



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

February 13, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Jackson County Plan Amendment  
DLCD File Number 002-06 R

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

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 26, 2008**

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 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 DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
John Renz, DLCD Regional Representative  
Stuart Todd, Jackson County

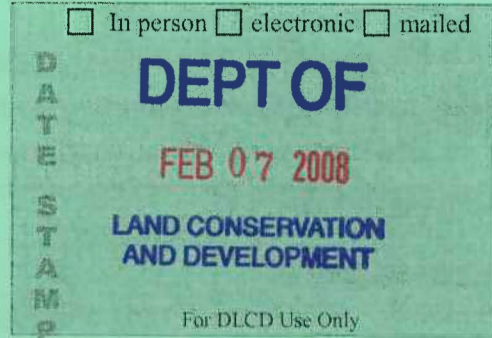
<paa> ya/

FORM 2

DLCD

# Notice of Adoption

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



Jurisdiction: **Jackson County**

Local file number: **LRP2005-00008**

Date of Adoption: **1/30/2008**

Date Mailed: **2/5/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **3/27/2006**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Remand**

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

Amend the Comprehensive Plan and Land Development Ordinance to: 1) Expand the uses allowed in the Rural Use (RU) Plan Designation and Zoning District; 2) establish minimum densities of 1 unit per 20, 30, and 40 acres in the RU zone; 3) establish minimum densities of 15, 25, and 30 acres (for RU 20, RU 30, and RU 40) for cluster development or planned unit development in the RU zone; and, 4) modify the criteria for designation to RU and determination of density.

Does the Adoption differ from proposal? Yes, Please explain below:

The adopted amendment differs from the amendment remanded to the County by: 1) Providing a clustering or planned unit development bonus; 2) providing minimum densities of 1 unit per 20, 30, and 40 acres; and, 3) amending the criteria for designation to RU and determination of density. These changes primarily effect the Comprehensive Plan text.

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **NA**

Acres Involved: **0**

Specify Density: Previous: **Existing-no division**

New: **20, 30, and 40 acres**

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

**DLCD# 002-06 (15120)R LUBA 2006-185 REMAND  
COA A134861 AFFIRMED**

45-days prior to first evidentiary hearing?  Yes  No  
If no, do the statewide planning goals apply?  Yes  No  
If no, did Emergency Circumstances require immediate adoption?  Yes  No

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

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

DLCD, DSL, DEQ, DOA, JACKSON COUNTY CITIES, ODFW

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Local Contact: **Stuart Todd**

Phone: (541) 774-6956 Extension:

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

Fax Number: **541-774-9791**

City: **Medford**

Zip: **97501-**

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

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### **ADOPTION SUBMITTAL REQUIREMENTS**

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

## JACKSON COUNTY NOTICE OF ADOPTION

Pursuant to Oregon Revised Statutes (ORS) 197.615, you are hereby being notified that the Jackson County Board of Commissioners adopted Ordinance No. 2008-1 at a properly advertised public hearing on January 30, 2008, 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 March 30, 2008 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2008-1 will amend the Map Designations Element of the Jackson County Comprehensive Plan and the Land Development Ordinance to modify the Rural Use Map Designation and Zoning District. File LRP2005-00008.

This notice is being mailed to you on February 5, 2008, 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 **Stuart Todd** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6956; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6956.

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

The Board of County Commissioner's Ordinances are the final decisions on this action. Pursuant to State law, Jackson County is hereby notifying all persons who participated in the hearings, either in writing or orally. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on February 5, 2008, and the LUBA appeal period will expire on February 26, 2008. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

Attachments: Notary Packet

NOTARY PAGE

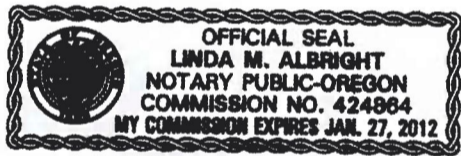
STATE OF OREGON    )  
                                  )  
COUNTY OF JACKSON )

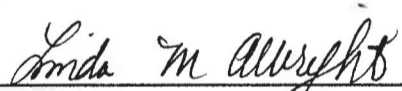
I, Patricia A. Guida, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2008-1 by mailing a copy of the Notice of Adoption by regular mail to each of the following named persons at their respective last known addresses, to wit: (as attached)

Each of said copies of the Notice were enclosed in a sealed envelope addressed to the persons at the addresses above set forth, with postage thereon fully prepaid and was deposited in the post office at Medford, Oregon, on February 5, 2008.

  
Signature

Personally appeared before me this 5th day of February, 2008, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.



  
Notary Public for Oregon  
My Commission Expires: 1-27-2012

NOTICE OF ADOPTION SENT TO: AGENCIES AND INTERESTED PERSONS.

APPLICANT NAME: JACKSON COUNTY

FILE NO: LRP2005-00008

**Notice of Acceptance**  
**File # LRP2005-00008**  
**APPLICANT/AGENT/STAFF**  
**Mailed/Distributed:**

LRP2005-00008  
DENIS C. W. SMITH, CHAIR  
BOARD OF COMMISSIONERS

LRP2005-00008  
DAVE GILMOUR  
BOARD OF COMMISSIONERS

LRP2005-00008  
JACK WALKER  
BOARD OF COMMISSIONER

LRP2005-00008  
SUSAN LEE  
PLANNING DIRECTOR

LRP2005-00008  
KELLY MADDING  
DEVELOPMENT SERVICES  
DIRECTOR

LRP2005-00008  
STUART TODD  
PLANNER

LRP2005-00008  
ALLIE O'CONNOR  
COUNTY COUNSEL

LRP2005-00008  
**INTERESTED PARTIES:**

LRP2005-00008  
MARY-KAY MICHELSEN  
2810 DIANE ST  
ASHLAND OR 97520

LRP2005-00008  
JOHN RENZ/DLCD  
PO BOX 3275  
CENTRAL POINT OR 97502

LRP2005-00008  
RAUL WOERNER  
497 BROWN RIDGE TER #101  
MEDFORD OR 97504

LRP2005-00008  
PORTER LOMBARD  
2425 E MAIN  
MEDFORD OR 97504

LRP2005-00008  
DAVID PYLES/ODOT  
100 ANTELOPE RD  
WHITE CITY OR 97503

LRP2005-00008  
JOHN GRAVES  
1975 HOUSTON RD  
PHOENIX OR 97535

LRP2005-00008  
JAY HARLAND  
497 BROWN RIDGE TER #101  
MEDFORD OR 97504

LRP2005-00008  
ERIC STARK  
201 W MAIN ST #1B  
MEDFORD OR 97504

LRP2005-00008  
DONNIE MCGREW  
5525 ABBIE LN  
GOLD HILL OR 97525

LRP2005-00008  
GENE JOHNSON  
2973 LINDEN LN  
CENTRAL POINT OR 97505

LRP2005-00008  
BRENT THOMPSON  
PO BOX 201  
ASHLAND OR 97520

LRP2005-00008  
VICTOR AYALA  
PO BOX 1387  
JACKSONVILLE OR 97530

LRP2005-00008  
RONALD/DONNA CULL  
1712 STEVENS RD  
EAGLE POINT OR 97524

LRP2005-00008  
RONALD BJORK  
2960 BROWNSBORO HWY  
EAGLE POINT OR 97524

LRP2005-00008  
OTIS SWISHER  
PO BOX 1582  
MEDFORD OR 97501

LRP2005-00008  
~~ART BULLOCK~~  
~~PO BOX 1443~~  
~~PHOENIX OR 97535~~

LRP2005-00008  
WALTER FITZGERALD  
PO BOX 3984  
CENTRAL POINT OR 97502

LRP2005-00008  
DEAN/JAN WEITMAN  
PO BOX 1343  
SHADY COVE OR 97539  
LRP2005-00008

JOHN RAMSEY  
1255 WORTHINGTON RD  
EAGLE POINT OR 97524

LRP2005-00008  
PATRICIA BATES  
PO BOX 264  
JACKSONVILLE OR 97530

LRP2005-00008  
SUSAN MILBURN/WILLS WATSON  
PO BOX 600  
TALENT OR 97540

LRP2005-00008  
ART GLOCKLER  
PO BOX 329  
GOLD HILL OR 97525  
LRP2005-00008

ROCKY WARDLE  
9495 E EVANS CRK RD  
ROGUE RIVER OR 97537

LRP2005-00008  
ALVA DOTY  
PO BOX 379  
EAGLE POINT OR 97524

LRP2005-00008  
JUDSON PARSONS  
490 95<sup>TH</sup> AVE NE  
SALEM OR 97317

LRP2005-00008  
KATHLEEN DONHAM  
3776 DEVILS GARDEN DR  
MEDFORD OR 97504

LRP2005-00008  
HAROLD HAUGEN  
4300 LOWER RIVER RD  
GRANTS PASS OR 97527

LRP2005-00008  
JOE FORT  
4994 DARK HALLOW RD  
MEDFORD OR 97501

LRP2005-00008  
BRYAN BAUMGARTNER  
6345 N FOOTHILL RD  
CENTRAL POINT OR 97502

LRP2005-00008  
KATE JACKSON  
359 KEARNEY ST  
ASHLAND OR 97520

LRP2005-00008  
WILLIAM ORR  
1288 WORTHINGTON RD  
EAGLE POINT OR 97524

LRP2005-00008  
L M JONES  
575 HARTLEY RD  
PHOENIX OR 97535

LRP2005-00008  
AL ROSECRANS  
5094 KANE CREEK RD  
CENTRAL POINT OR 97502

LRP2005-00008  
PAT ACKLIN  
270 SCENIC DR  
ASHLAND OR 97520

LRP2005-00008  
DOROTHY JONES  
14308 45<sup>TH</sup> AVE CT NW  
GIG HARBOR WA 98332

LRP2005-00008  
DON/TRAUTE MOORE  
2700 QUAIL RUN RD  
TALENT OR 97540

LRP2005-00008  
ROBERT MYERS  
PO BOX 658  
GOLD HILL OR 97525

LRP2005-00008  
G HURLEY  
2158 TERREL DR  
MEDFORD OR 97501

LRP2005-00008  
CYNTHIA SCALA  
6632 DARK HOLLOW RD  
MEDFORD OR 97501

LRP2005-00008  
JOHN ROTAR  
1390 HAMMEL RD  
EAGLE POINT OR 97524

LRP2005-00008  
GREGG ADAMS  
PO BOX 1337  
MEDFORD OR 97501

LRP2005-00008  
ED VAUGHN  
1014 OLD STAGE RD  
CENTRAL POINT OR 97502  
LRP2005-00008

CATHY SHAW  
~~886 OAK ST~~  
~~MEDFORD OR 97501~~

LRP2005-00008  
BRENT THOMPSON  
PO BOX 201  
ASHLAND OR 97520

LRP2005-00008  
DON RIST  
2060 JOY DR  
TALENT OR 97540

LRP2005-00008  
MARY MORRIS  
225 W VALLEY VIEW DR  
ASHLAND OR 97520

LRP2005-00008  
MIKE DAUENHAUER  
1681HWY 99 S  
ASHLAND OR 97520

LRP2005-00008  
KRISTA BOLF  
2508 JUANIPERO WY  
MEDFORD OR 97504

LRP2005-00008  
JOAL OCKUNZZI  
PO BOX 2768  
WHITE CITY OR 97503

LRP2005-00008  
LORI COOPER  
2255 CHINA GULCH RD  
JACKSONVILLE OR 97530

LRP2005-00008  
JOHN MORRISON, MAYOR  
CITY OF ASHLAND  
20 E MAIN ST  
ASHLAND OR 97520

LRP2005-00008  
GARY WHEELER, MAYOR  
CITY OF MEDFORD  
411 W 8<sup>TH</sup> ST  
MEDFORD OR 97501

LRP2005-00008  
MARK BURKHALTER  
2 N OAKDALE AVE  
MEDFORD OR 97501

LRP2005-00008  
STEVE NIEMELA, ODFW  
1495 E GREGORY RD  
CENTRAL POINT OR 97502

LRP2005-00008  
BEN TRUWE  
607 S HOLLY ST  
MEDFORD OR 97501

LRP2005-00008  
D ELLSWORTH  
3303 N VALLEY VIEW RD  
ASHLAND OR 97520

LRP2005-00008  
JOHN STATLER  
1120 NIANTIC ST  
MEDFORD OR 97501

LRP2005-00008  
DEBORAH MILLER  
160 NORMAL AVE  
ASHLAND OR 97520

LRP2005-00008  
CHRIS SKREPETOS  
4424 HWY 66  
ASHLAND OR 97520

LRP2005-00008  
SUSAN ORR  
1288 WORTHINGTON RD  
EAGLE POINT OR 97524

AA-F1 LRP2005-00008  
GREG ALEXANDER  
OREGON DEPT OF FORESTRY  
5286 TABLE ROCK RD  
CENTRAL POINT OR 97502

AA-F5 LRP2005-00008  
BUREAU OF LAND MANAGEMENT  
3040 BIDDLE RD  
MEDFORD OR 97504

AA-G34A LRP2005-00008  
RON EBER (EFU ZONED)  
DLCD  
635 CAPITOL ST NE STE 150  
SALEM OR 97301-2540

AA-A1 LRP2005-00008  
CITY PLANNER  
ROGUE RIVER CITY HALL  
PO BOX 1137  
ROGUE RIVER OR 97537

AA-A4 LRP2005-00008  
CITY PLANNER  
CITY OF SHADY COVE  
PO BOX 1210  
SHADY COVE OR 97539

AA-A5 LRP2005-00008  
CITY PLANNER  
CITY OF GOLD HILL  
PO BOX 308  
GOLD HILL OR 97525

AA-A6 LRP2005-00008  
CITY PLANNER  
BUTTE FALLS CITY HALL  
431 BROAD ST  
BUTTE FALLS OR 97522

AA-A7 LRP2005-00008  
CITY PLANNER  
CENTRAL POINT CITY HALL  
140 S THIRD ST  
CENTRAL POINT OR 97502

AA-A8 LRP2005-00008  
CITY ADMINISTRATOR  
EAGLE POINT CITY HALL  
PO BOX 779  
EAGLE POINT OR 97524

AA-A9 LRP2005-00008  
CITY PLANNER  
JACKSONVILLE CITY HALL  
PO BOX 7  
JACKSONVILLE OR 97530

AA-A10 LRP2005-00008  
CITY PLANNER  
CITY OF PHOENIX  
PO BOX 300  
PHOENIX OR 97535

AA-A12 LRP2005-00008  
RON WILSON  
W C COMM IMPRVMENT ASSOC  
PO BOX 2403  
WHITE CITY OR 97503

AA-A2 LRP2005-00008  
JOHN ADAMS  
CITY OF TALENT  
PO BOX 445  
TALENT OR 97540

AA-A2 LRP2005-00008  
BETTY WHEELER  
CITY OF TALENT  
PO BOX 445  
TALENT OR 97540

AA-A11 LRP2005-00008  
ROB SCOTT  
CITY OF MEDFORD  
200 S IVY ST ROOM 240  
MEDFORD OR 97501

AA-B14 LRP2005-00008  
DICK CONVERSE  
RVCOG  
PO BOX 3275  
CENTRAL POINT OR 97502

AA-A3 LRP2005-00008  
BILL MOLNAR  
CITY OF ASHLAND  
20 E MAIN ST  
ASHLAND OR 97520



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

ORDINANCE NO. 2008-1

AN ORDINANCE AMENDING THE MAP DESIGNATIONS ELEMENT OF THE JACKSON COUNTY COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT ORDINANCE TO MODIFY THE RURAL USE MAP DESIGNATION AND ZONING DISTRICT (FILE LRP2005-00008)

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 and implementing ordinances have been acknowledged by the Land Conservation and Development Commission (LCDC).
2. The acknowledged 2004 Land Development Ordinance (Ord. 2004-2RM) added a new zoning district, Rural Use. That amendment was accompanied by modifications to the Jackson County Comprehensive Plan Map Designations Element, which added a Rural Use Plan Category (Ordinance 2004-1).
3. Ordinance No. 2006-8, of the same title, adopted on September 20, 2006, was remanded by LUBA Order No. 2006-185. The Board addressed the remand and changes to Ordinance No. 2006-8 in a series of public hearings.
4. On July 18, 2007 the Board of County Commissioners held a public hearing on the LUBA remand. Notice to affected agencies and all interested parties of record was mailed on June 28, 2007, at least 20 days prior to the hearing.
5. The public hearing was continued to times and dates certain on: September 26, 2007 and October 24, 2007, and the written record was left open until November 7, 2007, after which the record was closed. Deliberations were held on November 28, 2007.

Now, Therefore, the Board of County Commissioners of Jackson County hereby makes the following

1-ORDINANCE; File LRP2005-00008 RM  
Rural Use Ordinance - Remand

findings and conclusions:

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

Based upon the evidence and argument presented, the Board makes the following findings of fact with respect to the remand on Rural Use.

- 1.1 LUBA Order No. 2006-0185 remanded the Rural Use ordinance because of a lack of evidence that the County had adequately considered the comments by the City of Ashland in its September 20, 2006 hearing. The LUBA order stated that the County did not address its Goal 2 coordination requirement.
- 1.2 On September 6, 2007, County planning staff met with representatives of DLCD and ODFW to review the LUBA remand and to discuss proposed County staff updates to the Rural Use ordinance.
- 1.3 On September 21, 2007, County planning staff met with four local jurisdictions' planning staff: City of Medford, City of Talent, City of Ashland, and Rogue Council of Governments. These jurisdictions comprised the local government comment and concern in prior written comment and at the July 18, 2007 hearing. The coordination meeting was held to hear from these jurisdictions about their concerns with the Rural Use ordinance as adopted in September 2006, as well as to convey the County Planning's staff intent to further amend the ordinance for clarity.
- 1.4 At the September 26, 2007 public hearing, representatives of the City of Medford, the City of Talent, and the City of Ashland provided oral testimony to the Board of Commissioners. In addition, the City of Ashland submitted written comment at the October 24, 2007 hearing.
- 1.5 County Planning Staff made recommendations in two staff reports prepared for the hearings of September 26, 2007 and October 24, 2007. The final recommendation was provided to all affected agencies and interested persons by mail seven days prior to the October 24th hearing, and available on the County website three weeks prior to the hearing.
- 1.6 The written record was left open until October 31, 2007, with an additional seven-day rebuttal period until November 7, 2007 when the record was closed. No additional comment was received by any affected agencies or outside parties during this period. Staff made comment on October 30<sup>th</sup> in response to the October 24<sup>th</sup> hearing.
- 1.7 File No. LRP2005-00008 is comprised of the original record that led to Ordinance No. 2006-8, and the additional remand record in support of this ordinance.

## **SECTION 2. LEGAL FINDINGS**

- 2.1 The Board of Commissioners finds that coordination on the Rural Use remand has been

**2-ORDINANCE; File LRP2005-00008 RM  
Rural Use Ordinance - Remand**

carried out. The County has met with affected agencies, as well as providing three public hearings to comment and participate in the proposed revisions to the Rural Use portions of the Comprehensive Plan and Land Development Ordinance.

- 2.2 The Board finds that the record in this case demonstrates the County has proceeded in accordance with Section 3.7 of the Land Development Ordinance, for legislative amendments to the Comprehensive Plan and Land Development Ordinance. File No. LRP2005-00008, Rural Use, has had legislative hearings before the Planning Commission and the Board.
- 2.3 The Board finds that the staff report documents the need for further map designation and zone amendment revisions as proposed by this ordinance. The staff report describes the appropriate citations necessary to establish Rural Use when amending current resource designations, as well as other studies and application submittal guidelines.
- 2.4 The Board finds the final staff report and Attachments (1 - 4) for the October 24, 2007 hearing, with revisions (10/30/07), represent a necessary and reasonable resolution to the LUBA remand of Ordinance No. 2006-8. The Board of Commissioners finds that the remand resulted in coordination with the affected agencies, as well as providing the public at large the opportunity to comment on the proposed revisions.

### **SECTION 3. CONCLUSIONS**

- 3.1 The modifications to the Ordinance No. 2006-8 provide a basis of agreement on the intent of Rural Use land use designations in Jackson County at this time. This agreement stems from the full record of File No. LRP2005-00008, including all the oral and written testimony received in the remand hearing process.
- 3.2 The additional staff recommendations incorporated in this ordinance serve the purpose of clarifying the application process for applicants seeking Plan and Zone amendments to Rural Use. They include reference to existing resource definitions and studies, refinements to the studies required of a Rural Use amendment on currently designated farm or forest lands, and a set of application guidelines in the User's Guide, to help applicant's interpret the County's regulations.

### **SECTION 4. DECISION**

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

- 4.1 The Board of Commissioners hereby amends the Comprehensive Plan text and Land Development Ordinance text as adopted on September 20, 2006 by Ordinance #2006-8:
  - 4.1.1 Revisions to the Rural Use provisions in the Jackson County Comprehensive Plan, Map Designations Element, Rural Use section, attached as Exhibit A.

**3-ORDINANCE; File LRP2005-00008 RM  
Rural Use Ordinance - Remand**


- 4.1.2 Revisions to the Jackson County Land Development Ordinance, Chapter 8, Dimensional Standards, attached as Exhibit B.
- 4.1.3 Revisions to the Jackson County Land Development Ordinance, Chapter 6, Use Regulations, attached as Exhibit C.
- 4.1.4 Planning Division's User's Guide, the addition of Application Submittal Guidelines for Rural Use, Section 2.12, attached as Exhibit D.

- 4.2 In accordance with Section 14(8) of the Jackson County Charter, this ordinance will go into effect 60 days after it is signed.
- 4.3 Invalidity of a section or part of this ordinance shall not affect the validity of the remaining sections or parts of sections.

APPROVED this 30<sup>th</sup> day of January, 2008, at Medford, Oregon.

**JACKSON COUNTY BOARD OF COMMISSIONERS**

  
Dennis C.W. Smith, Chair

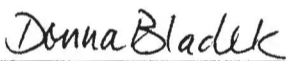
  
Dave Gilmour, Commissioner

  
Jack Walker, Commissioner

APPROVED AS TO FORM:

ATTEST:

  
County Counsel

  
By: Recording Secretary

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on \_\_\_\_\_, 2008, and the LUBA appeal period will expire on \_\_\_\_\_, 2008. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

**5-ORDINANCE; File LRP2005-00008 RM  
Rural Use Ordinance - Remand**

### Exhibit A

**Jackson County Comprehensive Plan, Map Designations Element  
RU Ordinance #2006-8 (9/20/06) to be amended as follows. Note - the  
following text should be reflected in its entirety as the text of the Rural Use  
subsection.**

[Proposed changes are shown in strikeout highlight style.]

### RURAL USE

- 1) Purpose:  
The Rural Use designation is provided for lands outside urban growth boundaries or unincorporated community boundaries that are not deemed to be Forestry/Open Space or Agricultural lands as set forth in this Comprehensive Plan and Statewide Planning Goals 3 and/or 4. This designation is only applied where very low intensity rural development is found to be appropriate over the foreseeable future due to topographic, environmental, natural hazard, public access, or needed public service constraints. This designation is not intended for exception areas established pursuant Statewide Planning Goal 2 where Goals 3, 4 or 14 would otherwise be applicable.
- 2) Map Designation Criteria:  
In the existing Agricultural Land and Forestry/Open Space Comprehensive Plan map designations, Statewide Planning Goals 3 and/or 4 apply to the areas so designated unless the applicant can demonstrate otherwise. The burden is on the applicant to demonstrate to the County that Goals 3 and 4 are inapplicable based on all of the following criteria:
  - A) The proposed Rural Use site does not meet the definitions of "Agricultural Land" and "Forest Lands" contained in the Statewide Planning Goals, and as set forth in the Definitions Element, Map Designations Element, Agricultural Lands Element, and the Forest Lands Element of the Jackson County Comprehensive Plan.
  - B) NRCS or other qualified soil survey and mapping, and/or forest cubic foot site class data for the entire parcel, completed by an ARCPACS certified soils scientist and/or a qualified forester, ~~or a level 1 soils survey completed by an ARCPACS certified soils scientist~~ indicates the proposed Rural Use area does not meet the soil and definitional standards for ~~relevant definitions of~~ "Agricultural Land" and "Forest Lands" in the Comprehensive Plan or in other State law. ~~contained in the Statewide Planning Goals, and as set forth in the Definitions Element, Map Designations Element, Agricultural Lands Element, and the Forest Lands Element of the Jackson County Comprehensive Plan.~~ The

predominant soils (> 50% of the site) and/or predominant forest productivity characteristics will be the basis of any conclusions.

- C) When further land division could feasibly occur, the proposed Rural Use area will be located within a rural fire protection district or where a rural fire protection district has agreed to provide service by contract.
- D) Essential public services are available to support uses allowed in the Rural Use zoning district.
- E) ~~Where the area proposed for Rural Use includes or adjoins identified Goal 5 resources, or is otherwise mapped within a Goal 5 impact area, the County shall adopt a site-specific ESEE analysis sufficient to satisfy Goal 5. As part of a quasi-judicial application requesting Rural Use, the application shall provide site-specific information and data on the quality and quantity of the resource from qualified professionals; the application shall also include a draft ESEE analysis for the County's consideration. When a quasi-judicial Comprehensive Plan Amendment request is consolidated with a zone change and development plan, the ESEE analysis and results shall be based upon such plan as approved. A site specific ESEE that relies on the County's adopted Goal 5 protection program and provides a comparable level of protection that existed under the previous Comprehensive Plan designation shall be deemed to meet this criterion. [ NOTE: Sub E is struck completely. ]~~
- F) Other factors such as NRCS soils classifications, slope, wildlife habitat and any other Federal, State or local concerns may be considered in a determination as to the appropriateness of the Rural Use designation.

3) Establishment of Zoning District:

Rural Use zoning districts may be established on the Jackson County Zoning Maps following Plan map designation as Rural Use. The Land Development Ordinance establishes permissible density, uses and development standards consistent with the purpose statement in Section (1) above.

4) Determination of Appropriate Density:

When a right to develop more than one residence on Rural Use designated land is requested, the plan amendment proposal must be coupled with a request for an appropriate zoning district to assure that future development will be appropriate to the area. Allowable density will be established based on an analysis of nearby development patterns and land suitability factors, including urbanization policies of any adjoining cities or urban reserve areas. A binding site development plan is required when a Rural Use area is proposed for subsequent land division. Density may be set on a minimum parcel size basis in accordance with Land Development Ordinance Chapter 8 provisions, or based on a total number of units to be developed in the area designated Rural Use

(e.g., cluster or PUD development), ~~see LDO Chapter 5~~). Factors that ~~may be~~ will be considered in establishing appropriate density in Rural Use areas include the following:

- A) Mean parcel sizes within a study area ~~2000-acre area~~ surrounding the subject parcel. The study area will include parcels intersecting at least a half-mile buffer of the perimeter of the subject site, but not more than one-mile. ~~Mean parcel size will be determined based on an analysis of all parcels within the a 2000-acre study area that are 80-acres or less in size.~~ The study area will not include urban parcels or urban reserve areas. If no parcels in the study area are 80-acres or less in size, the maximum density of the Rural Use designation will be ~~20~~ 40 acres.
- B) ~~Where the proposed area includes or adjoins identified Goal 5 resources, or is otherwise mapped within a Goal 5 impact area, the proposed density shall be consistent with the site-specific ESEE adopted by the County as part of the Comprehensive Plan.~~
- C) Fire service protection needed to serve the development is available or can be made available; and
- D) A water supply that meets applicable health standards and is sufficient for the reasonably foreseeable needs of the proposed development is available or can be made available.



[ Table 4-1 from RU Ordinance #2006-8]

TABLE 4-1	
<u>Comprehensive Plan Map Designations</u>	<u>Implementing Zoning Districts</u>
Forestry/Open Space Land	Forest Resource (FR), Woodland Resource (WR), and Open Space Reserve (OSR)
Agricultural Land	Exclusive Farm Use (EFU)
Aggregate Resource Land	Aggregate Removal (AR) District
Rural Use	<del>RU-10, RU-15</del> , RU-20, RU-30, RU-40
Rural Residential Land	RR-2.5, RR-5, RR-5(A), RR-10 and RR-00
Urban Residential Land	UR-1, UR-4, UR-6, UR-8, UR-10, and UR-30
White City Urban Residential Land	WCUR-4, WCUR-6, WCUR-8, WCUR-10, WCUR-30
Urbanizable Area	Mutually adopted zoning districts administered by a City pursuant to an urban growth boundary management agreement.
Limited Use	Limited Use (LU)
Commercial Land	General Commercial (GC), Interchange Commercial (IC), Neighborhood Commercial (NC), Rural Service Commercial (RS), and Unincorporated Communities Rural Service Commercial (ARS, RRS, SVRS)
Industrial Land	General Industrial (GI), Light Industrial (LI), and Rural Limited Industrial (RLI)

**Exhibit B**

LDO Chapter 8  
 RU Remand Revisions [ Proposed changes to RU Ord. #2006-8 shown on p.5 ]

**CHAPTER 8 DIMENSIONAL STANDARDS**

**8.2 TABLE OF DENSITY AND DIMENSIONAL STANDARDS**

All primary and accessory structures are subject to the density and dimensional standards set forth in Table 8.2-1. Any lot that is created through land division will meet the minimum lot area and lot width requirements set forth in Table 8.2-1 for the zoning district in which it is located, unless created pursuant to the requirements of Section 8.9. Footnoted regulations are referenced in italicized brackets, and in the final column of the Table. Rules of measurement and reductions are set forth in Sections 8.3 and 8.5. These standards may be further modified by other applicable sections of this Ordinance, including the overlay district standards set forth in Chapter 7. (Amended by Ordinance 2004-12, effective 2-6-2005)

TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS								
District	Minimum Lot/Parcel Dimensions		Max. Gross Density [2] (dwelling units/acre)	Minimum Setbacks (ft) [3]			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
<b>RESOURCE DISTRICTS</b>								
EFU, FR,WR, OSR, AR	80 acres [1]	600	1/80	30	30	30	35	8.5.3(C)
<b>RURAL RESIDENTIAL ZONING DISTRICTS</b>								
RR-5, RR-5(A)	5 acres	300	1/5	30	20	20	35	8.4.1
RR-10	10 acres	300	1/10	30	20	20	35	8.4.1
RR-00	N/A	N/A	1 per parcel	30	20	20	35	8.4.1
RR-2.5	2.5 acres	175	1/2.5	30	20	20	35	8.4.1

<sup>1</sup>See Section 4.3.11 and 4.4.9 for special regulations for land divisions in resource districts. Temporary medical hardship dwellings, accessory dwelling units, and farm help dwellings are not subject to density standards.

<sup>3</sup>All development may be subject to additional setback requirements beyond those set forth in this table, including irrigation ditch/canal setbacks (Section 8.5.3), stream setbacks (Section 8.6), or fuelbreak requirements (Section 8.7).

**TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS**

District	Minimum Lot/Parcel Dimensions		Max. Gross Density [2] (dwelling units/acre)	Minimum Setbacks (ft) [3]			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
<b>URBAN RESIDENTIAL ZONING DISTRICTS (*See Chapter 12 for White City UUC Special Regulations)</b>								
UR-1 WCUUR-1*	1 acre	100 [4] (1:2.5 width to depth ratio for divisions)	1/1	25	10 side & rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft	35		
UR-4 WCUUR-4*	10,000 sq ft	60	4/1	20 [5]	10 side & rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft	35	8.4.2	
UR-6 WCUUR-6*	7,200 sq ft	60	6/1	20 [5]	6 side & 10 rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft	35	8.4.2	
UR-8 WCUUR-8*	5,400 sq ft	50	8/1	20 [5]	6 side & 10 rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft	35		
UR-10 WCUUR-10*	4,300 sq ft	45	10/1	20 [5]	5 side & 10 rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft	35		

<sup>4</sup>Within WCUUB

<sup>5</sup>Within WCUUB, see Section 12.4(G) for reduced front yard option.

**TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS**

District	Minimum Lot/Parcel Dimensions		Max. Gross Density [2] (dwelling units/acre)	Minimum Setbacks (ft) [3]			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
UR-30 WCUR-30*	6,000 sq ft for first SFD or SFA; 10,000 sq ft min. for 3 or more DU per parcel/lot	30	30/1 Mfd dwellings in mfd parks: 9/1	20	10 side & rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		45	8.4.2 8.4.3
<b>COMMERCIAL ZONING DISTRICTS</b>								
GC	Dimensional standards for commercial divisions will be based on location and type of use. New parcels may only be created for an existing use or a use approved through the site development plan and Type 3 review procedures. New parcels must have adequate area for setbacks, parking, access, landscaping, and any other requirements of this Ordinance [6]. See Ch. 10 for land division.			20	30 side & rear [7] if adjacent to residential district		60	8.3.2 8.4.3

\*Within WCUUB new parcels may be created for an existing use or commercial subdivision purposes, provided all new vacant lots created are a minimum of 20,000 sq. ft. New parcels with existing development must provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Sec. 12.4 for White City regulations.

<sup>7</sup>Within WCUUB, side yard setbacks 10 ft., and rear yard setbacks 20 ft; if abutting a residential zone, buffer yard standards must be met. (See Section 9.2.3)

**TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS**

District	Minimum Lot/Parcel Dimensions		Max. Gross Density [2] (dwelling units/acre)	Minimum Setbacks (ft) [3]			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
IC	The dimensional standards for commercial divisions will be based on location and type of use. Residential development in accordance with UR-30 standards may be allowed in conjunction with commercial uses. New parcels may only be created for an existing use or a use approved through the site development and Type 3 review procedures. New parcels must have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Ch. 10 for land division.			20	30 side & rear if adjacent to residential district		45	8.3.2 8.4.3
NC	The dimensional standards for commercial divisions will be based on location and type of use. Residential development in accordance with UR-30 standards may be allowed in conjunction with commercial uses. New parcels may only be created for an existing use or a use approved through the site development and Type 3 review procedures. New parcels must have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Ch. 10 for land division.			20	20 side & rear if adjacent to residential district		35	8.3.2 8.4.2 8.4.3
ARS				20	25 side & rear if adjacent to residential district		35 (ARS: 2 stories)	8.3.2, 8.4.3 Commercial use bldgs 2,500 sq ft max. (4,000 sq ft for Type 3 use). Limit applies to parcel, not use.
RS, RRS, SVRS	The dimensional standards for commercial divisions will be based on the location and type of use. New parcels may only be created for an existing use or a use approved through the site development plan and Type 3 review procedures. The new parcel must have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Ch. 10 for land division.			20	25 side & rear if adjacent to residential district		Type 3 use if over 25	See Sections 8.3.2, 8.4.3
				20	25 side & rear if adjacent to residential district		Type 3 use if over 25	Commercial use bldgs will not exceed 4,000 sq ft floor space.

**INDUSTRIAL AND SITE-SPECIFIC ZONING DISTRICTS**

**TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS**

District	Minimum Lot/Parcel Dimensions		Max. Gross Density [2] (dwelling units/acre)	Minimum Setbacks (ft) [3]			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
LI	The dimensional standards for industrial divisions will be based on the location and type of use. New parcels will be a minimum of one acre in size and may only be created for an existing use or a new use found in Table 6.2-1 for the LI or GI zoning districts. The new parcel must be shown to have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance [7]. See Ch. 10 for land division.			30	20 side & rear if adjacent to residential district [8]		60	See Sections 8.3.2, 8.4.3, and 8.5.3
GI	The dimensional standards for industrial divisions will be based on the location and type of use. New parcels will be a minimum of one acre in size and may only be created for an existing use or a new use found in Table 6.2-1 for the LI or GI zoning districts. The new parcel must be shown to have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance [7]. See Ch. 10 for land division.			30	20 side & rear if adjacent to residential district [7]		60	See Sections 8.3.2, 8.4.3, and 8.5.3
RLI	New parcels may only be created for an existing use or a use approved through site plan review (Sec. 3.2) and Type 3 review procedures. The new parcel(s) must have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance [7].			30	20 side & rear if adjacent to residential district [7]		60	See Sections 8.3.2, 8.4.3, and 8.5.3
LU	New parcels may only be created for an existing use or a use approved through site plan review (Sec. 3.2) and Type 3 review procedures. The new parcel(s) must have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance [7].			20	10 side & rear		45	See Sections 8.3.2, 8.4.3, and 8.5.3
RU-10	40 acres [9]	N/A	1/40	30	20	20	35	See Sections 3.5, 8.9.3
RU-15	15 acres [9]	N/A	1/15	30	20	20	35	See Sections 3.5, 8.9.3
RU-20	20 acres (15) [9]	N/A	1/20	30	20	20	35	See Sections 3.5, 8.9.3
RU-30	30 acres (25) [9]	N/A	1/30	30	20	20	35	See Sections 3.5, 8.9.3
RU-40	40 acres (30) [9]	N/A	1/40	30	20	20	35	See Sections 3.5, 8.9.3

<sup>8</sup>In WCUUB, minimum parcel size will be 20,000 sq. ft., side yard setbacks of 5 ft. when adjacent to industrial zone.

<sup>9</sup>In the RU zones, land division is allowed at gross densities of 1 unit per 15, 25 or 30 acres (for RU 20, RU 30, RU 40) when designed as a cluster or planned unit development in accordance with Section 3.5 and 8.9.3.

**8.9.3 Cluster and Planned Unit Developments in Rural Use Districts**

The County may approve land division of parcels zoned Rural Use (RU) based on either;

- A) The minimum density prescribed by Table 8.2-1 (i.e., 1 unit per ~~10, 15,~~ 20, 30 or 40 acres, respectively), or
- B) As planned unit or cluster development of the property subject to a Type 4 review (see Section 3.5) at the cluster development density footnoted in Table 8.2-1. When a cluster or planned unit development is approved, the non-residential portion of the parcel will be dedicated for open space use through a deed dedication, conservation easement or plat restriction.

## Exhibit C

LDO Chapter 6  
[RU remand revisions shown in highlight and strikeout]

### CHAPTER 6.<sup>1</sup> USE REGULATIONS

#### 6.3.2 Residential Uses

- D) ***Attached or Detached Single-Family Dwelling, Two or More***  
Except as provided below, the County will not allow more than one (1) permanent detached single-family dwelling to be placed on a lot or parcel.
- 1) ***Temporary Medical Hardship***  
Medical hardship dwellings may be permitted pursuant to the requirements of Section 6.5.3(G).
  - 2) ***Rural Residential and Rural Use Zones***  
The County may allow more than one (1) dwelling on a single parcel in Rural Residential zones as a planned unit development (PUD), or allow the clustering of new dwellings on a single parcel if all of the conditions set forth below are met: (OAR 660-004-0040(7)(e) through (7)(h)).
    - a) The number of new dwelling units to be clustered or developed as a PUD does not exceed 10;
    - b) The number of new lots or parcels to be created does not exceed 10;
    - c) None of the new lots or parcels will be smaller than two (2) acres;
    - d) The development is not to be served by a new community sewer system;
    - e) The development is not to be served by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community;
    - f) The density of the development will not exceed the Maximum Gross Density specified for the zoning district in Table 8.2-1;
    - g) Any group or cluster of two (2) or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices there;
    - h) For any open space or common area provided as a part of the cluster or planned unit development under this

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<sup>1</sup>Ordinance 2006-10, effective \_\_\_\_\_ Ordinance \_\_\_\_\_



subsection, the owner must submit proof of irrevocable deed restrictions recorded in the County deed records. The deed restrictions will preclude all future rights to construct a dwelling on the lot, parcel, or tract designated as open space or common area for while the lot, parcel, or tract remains outside an urban growth boundary; and

- i) Rural Residential zones within urban growth boundaries are exempted from the requirements of subsection 6.3.2(D)(2),(c),(e), and (g) above.
- j) **In Rural Use zones: A written statement must be recorded in the public records with the deed or written contract, or its equivalent must be obtained from the land owner, binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.**

3) *Urban Residential and Rural Zones*

The County may allow more than one (1) detached single family dwelling on a single parcel in the UR zones subject to the Type 2 review provisions of Section 3.1.3 if the density standards of the zoning district are maintained. Notwithstanding this provision, accessory dwelling units developed in accordance with the standards of Section 12.4.1 (White City Urban Unincorporated Community) are not subject to density standards.

4) *Resource Zones*

Development in the EFU, FR and AR zones are subject to the standards described in Chapter 4.

## Exhibit D

### Rural Use - User's Guide Additions

#### **2. APPLICATION SUBMITTAL GUIDELINES** continued

2.11 White City Relocated Housing (*LDO Section 12.5*): An application to relocate housing to White City should include the following:

- A) Color photographs showing the exterior siding and roofing material of other dwellings located on parcels which lie within 200 feet of the subject property.
- B) Color photographs of all sides of the dwelling proposed to be relocated showing the type of building materials used for siding, trim and roofing. If exterior siding, trim or roofing is proposed to be changed or painted, the applicant should supply samples of the new exterior building materials proposed to be used or paint chip(s) that show the intended color(s).
- C) If the architecture of the dwelling is proposed to be changed, the applicant must supply detailed plans of the proposed changes.

#### **[ BEGINS HERE - THIS IS A PROPOSED NEW SECTION, IN ITS ENTIRETY ]**

#### **2.12 Rural Use, Comprehensive Plan Amendments**

These Type 4 permits will require adequate evidence of the following type for the plan amendment review process.

- A) Regarding a soils analysis on Farm Lands (EFU zoning), the farm and forest soils analysis would be completed by an ARCPACs certified soil scientist. An order 1 soil survey is necessary to detail the differences from the Jackson County NRCS soil survey data.
- B) Application for a plan amendment on EFU lands requires a land use study of the surrounding area within one mile of the subject property, in accordance with the Comprehensive Plan, Map Designations Element, Agricultural Land Map Designation Criteria (2(C)).
- C) For Forest Lands (FR, WR, OSR zoning), a resource analysis that differs from the Jackson County NRCS data must include both a Order 1 soils survey by an ARCPACs certified soil scientist, as well as a cubic foot site class productivity analysis by a qualified forester. A cubic foot site class productivity of 50 or more cubic feet per acre per year is considered productive forest land as defined by the Oregon Department of Revenue and used by the Jackson County's

Assessor's Office to determine land valuations in those zones. Productive forest lands generally refer to those that can grow at least 80% conifers on the land (20% hardwoods, the remainder). The soils and forestry studies must characterize the entire parcel by appropriate categories as well as explain the methodology including soil quality, slope, precipitation and any other factors used in reaching a conclusion.

D) An alternative to the above mentioned specialized studies, the applicant can site the Jackson County NRCS soil survey (USDA) and its associated forest productivity data. A map of the soils data can be made available by the County for a fee.

E) The applicant will provide a study area for determining the mean parcel size of surrounding parcels which will be used as a reference in supporting the proposed density for RU. At least a half-mile buffer of the perimeter of the subject parcel would be used to describe the study area, and an area of not more than one mile. The analysis will list the study area parcels by size, zone, and cite the median parcel size. The area will be exclusive of any urban areas (UGBs, UUCB, Urban Reserve areas). The County can generate this study map and the results for a fee.

F) Regarding the County's Goal 5 protections or program (including Areas of Special Concern, Chapter 7 of the LDO), if an applicant were to challenge these protections, it would require an applicant to address the relevant analysis in the County's Goal 5 Background Document. This document includes the inventory, conflicting uses, ESEE consequences, policies and conclusions about the resource. Mitigation measures are discussed in that document as well as codified in the Land Development Ordinance, Areas of Special Concern. Unless the applicant's proposal is consistent with these regulatory documents, the applicant must address the State's Goal 5 process of amending the relevant resource inventory.

G) All applications that seek a land division, will provide a simultaneous application for land division, subdivision, PUD or cluster development, in accordance with Chapter 3 and Chapter 10 of the LDO. A tentative plan detailing the parcels, homesite or improvement locations, access, and all pertinent service requirements will be set forth, and the County's application forms addressed. Commercial, industrial, semi-public or other non-residential development will require a site plan review application, see Section 3.2 of the LDO. Land Division Submittal Guidelines are also discussed below in this User's Guide.

**Planning Services**

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

**N  
Y**

016H26515385

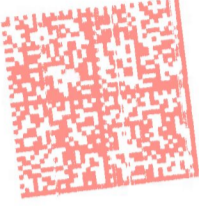
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02/05/2008

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**US POSTAGE**

Hastler



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