negatively impact the historical site will be identified and weighed against the use of the site as an historical landmark. The actual use planned for the property by its owner or owners may be identified as a conflicting use. In the absence of a development proposal, this conflicting use will be the highest and best use (i.e., commercial, industrial, high-density residential, etc.) of the property, as improved with the most intensive development and structures allowed by the currently applicable zoning and Comprehensive Plan designation. "Highest and best use" means the reasonable and probable use that is physically possible and financially feasible that supports the highest present value of the land.

B) *Register Designation/Removal Procedures*

- 1) Nomination to or removal from the Register of an historic resource may be requested by the owner or the owner's agent. The County or a member of the general public may also request nomination but will

first obtain the written permission of the property owner.

- 2) Owners of property on the Register may refuse historic resource designation at any time prior to adoption of the designation. The County will not include a site on the Register if the owner of the property objects to its designation (*OAR 660-023-0200(5)*).

C) ***Historic Landmark Preservation Conditions***

At the time of designation, the County may prescribe conditions intended to preserve or enhance the unique characteristics of the proposed historic landmark in its final ordinance designating historic landmark status. Conditions prescribed may include any or all of the following:

- 1) Design standards to be applied to exterior and interior alterations and new construction not otherwise addressed in this Section. Included in these design standards will be a description of the character-defining features of the historic landmark;
- 2) Development standards, to be applied to designated historic property or districts, which may prescribe building placement, lot coverage, setbacks, and general site development in order to retain views and site features. Included in these development standards will be a description of the physical boundaries of the designated property and identification of the contributing and noncontributing elements of the resource;
- 3) A maintenance section setting forth the extent and types of repair and maintenance that may be undertaken without first obtaining an alteration permit; or,
- 4) A modifications section based on the requirements pertaining to modification of certain regulations and specifically listing what modifications to zoning and sign development regulations are to be applied to the proposed historic landmark.

D) ***Modification of Regulations***

- 1) The County may modify zoning regulations pertaining to signs, fence and wall provisions, general provisions regarding height, yards, area, lot width, frontage, depth, coverage, number of off-street parking spaces required, and regulations prescribing setbacks subject to the provisions listed below. Modification of zoning regulations will be clearly stated in the final order designating historic landmark status, and if further modifications become necessary and were unanticipated at the time of original designation, the County may change its final order for said further modifications providing it is found that the modifications:
 - a) Are necessary to preserve the historic character, appearance or integrity of the proposed historic landmark; and,
 - b) One of the following:
 - i) Are in accordance with the purposes of zoning and sign regulations; or,

- ii) Will assist in providing an economic incentive for the preservation of the proposed historic landmark.
- 2) When considering property for designation, or alteration after designation, the County may recommend to the Building Official that alternative materials and methods be used or considered for use or that other code considerations be applied to historic property subject to the provisions of the State of Oregon Uniform Building Code, "Historical Buildings Section 104(F)." The decision by the Building Official will be in writing and be incorporated in the designation of the historic landmark.
 - 3) At the owner's written request, the County will remove a historic property designation that was imposed on a property by the County. (OAR 660-023-0200(6))
 - 4) The County will not issue a permit for demolition or modification of an historic resource described in (3) above for at least 120 days from the date a property owner requests removal of historic resource designation from the property. (OAR 660-023-0200(9))

3.8 TEXT AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE

3.8.1 Purpose

The Board of Commissioners, in accordance with the procedures of this Section, may amend the text of this Ordinance. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but to make adjustments to the text of this Ordinance that are necessary in light of changed circumstances or changes in public policy, or that are necessary to advance the general welfare of the County.

3.8.2 Procedures

A) *Initiation*

Text amendments to this Ordinance may be initiated only by the Board of County Commissioners or the Jackson County or White City Planning Commissions.

B) *Standard Review Procedure*

Applications for amendments to this Ordinance will follow the Type 4 review procedure set forth in Section 2.7, as identified in Table 2.7-2.

3.8.3 Approval Criteria

Recommendations and decisions on LDO text amendments will be consistent with and adequate to implement all applicable provisions of the Comprehensive Plan, the Statewide Planning Goals, and Oregon Administrative Rules. Notice of amendments will be provided by the County as required by ORS 197.610 and ORS 215.503.

3.9 WRITTEN INTERPRETATIONS¹¹

3.9.1 Written Interpretations by the Director

An application for written interpretation of this ordinance will be processed under

¹¹ Ordinance 2009-1, effective 8-16-2009

the Type 2 procedures of Section 3.1.3 with the following modifications:

- A) The Director's interpretation will be in writing, and a copy will be provided to the applicant and parties entitled to notice of the decision.
- B) The Director's interpretation will thereafter be binding in relation to the specific matter presented by the applicant, and will have no other binding or precedential effect.
- C) The record of interpretations will be kept in the Development Services Department and will be available for public inspection during normal business hours.
- D) Appeal of the Director's interpretation will be to the Board of Commissioners in accordance with Table 2.1-1. The interpretation of the Board of Commissioners upon appeal will be binding and will govern the application of the relevant provision of this Ordinance in all cases.

3.9.2 Director's Referral for Interpretation by the Board of Commissioners

A) Purpose

- 1) When the meaning of a provision of this Ordinance is in doubt or dispute or lacks adequate clarity or otherwise significantly impairs the proper administration and application of this Ordinance, the Director may refer the provision to the Board of Commissioners for a binding written interpretation.
- 2) The Director may also exercise this authority when, in the Director's judgment, any decision of the Hearings Officer misapplies or misinterprets this Ordinance. In such cases, the Hearings Officer's decision shall stand, subject to an appeal to LUBA as provided in the Chapter 2.

B) Procedures

- 1) The Director shall prepare a written referral of such a provision and transmit it to the Board of Commissioners. Copies of the referral shall simultaneously be provided to the JCPC and to the WCPC, if the provision to be interpreted affects White City. The referral will be processed as a Type 2 determination consistent with the provisions of Section 2.7.6.
- 2) The written referral will identify the provision for which an interpretation is sought and will include a clear statement of the reason for the referral and of the implications of the various interpretations known at the time of the referral. Nothing in this provision shall limit the Board of Commissioners' authority to adopt any interpretation it deems proper.

C) Hearing and Notice of Hearing

- (1) The Board of Commissioners shall notice and schedule a hearing within 45 days of receipt of the referral, and notice will be provided in a manner consistent with Section 2.7.6(C)(1).
- (2) Notice of all written interpretations shall be provided to all parties who have notified the Planning Division in writing of their interest in

such notification. Notice shall also be posted on the County's website. The Director shall keep a current list of all those who have requested to receive notices.

- D) **Evidence**
All evidence and testimony offered shall be restricted to the provision referred for interpretation and must be material to that issue. The Board of Commissioners may exclude evidence and testimony that is not germane to the issue referred for interpretation.
- E) **Decision**
The Board of Commissioners' determination on the Directors referral must be rendered within 15 days of the close of the noticed hearing.
- F) **Appeal**
A decision on a land use application which relies on such an interpretation is subject to appeal as provided in Chapter 2, and such an appeal may include assignments of error relating to the interpretation.
- G) **Binding Interpretation**
Interpretations adopted by the Board of Commissioners shall be binding and will govern the application of the relevant provision of this Ordinance in all cases.

3.9.3 Record of Interpretations

- A) **Permanent Record**
The Director shall establish and maintain a permanent record of all interpretations rendered pursuant to Section 3.9. Each interpretation shall be entered into the record within 5 days of its having been rendered.
- B) In the case of an interpretation rendered by the Director pursuant to Section 3.9.1, the interpretation shall be entered into the record within 5 days of the expiration of the appeal period if no appeal is taken. If an appeal is taken, only the interpretation rendered by the Board of Commissioners shall be entered into the record.
- C) **Elements of the Record**
 - 1) The record shall contain a comprehensive summary of all interpretations, organized by LDO section number. Entries within each section shall be organized by the date of the interpretations, and each entry shall indicate what body rendered it.
 - 2) The summary shall be updated with each new interpretation entered into the record, and a copy of the most current summary shall be included as a part of the annual update of this Ordinance.

3.10 CREATION OF NEW ROADS WITHOUT LAND DIVISION

3.10.1 General Provisions

- A) **Purpose**
The purpose of these regulations is to establish procedures to be followed in the creation and development of new publicly maintained and private

roads when no land division is proposed.

B) **Applicability**

These provisions are applied when a new road is proposed to serve as access to an existing lot or parcel. New roads that will be created to serve as access to lots and parcels created as part of a land division are subject to the land division procedures of Section 3.3 and Chapter 10.

3.10.2 Procedures

A request to create a new private road to provide access to existing lots or parcels is processed under the Type 1 procedure unless otherwise required in the underlying zoning district. A request to create a new public road is processed under a Type 4 procedure. See also Section 9.5.1(E).

A) **Application Requirements**

The following information must be submitted as part of a request for a new road:

- 1) A tentative map showing the proposed location, width and length of the road;
- 2) A Title Report and exception document showing all existing easements of record within the proposed road area. The report will be based on research going back in time without limitation, and must indicate all easements and encumbrances that affect the property;
- 3) An engineer's design report for any proposed private road that specifically identifies both the minimum construction standards necessary for the road to provide a minimum life of five years, necessary maintenance measures, type of work to be done annually, and the minimum annual maintenance cost. The engineer's design report will take into consideration the terrain, soil, and slope aspects of the property and the proposed road; and
- 4) Written authorization and consent to creation of the road by all owners of the property the road will cross.

B) **Approval**

The Director will review the proposed road for consistency with the standards in Section 9.5 and any other applicable standards of the affected zoning designation and this Ordinance. If the Director determines that the standards have been or can feasibly be met, the road will be approved. Conditions may be placed on the approval when necessary to assure that all standards will be met.

3.11 VARIANCES

3.11.1 Approval Criteria

Applications for variances will be processed under the Type 3 procedures of Section 3.1.4, and may only be approved when **all** of the following criteria are met:

- A) Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over

which the applicant has no control;

- B) The variance is necessary for the preservation of a property right of the applicant, substantially the same as is possessed by owners of other property in the same zoning district or vicinity;
- C) The variance would not be materially detrimental to the intent of this Ordinance, to property in the same zoning district or vicinity in which the property is located, or otherwise conflict with the objectives of any County plan or policy;
- D) The variance requested is the minimum variance that would alleviate the hardship; and
- E) The conditions for which the variance is requested were not self imposed through the applicant's own actions, nor the actions of the applicant's agents, employees, or family members.

3.12 ADMINISTRATIVE ADJUSTMENTS

3.12.1 Purpose and Scope

While special setbacks (e.g., resource district setbacks, riparian habitat, fuelbreak, vision clearance) may not be administratively adjusted, minor modification of certain site development standards of this Ordinance may be allowed under a Type 2 procedure to create flexibility in site development, or to address site-specific constraints.

3.12.2 Approval Criteria

The Director may authorize an adjustment in accordance with Section 3.12.3 below, only upon finding that the adjustment:

- A) Advances the goals and purposes of this Ordinance;
- B) Results in less visual impact;
- C) Results in more effective environmental or open space preservation; or
- D) Relieves practical difficulties in developing a site.

3.12.3 Modifications Authorized

The following modifications may be authorized under this Section:

- A) Modification up to 10 percent per lot of any zoning district setback, lot width, or height standard up to a maximum of two lots per development. An administrative adjustment of the maximum height standard is not permitted in the Airport Approach or Airport Concern Overlay;
- B) Modification up to 20 percent of any of the commercial zoning district sign area standards of Section 9.6; and
- C) Modifications up to 10 percent of any of the site landscaping standards of Section 9.2.

CHAPTER 7. OVERLAYS

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CHAPTER 7.¹ OVERLAYS

7.1 ENVIRONMENTAL AND CULTURAL OVERLAYS

The purpose of these overlays is to protect site-specific environmental and cultural resources and through the application of additional development regulations and requirements. Use of this land will be governed by the underlying zoning regulations as well as the special regulations set forth in this Section. All uses will comply with the general dimensional standards set forth in Chapter 8.

7.1.1 Areas of Special Concern

A) **ASC 80-2 Ashland Watershed**

1) *Description*

This area consists of the Ashland Watershed. The portion of the watershed designated ASC lies within the boundaries of the Rogue River National Forest. The County recognizes domestic water supply production to be the primary use of this land, and that other activities or uses within the watershed are secondary; and

2) *Special Regulations or Development Standards*

Since certain activities which take place in a municipal watershed can have an adverse impact on that resource, the County will, to the extent of its legal authority, provide for the protection of the Ashland Municipal Watershed from uses which could impact the quality of the water and increase erosion, and may attach special conditions during the development review process to protect the quality of the water and reduce erosion.

B) **ASC 82-2 Bear Creek Greenway**

1) *Description*

This area consists of the lands identified on the official Bear Creek Greenway Maps.

2) *Special Regulations or Development Standards*

The County refers to *The Bear Creek Greenway Plan: Management Policies and Guidelines (1982)* and *the Bear Creek Greenway Plan: Ashland to Central Point (1988)* for guidance on uses appropriate to the Greenway. The County will, to the extent of its legal authority, provide for the implementation of these plans during the development review process, through the implementation of the use restrictions set forth below, and in some cases by attaching special conditions to development approvals.

3) *Uses Permitted*

Notwithstanding the provisions of Table 6.2-1, 4.2-1, 4.3-1 or 4.4-1, the following use restrictions will apply in this area.

¹Ordinance 2006-10, effective 2-18-07

- a) Type 1: The following uses are permitted under a Type 1 approval process within ASC 82-2 provided the use is permitted as a Type 1 use within the underlying zone:
 - i) Open space and parks;
 - ii) Agriculture;
 - iii) Fishing and hunting reserves where compatible with other uses;
 - iv) Utility facilities necessary for public service provided such facilities are underground;
 - v) Sedimentation ponds when used in conjunction with aggregate removal operations;
 - vi) Pedestrian, equestrian and bicycle trails; and
 - vii) Riparian enhancement.

- b) Type 3
 All other uses within the primary zoning district will be subject to a Type 3 permit approval process. Type 3 permits requested within the ASC 82-2 will be consistent with the Bear Creek Greenway Plan and related documents.

C) ASC 90-1 Deer and Elk Habitat

- 1) Description
 This area includes all lands on which development can affect survival of Black-tailed deer or Roosevelt elk herds as described in the Natural and Historic Resources Element (Chapter 16) of the Comprehensive Plan. Such lands are identified as winter range habitat on base maps prepared by the Oregon Department of Fish and Wildlife (ODFW) and adopted by the Board of Commissioners as ASC 90-1. Winter range is classified by ODFW as "Especially Sensitive," "Sensitive", and "Other", with commensurate levels of protection provided to protect the carrying capacity of the range as set forth in the Jackson County Comprehensive Plan.
 - a) Winter range units classified by ODFW as "Especially Sensitive" include:
 - i) Upper Applegate Unit
 - ii) Agate Flat Unit
 - iii) Lake Creek Unit
 - iv) Grizzly Unit
 - v) Big Butte Creek Unit
 - vi) Upper Rogue Unit
 - vii) Elk Creek Unit

 - b) Winter range units classified by ODFW as "Sensitive" include:
 - i) Trail Creek Unit
 - ii) Cottonwood Creek Unit
 - iii) Lower Applegate Unit

- iv) Evans Creek Unit
- c) Units identified by ODFW as "Other Winter Range" include:
 - i) Sardine Creek Unit
 - ii) West Valley Unit
 - iii) Dead Indian Memorial Road Unit

2) *Minimum Parcel Size*

New parcels that are created by partition or subdivision in winter range units will comply with the following minimum parcel sizes:

- a) Especially Sensitive Winter Range units: 160 acres;
- b) Sensitive Winter Range units: 40 acres, or the minimum parcel size required by the underlying zoning district, whichever is larger; and
- c) Other Winter Range units may be divided according to the prevailing minimum parcel/lot size for the zoning district.

3) *Gating Requirements*

New private roads will be gated between November and April (where permitted by law) to protect wintering deer and elk. Individual driveways to dwellings or other buildings that are within 300 feet of a public road are exempt from gating requirements.

4) The standards of this subsection are deemed to comply with the deer and elk habitat protection measures recommended by ODFW and therefore do not require ODFW comment on Type 1 permits issued in conformance with this subsection. A first dwelling on a lawfully created lot or parcel will be located within 300 feet of an existing:

- a) Public or private road;
- b) Driveway that provides access to an existing dwelling on another parcel (provided the new dwelling unit will not take access on it unless the driveway is improved to the private road standards of Section 9.5.3); or
- c) Other developed access way that existed as shown on the County 2001 aerials or other competent evidence (e.g., a road or driveway for a legal easement recorded prior to the aerial date).

To be considered under the locational criteria of this subsection, any access must, at a minimum, conform with the emergency vehicle access standards of Section 9.5.4. When an initial dwelling is proposed to be sited in an alternative location that does not conform to the standards of this subsection, the alternative location may be allowed through a Type 2 review process in accordance with subsection (6), below.

5) *General Development Standards*

The following standards apply to all discretionary land use permits subject to review under this Section, unless a condition of approval when the parcel was created required compliance with

prior habitat protection standards. The land use decision will include findings that the proposed use will have minimal adverse impact on winter deer and elk habitat based on:

- a) Consistency with maintenance of long-term habitat values of browse and forage, cover, sight obstruction;
 - b) Consideration of the cumulative effects of the proposed action and other development in the area on habitat carrying capacity; and
 - c) Location of dwellings and other development within 300 feet of an existing public or private road, or driveway that provides access to an existing dwelling as shown on the County 2001 aerials or other competent evidence. When it can be demonstrated that habitat values and carrying capacity are afforded equal or greater protection through a different development pattern an alternative location may be allowed through the discretionary review process described in subsection (6), below;
 - d) Dwellings other than the initial dwelling on a lot or parcel will comply with one (1) of the following, as applicable:
 - i) A maximum overall density (within the tract) of one (1) dwelling unit per 160 acres in Especially Sensitive Winter Range units, or one (1) dwelling unit per 40 acres in Sensitive Winter Range units; or
 - ii) Clustering of new structures within a 200-foot radius of the existing dwelling to achieve the same development effect as would be achieved under i), above.
- 6) *ODFW Approved Alternate Siting Plan*
Initial dwellings and other development may be sited in locations that do not conform with subsections (4) and (5) above when the applicant demonstrates at least one (1) of the following:
- a) The wildlife habitat protection measures required by Section 7.1.1(C)(4) will render the parcel unbuildable; or
 - b) A written authorization approving an alternate siting plan is received from ODFW. Any such authorization must include a statement from ODFW that confirms habitat values and carrying capacity will be afforded equal or greater protection if the dwelling or other development is sited in the alternate location. The written authorization must be made on ODFW letterhead or forms and be signed by an ODFW official with authority to make habitat protection decisions. Authorization of an alternative dwelling location will not release an applicant from compliance with any other applicable standard of this Ordinance.

D) **ASC 90-2 Bald/Golden Eagle, Osprey, Great Blue Heron Nesting Areas**

1) *Description*

This area includes lands identified as significant bald and golden eagle, osprey, and great blue heron nesting areas. Regulation of land use is needed to protect these birds' aeries and rookeries.

2) *Special Regulations or Development Standards*

- a) Land use actions including road construction, reconstruction, aggregate operations, and other uses proposed within the Area of Special Concern will be subject to review to minimize any potential adverse effects upon protected bird species, particularly during their nesting season. When a land use action is proposed within an identified nesting area, the Oregon Departments of Fish and Wildlife (ODFW) and Forestry (ODF), and U.S. Bureau of Land Management (BLM) or U.S. Forest Service (USFS), if adjacent, will be notified of the proposed action. Forest operations will be subject to the requirements of the Oregon Forest Practices Act (FPA), however, other land use actions will be reviewed against FPA and interagency guidelines for species protection to ensure adequate protection is given to nesting habitat;
- b) The County may deny or require mitigation or modification of any proposed land use determined by ODFW and ODF to be significantly adverse to the species nesting territory, particularly during the breeding/rearing season. Federal land management agencies may also be consulted when land use actions affecting bird habitat are proposed adjacent to or within 1,000 feet of federal land; and
- c) The County will not approve the proposed land use action until the applicant submits written evidence that an ODFW biologist and an ODF Forest Practices Officer have found that nesting territory is adequately protected in a manner that is consistent with federal and state interagency guidelines and the FPA.

E) **ASC 90-3 Jenny Creek Sucker Habitat**

1) *Description*

This area includes lands identified as significant habitat for the endemic Jenny Creek Sucker.

2) *Special Regulations or Development Standards*

All land use actions will be subject to review to ensure that only minimal adverse impact results for any proposed action.

- a) When a land use action is proposed within the Jenny Creek ASC, the Oregon Departments of Fish and Wildlife (ODFW), and Forestry (ODF) and the U.S. Bureau of Land Management (BLM) will be notified of the proposed action. Forest operations on private lands will be subject to the

requirements of the Oregon Forest Practices Act (FPA); however, other land use actions will be reviewed against FPA standards and any agency guidelines for Jenny Creek Sucker habitat protection;

- b) The County may deny or require mitigation or modification of proposed land use actions which may conflict with habitat quality; and
- c) The County will not approve the proposed land use action until the applicant submits written evidence that the ODFW biologist, the ODF Forest Practices Officer and the BLM have found that the Jenny Creek Sucker habitat is adequately protected in a manner that is consistent with federal/state guidelines and the FPA.

F) **ASC 90-4 Historic Resources**

1) *Description*

This area will be applied to designated historic resources that have been placed on the Jackson County Register of Historic Landmarks pursuant to the designation provisions of Section 3.7.5 or that are on the National Register of Historic Places.

- 2) No person will alter a designated historic landmark; engage in new construction or begin major new landscaping on a property designated as historic or that lies within an historic district; alter in any manner any exterior architectural feature of such an historic resource or improvement within an historic district; or place, erect, alter or relocate any sign within an historic district or on an historic resource site, unless an application has been approved under this Section.

a) Maintenance and Repair

i) Ordinary Maintenance and Repair

Nothing in this Ordinance will be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this Section that does not involve a change in design, material or external appearance thereof, nor does this Section prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature from compliance with the State Building Code when authorized by the Building official and in conformance with ORS 455.

ii) Duty to Keep in Good Repair

The owner, occupant, or other person in actual charge of an historic landmark or an improvement, building, or structure in an historic district will keep in good repair all of the exterior portions of such improvement, building, or structure and all interior portions thereof whose maintenance is necessary

to prevent deterioration and decay of any exterior architectural feature.

b) Minor Alterations

An application for a minor alteration to an historic landmark may be submitted when the proposed changes will not adversely affect the historic character or historic building materials of the property. A minor alteration application will be submitted in a manner prescribed by the Planning Division, and will be processed according to the Type 2 procedures. The minor alteration application may be approved upon a finding that the proposed change:

- i) Will be limited to a part of the historic property which the County has determined or identified as having no historic significance or relationship with the historic designation and the Department determines that the proposed change will not alter or affect the historic character or sound historic building materials of the property; or,
- ii) Is a change listed on the County's "List of Minor Alterations" which has been adopted by the County by order.

c) Major Alterations

An application for a major alteration to an historic landmark will be submitted in a manner prescribed by the Planning Division and will be processed in accordance with the Type 3 procedures. The application may be approved upon a finding that:

- i) The alteration will not impair or change the significant historic appearance or historic building materials unless it can be found that:
 - (a) There is an immediate hazard to public safety and no alternative approach exists which would retain the features or minimize the impact of the proposed alteration;
 - (b) There are mandatory building or handicap codes or requirements, and it is not reasonably possible to retain the historic features or minimize the impact of the proposed alteration and also to comply with those codes or requirements; or,
 - (c) The only alternative to the alteration would be demolition of the historic property;
- ii) Distinctive stylistic features and examples of skilled craftsmanship have been retained to the greatest extent possible;
- iii) The alteration is compatible in design, size, arrangement, proportion, detail, scale, color,

- texture, material, and character with the rest of the historic landmark and the nearby area; and,
- iv) The alteration will not create an earlier historic appearance which is different from the remainder of the property or which has no historic basis.

d) New Construction

An application for new construction affecting an historic landmark will be submitted in a manner prescribed by the Planning Division and will be processed in accordance with the Type 3 procedures. The application may be approved upon a finding that:

- i) The new construction would be consistent with the reasons for the historic landmark designation as set forth in the designation decision;
- ii) The proposed new construction will have no more than a minimal impact on the historic character of the property as a whole, through its design, arrangement, proportion, size, scale, detail, color, texture, and materials;
- iii) The proposed new construction will be compatible with the exterior design, type, arrangement, proportion, size, detail, scale, color, texture, and materials of the historic buildings, structures, objects, or landscaping. The "Standards for Rehabilitation" from *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, as adopted by reference, will be applied in evaluating all proposed work on designated historic landmarks or on resources located within a designated historic district, as described in this Ordinance; and,
- iv) The proposed new construction meets all of the conditions that may have been imposed at the time of designation.

e) Alteration to Noncompatible Property Within Districts and Ensembles

An application for the alteration of historically noncompatible property within the boundaries of an historic district or ensemble will be submitted in a manner prescribed by the Planning Division and will be processed in accordance with the Type 2 procedures. The application may be approved upon a finding that:

- i) The alteration meets all of the conditions that may have been imposed at the time of designation; and,
- ii) The alterations do not detract from the historic character of the district or ensemble through their design, arrangement, proportion, size, scale, detail, color, texture, and material.

f) Conditions

Reasonable conditions may be imposed in granting an application for alteration or new construction. Conditions will be based on the following considerations:

- i) Deteriorated architectural features should be repaired rather than replaced whenever possible. Deteriorated architectural features that cannot be repaired should be replaced with material that matches the original material in design, color, texture, and other visual qualities. Whenever possible, repair or replacement of architectural features should be based on accurate duplications of features and composition of materials, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of architectural elements from other buildings or structures;
- ii) When surface cleaning of buildings or structures takes place, it should be undertaken with the gentlest effective means possible. Sandblasting and other abrasive cleaning methods that may damage the historic property should not be employed; and,
- iii) Every reasonable effort should be made to protect known archeological resources affected by and adjacent to any alteration project.

3) Moving and Demolition

No person may move or demolish an historic landmark unless an application has been approved and the required permit has been obtained from the Building Official. The application will be processed under the Type 4 procedure and will show compliance with the following:

- a) The applicant must demonstrate that either subsections (i) or (ii) below apply:

- i) Economic Feasibility Report

- The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property. In determining whether an economically beneficial use can be made of the property, the applicant will:

- (a) Furnish an economic feasibility report prepared by an architect, developer, or appraiser, or other person who is experienced in rehabilitation of buildings that address the estimated market value of the property on which the building lies, both before and after demolition or removal, or

- (b) Market the property using a marketing plan approved by the County or by advertising the property in a newspaper of general circulation in Jackson County at least eight (8) times and at regular intervals for at least 90 days and by posting a "for sale" sign on the property four (4) to six (6) square feet in size and clearly visible from the street for the same 90-day period.
 - ii) Structure Unsound
The structure proposed for demolition is structurally unsound despite efforts by the owner to properly maintain the structure.
- b) In addition, the applicant must also:
- i) Submit a redevelopment plan for the site that provides for replacement or reconstruction of the structure being demolished or relocated. The replacement or rebuilt structure must be a minimum of 1,000 square feet, unless the structure being demolished or relocated is less than 1,000 square feet. If the structure is less than 1,000 square feet, the replacement structure must be a minimum of 500 square feet. The redevelopment plan must indicate in sufficient detail the nature, appearance and location of all replacement or rebuilt structures. No replacement structure is required, however, if the structure being demolished or relocated is a non-habitable accessory structure; and
 - ii) Demonstrate, if the application is for a demolition, the structure cannot be practicably relocated to another site.
- c) If a permit is issued and the redevelopment plan:
- i) Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses; or
 - ii) Does not require a site review permit, no demolition or relocation may occur until the building permit has been issued for the replacement or rebuilt structure, unless the site is restricted to open space uses.
- d) The County may require the applicant to post a bond or other suitable collateral, ensuring the safe demolition of the structure and the completed performance of the redevelopment plan.
- e) Notice, Public Hearing, and Decision

- i) At least 20 days before the first evidentiary hearing, the property owner will post a notice summarizing the application and stating the time, date, and place of the hearing in at least three (3) places within 300 feet of the affected property;
- ii) The application will be approved unless the hearings body finds that a postponement will likely result in preservation of the historic landmark or retention at its current site. A postponement will be for a maximum of 120 days from the time a complete application is filed. The hearings body may consider the following in assessing the likelihood of preservation or retention:
 - (a) The state of repair of the historic landmark and the financial and physical feasibility of rehabilitation, moving, or leaving the landmark in its current state or location;
 - (b) The effects that moving would have on the use and development of the historic landmark;
 - (c) The marketability of the property and the willingness of the owner to sell the property; and,
 - (d) The only alternative to moving the historic landmark would be demolition.
- f) Record of Demolished and Moved Historical Properties

If an historical landmark is to be demolished or moved, the County will mitigate the loss by requiring the owner to produce one (1) or more of the following: photographs of the historic landmark and its site; measured, architectural drawings of the historic landmark and its designated historic features; and additional graphic history, data, and commemorative materials. The documentation costs will be the responsibility of the property owner. The documentation materials will be the property of the County or its assignee. The County will work with the property owner to review the possibility for the preservation of certain specific artifacts, architectural features, materials, and/or equipment. The County will determine where the documentation is to be deposited and where any artifacts, architectural features, materials, or equipment saved from the building or structure are to be stored.
- g) New Location Designation

When an historic landmark is moved to a new location, the historic landmark designation status is automatically retained for the landmark at the new site unless the County, using the process required for designation, determines that landmark designation is no longer appropriate. If the property retains historic landmark status at the new site, the County may review and modify the

development standards and designation as appropriate, using the process required for designation.

4) *Historic Landmark Allowable Use Permit*

a) Purpose

The intent of the County in granting an historic landmark allowable use permit is to ensure increased protection and provide for a variety of allowable uses for historic landmarks that will encourage rehabilitation and continued preservation of the unique qualities of these nonrenewable resources.

b) Applicability

A request to allow a more intensive use than provided for in the zoning district may be requested for any historic landmark that is not in a resource district.

c) Standards and Criteria

An application for an historic landmark allowable use permit will be processed in accordance with the Type 3 procedure. The application may be approved upon a finding that:

- i) The permit would be in conformance with the Natural and Historic Resources Element of the Jackson County Comprehensive Plan;
- ii) The proposed use will assist in preserving the significant physical characteristics of the historic landmark; and,
- iii) The physical changes necessary for the proposed use will not require substantial alteration, thereby diminishing the historic significance of the historic landmark.

d) Conditions of Approval

The County will require the historic landmark owner and permit holder to apply the "Standards for Rehabilitation" from *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, as adopted by reference. Any factors relevant to the proposed use will be considered in prescribing conditions. These may include:

- i) Parking;
- ii) Preservation of existing landscape and landscape features;
- iii) Access;
- iv) Signs;
- v) Noise;
- vi) Open space;
- vii) Scenic resources;
- viii) Natural resources;
- ix) Drainage; or,
- x) Overall long-range community effects.

G) **ASC 90-6 Archaeological Sites**

1) *Description*

This area applies to lands identified by a state or federal agency, property owner or other sources as having a potentially significant archaeological site.

2) *Permits*

A person may not excavate or alter an archaeological site on private land, make an exploratory excavation on private land to determine the presence of an archaeological site, or remove from private land any material of an archaeological, historical, prehistoric, or anthropological nature without first obtaining a permit issued by the State Parks and Recreation Department as required by ORS 358.920 and 390.235.

3) *Notification Required During Excavations*

- a) Any permitted person who conducts an archaeological excavation associated with a prehistoric or historic American Indian archaeological site will notify the most appropriate Indian tribe and the Commission on Indian Services; and
- b) Any person who is excavating and accidentally exposes a prehistoric or historical American Indian archaeological site will stop excavating and notify the most appropriate Indian tribe. If the excavation accidentally exposes human remains, all excavating will cease and the Oregon State Police, the State Historic Preservation Office, the appropriate Indian tribe, and the Commission on Indian Services will be notified as required by ORS 97.740-990.

H) **ASC 90-7 Upper Rogue River Scenic Area**

1) *Description*

This area applies to lands within one-quarter ($\frac{1}{4}$) mile of the North Fork of the Rogue River, also known as the Upper Rogue River, from the Jackson/Douglas County border to the Crater Lake Highway 62 bridge at the upper end of the pool of Lost Creek Lake.

2) *Special Regulations*

- a) All buildings located within one-quarter ($\frac{1}{4}$) mile of the mean high water line of the river or within the river proper below the mean high water line will not exceed a height of 30 feet, or will be effectively screened from the river by topography or vegetation. If vegetative screening is relied upon, the applicant will be required to record a deed declaration with the deed for the property prohibiting removal of the vegetation and requiring the maintenance and replanting in the case of loss of the plants;

- b) Land use decisions, including uses subject to Type 1, 2, or 3 reviews, variances, and land divisions, excluding land management activities associated with forest practices or commercial farming, will be reviewed by Jackson County to ensure that the proposed use or division will have no significant adverse impact on the scenic, geologic, fish or wildlife resources of this stretch of the Rogue River; and
- c) If the property proposed for use or division is located within the legal boundaries of a designated national wild, scenic or recreational river or a state scenic waterway, the application will be transmitted to the appropriate state or federal agencies. If the property is subject to a scenic easement, no development permit will be issued until the applicant has obtained written authorization from the administering agency.

l) **ASC 90-8 Groundwater Problem Areas**

This Area of Special Concern applies to lands within groundwater problem areas so designated by the Board of Commissioners and through Declaration by the State Department of Environmental Quality, State Health Division or the State Water Resources Department. Areas will be designated on officially adopted maps and will designate water quality and/or water quantity concerns. The testing of well capacity and water potability is required in areas so designated to ensure public health, safety and welfare of existing and future residents.

Testing conducted for the purpose of water quality assurance will be conducted on all new and deepened wells in the such designated Areas of Concern. Water Quantity tests are required in such designated areas of concern and in all new subdivisions or partitions where new lots are created. In known areas where potable water quality or quantity problems have occurred, greater care will be taken to protect adjoining uses and wells from new uses or land divisions that could negatively affect well yield or quality.

- 1) When a use other than one (1) single family dwelling is proposed, testing will consist of a water quantity test designed to measure the extent of drawdown and recovery in a well and to produce and measure a cone of depression, where possible, with the pump or a comparable part installed for the designated use of the well. Static levels of the test well and existing wells in the area will be measured where feasible;
- 2) Where a residential subdivision, partition, or additional well is proposed to serve a division or dwelling, a pump test as described in the State of Oregon Administrative Rules (OAR 690-217) regulating such testing will be performed. Such test will need to indicate a minimum yield of not less than 2.5 g.p.m. over the prescribed testing time period. Where the proposed use or division would involve more than one (1) dwelling or use, the test will establish that the proposed well is capable of producing at a rate of 400 gallons per day per dwelling served, or meeting the estimated needs of the use or development for a minimum testing

period of not less than 12 hours. The well will not exceed 75 percent drawdown of the initial static water column and will have a minimum recovery or 80 percent of drawdown in 12 hours;

- 3) If the test well can satisfy the yield requirements of this Ordinance, evaluation of potability will then be certified by an appropriate water quality testing laboratory recognized by the Oregon State Health Division; and
- 4) Test results will be submitted in conjunction with land use or division permit applications. Applications for land use permits or divisions will be subject to denial where minimum quantity and quality standards are not satisfied unless mitigating measures acceptable to the County are proposed to ensure safe and adequate water supply.

J) **ASC 90-9 Scenic Resources**

1) *Description*

This area applies to lands identified by the Jackson County Planning Commission and Board of Commissioners as important scenic resources that significantly contribute to the landscape character of the County. They include distinctive scenic areas, views, sites, stream and roadway corridors. The intent of the ASC is to allow permitted natural resource based uses and provide guidelines for discretionary land uses.

2) *Exemptions*

The following uses within ASC 90-9 will be permitted without review by Jackson County, unless otherwise provided by other regulations:

- a) Conservation and maintenance of scenic resources;
- b) Fish and wildlife habitat management;
- c) Historic resource protection measures;
- d) Natural areas protection measures;
- e) Passive recreation activities;
- f) Other land uses or activities permitted in the underlying zone, subject to state and federal regulations; or
- g) Forest practices on commercial forest land within the scope of OAR Chapter 729, Division 24, are not subject to the Area of Special Concern, although the regulations continued herein may be used as guidelines for such practices.

3) *Special Findings Required*

- a) Within the scenic resource areas of special concern, any land use action subject to review by the Department will include findings demonstrating that the proposal will have no significant impact on identified scenic views, sites, stream and roadway corridors either by nature of its

design, mitigation measures proposed, or conditions of approval; and

- b) Land use activities that have no significant visual impact will not attract undue attention, and must visually harmonize with existing scenic resources. This can be accomplished through project designs that repeat the form, line, colors, or textures typical of the subject landscape, and designing the land use activity to blend into the existing landscape.

4) *Scenic Quality Performance Standards*

To mitigate adverse impacts of development on scenic resources, discretionary land use actions will meet the applicable scenic quality performance standards set forth in this Section. If a standard is found to conflict with any other provision of this Ordinance or local regulation, or state administrative rule or statute, or federal regulation, the more restrictive will govern.

a) *Land Division Standards*

Division of lands within the scenic resource overlay will be designed to minimize the linear extent of roadways required for access to parcels, and points of access will be limited from a scenic roadway corridor. Parcel configurations will limit roadway and stream crossings to the minimum amount required to provide access.

b) *Siting Standards*

- i) Any land use actions that require removal of native vegetation and/or topographic modifications within view of an identified scenic roadway, stream, view, or site will be located where topography or vegetation offers some shielding of the use, and will include development scale, form, and color consistent with the surrounding landscape;
- ii) Hilltop siting is generally inappropriate for structures in a scenic area, as are excessive cut and fill operations for the placement of roadways or structures. Clustering of housing and structures for use of common access, increased setbacks from roadways and water areas, and landscaping will be considered appropriate methods of minimizing adverse scenic impacts; and
- iii) Where naturally occurring vegetation or land forms are not present to provide partial screening for land use activities, landscaping with native plant materials will be required to provide this screening in accordance with landscaping standards in subsection (e) below.

c) *Structure/Facility Development Standards*

Structures and other permanent facilities will be unobtrusively designed in terms of scale and form. Colors

used will be earth tones found in the surrounding landscape.

- d) Roadway Development Standards
Existing road rights-of-way will be used whenever possible in order to avoid creating new roadways for access. Access points along a scenic roadway corridor will be the minimum number acceptable to the County based on considerations of traffic and public safety. A buffer strip of native vegetation will be retained adjacent to the right-of-way, and such buffer strip will retain all native trees whose removal is not explicitly approved by the County during the development review process.
- e) Landscaping Standards
Notwithstanding fuelbreak requirements and public health or safety concerns, clearing of native vegetation for discretionary land uses on scenic resource lands will be minimized. All disturbed land will be reclaimed pursuant to a plan prepared by an individual registered with the American Society of Landscape Architects, or other qualified landscape design professional, or professional forester with experience in reclaiming forest lands as determined by the County.
- f) Surface Mining
 - i) In accordance with ORS 517.760(2)(a), surface mining in designated scenic areas that is not directly related to forest practices under the scope of OAR Chapter 629, Division 24, will minimize the adverse impacts on visual resources by limiting the amount of land disturbed at any one time, and buffering or screening the operations from scenic roadway and stream corridors, viewpoints and recreation trails. Screening of the operations will use natural barriers such as native vegetation or landscaped berms. A reclamation plan will define the existing characteristics of the vegetation and land forms, and the expected impacts on the viewshed. This will include a map showing the location of proposed mining areas including stockpiles, operations yards, and haul roads, and the expected impacts on the viewshed; and
 - ii) The reclamation plan will address the character and extent of areas of revegetation, types and numbers of plant materials shown on a landscape plan prepared in accordance with this ASC, soil stabilization procedures, topsoil stockpiling and redistribution, and time schedule for phasing the completion of site reclamation.

- 5) Standards Applicable to Resource Uses
Resource uses in the Area of Special Concern, other than forest operations on commercial forest land subject to the Oregon Forest Practices Act, will be reviewed pursuant to the provisions of this

ASC prior to approval. To facilitate this review, County mapping of scenic areas and this ASC, as may be updated periodically, will be provided to state and federal agencies.

K) **ASC 90-10 Ecologically or Scientifically Significant Natural Areas**

1) *Description*

This area includes all lands on which ecologically or scientifically significant natural areas are located. These sites are illustrated on a map contained in the Goal 5 background document and the Natural and Historic Resources Element of the Jackson County Comprehensive Plan, and are either protected or subject to limitations on conflicting uses where they would affect the features and values associated with each site.

2) *Special Regulations*

These identified sites are considered protected under Statewide Planning Goal 5, its related Administrative Rules, and Jackson County Comprehensive Plan policies, in addition to management plans and objectives established for each site by federal, state and other local jurisdictions. All land use actions, other than forest operations which are governed by the Oregon Forest Practices Act, that are inconsistent with the stated management and objectives for "2A" and "3A" sites will be prohibited. Land use actions proposed on or adjacent to "3C" sites will be evaluated under a Type 2 process pursuant to Section 3.1.3 to ensure that potentially conflicting uses are adequately limited to retain the resource value identified in the Comprehensive Plan and identified in the Goal 5 Resources Background Document.

L) **ASC 2003-2 Jackson County Sports Park Noise Overlay**

This Area of Special Concern includes lands that lie east of Highway 62 within the White City Unincorporated Community and other lands surrounding the Jackson County Sports Park as depicted on the adopted map. The Sports Park has been in existence since the early 1970's. Motor racing and target shooting activities conducted there produce adverse impacts in the form of noise, traffic, dust and glare that periodically affect surrounding lands. Therefore, approval of development for any use intended for human occupancy on land within ASC 2003-2 will be conditioned on recordation of a deed declaration that causes the owner and successors in interest to acknowledge and accept the adverse impacts produced at the Sports Park. Prior to issuance of development permits, the deed declaration must be recorded in the Official Records of Jackson County on a form approved by County Counsel which will include the following declaration:

"Owner acknowledges that facilities and activities at the Jackson County Sports Park may generate noise, traffic, dust, lights and glare that periodically may affect surrounding lands. Those facilities and activities include but are not limited to drag strip and other auto racing, go-cart racing track, baseball and softball fields, and rifle, pistol and skeet shooting ranges. These activities also include participants and spectators, playgrounds, vehicle parking, and related facilities and

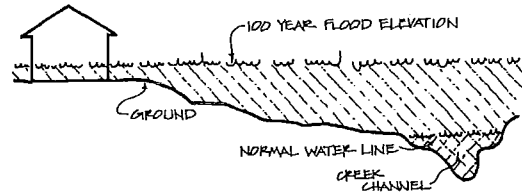
activities. These facilities and activities may be altered or enlarged in the future."

M) **ASC __ Yreka Watershed - RESERVED** [FILE 1998-238-PA]

7.1.2 **Floodplain Overlay**

A) **General**

The degree of flood protection required by this Section is required in order to participate in the National Flood Insurance Program. In unnumbered "A" Zones, the method used to determine base flood elevation may affect subsequent flood insurance rates paid by the



property owner. This participation is in the public interest, and the requirements of this Section are considered reasonable for regulatory purposes and are based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the 100-year floodplain, or uses within such areas, will be free from flooding or flood damages for any size flood. For purposes of this Floodplain Overlay section, "structure" and "building" are defined in 44 CFR (Consolidated Federal Register) Part 59.1, "Dwelling" is defined in Chapter 13 of this ordinance.

1) *Purpose*

In order to implement Statewide Planning Goal 7, Natural Hazards, and the goals and policies of the Jackson County Comprehensive Plan, this Section 7.1.2 is intended to be applied to properties which engineering or historical information indicates are likely to be inundated by flood waters at some time. It is the purpose of this district to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a) To protect human life and health;
- b) To minimize expenditure of public money for costly flood control projects;
- c) To minimize the need for rescue and relief efforts associated with flooding and undertaken at the expense of the general public;
- d) To minimize prolonged business interruptions;
- e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in the area of special flood hazard, also known as the 100-year floodplain;
- f) To attempt to ensure that potential buyers are notified that property is in a designated floodplain;

- g) To ensure that those who occupy the 100-year floodplain assume the responsibility for their actions; and
- h) To provide minimum regulations and standards for the protection of such properties and their improvements from damage and hazards which may result from flood waters.

2) *Methods of Reducing Flood Losses*

In order to reduce flood losses, the County may:

- a) Deny development permits if the proposed development will not comply with all applicable requirements of this Section;
- b) Restrict or prohibit uses that are found to be dangerous to health, safety, and property due to water or erosion hazards, or which are found likely to result in damaging increases in erosion or in flood heights or velocities;
- c) Require that structures vulnerable to floods, including facilities and utilities which serve such structures, be protected against flood damage at the time of initial construction;
- d) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are found necessary to help accommodate or channel flood waters;
- e) Control filling, grading, dredging, and other development which may increase flood damage; and,
- f) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

3) *Applicability*

- a) This Section will apply to all areas within the 100-year floodplain within the jurisdiction of Jackson County as shown on Flood Boundary and Floodway Maps or Federal Insurance Rate Maps (FIRM);
- b) This Section will apply in addition to the requirements of the underlying zoning district. If any conflict in regulation or procedure occurs, the provisions of the Floodplain (FP) Overlay will govern; and
- c) When floodplain review is required, evidence showing compliance with the standards of this Section will be submitted to and approved by the Planning Division prior to issuance of building permits. In all cases, the floodplain review will follow the applicable procedures described in this Section.

B) ***Administration***

1) *Floodplain Review Required*

Floodplain review is required before construction or development begins within any area within the 100-year floodplain, unless specifically exempted under Section 7.1.2(B)(2), below. As part of the floodplain review, the applicant shall submit a map showing

the 100-year floodplain, floodway, and location of the proposed development in relation to the floodplain and floodway. For purposes of this Section, development includes, but is not limited to, substantial structural improvements, the placement of manufactured dwellings, stream crossings, mining, dredging, filling, grading, paving, excavation, drilling operations and other land-altering activities.

- a) The County will have the authority to review all applications (including building or manufactured dwelling permits) to determine whether these floodplain regulations apply, and to approve (with or without conditions) or deny development permit applications;
- b) The County will notify adjacent communities, the Division of State Lands, U.S. Army Corps of Engineers, and the Regional FEMA office prior to any alteration or relocation of a watercourse; and
- c) The County will send all applications received for review for development within a designated floodway to the Regional FEMA office.

2) *Exemptions*

Finding 2, Policy B) of the Natural Hazards Element of the Comprehensive Plan states: "In order to assure maximum usefulness of flood prone areas, regulations should allow for seasonal variations in use. Temporary, removable structures should be allowed during drier months if their removal can be assured by late fall." A floodplain review is not required for the following uses:

- a) Agriculture and grazing, or managing, growing, and harvesting of timber and other forest products;
- b) Wildlife preserve, game farm, or fish hatchery which do not include structures;
- c) Floating, fishing or swimming platforms that will either be removed during high-water periods or are anchored so that they will not be swept downstream in the event of a flood;
- d) Picnic tables, play structures, and "camp place fireplaces" are accessory uses subject to Type 1 review, and will be designed and anchored to prevent flotation, collapse, or lateral movement;
- e) A "mobile food vendor", if allowed within the zoning district pursuant to a site development plan review, provided the unit will be removed from the mapped floodplain area between the months of November and March. A deed declaration relative to the seasonal restriction will be recorded with the property records for the parcel or lot;
- f) Temporary use or storage of a recreational vehicle as described in Section 6.5.3(H), provided the recreational vehicle is removed from the mapped floodplain area between the months of November and March;
- g) Incidental outside storage of material or equipment which is mobile and readily removable from the floodplain area

after flood warning. Incidental material or equipment will include only items which will not create a hazard to the health or safety of persons and property should the storage area be inundated by flood water;

- h) Water gauging station;
- i) Electric distribution and/or transmission facilities provided that no fill, rip-rap, or revetments are used;
- j) Diversion points for irrigation purposes provided that no structures are used;
- k) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places;
- l) Any emergency or disaster response operations activated by the Jackson County Emergency Operations Center to respond to flooding;
- m) Temporary emergency alteration of stream beds or banks as flood control measures immediately preceding or following periods of high water. The stream bed or bank will be restored to its pre-flood state within 30 days after the high-water period unless an application for a development permit for the alteration has been submitted;
- n) The repair or replacement of a structure or improvement that has previously been reviewed and approved for compliance with applicable flood hazard standards, provided that the conditions of the original approval will be met;
- o) Additions to, or remodeling of, an existing building, when the cumulative value of the improvements to the building do not exceed 50 percent of the market value of the building prior to the improvements. For this purpose, the value of improvements, modifications, additions and reconstruction of an existing building will be counted cumulatively for a period of at least 10 years. For purposes of determining percentage of market value of the building, the most current value as shown in the Jackson County Assessor's records or an independent Member of Appraisal Institute (MAI) certified appraisal will be used;
- p) The improvement of a lawfully existing building which is necessary solely to assure safe occupancy conditions; and
- q) Underground public utility lines, subject to the requirement of Section 7.1.2(F)(6).

3) *Letters of Map Amendment or Revision*²

- a) A property owner who submits a Letter of Map Amendment (LOMA) approved by FEMA establishing that a portion of a lot or parcel, or a building, is above the base flood elevation is exempt from the requirements for floodplain review. LOMAs are approved for specific buildings, building sites, or portions of a lot or parcel, and may not be

²Ordinance 2004-12, effective 2-6-2005

used to exempt a building in a different location from the requirements of this Section; or

- b) A property owner who submits a Letter of Map Revision (LOMR) approved by FEMA establishing that the floodplain boundary is in a different location than shown on the FIRM is exempt from the requirements for floodplain review if the proposed development will not be in the revised flood hazard area.

4) *Records and Documentation*

- a) At or prior to the time of application for building permits for all new, substantially improved, or floodproofed structures or buildings, the applicant will be required to submit construction drawings showing that all applicable development standards of Section 7.1.2(F) will be met. Additionally, a preliminary Elevation Certificate will be submitted that indicates the base flood elevation (above mean sea level or based on an assumed elevation as determined by Section 7.1.2(D)(2)) and the elevation of the lowest natural grade adjacent to the building site;
- b) Prior to pouring the foundation, an Elevation Certificate showing the elevation of the top of the foundation will be submitted;
- c) Prior to the final inspection or occupancy of the building, an Elevation Certificate showing the actual, as-built elevation of the lowest floor, including basement, will be submitted. The Elevation Certificate must indicate whether or not the building contains a basement or crawlspace;
- d) For all new or substantially improved floodproofed nonresidential structures, the applicant will submit a record of the actual elevation (in relation to mean sea level or based on an assumed elevation as determined by Section 7.1.2(D)(2)) to which the structure is floodproofed. Floodproofing Certificates prepared by an Oregon registered professional engineer or architect will be submitted for those floodproofed structures; and
- e) All elevations required by this Section will be determined and certified by an Oregon registered professional engineer or licensed land surveyor. The County will keep a permanent record of all Elevation and Floodproofing Certificates.

C) ***Determining Floodplain and Floodway Boundaries***

- 1) The scientific and engineering report prepared by the Federal Emergency Management Agency (FEMA) entitled *The Flood Insurance Study for Jackson County*, dated April 1, 1982 or as hereafter amended, along with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), are hereby adopted by reference and declared to be a part of this Section. These documents will be the means for

establishing the location of the 100-year floodplain. The Flood Insurance Study is on file with the County; and

- 2) The floodway has been established as shown on the FIRM or Floodway Boundary and Floodway Maps (FBFM). A floodway will be presumed to exist in the Approximate A zone, as shown on the FIRM. An applicant may offer evidence establishing the location of the floodway where one has not been established. This evidence will be prepared in accordance with accepted engineering practices and must be certified by an Oregon registered professional engineer. Such evidence may be accepted or rejected by the County. It will be presumed that the floodway is equally distributed on either side of the centerline of the stream. Along the Applegate River the requirements of Section 7.1.2(F)(7)(d) shall be used .

D) *Determining Base Flood Elevation*

- 1) In areas where base flood elevation profiles are available from the FIRM or from the Flood Insurance Study profiles, the base flood elevation at the proposed building site will be extrapolated from the elevations that are immediately upstream and downstream from the location of the proposed use;
- 2) When base flood elevation data has not been provided by FEMA, the applicant will employ an Oregon registered professional engineer to prepare a report certifying the base flood elevation, examples of which are described in FEMA publication *FEMA 265, Managing Floodplain Development in Approximate Zone A Areas: A Guide For Obtaining And Developing Base (100-Year) Flood Elevations (Detailed Methods Chapter)*. The report will set forth the elevation of the 100-year flood, the location of the 100-year floodplain and floodway, and will cite the evidence relied upon in making such determination. The calculated base flood elevation may be from mean sea level or may be based on an assumed elevation when tied to a benchmark. The location of the benchmark will be described in the report and shown on a map that must be included with the report. The report may be accepted or rejected by the County; or
- 3) Where base flood elevation data has not been provided by FEMA, in lieu of a report by an Oregon registered professional engineer as outlined in (2) above, the applicant may choose to elevate a structure at least three (3) feet above the highest adjacent natural grade, provided that the structure is not located in the presumed floodway as described in Section 7.1.2(C)(2) and all riparian setbacks will be met. Elevation Certificate documentation described in 7.1.2(B)(4) is required. All other development standards of Section 7.1.2(F) will be met. Use of this elevation standard could result in increased flood insurance premium rates.

E) *Criteria for Approval*

Prior to approval of floodplain review, the County will determine all of the following:

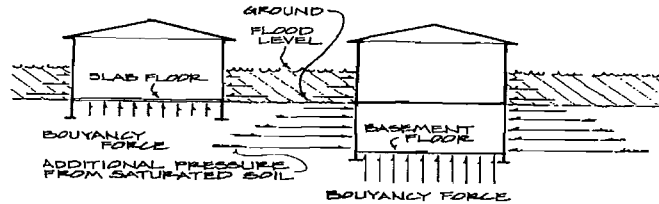
- 1) That all applicable development standards of Section 7.1.2(F) can feasibly be met; and
- 2) That applications have been submitted or all necessary permits have been obtained from those federal, state, or local governmental agencies from which approval is required by law. Copies of all permits must be submitted to the County prior to initiation of the development.

F) **Development Standards**

1) *Residential Construction*

- a) New construction or the substantial improvement of any residential building, including manufactured homes, will have the lowest floor, including the basement, elevated one (1) foot above the base flood elevation. This includes floor framing, wood floor joist systems, beams, girders, ducts and all electrical components. If the substantial improvement includes a second story addition or the removal of a wall between a new addition and the existing dwelling, then both the existing dwelling and the addition must be elevated one (1) foot above the base flood elevation. If the wall between a new addition and the existing dwelling will remain intact except for the addition of a standard doorway, then only the addition must be elevated;
- b) A manufactured dwelling which has incurred substantial damage as a result of a flood will be elevated on a permanent foundation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. All applicable requirements of Section 7.1.2(F) must be met;
- c) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or will be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. These fully enclosed areas will not be used for human habitation and will only be used as building access, storage, and/or vehicle parking. Designs for meeting this requirement must either be certified by an Oregon registered professional engineer or architect or must meet or exceed the following minimum standards:
 - i) A minimum of two (2) openings will be provided having a total net area of not less than one (1) square inch for every square foot of otherwise enclosed floor area subject to flooding (i.e., below base flood elevation). A window, door or garage door is not considered an opening;

- ii) The bottom of all openings will be no higher than one (1) foot above grade; and
- iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.



2) *Nonresidential Construction*

New construction and substantial improvement of any commercial, industrial, or other nonresidential building will either meet the standards for residential construction outlined in 7.1.2(F)(1), or, together with attendant utility and sanitary facilities will:

- a) Be floodproofed, so that the structure is watertight below the base flood elevation, with walls substantially impermeable to the passage of water;
- b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- c) Be certified by an Oregon registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications will be provided to the County.

Flood insurance premiums for nonresidential buildings that are floodproofed will be based on rates that are one (1) foot below the floodproofed level (e.g., a building constructed at the base flood elevation will be rated as one (1) foot below that level).

3) *Accessory Structures*

Accessory structures (such as a building for agricultural use, a personal use shed, detached garage or carport, as well as attached areas that are not considered living space) are exempt from the elevation and dry floodproofing requirements for nonresidential structures contained in Section 7.1.2(F)(2) provided that:

- a) The accessory structure is not designed to serve as detached living space; and

- b) All other applicable standards of this Section will be met, including anchoring, construction materials and methods, utilities and floodway standards.

Accessory structures exempted under this subsection could result in increased flood insurance premium rates.

4) *Anchoring*

- a) All new construction and substantial improvements will be anchored to prevent flotation, collapse, or lateral movement of the structure; and
- b) All manufactured dwellings must be anchored to prevent flotation, collapse or lateral movement, and will be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

5) *Construction Materials and Methods*

- a) All new construction and substantial improvements will be constructed with materials and utility equipment resistant to flood damage;
- b) All new construction and substantial improvements will be constructed using methods and practices which minimize flood damage; and
- c) Electrical, heating, ventilation, plumbing, ducts, and air-conditioning equipment and other service facilities will be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

6) *Utilities*

- a) All new and replacement water supply systems will be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems will be located to avoid impairment to them or contamination from them during flooding;
- d) Underground public sewer and water lines will be certified by an Oregon registered professional engineer to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- e) All other underground public utility lines will be certified by an Oregon registered professional engineer to minimize or eliminate infiltration of flood waters into the systems.

7) *Floodway Development*

In areas designated as floodways, either on the Flood Boundary and Floodway Maps or by the methods described in Section 7.1.2(C)(2), the following standards apply due to the extreme hazard resulting from velocity of flood waters which carry debris, potential projectiles, and have erosion potential:

- a) The placement, or construction of any new building in the floodway which does not replace an existing building is prohibited. Replacement, repair, addition to, or reconstruction of any existing building in a floodway that constitutes substantial improvement must comply with all applicable standards of this Section;
 - i) If there is an area on the lot, parcel, or tract that is out of the floodway where the replacement of an existing dwelling can be located, it must be replaced in a location outside of the floodway, if the area outside can accommodate the existing footprint and meet the dimensional and siting standards of this Ordinance; or
 - ii) If there is not an area on the lot, parcel, or tract outside of the floodway where a replacement dwelling can be located, the replacement may be located within the floodway subject to the standards of Section 7.1.2(F)(7)(c). In no event will the area displacement of the replacement dwelling's footprint exceed area displacement of the original dwelling footprint. Repair, reconstruction, or addition to an existing dwelling will not exceed the area displacement of the footprint of the existing dwelling. Repair, reconstruction, or addition to an existing dwelling may increase the area displacement of the existing dwelling if the increase is above the first floor of the existing dwelling. Replacement dwellings will be certified by an Oregon registered professional engineer as being in the safest location on the property given the dimensional and siting standards of this Ordinance. The engineer's certification must include supporting documentation and a determination that no other site within the floodway on the property could feasibly reduce the risk of potential flood damage;
- b) Sand filter septic systems are prohibited in the floodway;
- c) All encroachments, including fill, roadways or bridges are prohibited unless certification by an Oregon registered professional engineer is provided demonstrating that the encroachment will not result in any increase in flood levels during the occurrence of the 100-year flood (no-rise analysis and certification). Culverts used in stream crossings where floodways are mapped and/or 100-year floodplain elevations have been determined will require a

no-rise analysis and certification. Culverts used in stream crossings where base flood elevations and floodways have not been determined (Approximate A zone) will be of sufficient size to minimize the rise of flood waters within the presumed floodway. Evidence must be provided by an Oregon registered professional engineer showing the size of the proposed culvert will pass the flood waters of the 100-year flood. Culverts and bridges must be anchored so that they will resist being washed out during a flood event. Culverts and bridges must also meet the riparian protection standards in Section 8.6.3 of this Ordinance;

- d) Along the Applegate River, where base flood elevations have been provided on the FIRM but the floodway has not been designated, no new construction, substantial improvement or other development (including fill) in the 100-year floodplain is permitted unless the applicant provides evidence from an Oregon registered professional engineer demonstrating that the cumulative effect of the proposed development, when combined with all other existing development on properties immediately upstream and downstream, will not increase the water surface elevation of the base flood more than one (1) foot. The placement, of any new building in the floodway which does not replace an existing building is prohibited, unless such prohibition would prevent all reasonable use of the parcel. The location of the floodway must be determined by an Oregon registered professional engineer for any new building placement or repair, addition, or reconstruction of any existing building that constitutes substantial improvement; and
- e) Buildings and other development on islands or other topographic features surrounded by the floodway will be subject to the following:
 - i) Verification by an Oregon registered professional engineer or geologist that the island or other topographic feature is a stable land form and will not be subject to erosion during a 100-year flood;
 - ii) Submission of topographic information from a registered surveyor showing the topography of the area (island); and
 - iii) The roadway to the building site will be located or constructed in such a way as not to increase flood elevations or create an obstruction in the floodway, and must be designed to provide safe passage to and from the site during a flood event.

- 8) *Fill in the Floodplain*
Prior to placement of fill within the 100-year floodplain a report from an Oregon registered professional engineer determining the effect the placement of fill will have on the 100-year floodplain will be submitted.

- a) Where base flood elevations have been determined, the fill cannot cumulatively raise the base flood elevation more than one (1) foot at any given point. The report will reference the *Flood Insurance Study for Jackson County, Table 3 (Floodway Data)*, for a specific reach of a stream. The increase in the base flood water surface elevation, as shown in this table, will not be more than one (1) foot;
 - b) Where base flood elevations have not been determined, the fill cannot raise the base flood elevation more than one (1) foot at any given point (see 7.1.2(D)(2)); and
 - c) The fill will be engineered to resist erosion by flood waters.
- 9) *Alteration or Relocation of a Watercourse*
- a) The alteration or relocation of a stream channel or other watercourse is prohibited unless certification by an Oregon registered professional engineer is provided demonstrating that the alteration or relocation will not result in any increase in flood levels during the occurrence of the base flood discharge;
 - b) The alteration or relocation of a stream channel or watercourse is prohibited unless the applicant submits written verification from the Oregon Department of Fish and Wildlife that the proposal will have minimal adverse impact on fish habitat;
 - c) Altered riparian areas will be restored with native vegetation in accordance with a landscape plan that has been approved by the Oregon Department of Fish and Wildlife;
 - d) The alteration or relocation will not occur until a permit is obtained from the Division of State Lands and/or U.S. Army Corps of Engineers; and
 - e) The altered or relocated portion of a watercourse will be maintained so that the flood carrying capacity is not diminished.
- 10) *Aggregate Removal*
- a) Aggregate removal or surface mining operations within the 100-year floodplain or floodway will not cause an increase in flooding potential or stream bank erosion adjacent to, upstream or downstream from the operation; and
 - b) All mining and processing equipment and stockpiles of mined or processed materials will be removed from the site during the period of December 1 through April 30, unless the operation will be protected by a dike that is of sufficient width and height to prevent flood waters from inundating the site.
- 11) *Fish and Wildlife Habitat Enhancement Projects*
 The placement of root wads and other stream restoration projects to improve fish habitat conducted or approved by the Oregon Department of Fish and Wildlife is subject to certification that the design will keep any rise in the 100-year flood levels as close to

zero (0) as possible. Such certification may be provided by a qualified hydraulic or hydrological engineer, fisheries specialist, natural resource professional, or a water resources agency. These projects are otherwise exempt from all other provisions of this Chapter.

G) **VariANCES**

A variance, under a Type 2 review, may be granted for nonresidential construction in very limited circumstances to allow a lesser degree of floodproofing than the requirements of 7.1.2(F)(2). All other applicable standards of this Section will be met, including anchoring, construction materials and methods, and utilities.

- 1) A variance may be permitted if all of the following criteria are met:
 - a) The proposed use or structure will not be within a designated floodway;
 - b) Any proposed structure will not be used as living space;
 - c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - d) There are unnecessary, unreasonable hardships or practical difficulties, other than economic, which can be relieved only by modifying the requirements of this Ordinance;
 - e) There are no other locations where the structure could be located on the property which are outside the floodplain; and
 - f) Granting the variance will not result in increased flood heights, additional threats to public health or safety, extraordinary public expense, or create nuisances to the public;
- 2) The County will notify the applicant in writing that issuance of a variance to construct a structure below the base flood elevation could result in increased flood insurance rates and increased risks to life and property;
- 3) The County will report all floodplain variances to FEMA and maintain a record of all variance actions; and
- 4) The Director may impose such limitations, conditions and safeguards as are deemed appropriate to meet the intent of this Ordinance and secure public safety.

7.1.3 Jackson County Public Park (JCPP) Overlay

A) **Purpose**

The orderly and efficient delivery of park facilities and services is a matter of critical community importance. The purpose of the Jackson County Public Park (JCPP) Overlay is to establish a special framework under which designated parks and open spaces may be properly regulated consistent with the Comprehensive Plan and Oregon Statewide Land Use Planning Goals.

B) **Applicability**

A County Public Park Master Plan will be adopted under the provisions of Section 3.7.4, Designation of a Public Park Master Plan, before a JCPP Overlay may be applied to a parcel. Such an overlay may include lands owned in fee or less than fee simple by a public body, lands that have been leased by a public body, and lands intended to be acquired or leased in the future by a public body for the purpose of providing public park facilities and services and/or open space.

C) **Uses Permitted**

- 1) All uses, facilities, services, and activities approved as part of a Public Park Master Plan are permitted as Type 1 uses, subject to compliance with any requirements or siting standards imposed through an approved Master Plan, and as described in Section 3.7.4, Designation of a Public Park Master Plan;
- 2) Other uses allowed in the underlying zoning district may be permitted in the JCPP Overlay subject to the requirements, standards and approval procedure required by the underlying zone;
- 3) In cases where land subject to a JCPP Overlay is also subject to another overlay, the uses and procedures of the other overlay will govern with respect to allowable uses and activities, and the procedures for their authorization; and
- 4) Lawful uses in existence in local parks on July 15, 1998 may continue.

D) **Other Requirements**

- 1) All other requirements and siting standards, such as the size, height, and setback of buildings will be in accordance with the requirements of the underlying zone; and
- 2) The design, size, placement and operation of allowable uses will be in accordance with all other applicable state and federal laws, administrative rules, and regulations with which the County is obligated to comply.

7.1.4 Aggregate Conflicting Use Impact Area

A) **Description**

The Aggregate Conflicting Use Impact Area consists of the area surrounding properties zoned Aggregate Removal (AR) where there is the potential that new uses or development could adversely affect or interfere with mining and processing operations. The size and extent of the impact area is determined as part of the Goal 5 process leading to an aggregate designation. The impact area generally extends 1,500 feet from the boundaries of the mining area, but may extend a greater distance where significant potential conflicts have been identified. (See OAR 660-023-0180(5)).

B) **Special Regulations**

Prior to development within the impact area, evidence must be submitted to show that the following standards will be met:

- 1) The special setback required by Section 8.5.3(F) will be maintained;
- 2) Any special conditions placed on uses in the impact area by the Board Ordinance rezoning the AR property will be met;
- 3) Prior to issuance of building permits for any noise or dust sensitive use, a deed declaration has been recorded in the County deed records acknowledging that mining and processing activities, including, but not limited to, the use of explosives, heavy equipment and trucks for excavation, loading, rock crushing, and hauling, may occur on AR zoned properties; that said activities ordinarily and necessarily produce noise, dust, and other types of visual, odor, or noise pollution; that the property owner accepts as part of the risk of developing their property that such activities may occur on the AR zoned property; and
- 4) Uses identified through the Goal 5 process as incompatible with mining are prohibited.

7.2 TRANSPORTATION AND PUBLIC FACILITY OVERLAYS

7.2.1 Airport Approach (AA) and Airport Concern (AC) Overlays

A) *General*

- 1) *Purpose*
The Airport Approach (AA) and Airport Concern (AC) Overlays are intended to reduce risks to aircraft operations and land uses within close proximity to airports and heliports. The AA and AC Overlays are not legally described by metes and bounds, but are defined by the Federal Aviation Regulations (FAR, Part 77), OAR 660-013, and OAR 738-070 pbl 2/26/03.
- 2) *Applicability*
The provisions of this Section will be applied to any lands, waters and airspace, or portions thereof, surrounding an airport or heliport that have been mapped as being within the Primary, Approach, Transitional, Horizontal or Conical surface zones of the airport. An AA Overlay as applied to a private-use airport might include only a Primary and Approach surface, while all five (5) surface zones may be applied to public-use airports. Within the AA Overlay is a mapped subportion called the Runway Protection Zone (RPZ), where additional restrictions apply.
- 3) *Supporting Documents*
The following documents, together with all explanatory matter therein, are adopted by reference and made a part of this ordinance:
 - Rules and Regulations, Medford Municipal Airport Zoning, adopted November 13, 1956, or as amended.

- Approach and Clear Zone Plan, Medford-Jackson County Airport, July 1978, or as amended.
- Approach and Clear Zone Plan, Ashland Municipal Airport, June 1976, or as amended.
- Approach and Clear Zone Plans for the Pinehurst and Prospect Airports as defined by the Oregon Department of Aviation.
- Other private Airport Approach and Clear Zone Plans as recognized by the Oregon Department of Aviation

B) **Administration**

1) *Review Required*

- a) A Type 2 review is required when a proposed structure will penetrate the Approach, Transitional, Horizontal, or Conical surface of the airport in question, as indicated on an adopted Approach and Clear Zone Plan for the airport; and
- b) The determination as to whether a structure will penetrate the Approach, Transitional, Horizontal or Conical surface will be made using the best information available to the County (i.e., GIS and USGS topographic maps). If the County cannot conclusively determine that the structure will not penetrate the surface, the owner may be required to submit the following information to assist the County in making this determination:
 - i) A certificate from an Oregon registered professional engineer or land surveyor which clearly states that no airspace obstruction will result from the proposed use; and
 - ii) Either or both of the following:
 - (a) The maximum elevations of proposed structures based on datum of the Approach and Clear Zone Plan. Elevations will be based upon a survey by an Oregon registered professional engineer or land surveyor, accurate to plus or minus one (1) foot, shown as mean sea level elevation or other available survey data. The accuracy of all elevations will be certified by the engineer or land surveyor; and
 - (b) A map of topographic contours at two (2) foot intervals, showing all property within 100 feet of the proposed structure(s) for which the permit is being sought. This map will also bear the verification of an Oregon registered professional engineer or land surveyor.

2) *Exemptions*

- a) For areas in the Horizontal or Conical surface zones, but outside the Approach and Transition surface zones, where

the ground surface at the building site is higher in elevation than the airport runway, buildings or structures that will penetrate the Horizontal or Conical surface are permitted provided the building or structure will be less than 35 feet in height [OAR 660-013-0070(2)];

- b) The regulations prescribed by this Overlay will not be construed to require a property owner to remove, lower, or make changes or alterations to any structure which lawfully existed prior to February 13, 1989. However, such structures will be considered nonconforming if they are in conflict with these regulations; and
- c) Notwithstanding subsection (b) of this Section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Oregon Department of Aviation will install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structure becomes more visible to pilots.

C) **Restrictions on Specific Uses** [OAR 660-013-0080]

- 1) Within the RPZ (runway protection zone) portion of the approach, the following additional restrictions apply unless the underlying zone is more restrictive: [OAR 660-013-0080]
 - a) No residential, commercial, industrial, or public assembly structures are allowed;
 - b) No athletic fields, water treatment plants, mining, water impoundments, or wetland mitigation is allowed;
 - c) Farm use, as defined by ORS 215.203, not including associated commercial activities such as farm stands, and excluding the commercial raising of animals or fowl which would be adversely affected by aircraft passing overhead, is permitted. Farming practices that minimize wild fowl attractants are encouraged;
 - d) Utilities and pipelines must be underground; and
 - e) Golf courses are a Type 2 use that may be permitted upon demonstration, supported by substantial evidence, that management techniques will be used to reduce existing wild fowl attractants and avoid the creation of new wildlife attractants. Such techniques will be conditions of approval. Tee markers, tee signs, pin cups and pins are not considered to be structures;
- 2) New industrial uses and the expansion of existing uses are prohibited where, as part of regular operations, the use would cause emissions of smoke, dust, or steam that would obscure visibility within the airport approach corridor. An exemption may be granted upon demonstration, supported by substantial evidence, that mitigation measures will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level;
- 3) No new or expanded industrial, commercial or recreational use will project lighting directly onto an existing runway or taxiway or into an Approach surface except where necessary for safe and

convenient air travel. Lighting for these uses will incorporate shielding in their designs to reflect light away from Approach surfaces. No use will imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting;

- 4) No new sanitary landfills, sewage lagoons, sewage sludge disposal facilities or similar facilities will be permitted within 5,000 feet from any airport runway used by only piston-type aircraft or within 10,000 feet of any airport runway used by turbojet aircraft. The expansion of existing landfill or sewage treatment or disposal facilities within these distances will be permitted only upon demonstration that the facility is designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion will be provided to the airport sponsor, Department of Aviation and the FAA, and any approval will be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result [ORS 836.623];
- 5) *Water Impoundments*
 - a) New water impoundments of one-quarter ($\frac{1}{4}$) acre or larger are prohibited within an approach corridor and within 5,000 feet of the end of a runway. Such impoundments are also prohibited on land owned by the airport or the airport sponsor where the land is necessary for airport operations. This prohibition does not apply to a storm water management basin established by the airport, a seaplane landing area, or agricultural water impoundments in which the water is used directly for growing crops such as cranberries or rice [ORS 836.623(2)(a), (4) and (5)];
 - b) Proposals for new water impoundments of one-quarter ($\frac{1}{4}$) acre or larger that will be outside the approach corridor but within 5,000 feet of the runway will be reviewed under the Type 2 procedures. The proposed impoundment will be approved only upon sufficient evidence provided by the applicant that the impoundment is unlikely to result in a significant increase in hazardous movements of birds feeding, watering or roosting in areas across the runways or approach corridors. As used in this Section, "significant" means a level of increased flight activity by birds across approach corridors and runways that is more than incidental or occasional, considering the existing ambient levels of flight activity by birds in the vicinity. Effects of mitigation measures or conditions that could reduce safety risks and incompatibility will be considered. Any information and supporting evidence that is received that alleges a significant increase in hazardous movements of birds will be forwarded to the FAA for review and comment prior to any final decision [ORS 836.623(2)(b), (c) and (d) and (6)]; and
 - c) The limitations on water impoundments in (a) and (b) do not apply to wetlands mitigation where it is not practicable to provide off-site mitigation, storm water management basins established by the airport, seaplane landing areas, or

agricultural water impoundments in which the water is used directly for growing crops such as cranberries or rice [ORS 836.623(2)(e)& (4)];

- 6) Radio, cellular communication, television and other similar transmission facilities and electrical transmission lines may be allowed only when the height and location of the facility is approved by the Department of Aviation;
- 7) No use or activity will create electrical interference with navigational signals or radio communication between airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; or otherwise create a hazard which may in any way endanger the landing, take-off, or maneuvering of aircraft using the airport;
- 8) No glare-producing materials will be used on the exterior of any building or structure or stored as exposed materials in a scrap or junkyard located within the Overlay. Glare-reducing agents used to prepare structures or buildings in this Overlay must be approved by the Department of Aviation and the County. The following site and roof characteristics or materials should be avoided:
 - a) Water is highly reflective, therefore anything that retains water should be avoided. This includes flat roofs and reflecting ponds;
 - b) Sloped glazing;
 - c) East and west facing storefronts;
 - d) Parking lots unshielded with trees;
 - e) A high rib metal roof with high gloss finish, and flat non-corrugated surface areas between the ribs;
 - f) Galvanized high rib or galva-lume high rib roof systems; and
 - g) Skylights and use of glass on roofs;

Roof materials that do not produce hazardous glare include: asphalt composition shingles; wood shingles and shakes; clay and cement tile roofs; painted and galvanized corrugated metal with no flat surfaces; flat roofs which do not retain water that have a gravel or dark surface;
- 9) No land use approval or other permit will be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Overlay;
- 10) All structures are subject to Oregon Dept. of Aviation (ODA) height regulations, and if a conflict exists with the maximum height set out in this Ordinance or an ODA requirement, the lowest height limitation fixed will govern;
- 11) There will be no display of signs which produce a flashing or blinking effect, nor will any lighting project upward in a manner that would interfere with aircraft; and

- 12) No structures or uses will provide for space or allow areas to be used as a place of public assembly not associated with or accessory to the primary purpose of the structure or use.

D) ***Review Standards***

When review is required under this Section, the owner or developer will show that the proposed use or structure will not conflict with aviation activities by submitting the following:

- 1) A statement from the Oregon Department of Aviation that the proposed use or structure complies with state regulations; and
- 2) A statement from the Ashland Public Works Director, when the proposed use is within the Ashland Airport Concern Overlay, or from the airport director or airport owner or operator at all other airports, verifying that the proposed use or structure will not impact aviation activities.

E) ***Easement and Deed Declarations Required***

- 1) On lands within the AA or AC Overlays, an aviation easement in a form acceptable to the airport owner or operator will be signed and recorded in the deed records of the County prior to issuance of building permits for new residential, commercial, industrial, institutional or recreational buildings, or structures intended for habitation or occupancy by humans or animals, or for the expansion of such buildings or structures by 50% or 1,000 square feet, whichever is less. The aviation easement will allow unobstructed passage for aircraft;
- 2) A deed declaration that acknowledges the pre-existence of the airport and anticipated noise levels will be recorded prior to issuance of building permits for any noise sensitive use that will be located within the 55 DLN (yearly day-night average sound level in decibels) noise contour of the airport, as delineated in an Approach and Clear Zone Plan or as shown on the County GIS maps. Noise sensitive uses include structures used for sleeping, schools, hospitals, libraries and similar uses. The deed declaration will also be attached to any subdivision or partition approval; and
- 3) In areas where the noise level is anticipated to be at or above 55 DLN, prior to issuance of a building permit for construction of a noise sensitive use the applicant will demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 45 DLN.
[OAR 660-013-0080]

7.2.2 Airport Boundary (AB) Overlay

A) ***General***

- 1) ***Purpose***
The Airport Boundary (AB) Overlay is intended to encourage and support the continued operation and vitality of airports in the county

by allowing airport-related uses that would otherwise not be permitted in the underlying zoning district.

2) *Applicability*

a) The AB Overlay applies to the Primary Surface of Class 1 and 2 airports:

i) Class 1 airports are publicly owned airports registered, licensed or otherwise recognized by the Department of Aviation on or before December 31, 1994, that in 1994 were the base for three (3) or more aircraft; and to other privately owned public-use airports specifically identified in administrative rules of the Oregon Department of Aviation as providing important links in air traffic in the state, providing essential safety or emergency services, or that are of economic importance to the County. Such airports include: *[ORS 836.610(1)]*

- Rogue Valley International - Medford Airport
- Ashland Municipal Airport
- Pinehurst Airport
- Prospect Airport

ii) Class 2 airports are private-use and privately owned public-use airports that were the base for three (3) or more aircraft, as shown in the records of the Department of Aviation, on December 31, 1994. Such airports include: *[ORS 836.608(2)]*

- Beagle Sky Ranch
- Burrill Airport
- Croman Heliport
- Erickson Heliport
- Shady Cove Airpark
- Snider Creek Airport
- Sutton-on-Rogue Airport

b) An airport boundary for a Class 1 airport may be expanded beyond the Primary Surface to include areas needed for planned airport operations, runways, taxiways, aircraft storage, maintenance, sales and repair facilities subject to compliance with the requirements of OAR 660-013-0040 and approval by the Board of Commissioners under a Type 4 procedure. An airport boundary for a Class 2 airport may be expanded to include areas that are developed or committed to airport uses allowed under ORS 836.616(2), subject to approval by the Board of Commissioners under a Type 4 procedure.

B) *Uses Allowed at Class 1 Airports*

In addition to the uses listed in Tables 4.2-1, 4.3-1, 4.4-1 and 6.2-1, the following are Type 1 uses within the AB Overlay of a Class 1 airport: [ORS 836.608(3), 836.616(2); OAR 660-013-0100 and -0110]

- 1) Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing and other uses.
- 2) Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services include search and rescue operations but do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.
- 3) Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- 4) Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- 5) Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.
- 6) Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
- 7) Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.

- 8) Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance of the airport sponsor. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used herein, parachuting and parachute drops include all forms of skydiving.
- 9) Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
- 10) Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.390.
- 11) Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the state Airport System Plan.
- 12) Commercial, industrial, manufacturing and other uses may be allowed if permitted in the underlying zoning district, provided the use will not create a safety hazard or otherwise limit approved airport uses. In addition, uses that existed at any time during 1996 are permitted upon demonstration that the use existed at that time [ORS 836.608(3)(a)].

C) **Uses Allowed at Class 2 Airports**

The following may be allowed within the AB Overlay of a Class 2 airport:
 [ORS 836.608(3) through (6); OAR 660-013-0155]

- 1) Construction of additional tie-downs, basing additional aircraft at the airport and increases in flight activity are permitted as Type 1 uses.
- 2) Construction of additional hangars by the owner of the airport is permitted subject to Type 2 review and compliance with the following criteria:
 - a) The use can be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals;
 - b) Will not force a significant change or significantly increase the costs of conducting existing uses on surrounding lands; and
 - c) Will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding

lands devoted to farm or forest use if the airport is adjacent to land zoned for exclusive farm use.

- 3) New uses listed in Section 7.2.1(B) and “through the fence operations” (see Section 6.3.5(A)) may be established subject to Type 2 review. The use will only be approved when compliance with all of the following criteria are demonstrated by the applicant:
 - a) The use is or will be supported by adequate types and levels of facilities and services and transportation systems authorized by applicable statewide land use planning goals;
 - b) The use does not seriously interfere with existing land uses in areas surrounding the airport; and
 - c) The use will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use if the airport is adjacent to land zoned for exclusive farm use.
 - d) An applicant may demonstrate that these criteria will be satisfied through the imposition of conditions.

7.2.3 Areas of Special Concern

A) **ASC 93-2 Transit Oriented Development**

1) *Description*

This Area of Special Concern identifies transit trunk routes in Jackson County, which are Highway 99 from Ashland to Medford (also known as Rogue Valley Highway), Court Street, Riverside Avenue, Central Avenue, South Pacific Highway, Bear Creek Drive, Main Street, North Main, East Main, and Siskiyou Boulevard), and other designated routes in plans adopted by the Rogue Valley Transit District (RVTD).

2) *Special Requirements*

Include the following:

- a) Special requirements for design and development of transit routes and transit facilities will apply within 1,000 feet of transit trunk routes through provision of bus stops or pullouts, shelters, signs, and other transit facilities. Coordination of transit routes by RVTD with cities or Jackson County will consider appropriate road standards to support bus traffic and on-road parking restrictions;
- b) Transit transfer stations and park-and-ride lots are planned by RVTD on or within 1,000 feet of the Highway 99 transit trunk route. All transfer stations and park-and-ride lots will provide bicycle parking facilities as part of the development and connections to pedestrian ways;
- c) Along a transit route, industrial, institutional, retail or office developments generating over 250 trip ends per day will be required to either: connect to an existing transit stop, or provide a new transit stop site in accordance with RVTD

recommendations. The conditions placed on new development to require transit improvements will be based on the requirements of the RVTD. Where a transit stop is needed, the conditions of approval will provide for no less than a transit easement and a commitment to install facilities within a specified time period;

- d) New retail, office and institutional buildings at or near existing or planned transit stops will provide preferential access to transit by orienting building entrances to the transit stop, clustering buildings around the transit stop, and locating buildings as close as possible to transit stops; and
- e) For residential land divisions of five (5) or more lots located along transit routes, transit stops must be provided when requested by RVTD.

B) **ASC 2003-1, Goal 11 Exception Areas³**

This Area of Special Concern includes lands justified as "Reasons" Exception Areas to Statewide Planning Goal 11, Public Facilities and Services, where creation or extension of a public sewer facility has been approved to serve a specified use in the Goal Exception Area. This ASC may also be applied to "Physically Developed" and/or "Irrevocably Committed" Exception Areas where additional use restrictions are found to be merited beyond the base zoning district provisions. Development of properties within this ASC is subject to the restrictions outlined in the adopting ordinance for the Goal 11 Exception Area. Section 3.6.2 identifies the procedure for sewer connection approvals depicted in this ASC.

C) **ASC __ Highway 62 Special Land Area Use Plan (Reserved)**

This Area of Special Concern will provide a refinement plan for land use and transportation for the transportation corridor between Medford and White City.

D) **ASC __ Highway 99 Medford-Phoenix Special Area Plan (Reserved)**

This Area of Special Concern will provide a refinement plan for land use and transportation for the transportation corridor between Medford and Phoenix.

7.3 URBAN OVERLAYS

7.3.1 Areas of Mutual Planning Concern and Urban Growth Boundaries

Incorporated communities may agree with the County to designate lands lying immediately beyond their urban growth boundaries as areas where the County and city will coordinate planning activities, including those pertaining to requests for changes in land use. All such agreements will be subject to mutual review and adoption by the governing bodies of the affected city and the County. Agreements currently in effect are hereby adopted by reference and govern County land use actions in their respective areas. Development standards adopted through such agreements supercede the development standards of this Ordinance when specified in the agreement.

³ASC 2003-1 adopted in File 2002-3-OA

7.3.2 Area of Special Concern, ASC 82-1 Whetstone Industrial Park

This area establishes the following policies for the development of the Whetstone Industrial Park (WIP). ASC 82-1 consists of two areas mapped as 82-1(a) and 82-1(b). Map 82-1(a) delineates the entire area of the WIP and Map 82-1(b) delineates the Whetstone Creek corridor. Sections A and B below apply to the entire WIP as mapped in 82-1(a). Section C below applies only to the area mapped in 82-1(b).

A) Lot Size

Minimum lot sizes are listed in Table 7.3.2-1 below:

Table 7.3.2-1 Minimum Lot Sizes for Whetstone Industrial Park

Use Category	Specific Use Criteria	Minimum Lot Size
Independent Industrial Use	<p>This category applies to the creation of a unit of land that is expected to operate independent of other units of land within the WIP. Units of land created under this category shall be subject to the following:</p> <ol style="list-style-type: none"> 1. A conceptual site plan depicting the intended use must be submitted along with findings demonstrating that the lot size is of adequate size to meet the needs of the intended use. 2. No more than six (6) underdeveloped units of land less than 50 acres in size may exist at one time. For the purposes of this section, an 'underdeveloped unit of land' is a unit of land with less than \$500,000 in physical improvements according to the Jackson County Assessor's real market value. A unit of land created under the environmental stewardship and/or TDR category is not considered 'underdeveloped'. 	15 acres
Integrated Industrial Use	<p>This category applies to the creation of a unit of land that is reasonably expected to operate in conjunction with another unit of land within the WIP for its routine operations. Units of land created under this category shall be subject to the following:</p> <ol style="list-style-type: none"> 1. A conceptual site plan depicting the intended use must be submitted along with findings demonstrating that the lot size is of adequate size to meet the needs of the intended use. 2. A deed declaration must be recorded, which restricts the use of the unit of land to the specified integrated use for a period of not less than six (6) years from the date of parcel or lot creation. 	7 acres
Environmental Stewardship and/or Transfer of Development Rights (TDR)	<p>This category applies to the creation of a unit of land for environmental stewardship and/or TDR purposes. Units of land created under this category shall be subject to the following:</p> <ol style="list-style-type: none"> 1. Findings must be submitted demonstrating how the creation of the unit of land qualifies as environmental stewardship and/or TDR purposes. 2. A legal instrument and/or other evidence must be recorded, which reasonably assures the long-term preservation of the unit of land. 	5 acres

Use Category	Specific Use Criteria	Minimum Lot Size
Supporting Use	<p>This category applies to the creation of a unit of land that will support industrial development within the WIP. Units of land created under this category shall be subject to the following:</p> <ol style="list-style-type: none"> 1. A conceptual site plan depicting the supporting use must be submitted along with findings demonstrating how the specified use supports the industrial development of the Whetstone Industrial Park. 2. A deed declaration must be recorded, which restricts the use of the unit of land to the specified supporting use for a period of not less than ten (10) years from the date of parcel or lot creation. 	1 acre
Other Use	None	50 acres

B) *Development Standards*

Unless otherwise specified in this section, development within the WIP shall comply with the standards outlined in Chapters 9 and 12.

1) *Improvements:*

- a. Building setback from public street rights-of-way will be a minimum of one and one-half (1½) times building height (D=1.5H);
- b. Any outdoor storage of equipment or materials will be screened from view from along all public streets and the Whetstone Creek riparian area;

2) *Drainage:*

- a. Developed areas are required to provide onsite detention, limiting runoff to 0.25 cfs per acre of development for the design year storm event
- b. Drainage systems shall be designed by an Oregon Registered Engineer who shall certify that the design employs best management practices to maintain good water quality consistent with Oregon Department of Environmental Quality guidelines.
- c. Surface waters leaving each site may drain to the roadside ditches or established drainage facilities.
- d. Only stormwater will be allowed to drain to Whetstone Creek and other drainage channels. Industrial wastes shall connect to the sanitary sewer or else demonstrate necessary water quality permits from DEQ can feasibly be obtained.

3) *Sewer:*

- a. All developments within the WIP will connect to the public sewer system. No septic systems are allowed.

4) *Landscaping:*

- a. A minimum 20 foot xeriscape landscaped strip is required along all public street frontages (standards to match Section 12.12.4). If adequate irrigation can be provided, general White City General Landscape Standards (Section 12.12.3) may be applied at the discretion of the applicant.
- b. No street trees are required per JCLDO Section 12.12.1.
- c. Parking area landscaping requirements may be adapted to meet Xeriscape standards of Section 12.12.4.
- d. All required landscaping within 20 feet of the Whetstone Creek Corridor shall be planted in native plantings identified and determined by an Oregon Registered Landscape Architect.

C) ***Whetstone Creek Corridor Restrictions***

The Whetstone Creek corridor, defined by map 82-1(b), is restricted, as follows:

- 1) Structural development designed and permitted for human occupancy is not allowed.

All development shall comply with LDO Section 8.6, Stream Corridors and Riparian Habitat..

7.3.3 Urban Fringe

The following Urban Fringe protection regulations are adopted pursuant to OAR 660-004-0040(8).

- A) ***Designation***
Urban Fringe lands will include all unincorporated lands located within one (1) mile of the Urban Growth Boundaries of Medford, Ashland, and Central Point.
- B) ***Divisions of Land***
All Urban Fringe lands designated for residential use must maintain a 10-acre minimum lot size in accordance with OAR 660-004-0040.
- C) ***Plan/Zone Changes***
Urban Fringe lands are eligible for changes in Comprehensive Plan land use designations, and for zone changes, on the same basis as other lands in the County.



JACKSON
COUNTY
Oregon

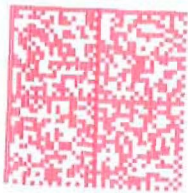
Development Services

10 South Oakdale Ave., Room 100
Medford, Oregon 97501-2902

ATTN: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL ST NE STE 150
SALEM OR 97301



Label 107R, January 2008



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