



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: March 16, 2015  
Jurisdiction: Jackson County  
Local file no.: 439-14-00024-LRP  
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/12/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 43 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)

DLCD FORM 2



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
<b>DEPT OF</b>
File No.:
MAR 12 2015
Received:
LAND CONSERVATION AND DEVELOPMENT

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See ORAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: JACKSON COUNTY

Local file no.: 439-14-0002~~8~~<sup>4</sup>-LRP

Date of adoption: March 4, 2015

Date sent:

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): July 16, 2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes  No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Mike Mattson

Phone: 541-774-6937

E-mail: mattsomw@jacksoncounty.org

Street address: 10 S. Oakdale Ave., Room 100

City: Medford

Zip: 97501

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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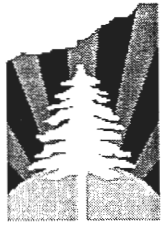
Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: ODOT, Jackson County Roads Dept.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

This is an Ordinance approving an amendment to an approved Comprehensive Plan Map and Zoning Map Amendment for an addendum to the approved Traffic Impact Study for the Dry Creek Aggregate Site per file LRP2012-00006. Subject properties are described as 361W35-300; 371Wo1-300, 301, 302, and 303; 371W02-108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 122, 200, 201, and 202; 371W12-201.



**JACKSON  
COUNTY**  
*Oregon*

## 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. 2015-2 at a properly advertised public hearing on January 28, 2015, 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 May 3, 2015 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2015-2 approving an amendment to an approved Comprehensive Plan Map Amendment and Zoning Map Amendment for an addendum to the approved Traffic Impact Study for the Dry Creek Aggregate Site properties described as Township 36 South, Range 1 West, Section 35, Tax Lot 300; Township 37 South, Range 1 West, Section 01, Tax Lots 300, 301, 302, and 303; Township 37 South, Range 1 West, Section 02, Tax Lots 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 122, 200, 201, and 202; Township 37 South, Range 1 West, Section 12, Tax Lot 201.

File No.14-00024-LRP.

This notice is being mailed to you on March 10, 2015, which is within five working days after the adoption date of the ordinance(s) as required by ORS 197.615. If you have any questions on the effect of this ordinance, please contact **Mike Mattson** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 541-774-6937; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6937.

You may review this ordinance, or you may purchase a copy for \$.25 for the first page and \$.10 for each additional page, at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501, between the hours of 8:00 a.m. and 4:00 p.m., Monday, Tuesday, Thursday and Friday; and 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 March 10, 2015, and the LUBA appeal period will expire on March 31, 2015. Please contact LUBA for specific appeal information. They are located at DSL Building, 775 Capitol Street N.E. Suite 330, Salem, Oregon 97301-1283. They can be reached at (503) 373-1265.

Attachments: Notary Packet



NOTARY PAGE

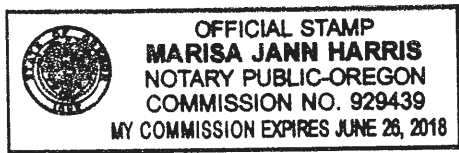
STATE OF OREGON )  
 )  
COUNTY OF JACKSON )

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. 2015-2 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 March 10, 2015.

  
Signature

Personally appeared before me this 10<sup>th</sup> day of March, 2015, 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: 6/26/18

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

APPLICANT NAME: DRY CREEK LANDFILL INC.  
FILE NO: 439-14-00024-LRP

FILE NO. 439-14-00024-LRP  
DECISION LABELS  
ORDINANCE 2015-2  
APPLICANT: DRY CREEK LANDFILL  
DATE CREATED: 3/10/15

APPLICANT 439-14-00024-LRP  
DRY CREEK LANDFILL  
PO BOX 3187  
CENTRAL POINT OR 97502

BOC 439-14-00024-LRP  
DOUG BREIDENTHAL, CHAIR  
BOARD OF COMMISSIONERS

BOC 439-14-00024-LRP  
RICK DYER  
BOARD OF COMMISSIONERS

BOC 439-14-00024-LRP  
COLLEEN ROBERTS  
BOARD OF COMMISSIONERS

STAFF 439-14-00024-LRP  
KELLY MADDING, DIRECTOR

STAFF 439-14-00024-LRP  
MIKE MATTSON, PLANNER

AGENT 439-14-00024-LRP  
MIKE SAVAGE  
CSA PLANNING LTD  
4497 BROWNRIDGE TERR  
MEDFORD OR 97504

439-14-00024-LRP  
JOEL BENTON  
COUNTY COUNSEL

IP 439-14-00024-LRP  
SUSAN COX  
716 RILEY RD  
EAGLE POINT OR 97524

IP 439-14-00024-LRP  
LENORA KELL  
6550 SHADOW GLEN RD  
EAGLE POINT OR 97524

IP 439-14-00024-LRP  
CURT WEAVER  
2480 NIETO WAY  
MEDFORD OR 97504

IP 439-14-00024-LRP  
KEN AND MARTI HAWES  
PO BOX 503005  
WHITE CITY OR 97503

IP 439-14-00024-LRP  
BOB & CONNIE EATON  
90 CRAIGLEA DR  
EAGLE POINT OR 97524

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
STATE OF OREGON, COUNTY OF JACKSON  
ORDINANCE NO. 2015-2

AN ORDINANCE APPROVING AN AMENDMENT TO AN APPROVED COMPREHENSIVE PLAN MAP AMENDMENT AND ZONING MAP AMENDMENT FOR AN ADDENDUM TO THE APPROVED TRAFFIC IMPACT STUDY FOR THE DRY CREEK AGGREGATE SITE PROPERTIES DESCRIBED AS TOWNSHIP 36 SOUTH, RANGE 1 WEST, SECTION 35, TAX LOT 300; TOWNSHIP 37 SOUTH, RANGE 1 WEST, SECTION 01, TAX LOTS 300, 301, 302, AND 303; TOWNSHIP 37 SOUTH, RANGE 1 WEST, SECTION 02, TAX LOTS 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 122, 200, 201, AND 202; TOWNSHIP 37 SOUTH, RANGE 1 WEST, SECTION 12, TAX LOT 201. FILE 439-14-00024-LRP.

**RECITALS:**

1. This Ordinance is adopted 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), Oregon Administrative Rules, and implementing ordinances which have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. The application for an amendment to the previously approved Comprehensive Plan Map Amendment and Zoning Map Amendment, File LRP2012-00006, which is already effective, was submitted to Jackson County by the applicant's agent, CSA Planning, Ltd., on June 6, 2014. Planning staff deemed the application complete on July 2, 2014.
3. A notice of the proposed amendment was submitted to the Oregon Department of Land Conservation and Development (DLCD) on July 16, 2014, 43 days prior to the first evidentiary hearing. A notice was published on Sunday, August 17, 2014 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday August 28, 2014 at 9:00 a.m. in the Jackson County Auditorium. Written notice was provided to surrounding property owners entitled to notice.
4. A public hearing before the Jackson County Planning Commission was scheduled for August 28, 2014. The hearing was opened on August 28, 2014. Following testimony and arguments regarding this application, the Planning Commission closed the public hearing and left the written record open 7 days for any written comment, including new evidence, followed by a 7 day period for response to any new evidence, then a 7 day period for applicant's rebuttal. A continued public hearing for deliberations was scheduled for September 25, 2014.

5. The continued public hearing was opened on September 25, 2014. It was determined that new evidence was submitted after the first 7 day period during which no new evidence could be submitted to the record. The Planning Commission reopened the record to allow additional oral and written testimony to be accepted into the record. Following testimony and arguments regarding this application, the Planning Commission closed the public hearing and left the written record open 7 days for any written comment, including new evidence, followed by a 7 day period for response to any new evidence, then a 7 day period for applicant's rebuttal. A continued public hearing for deliberations was scheduled for October 23, 2014.
6. The continued public meeting for deliberations by the Planning Commission was opened on October 23, 2014. Following review of testimony, arguments and evidence for this application, the Planning Commission voted to recommend approval of file 439-14-00024-LRP.
7. A properly noticed public hearing before the Jackson County Board of Commissioners was scheduled for January 28, 2015.
8. The Board of County Commissioner's hearing was opened on January 28, 2015. A public hearing on the amendment to the previously approved Comprehensive Plan Map Amendment and Zoning Map Amendment, File LRP2012-00006 was completed by the Board of Commissioners on Wednesday, January 28, 2015.
9. Following conclusion of the hearing and closing of the record on Wednesday, January 28, 2015, the Jackson County Board of Commissioners deliberated and voted unanimously to approve the amendment to the previously approved Comprehensive Plan Map Amendment and Zoning Map Amendment.

NOW, THEREFORE, the Board of County Commissioners of Jackson County ORDAINS as follows:

## **SECTION 1. FINDINGS**

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

- 1.1. The Board of Commissioners finds that proper legal notice was sent to Applicant, Affected Agencies, Interested Parties and Property Owners within a 1000 foot radius of the parcels to be used for aggregate removal or surface mining, to residences within ½ mile of the mining site, to owners of property adjacent to the private aggregate site access roads and to owners of property adjacent to Dry Creek Road, East Antelope Road and Meridian Road between the Dry Creek Aggregate Site and Highway 140, consistent with and pursuant to the Noticing requirements of JCLDO 2.7.5(B)(2)(d).
- 1.2. The subject properties have frontage on and access to Dry Creek Road, a County owned and maintained public road. Alternative access for the subject properties is a private access road from the subject property north to where it ultimately connects to Hwy 140, east of the Jackson County Sports Park facilities.
  - 1.2.1. The commercial hauling of aggregate is limited to the conditions set forth in section 5 herein below.



1.2.2. Use of public roads including Dry Creek Road and East Antelope by landfill related traffic is unaffected by this amendment.

- 1.3. The subject properties are within Jackson County Fire District No. 3.
- 1.4. The subject properties are zoned Aggregate Removal with a plan designation of Aggregate Resource.
- 1.5. The subject properties are primarily used for a regional landfill with accessory uses and associated improvements as approved described under LRP2012-00006 and approved through Ordinance 2012-10 and Order 280-12.
- 1.6. The subject properties are approved for aggregate uses subject to the Dry Creek Aggregate Site Master Plan adopted through Ordinance 2012-10, Order 279-12 and Site Plan SIT2013-00011.
  - 1.6.1. Approval of this amendment satisfies Condition 10 of SIT2013-00011.

## **SECTION 2. LEGAL FINDINGS**

The Board of Commissioners herewith incorporates and adopts as its own those legal findings that pertain to the narrow amendment of a Traffic Impact Analysis (TIA) previously approved through file LRP2012-00006, in Section 2 of the Planning Commission Recommendation, attached hereto as Exhibit A, with the following modifications.

- 2.1 Based on evidence in the record and testimony at the public hearing, the Board of Commissioners finds the revised Traffic Impact Analysis (TIA) submitted with this application, which includes Capacity Analysis, Site Distance analysis and Crash Data Analysis for specific intersections along the haul route, shows the addition of aggregate traffic will not have a significant impact on the local transportation system between the Dry Creek Aggregate Site and the nearest arterial road being Highway 140.
- 2.2 The applicant's evidence and testimony from a qualified engineer with expertise in transportation demonstrated a safety concern would not be created or worsened due to the aggregate haul traffic along the proposed haul route.
  - 2.2.1 Testimony from Jackson County Roads supports this position.
  - 2.2.2 Oral and written testimony from residents in the area stated the increased traffic would have a potential to increase the danger to residential traffic, bicyclists and pedestrians using the proposed haul route. The applicant submitted stipulations they would agree to implement in order to help mitigate the area resident's concerns. After review by the Jackson County Roads, County staff and Jackson County Planning Commission the Board of Commissioners finds that based on 2.2 herein above, that a safety concern would not be created or worsened and therefore does not require mitigation but accepts the applicant's stipulations and incorporates them as conditions of approval to help mitigate concerns of area residents.

## **SECTION 3. CONCLUSIONS**

Based upon the evidence included in the record, the Board of Commissioners concur with the Planning Commission recommendation attached hereto as Exhibit A in its conclusion that the

proposed amendment is in compliance with the Jackson County Land Development Ordinance, Statewide Planning Goals, Oregon Administrative Rules, and the Jackson County Comprehensive Plan. Consistent with this concurrence, the Jackson County Board of Commissioners herewith incorporates and adopts the conclusions in Section 3 of the Planning Commission recommendation attached hereto as Exhibit A that pertain to the amendment to a TIA previously approved through File LRP2012-00006.

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

Based on the evidence in the record and testimony at the public hearing, the Board of Commissioners herewith approves Planning File 439-14-00024-LRP and ordains the following decisions:

- 4.1 To amend file LRP2012-00006 to allow aggregate haul trucks to use Dry Creek Road and East Antelope Road for access on a limited basis subject to the conditions set forth in Section 5 herein below.

#### **SECTION 5. CONDITIONS**

The amendment specific to the commercial hauling of aggregate on Dry Creek Road and East Antelope Road related to the Dry Creek Aggregate Site is subject to the following conditions:

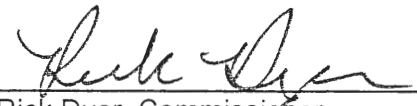
- 5.1 Meridian Road shall not be used for the commercial hauling of aggregate as a through-route;
- 5.2 Prior to the use of Dry Creek Road for aggregate hauling, Property Owner shall notify Jackson County Roads Department that the haul road is not available due to physical emergency. A physical emergency shall mean the road is damaged to the extent that it is unusable. Jackson County Roads Department shall be contacted to verify that the haul road is unusable for the provisions in number 5.4 to be granted. Contractual issues or disputes between land owners does not constitute a physical emergency;
- 5.3 Property owner shall commence and diligently work to restore the availability of the haul road for commercial aggregate hauling, together with any permits or government approvals necessary to restore the availability of the haul road;
- 5.4 Use of the Dry Creek Road and East Antelope Road for commercial aggregate hauling shall be limited to a period not to exceed 120 days in any 12 month period, except for government public works projects, which are subject only to the limitation in 5.5 below. If more than 120 days is required to restore the use of the haul road and if the applicant can demonstrate due diligence in the restoration of its use, a 90 day extension may be granted administratively by Jackson County Roads. Denial of such extension request may be reviewed by the Jackson County Board of Commissioners upon request of the property owner or aggregate operator. Any additional extension must be approved by the Jackson County Board of Commissioners at a regularly scheduled meeting and will be based upon the applicants due diligence in restoring the haul road.
- 5.5 For government public works projects, use of Dry Creek Road and East Antelope Road for commercial aggregate hauling may continue through the conclusion of any such government public works project for which a contract was in full force and effect on the date Jackson County Roads was notified that the haul road became unavailable or until the haul road again becomes available, whichever event occurs first.

ADOPTED this 4<sup>th</sup> day of March, 2015, at Medford, Oregon.

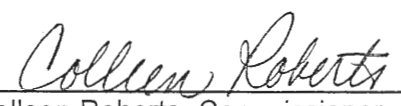
JACKSON COUNTY BOARD OF COMMISSIONERS



Doug Breidenthal, Chair

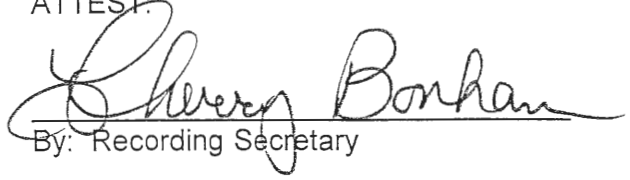


Rick Dyer, Commissioner



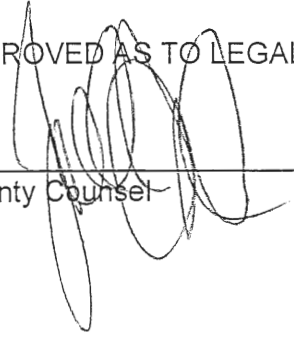
Colleen Roberts, Commissioner

ATTEST:



By: Recording Secretary

APPROVED AS TO LEGAL SUFFICIENCY:



County Counsel

The Board of Commissioners' 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 March 10, 2015, and the LUBA appeal period will expire on March 31, 2015. Please contact LUBA for specific appeal information. They are located at 775 Capitol Street N.E. Suite 330, Salem, Oregon 97301-1283. They can be reached at (503) 373-1265.

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

IN THE MATTER OF CONSIDERATION OF A )  
NARROW AMENDMENT TO A PREVIOUSLY )  
APPROVED COMPREHENSIVE PLAN MAP )  
AMENDMENT AND ZONING MAP )  
AMENDMENT, FILE LRP2012-00006, WHICH IS )  
ALREADY EFFECTIVE. THIS PROPOSAL IS )  
AN AMENDMENT TO THE APPROVED )  
TRAFFIC IMPACT STUDY AND WILL ALLOW )  
AGGREGATE HAUL TRUCKS TO USE DRY )  
CREEK ROAD AND EAST ANTELOPE ROAD )  
FOR ACCESS TO THE AGGREGATE SITE. )  
THE SUBJECT PROPERTIES ARE THE DRY )  
CREEK LANDFILL. THE PROPERTIES ARE )  
DESCRIBED AS: TOWNSHIP 36 SOUTH, )  
RANGE 1 WEST, SECTION 35, TAX LOT 300; )  
TOWNSHIP 37 SOUTH, RANGE 1 WEST, )  
SECTION 01, TAX LOTS 300, 301, 302, AND )  
303; TOWNSHIP 37 SOUTH, RANGE 1 WEST, )  
SECTION 02, TAX LOTS 108, 109, 110, 111, )  
112, 113, 114, 115, 116, 117, 122, 200, 201, AND )  
202; TOWNSHIP 37 SOUTH, RANGE 1 WEST, )  
SECTION 12, TAX LOT 201. DRY CREEK )  
LANDFILL, INC., APPLICANT. FILE NO. 439- )  
14-00024-LRP. )

RECOMMENDATION  
FOR APPROVAL

**Jackson County Planning Commission:** Recommends approval of a narrow amendment to a previously approved Comprehensive Plan Map Amendment and Zoning Map Amendment, File LRP2012-00006, which is already effective. This proposal is an amendment to the approved Traffic Impact Study and will allow aggregate haul trucks to use Dry Creek Road and East Antelope Road for access to the aggregate site on properties described as follows:

1. Township 36 South, Range 1 West, Section 35, tax lot 300; Township 37 South, Range 1 West, Section 01, tax lots 300, 301, 302, and 303; Township 37 South, Range 1 West, Section 02, tax lots 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 122, 200, 201, and 202; Township 37 South, Range 1 West, Section 12, tax lot 201.

**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), Oregon Administrative Rules, and implementing ordinances which have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).

2. A notice of the proposed amendment was submitted to the Oregon Department of Land Conservation and Development (DLCD) on July 16, 2014, 43 days prior to the first evidentiary hearing. A notice was published on Sunday, August 17, 2014 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday August 28, 2014 at 9:00 a.m. in the Jackson County Auditorium. Written notice was provided to surrounding property owners entitled to notice.
3. The application for an amendment to the previously approved Comprehensive Plan Map Amendment and Zoning Map Amendment, File LRP2012-00006, which is already effective, was submitted to Jackson County by the applicant's agent, CSA Planning, Ltd., on June 6, 2014. Planning staff deemed the application complete on July 2, 2014.
4. A public hearing before the Jackson County Planning Commission was scheduled for August 28, 2014. The hearing was opened on August 28, 2014. Following testimony and arguments regarding this application, the Planning Commission closed the public hearing and left the written record open 7 days for any written comment, including new evidence, 7 days for response to any new evidence, and 7 days for the applicant's rebuttal. A continued public hearing for deliberations was scheduled for September 25, 2014.
5. The continued public hearing was opened on September 25, 2014. It was determined that new evidence was submitted during a period when no new evidence could be submitted to the record. The public hearing was then opened for oral and written testimony. Following testimony and arguments regarding this application, the Planning Commission closed the public hearing and left the written record open 7 days for any written comment, including new evidence, 7 days for response to any new evidence, and 7 days for applicant's rebuttal. A continued public hearing for deliberations was scheduled for October 23, 2014.
6. The continued public hearing for deliberations by the Planning Commission was opened on October 23, 2014. Following review of testimony, arguments and evidence for this application, the Planning Commission voted to recommend approval of file 439-14-00024-LRP.

Now, therefore,

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

### **SECTION 1, FINDINGS:**

Based upon the evidence and arguments presented, the Planning Commission makes the following findings of fact with respect to this application.

- 1.1 The Planning Commission finds that proper legal notice was sent to Applicant, Affected Agencies, Interested Parties and Property Owners within a 1,000 foot radius of the parcels to be used for aggregate removal or surface mining, to residences within ½ mile of the mining site, and to owners of property adjacent to the private aggregate site access roads, consistent with and pursuant to the Noticing requirements of JCLDO 2.7.5(B)(2)(d).
- 1.2 The subject properties have frontage on and access to Dry Creek Road, a County owned and maintained public road. Alternative access for the landfill properties is a private access road from the landfill facilities north where it ultimately connects to Hwy 140, east of the Jackson County Sports Park facilities. The Planning Commission determined the aggregate haul

**2-File No. 439-14-00024-LRP**

**CSA Planning, Ltd., Agent; Dry Creek Landfill, Inc., Applicant**

trucks have specific and limited access on the private access/haul road, as concluded by staff through Development Services file SIT2013-00011.

- 1.3 The subject properties are within Jackson County Fire District No. 3.
- 1.4 The subject properties are primarily used for a regional landfill with accessory uses and associated improvements as described in the submitted application. The subject properties will also be able to conduct aggregate operations based upon approvals of Development Services files LRP2012-00006 and SIT2013-00011.
- 1.5 The current Comprehensive Plan Map designation is Aggregate Resource and the Zoning Map designation is Aggregate Removal (AR).
- 1.6 The Planning Commission finds that the following agencies responded with comments to this application and their comments were considered by the Planning Commission: Jackson County Roads Department, and ODOT. Agency comments were considered by the Planning Commission.
- 1.7 The Planning Commission finds that property owners were notified and comments were received from many property owners. The property owners' comments were considered by the Planning Commission.

## **SECTION 2, LEGAL FINDINGS:**

To recommend approval of a narrow amendment to a Traffic Impact Analysis (TIA) approved through file LRP2012-00006, which is already effective, the Planning Commission must find that the amendment is consistent with transportation criteria in the Statewide Planning Goals, Oregon Administrative Rules, Jackson County Land Development Ordinance and the Jackson County Comprehensive Plan (JCCP). To recommend approval of the Type IV Permit to modify the TIA to allow the aggregate haul trucks to use Dry Creek Road and East Antelope Road, the Planning Commission must conclude that all relevant and substantive criteria has been identified and that there is substantial evidence in the record demonstrating such criteria are satisfied.

The Planning Commission herewith incorporates and adopts Findings in the Staff Report at JCPC Record Exhibit 10, Record Pages 54-70 of file 439-14-00024-LRP, attached hereto as JCPC Exhibit 1. In addition, the Planning Commission herewith incorporates and adopts fully the applicant's final proposed changes to stipulations or conditions submitted by the applicant at JCPC Record Exhibit 73, Record Page 420, attached hereto as JCPC Exhibit 2. These findings and conclusions demonstrate that the application is in compliance with the Statewide Planning Goals, Oregon Administrative Rules, the Jackson County Comprehensive Plan, and the Jackson County Land Development Ordinance. Where factual conflicts arose, the Jackson County Planning Commission has resolved them consistent with the following specific findings:

- 2.1 Based upon evidence in the record and testimony at the public hearing, the Planning Commission finds the revised Traffic Impact Analysis (TIA) submitted with this application, which includes Capacity Analysis, Site Distance analysis and Crash Data Analysis for specific intersections along the haul route, shows the addition of aggregate traffic will not have a significant impact on the transportation system between the quarry operations and Hwy 140.

**3-File No. 439-14-00024-LRP**

**CSA Planning, Ltd., Agent; Dry Creek Landfill, Inc., Applicant**



- 2.2 The applicant's evidence and testimony indicated a safety concern would not be created or worsened due to the aggregate haul traffic along the proposed haul route. However, written and oral testimony from residents in this area stated the increased traffic would have a potential to increase the danger to residential traffic, bicyclists and pedestrians using the proposed haul route. The applicant submitted stipulations they would follow to help mitigate the public's concerns. After review by Jackson County Roads and staff these stipulations or conditions were presented to the Planning Commission for review. The Planning Commission finds these conditions mitigate the concerns raised by area residents because the aggregate haul truck will only use the proposed haul route if the private haul road is physically damaged where it cannot be used. The proposed haul route can only be used as prescribed in attached JCPC Exhibit 2.

**SECTION 3, CONCLUSION:**

Based upon the evidence included in the record, the Planning Commission concludes that the proposed amendment is in compliance with the Jackson County Land Development Ordinance, Statewide Planning Goals, Oregon Administrative Rules, and the Jackson County Comprehensive Plan. Where factual conflicts arose, the Jackson County Planning Commission has resolved them consistent with these conclusions.

- 3.1 Statewide Planning Goals: The Planning Commission concludes that this application complies with Statewide Planning Goals, specifically Goal 11, Transportation. Discussion of compliance is addressed through findings and conclusions with OAR 660-012-0060, Transportation Planning Rule, is contained in Section V of the staff report at JCPC Record Exhibit 10, Record Pages 61-64, and in the Type 4 Application, JCPC Record 11 at applicant's Exhibit 2, Record Pages 83-111, JCPC Record Exhibit 11, Section IV, Item 4 at Record Pages 117-119 and conclusions of law at Section V, Record Page 122.
- 3.2 Oregon Administrative Rules (OAR), 660-023-0180 and OAR 660-012-0060: The Planning Commission concludes this application complies with the Oregon Administrative Rules. Discussion of compliance is addressed through findings and conclusions with OAR 660-012-0060, Transportation Planning Rule, contained in Sections V of the staff report at JCPC Record Exhibit 10, Record Pages 61-64, and in the Type 4 Application, JCPC Record 11 at applicant's Exhibit 2, Record Pages 83-111, JCPC Record Exhibit 11, Section IV, Item 4 at Record Pages 117-119 and conclusions of law at Section V, Record Pages 120-122.
- 3.3 The Jackson County Transportation System Plan (TSP): The Planning Commission concludes this application complies with the Jackson County Comprehensive Plan TSP with the adoption of conditions attached hereto as Exhibit 2. Discussion of compliance with Comprehensive Plan is contained in Section VI of the staff report at JCPC Record Exhibit 10, Record Pages 64-69, except for Planning Commission's findings is Section 2.2 above, and in the Type 4 Application, JCPC Record 11 at applicant's Exhibit 2, Record Pages 83-111 and the conclusions of law at Section V, Record Pages 122-124.
- 3.4 Jackson County Land Development Ordinance: The Planning Commission concludes that this application complies with the Jackson County Land Development Ordinance. Discussion of compliance with the JCLDO is contained in Section VII of the staff report at JCPC Record Exhibit 10, Record Pages 69-70.

**SECTION 4, RECOMMENDATION:**

**4-File No. 439-14-00024-LRP**  
**CSA Planning, Ltd., Agent; Dry Creek Landfill, Inc., Applicant**

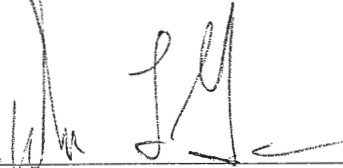
4.1 Based on the evidence in the record and testimony at the public hearing, the Planning Commission recommends the Board of Commissioners adopt an ordinance to approve Planning File 439-14-00024-LRP and to ordain the following:

4.1.1 To amend file LRP2012-00006 to allow aggregate haul trucks to use Dry Creek Road and East Antelope Road as a temporary access as defined by the conditions attached hereto as JCPC Exhibit 2. The location of this haul route is attached hereto as JCPC Exhibit 3.

This recommendation for APPROVAL adopted this 23rd day of October, 2014, at Medford, Oregon.

**JACKSON COUNTY PLANNING COMMISSION**

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

  
\_\_\_\_\_  
Don Greene, Chair

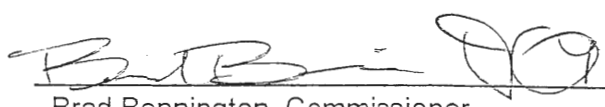
Y

  
\_\_\_\_\_  
Richard B. Thierolf, Jr., Vice-Chair

A

  
\_\_\_\_\_  
Joel R. Ockunzzi, Commissioner

Y

  
\_\_\_\_\_  
Brad Bennington, Commissioner

  
\_\_\_\_\_  
Craig Prewitt, Commissioner

A

ATTEST:

  
\_\_\_\_\_  
Kelly Madding, Development Services Director

- JCPC Exhibit 1: Staff Report
- JCPC Exhibit 2: Recommended Conditions of Approval
- JCPC Exhibit 3: Haul Route Recommended for Approval

**JACKSON COUNTY DEVELOPMENT SERVICES  
CONDITIONS AMENDMENT  
STAFF REPORT  
14-00024-LRP**

**APPLICANT:** Dry Creek Landfill Inc.  
P.O. Box 3187  
Central Point, OR 97502

**FILE:** LRP2012-00006

**AGENT:** CSA Planning, Ltd.  
4497 Brownridge, Suite 101  
Medford, OR 97504

**OWNER:** Various owners

**LEGAL DESCRIPTION:** The tax lots associated with this proposal are: 361W35, tax lot 300; 371W01, tax lots 300, 301, 302, 303; 371W02, tax lots 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 122, 200, 201, 202; 371W12, tax lot 201.

**PROPOSAL:** A narrow amendment to a previously approved Comprehensive Plan Map and Zoning Map Amendment, file LRP2012-00006, which is already effective. This proposal amends the approved Traffic Impact Study and will allow aggregate haul trucks to use Dry Creek Road, East Antelope Road and Meridian Road for access to the aggregate site.

**LOCATION:** The northwestern edge of the Dry Creek properties lies approximately 1.2 miles northeast of the intersection of E. Vilas Road and N. Foothill Rd. The southeastern edge of these properties is approximately 2.8 miles southeast of the same intersection.

**BACKGROUND:** A Minor Comprehensive Plan Map and Zoning Map Amendment, file LRP2012-00006, was approved and adopted by the Jackson County Board of Commissioners on December 5, 2012. That amendment to rezone the subject properties to Aggregate Removal (AR) became effective on February 3, 2013. Two other concurrent applications were also approved and adopted that were to be reviewed with the Minor Comprehensive Plan Map and Zoning Map Amendment: 1) A Type 4 application to modify the existing solid Waste Area and change previously established approval conditions, LRP2012-00007, and 2) A Site Plan Review for aggregate mining, SIT2012-00009.

A Site Plan Review to initiate aggregate operations, file SIT2013-00011, was tentatively approved by Staff on May 1, 2014 and that decision became final on May 14, 2014. Staff determined through this file that the aggregate haul trucks had access specifically on the private haul road that intersects with Hwy 140. Dry Creek Road could only be used temporarily (no longer than 30 days within a year) in case of an emergency (natural disaster or traffic accident which precludes access on the haul road). This determination was based upon findings and conclusions on the Traffic Impact Study submitted through file LRP2012-00006. A condition of SIT2013-00011 stated as follows:

**On-Going, Haul Road:** *The commercial hauling of aggregate is limited to the*

*private haul road with access on Hwy 140. An alternate access may be from Dry Creek Road in the event of an emergency, i.e. a natural hazard or traffic accident. Prior to the use of Dry Creek Road for emergency access, the Applicant shall: a) notify Jackson County Roads and Development Services that the haul road cannot be used, and b) commence work to restore the use of the haul road. The use of Dry Creek Road for commercial aggregate hauling shall be temporary. Temporary means 30 days or less in any 12-month period.*

*In the event that applicant wishes to use Dry Creek Road by aggregate haul trucks on a non-temporary basis, an amendment to the Traffic Impact Study approved through file LRP2012-00006 will be required.*

The applicant submitted this amendment to the Traffic Impact Study approved through file LRP2012-00006 on June 6, 2014. The application was deemed complete on July 2, 2014. A first evidentiary hearing before the Jackson County Planning Commission is scheduled for August 28, 2014.

#### **KEY ISSUES:**

Determine if there is substantial evidence in the record addressing the criteria in Oregon Administrative Rules (OAR) 660-012-0060(1)(a-c) (Transportation Planning Rule), OAR 660-023-0180(5)(b)(B), Jackson County Transportation System Plan (TSP) Sections 4.3.1-B(c & d) and 4.3.1-D, and Jackson County Land Development Ordinance Section 4.4.8(A)(4).

#### **I. FINDINGS OF FACT**

A. **Access:** While the Dry Creek properties have access from Dry Creek Road, a County owned and maintained public and alternative access from the private haul road, access by aggregate haul trucks is specific to the private haul road.

B. **Acreage:** The acreage of the Dry Creek properties is approximately 680 acres.

C. **Lot Legality:** Lot legality has been determined through file SIT2013-00011 and need not be addressed in this application.

D. **Fire Protection:** the Dry Creek properties are within Jackson County Fire District No. 3.

E. **Irrigation:** No evidence that irrigation is available to the subject properties has been submitted.

F. **Zoning:** The Dry Creek properties are zoned Aggregate Removal (AR). The zoning for properties adjacent to the Dry Creek properties is as follows:

*North:* Open Space Reserve (OSR) & Exclusive Farm Use (EFU)

*West:* Open Space Reserve (OSR & Exclusive Farm Use (EFU)

*South:* Exclusive Farm Use (EFU)

*East:* Exclusive Farm Use (EFU) & Rural Residential (RR-5)

G. **Land Use:** The Dry Creek properties are primarily used for the landfill and related facilities, as well as the Regional Composting Facility.

H. **Utilities:** Some of the Dry Creek properties have utilities being used or are available for use.

The Dry Creek Landfill contains landfill gas generators that produce electricity from landfill gas collectors on site.

I. **Site Characteristics:** The Dry Creek property elevations range from 1,700 feet at the lowest point to 2,160 at the highest. The Dry Creek Landfill property is located on the bottom third of the northeast flank of Roxy Ann Peak. Most of the subject property is located in a bowl between two ridge lines on gentle to moderate sloped lands that include small rock outcrops. Beyond the limits of the landfill activity areas, vegetation consists of native grasses, limited colonies of wedgeleaf ceanothus (buck brush), various forbes, and scattered conifers amongst hardwood trees.

K. **Water:** There is a well that delivers 40 gallons per minute. There is also a 60,000 gallon above ground water storage tank.

L. **Wetlands and Riparian Areas:** The upper reaches of Whetstone Creek flows through the northwest corner of the properties. Three unnamed seasonal drainages cross the properties and eventually flow into Dry Creek near its confluence with Agate Lake. A small seasonal pond is located in the southeast corner of the properties.

M. **Soils:** The soils within the proposed mining area consist of 68 percent rated by the NRCS as Class IV agricultural soils and 32 percent rated Class VI agricultural soils. There are no soils rated Class I, II, or III for the subject properties nor are there any prime or unique soils.

N. **Urban Growth Boundary, Unincorporated Community, Urban Fringe:** None of the subject properties are within an Urban Growth Boundary, Unincorporated Community or Urban Fringe.

O. **Areas of Special Concern:** Tax lot 300, the northern most property of the subject properties and lands beyond to the north are included on the County's Natural Area Map as Site JA66, an unimportant or unprotected (3B site) old growth forest stand. The subject properties were removed from Area of Special Concern (ASC) 90-1, Deer and Elk Winter Habitat, through file LRP2011-00006. Some of the Dry Creek properties are within the Jackson County Sports Park Noise Overlay.

P. **Agency and Property Owner Comments:** Requests for comment were sent to agencies and to property owners within a 1,000 foot radius of the parcel to be used for aggregate removal or surface mining, to residences within one-half (1/2) mile of the mining site, and to owners of property adjacent to the route designated by the applicant, which includes Dry Creek Road from the entrance to Dry Creek Landfill to the intersection of East Antelope Road, East Antelope Road from the intersection with Dry Creek Road to Hwy 140, and Meridian Road from the intersection with East Antelope Road and Yankee Creek Road to Hwy 140. Numerous responses were received from

property owners and from Jackson County Roads Dept. and Oregon Department of Transportation. An outline of specific issues from property owners are outlined below.

1. Excessive truck traffic will be using these roads.
2. The truck traffic will create a danger to children, school busses, passenger cars and trucks, pedestrians, bicyclists and pets.
3. The trucks will create excessive noise and dust.
4. The trucks will create a danger from rocks falling onto cars and the road.
5. The trucks already do not comply with the speed limit and this will become more dangerous.
6. Parts of Dry Creek Road do not have a shoulder and this will create a danger to children and school busses.
7. This will be dangerous truck traffic on a narrow road.
8. The trucks would destroy the road bed causing an increase in pot holes. Jackson County is currently not keeping up with road repairs.
9. The intersection of Meridian Road and Hwy 140 is a safety concern because of the speed of traffic on Hwy 140 and the angle of the intersection.
10. The trucks will create a danger to traffic entering these roads from driveways.
11. Any access to these roads should be a temporary solution.
12. They already have access to Hwy 140 from their dedicated haul road. Why can't they continue to use it?
13. When two trucks pass each other going in opposite directions they rattle our house's double pane windows.
14. The trucks will create adverse effects on health and safety.
15. The haul trucks will endanger children, cyclists and wildlife.
16. There are multiple concerns regarding environmental concerns (noise, carbon emissions, damage to rural roads) as well as safety concerns (pedestrians, cyclists, autos).
17. The TIS considers Dry Creek Rd. as a "minor collector." Minor collectors generally serve rural and farm residential uses and seldom if ever are considered as suitable for heavy commercial or industrial use.
18. Using Dry Creek Rd. will have an adverse impact on the extensive farm and residential development in the area.
19. The application does not address the following issues:



- a. The suitability in terms of the road base of Dry Creek Road to handle heavy and intensive number of haul trucks
  - b. The applicant does not address the impact on the well-established rural residential uses.
  - c. Minor collector roads in residential areas are considered safe for such activities as walking, running and bicycling. Those options will no longer exist if the application is approved.
- 20. Jackson County Roads has recently placed a “chip seal” top course on both Dry Creek and Meridian Road. While “chip seal” may look adequate to handle heavy aggregate trucks, it is not.
  - 21. The rural residential pattern of development precedes the landfill. The pattern of 5 to 10 acre parcel in the area was created by Cal-Ore Ranches in the 1960’s.
  - 22. Meridian Rd. south of Hwy 140 should not be used by heavy aggregate carrying vehicles. Please address the concerns regarding bridge problems and fragile pavement.

Jackson County Roads Department and the Oregon Department of Transportation sent responses and their comments are outlined below.

- 1. Jackson County Roads Department
  - a. A Commercial Road Approach Permit from Jackson County Roads is required for the approach to Dry Creek Road. The approach shall be paved to a point 100 feet back from the edge of road pavement.
  - b. Utility Permits are required from Roads for any utility work within the county road right-of-way.
  - c. Dry Creek Road is a County Minor Collector Road and is County-maintained. The Average Daily Traffic count was 748 on August 2013, southwest of Antelope Road. As a comparison of capacity for Dry Creek Road, the capacity of a two lane rural road with ten foot lanes and no shoulders is 5,888 ADT.
  - d. East Antelope Road is a County Minor Collector Road and is County-maintained. The Average Daily Traffic count was 2,095 on August 2013, one-hundred feet south of Highway 140. As a comparison for capacity on East Antelope Road, the capacity of a two lane rural road with ten foot lanes and no shoulders is 5,888 ADT.
  - e. Meridian Road is a County Local Road and is county-maintained. The Average Daily Traffic count was 253 on August 2000, south of

- f. Highway 140. As a comparison of capacity for Meridian Road, The capacity of a two lane rural road with ten foot lanes and no shoulders is 5,888 ADT.

2. Oregon Department of Transportation

*“We have reviewed this and determined it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.”*

## II. APPLICABLE CRITERIA

In order to approve this proposal, Jackson County must find the application is consistent with:

- A. Oregon Administrative Rules (OAR): OAR's 660-012-0060(1)(a-c) (Transportation Planning Rule) and 660-023-0180(5)(b)(B).
- B. Jackson County Transportation System Plan (TSP) Sections 4.3.1-B(c & d) and 4.3.1-D
- C. Jackson County Land Development Ordinance: Section 4.4.8(A)(4)

## III. OTHER RELEVANT INFORMATION

- A. Jackson County Land Development Ordinance (JCLDO) Sections 2.6.7(D)(1) and 2.6.7(D)(2)(b).

## IV. JACKSON COUNTY DEVELOPMENT ORDINANCE SECTIONS 2.6.7(D) AND 2.6.7(D)(2)(b)

- A. Section 2.6.7(D)(1)

**D) *Modification of Conditions Previously Approved***

- 1) *Following an applicant's written application, the County may modify or amend one or more conditions of approval for an application previously approved and final.*

**FINDING:** The applicant is proposing an amendment to Condition 8 of Board Ordinance 2012-10 contained in Exhibit D, Section D.3, file LRP2012-00006. That condition states as follows:

***Regional Landfill and Aggregate Site and Operations Master Plan.***  
*The landfill and aggregate uses will be operated in a manner that is substantially consistent with the Regional Landfill and Aggregate Site and Operations Master Plan in this JCPC Exhibit 3 to the adopting ordinance*

*for the AR zoning designation together with any applicable development standards in the JCLDO.*

File SIT2013-00011, the Site Plan Review to initiate aggregate operations, determined the aggregate haul trucks could only use the private haul road for access to the aggregate operations. This was based upon the Traffic Impact Study and findings and conclusions by the applicant as submitted in the application for the zone change, file LRP2012-00006. Condition 10 of SIT2013-00011 states as follows:

***On-Going, Haul Road:*** *The commercial hauling of aggregate is limited to the private haul road with access on Hwy 140. An alternate access may be from Dry Creek Road in the event of an emergency, i.e. a natural hazard or traffic accident. Prior to the use of Dry Creek Road for emergency access, the Applicant shall: a) notify Jackson County Roads and Development Services that the haul road cannot be used, and b) commence work to restore the use of the haul road. The use of Dry Creek Road for commercial aggregate hauling shall be temporary. Temporary means 30 days or less in any 12-month period.*

*In the event that applicant wishes to use Dry Creek Road by aggregate haul trucks on a non-temporary basis, an amendment to the Traffic Impact Study approved through file LRP2012-00006 will be required.*

Condition 8 of Board Ordinance 1012-12 indicates that the aggregate uses will be operated substantially consistent with the Master Plan together with any applicable development standards in the JCLDO. Staff finds Condition 10 of SIT2013-00011 is an applicable development standard that is associated with Condition 8 of Board Ordinance 2012-00010 and an amendment to the Traffic Impact Study approved through file LRP2012-00006 is required.

B. Section 2.6.7(D)(2)(b)

2) *Such an application shall be reviewed by the Director within 21 days of submittal to determine whether the condition requested to be modified or amended was imposed to assure compliance with a standard or in order to satisfy the requirements of a criterion. Upon completion of that review, the Director shall take the following actions:*

b) *If the condition being considered was imposed in order to satisfy the requirements of a criterion, the Director shall refer the request to the review authority having initial jurisdiction over the original application using the same type of review procedure as the original review.*

**FINDING:** Condition 8 satisfied a set of criteria determined by staff in file LRP2012-00006. As such, the reviewing authorities having initial jurisdiction over this file were the Jackson County Planning Commission and Board of Commissioners and the review procedure was a Type 4 process. This condition amendment must go through the same Type 4 process as the original application.

## V. OREGON ADMINISTRATIVE RULES

### A. OAR 660-012-0060 Transportation Planning Rule

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
  - (b) *Change standards implementing a functional classification system; or*
  - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
    - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
    - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
    - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

**FINDING:** The applicant has submitted a Traffic Impact Analysis (TIA) addendum conducted by Lancaster Engineering. The initial TIA for file LRP2012-00006 was also submitted by the applicant. The findings of the initial TIA determined a total of 290 trips per weekday for the aggregate operations and 350 trips per weekday for the landfill

operations. The initial TIA looked only at the private haul road for the traffic and safety analysis. The TIA addendum for this application analyzes both the landfill and aggregate operations based upon the closing of the haul road and the use of Dry Creek Rd., E. Antelope Rd. and Meridian Rd. for access.

Staff would like to note that the landfill operations currently have the ability to use Dry Creek Road to connect with other roads to Hwy 140 per file 94-13-CUP. Staff will specifically address the aggregate operations traffic for this application.

The applicant states in Section III, *RELEVANT SUBSTANTIVE APPROVAL CRITERIA*, as below:

*"In the first instance, Applicant believes OAR 660-12-0060 is not relevant to this review of a TIA amendment for an already established Aggregate Plan Designation. However, the Applicant herewith identifies and later addresses these criteria in the event a court were to rule, on appeal, that such regulations do in fact constitute criteria for the subject application."*

File LRP2012-00006, a Comprehensive Plan Map and Zoning Map Amendment to change the Comprehensive Plan Map from Agricultural Land to Aggregate Resource and the Zoning Map from Exclusive Farm Use (EFU) to Aggregate Removal (AR), was approved and is already effective. Since the initial TIA was specific to the analysis of the private haul road and its intersection with Hwy 140, Staff disagrees with the applicant and believes OAR 660-012-0060 (1)(a-c) is relevant and applicable to this amendment.

Applicant's Exhibit 2 is the TIA addendum, conducted by Lancaster Engineering. The TIA used a Capacity Analysis, Site Distance Analysis and Crash Data Analysis. For this criteria Staff will be concerned with the Capacity Analysis because it deals with the performance standards of the roads and intersections. Both ODOT and Jackson County Roads use a volume-to-capacity (v/c) ratio to measure performance standards. The TIA states Hwy 140 is designated by ODOT as a Statewide Highway and Freight Route within the Rogue Valley Metropolitan Planning Organization (MPO) boundary and the applicable v/c standard at the intersection of Hwy 140 and E. Antelope Road is 0.80 or better ("better" is a ratio of 0.80 or lower). The other intersections of E. Antelope Rd. at Meridian Rd. and E. Antelope Rd. at Dry Creek Rd. are under the jurisdiction of Jackson County, which uses a v/c ratio of 0.95 or better (based upon the intersections also being located within the MPO).

The analysis was made for evening peak hours for existing conditions, year 2017 conditions and year 2034 conditions. The results of the analysis are shown below.

**CAPACITY ANALYSIS SUMMARY**

	v/c
<i>Hwy 140 at Riley Rd./E. Antelope Rd.</i>	
Existing	0.15
2017	0.24
2034	0.34
<i>E. Antelope Rd. at Dry Creek Rd.</i>	
Existing	0.08
2017	0.10
2034	0.11
<i>E. Antelope Rd. at Meridian Rd.</i>	
Existing	0.01
2017	0.01
2034	0.01

The engineer concludes and states as below:

*“The traffic rerouted through Dry Creek Road as a result of the traffic using an alternate route other than the private haul road from Dry Creek Landfill and quarry is not projected to significantly impact the transportation system between the quarry and Hwy 140. The existing infrastructure is sufficient to accommodate the additional traffic safely and efficiently.”*

Staff finds the addition of the aggregate traffic, 290 trips, will not have a significant impact on the transportation system between the quarry operations and Hwy 140. These criteria are met.

**B. OAR 660-023-0180(5)(b)(B) (Mineral and Aggregate Resources**

*(B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;*

**FINDING:** The state the initial TIA reviewed and accepted under Ordinance 2012-10 analyzed the potential impacts of using the private haul road for purposes of hauling



aggregate. The applicant also indicates all aspects of the Dry Creek Aggregate site remain unchanged, with the exception of this request for the potential use of Dry Creek Road, East Antelope Road and Meridian Road to haul aggregate. The conflicts analysis required under OAR 660-023-0180(5)(b) is limited to OAR 660-023-0180(5)(b)(B) and is exclusively related to the potential traffic impacts. The conflicting use analysis adopted under Ordinance 2012-10 is not modified or amended through this review.

The applicant states the TIA addendum, Applicant's Exhibit 2, analyzed the local road system between the subject properties and Hwy 140. Results of the analysis are outlined below.

- *"The proposed zone change will not impact or alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standard."*
- *"Each of the study intersections and adjacent area will meet performance standards throughout the planning horizon. The study intersections between Dry Creek Road and Hwy 140 have sufficient capacity to serve all traffic generated by the quarry under a scenario where the private haul road is not used and all aggregate hauling utilizes the County Road system."*
- *"The traffic rerouted through Dry Creek Road as a result of the possible closure of the haul road from the Dry Creek Landfill and quarry is not projected to significantly impact the transportation system between the quarry and Highway 140."*
- *"The existing infrastructure is sufficient to accommodate the additional traffic safely and efficiently."*
- *"All findings and conclusions presented by the August 2012 TIA revision remain valid."*

Staff agrees with the applicant's findings regarding how the County should review this amendment to the TIA. Staff also believes the findings and conclusion with respect to the local transportation plan show the relevant clear and objective criteria identified in this OAR have been reviewed as determined below.

## **VI. JACKSON COUNTY COMPREHENSIVE PLAN**

### **A. Transportation System Plan**

#### *4.3.1 Transportation and Land Use Coordination Policies*

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

- c. *Ensure that quasi-judicial comprehensive plan changes, zone changes and type 3 and 4 land use permits will not result in land uses that are incompatible with the public transportation facilities they will use. To meet this requirement, criteria "i, ii and iii" below must be demonstrated to be met through a Transportation Impact Study (TIS) completed by a registered professional engineer with expertise in transportation. Compliance with criteria "i, ii and iii" will be considered sufficient to demonstrate compliance with the Transportation Planning Rule. The TIS requirement may be waived if the Planning Director and the County Engineer administratively concur in writing that sufficient specific evidence is provided from affected transportation management agencies that the cumulative effect of approving the proposed plan amendment, zone change or type 3 or 4 land use permit, along with the potential for similar approvals on similarly situated parcels within 2 miles (.75 miles in the MPO) of the subject parcel (or portion of the parcel that is requesting the land use change or permit), will not significantly affect a transportation facility identified in State, regional or local transportation plans (RTP 6-1).*
- i. *Approval of the proposed changes and the cumulative impact of the potential for similar approvals on parcels within 2 miles (.75 miles in the MPO) of the subject parcel would not change the functional classification of an existing or planned transportation facility nor would it change standards implementing the functional classification system (unless the change can be made in conjunction with a TSP amendment pursuant to policy 4.3.3-D).*
- ii. *Approval of the proposed changes and the cumulative impact of the potential for similar approvals on parcels within 2 miles (.75 miles in the MPO) of the subject parcel would not allow types or levels of land uses that would result in levels of travel or access inconsistent with the functional classification of a transportation facility (unless a functional class change is made pursuant to policy 4.3.3-D).*
- iii. *Approval of the proposed land use changes and the cumulative impact of the potential for similar approvals on parcels within 2 miles (.75 miles in the MPO) of the subject parcel would not cause a facility to exceed the adopted performance standards for facilities used by the subject parcel. A facility used by the subject parcel is defined as any facility where approval of the proposed land use*

changes and the cumulative impact of the potential for similar approvals on parcels within 2 miles (.75 miles in the MPO) of the subject parcel would increase traffic on a facility by more than 3% of the total capacity for collectors and/or 2% of the total capacity for arterials and state highways. ODOT may determine that the subject parcel, beyond this definition and in accordance with the Oregon Highway Plan, will use additional state facilities.

- d. *Projects proposed in the TSP towards the end of the planning horizon cannot be relied on for quasi-judicial plan amendments, zone changes or type 3 and 4 land use permits. TSP projects on state highways cannot be relied on unless in an adopted STIP. TSP planned projects may have to be altered or cancelled at a later time to meet changing budgets or unanticipated conditions such as environmental constraints. However, quasi-judicial plan amendments, zone changes or type 3 and 4 land use permits may demonstrate compliance with strategy "c." based on planned facility improvements under the following circumstances (and provided that an additional comprehensive plan amendment is not required as part of project development - such as an ESEE):*
  - i. *For ODOT facilities within the MPO, projects that are in the short and/or medium range Regional Transportation Plan (RTP) Tier 1 project list. For ODOT facilities outside the MPO, projects that are programmed into the STIP. (An alternate strategy for an ODOT facility may be to coordinate with ODOT on a change to the applicable Highway Plan requirements)*
  - ii. *For County facilities outside the MPO and local county facilities in the MPO, projects that are in the financially constrained TSP projects list and are in either the short and/or medium range Tier 1 lists.*
  - iii. *For regionally significant County facilities within the MPO, the facility must be in either the short and/or medium range RTP Tier 1 lists.*

**FINDING:** The applicant states as follows:

- "No changes to the functional classification of any roadways will result from aggregate hauling on the County Public Road system out to Highway 140."
- "The levels of travel and access on the County Public Road system out to Highway 140 is consistent in all ways with planned levels of travel and access for these County roads."

- “The use of the County Public Road system out to Highway 140 will not cause the adopted performance standards of any of the studied roadways to be exceeded.”

Jackson County Roads has determined the functional classification for Dry Creek Road and East Antelope Road as Minor Collectors. Meridian Road is a County Local Road. The Average Daily Trips (ADT or capacity) for all the subject roads is 5,888 trips, the capacity of a two lane rural road with ten foot lands and no shoulders. The functional classification descriptions for these roads are taken from the Jackson County Transportation Plan (TSP), Section 5, Table 5-1, *Jackson County Functional Classification Descriptions*, Pg. 48, and are as follows:

1. Minor Collector: Primary function is to get traffic from neighborhoods and business areas to the arterial and major collector system; has slower speeds enhancing safety for pedestrians and bicyclists; on-street parking may be provided in urban areas; pedestrian and bicycle facilities are provided; bicycle facilities should be exclusive in urban areas and shared in rural areas; may be used by public transit in urban areas. Freight traffic tends to be destined for local delivery or local markets.
2. Local Street: Primary function is to provide direct access to adjacent land uses; characterized by short roadway distances, slow speeds, and low volumes; offers a high level of accessibility; serves passenger cars, pedestrians, and bicycles, but not through trucks; may be used by public transit in urban areas; pedestrian facilities are provided in urban areas. Low volumes of freight traffic.

The TIA determined 90% of the trips to Hwy 140 will use Dry Creek Road and East Antelope Road. 10% of the trips to Hwy 140 will use Dry Creek Road, East Antelope Road and Meridian Road. Of the 290 trips for aggregate haul trucks, 261 will access Hwy 140 on East Antelope Road and 29 will access Hwy 140 on Meridian Road.

Both ODOT and Jackson County Roads use a volume-to-capacity (v/c) ratio to measure performance standards. The TIA states Hwy 140 is designated by ODOT as a Statewide Highway and Freight Route within the Rogue Valley Metropolitan Planning Organization (MPO) boundary and the applicable v/c standard at the intersection of Hwy 140 and E. Antelope Road is 0.80 or better (“better” is a ratio of 0.80 or lower). The other intersections of E. Antelope Rd. at Meridian Rd. and E. Antelope Rd. at Dry Creek Rd. are under the jurisdiction of Jackson County, which uses a v/c ratio of 0.95 or better (based upon the intersections also being located within the MPO).

The results of the Capacity Analysis for v/c ratios of the specific intersections is shown again below.

## CAPACITY ANALYSIS SUMMARY

	v/c
<i>Hwy 140 at Riley Rd./E. Antelope Rd.</i>	
Existing	0.15
2017	0.24
2034	0.34
<i>E. Antelope Rd. at Dry Creek Rd.</i>	
Existing	0.08
2017	0.10
2034	0.11
<i>E. Antelope Rd. at Meridian Rd.</i>	
Existing	0.01
2017	0.01
2034	0.01

As can be seen from this table, the v/c ratios for all of the intersections through the year 2034 meet the performance standards. Staff agrees with the applicant's findings and conclusions. These criteria are met.

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

**FINDING:** The TIA submitted by Lancaster Engineering conducted a Crash Data Analysis and a Sight Distance Analysis to address this criterion.

The Crash Data Analysis found two (2) reported crashes at the intersection of Hwy 140 and E. Antelope Rd./Riley Rd. that resulted in property damage only. One (1) intersection crash was found at the intersection of Hwy 140 and Meridian Rd. that resulted in a possible injury or complaint of pain. Based upon the review of the crash data, the engineer determined no significant safety concerns were identified and no safety mitigations were recommended.

The Site Distance Analysis was conducted and the engineer stated as follows:

*"Based on the observations and measurements taken in the field at each of the major intersections between Dry Creek Road and Highway 140,*

*sight distance is adequate to accommodate the additional traffic that would be generated or rerouted from the quarry if the private haul road was not used."*

Both Jackson County Roads and ODOT reviewed the TIA and neither identified a safety problem or concern from the traffic generated from using Dry Creek Road, East Antelope Road and Meridian Road. Based upon the analyses conducted by Lancaster Engineering and the comments from Jackson County Roads and ODOT, Staff finds there is evidence to determine that a safety problem is not created nor worsened by the additional traffic.

However, there is concern from the public using the public transportation system that connects to Hwy 140 that the increase in traffic will create a safety problem not associated with the crash and site distance analyses on the intersections submitted by the applicant. The comments from property owners within this area regarding safety concerns are summarized below.

1. The truck traffic will create a danger to children, school busses, passenger cars and trucks, pedestrians, bicyclists and pets.
2. The trucks will create a danger from rocks falling onto cars and the road.
3. The trucks already do not comply with the speed limit and this will become more dangerous.
4. Parts of Dry Creek Road do not have a shoulder and this will create a danger to children and school busses.
5. This will be dangerous truck traffic on a narrow road.
6. The trucks will create a danger to traffic entering these roads from driveways.
7. The trucks will create adverse effects on health and safety.

This criterion is not specific to the analyses conducted by the traffic engineer and the Commissioners may consider other safety concerns and/or problems.

## **VII. JACKSON COUNTY LAND DEVELOPMENT ORDINANCE**

### **A. Section 4.4.8(A)(4), Aggregate Mining and Processing**

- 4) *A written statement from the County Road Department and/or ODOT has been submitted verifying that the public roads that will be used by haul trucks have adequate capacity and are, or will be, improved to a standard that will accommodate the maximum potential level of use created by the operation. The property owner or operator is responsible for making all necessary road improvements, or must pay a fair share for such improvements if agreed to by the County Road Department or ODOT.*



**FINDING:** ODOT has submitted comments indicating they have reviewed this proposal and determined it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000).

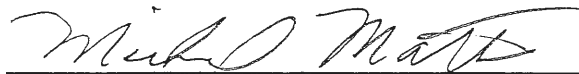
Jackson County Roads has submitted comments stating the capacity of the roads under their jurisdiction and the most recent Average Daily Traffic counts. It appears from this data that Dry Creek Road, East Antelope Road and Meridian Road can meet their performance standards, v/c ration of better than 0.95.

Staff believes this criterion is met.

**VIII. STAFF CONCLUSIONS:**

Staff has reviewed the applicant's findings and conclusions for this application, which is a narrow amendment to LRP2012-00006 in order to allow aggregate haul trucks to use Dry Creek Road, East Antelope Road and Meridian Road for access. Based upon the evidence in the record, Staff recommends approval of this narrow amendment to LRP2012-00006 to allow aggregate haul trucks to use Dry Creek Road, East Antelope Road and Meridian for access. Should the Planning Commissioners agree with Staff, a Recommendation for Approval will be sent to the Jackson County Board of Commissioners for review and decision. However, should the Planning Commissioners determine this application should be denied, a Recommendation for Denial will be sent to the Board of Commissioners for review and decision.

**JACKSON COUNTY COMPREHENSIVE PLANNING MANAGER**



By: Michael W. Mattson, Planner II

Date: 8-12-14

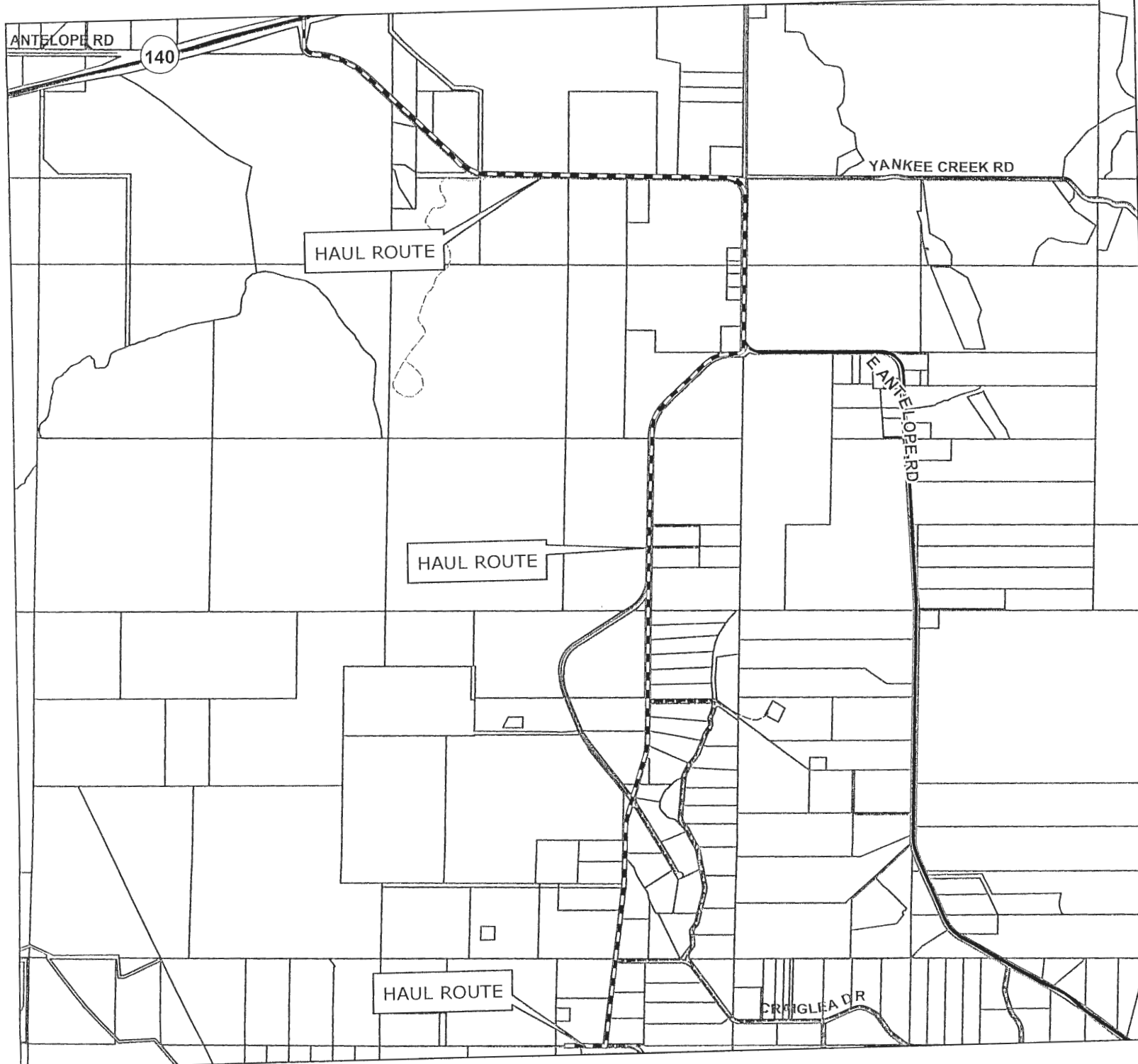
**Recommended Conditions of Approval**

1. Meridian Road shall not be used for the commercial hauling of aggregate as a through-route;
2. Prior to the use of Dry Creek Road for aggregate hauling, Property Owner shall notify Jackson County Roads Department that the haul road is not available due to physical emergency. A physical emergency shall mean the road is damaged to the extent that it is unusable. Jackson County Roads Department shall be contacted to verify that the haul road is unusable for the provisions in number 4 to be granted. Contractual issues or disputes between land owners does not constitute a physical emergency;
3. Property owner shall commence and diligently work to restore the availability of the haul road for commercial aggregate hauling, together with any permits or government approvals necessary to restore the availability of the haul road;
4. Use of the Dry Creek Road and East Antelope Road for commercial aggregate hauling shall be limited to a period not to exceed 120 days in any 12 month period, except for government public works projects, which are subject only to the limitation in 5 below. If more than 120 days is required to restore the use of the haul road and if the applicant can demonstrate due diligence in the restoration of its use, a 90 day extension may be granted administratively by Jackson County Roads. Denial of such extension request may be reviewed by the Jackson County Board of Commissioners upon request of the property owner or aggregate operator. Any additional extension must be approved by the Jackson County Board of Commissioners at a regularly scheduled meeting and will be based upon the applicants due diligence in restoring the haul road.
5. For government public works projects, use of Dry Creek Road and East Antelope Road for commercial aggregate hauling may continue through the conclusion of any such government public works project for which a contract was in full force and effect on the date Jackson County Roads was notified that the haul road became unavailable or until the haul road again becomes available, whichever event occurs first.



Development Services

# PROPOSED HAUL ROUTE



### Legend

- Freeway
- Freeway Ramp
- State Highway
- Major Road
- Other Public Road
- Unimproved County Road
- Local Access Road
- Major USFS / BLM Road
- Other USFS / BLM Road
- Private Road
- Taxlots



1 inch = 2,000 feet

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

## Development Services

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

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AND DEVELOPMENT

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DLCD  
635 CAPITOL ST NE STE 150  
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