



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

07/01/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: Jackson County Plan Amendment
DLCD File Number 002-13

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, July 17, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Craig Anderson, Jackson County
Jon Jinings, DLCD Community Services Specialist
Josh LeBombard, DLCD Regional Representative

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

FOR DLCD USE	002-13
File No.:	(20047) [17922]
Received:	6/26/2014

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 [OAR 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.: **LRP2013-00005**

Date of adoption: 05/07/2014

Date sent: 6/26/2014

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): 10/13/2013

No

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

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

Local contact (name and title): Craig Anderson, Senior Planner

Phone: 541-774-6918

E-mail: anderscm@jacksoncounty.org

Street address: 10 S. Oakdale

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):

List affected state or federal agencies, local governments and special districts:

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.

The ordinance adopted an amendment to a condition of approval for the ODOT Siskiyou Rest Area that required ODOT to obtain City of Ashland water for all uses.

BEFORE THE BOARD OF COMMISSIONERS

STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE NO. 2014-1

AN ORDINANCE AMENDING A CONDITION OF APPROVAL OF THE SISKIYOU SAFETY REST AREA AND WELCOME CENTER REQUIRING THAT ALL LAND USES BE CONNECTED TO WATER SERVICES PROVIDED BY THE CITY OF ASHLAND ON AN 18 ACRE PROPERTY DESCRIBED AS TOWNSHIP 39 SOUTH, RANGE 1 EAST, SECTION 24 (RIGHT OF WAY), BETWEEN MILEPOSTS 12 AND 13 WITHIN THE INTERSTATE 5 RIGHT OF WAY (EAST SIDE), APPROXIMATELY 500 FEET SOUTH OF THE CITY OF ASHLAND URBAN GROWTH BOUNDARY (UGB), OREGON DEPARTMENT OF TRANSPORTATION, APPLICANT. FILE NO. LRP2013 00005.

RECITALS:

1. Pursuant to Chapters 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 Oregon Land Conservation and Development Commission (LCDC).
2. On September 9, 2009, the Board of Commissioners (BOC) adopted Ordinance No. 2009-7 which amended the Jackson County Comprehensive Plan by taking "Reasons" goal exceptions to Goals 3, 11 and 14 to permit the Siskiyou Safety Rest Area/Welcome Center ("Rest Area") within an Exclusive Farm Use (EFU) zoning district and approved a Limited Use plan map and zoning designation for the Rest Area. The ordinance contained a condition of approval (#27) which stated:

Prior to the issuance of any permits or statements of land use compatibility by Jackson County, ODOT must obtain final approval to connect the land uses that are the subject of this application to city water services and to city sewer services through the City Council of Ashland. The City Council's approval shall be made subsequent to the Board's approval of this application.

3. On August 30, 2013 an application for modification of the above condition of approval was submitted by Applicant, Oregon Department of Transportation (ODOT). The application was determined to be complete on September 25, 2013.

4. The criteria justifying a modification to a previously-approved condition of approval are contained in the Jackson County Land Development Ordinance (JCLDO) Chapter 2.
5. A notice of the proposed amendment was provided to the Department of Land Conservation and Development (DLCD) on October 10, 2013, 35 days prior to the first evidentiary hearing. A notice was published on Sunday, November 3, 2013 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission (JCPC) on Thursday November 14, 2013 at 9:00 a.m. in the Jackson County Auditorium.
6. A public hearing was held on November 14, 2013 before the JCPC in the Jackson County Auditorium. Additional time was provided to Applicant and opponents to submit written argument and rebuttal on the application. A noticed public meeting was held on December 19, 2013 in order to provide further time for opponents to respond to new argument submitted by Applicant and for Applicant's rebuttal. Deliberations by the JCPC on the application were held on January 23, 2014.
7. After considering the evidence and testimony submitted, the JCPC, by motion and vote, recommended that the BOC approve the application. The JCPC signed the Recommendation for Approval on January 23, 2014.
8. On March 12, 2014 the BOC held a properly advertised public hearing on the application. Additional time was provided to Applicant and opponents to submit written argument and rebuttal on the application. A noticed public meeting was held and deliberations occurred on April 9, 2014. After considering the evidence and testimony submitted, including the record of the JCPC hearing, the BOC, by motion and vote, approved the application.

SECTION 1. FINDINGS OF FACT

Based on the evidence and arguments presented, the BOC makes the following findings of fact with respect to these proceedings. Where factual conflict arose, the Board has resolved them consistent with these findings:

- 1.1 The BOC finds that proper legal notice was provided to the applicant, affected property owners and affected agencies on February 20, 2014 for a public hearing on this matter. Legal notice was published in the Sunday, March 2, 2014 edition of the Medford Mail Tribune.
- 1.2 The BOC finds that the JCPC's recommendations are based upon following proper procedures and are consistent with evidence and testimony in the record of proceedings. The BOC hereby adopts, as its own, the Findings of Fact contained in the JCPC Recommendation for Approval, incorporated herein and attached as Exhibit "A."

SECTION 2. LEGAL FINDINGS

Based on the evidence and arguments presented, the BOC makes the following legal findings with respect to these proceedings. Where factual conflict arose, the Board has resolved them consistent with these findings:

2.1 The BOC hereby adopts, as its own, the Legal Findings contained in the JCPC Recommendation for Approval, incorporated herein and attached as Exhibit "A" and supplements those Findings as follows:

2.1.1 **FINDING:** In reviewing the full record, we find that a connection to both a municipal sewer service and water supply was deemed to be essential, and a condition of approval was therefore imposed, in order to accommodate the high volumes of visitors to the public rest room facilities - the key function of a roadside rest area. In approving the Goal 11 exception to allow the extension of water to the Rest Area, the BOC concluded that the proposed urban uses required an urban level of water service to accommodate the approved urban sewer services for the hundreds of thousands of visitors anticipated annually. In addition, the BOC found that connecting to an urban water supply provided a "reliable and efficient means to serve the water needs of the Rest Area and its visitors, while not conflicting with the water needs of the surrounding agricultural operations dependent on well water" (R Foland #2 at p.10.) The focus of the 2011 Goal 11 exception was to provide an adequate water supply to ensure the functionality of the urban sewer system in a manner that would not conflict with the water needs of adjacent farms. Both LUBA and the Court of Appeals affirmed this reasoning.

2.1.2 **FINDING:** Because the Rest Area is located on soils that are poorly suited for septic fields and because the numbers of anticipated visitors will generate large amounts of sanitary waste, we affirm our earlier conclusion that a connection to the public sanitary sewer treatment facility is preferred over disposing large volumes of concentrated sanitary waste on-site and potentially adversely affecting water quality in the area. Therefore, the provisions within Condition #27 that relate to urban sewer service are appropriate.

2.1.3 **FINDING:** Connecting to an urban water source, as required through the imposition of Condition #27, also serves to avoid water conflicts with the surrounding agricultural operations in conformance with the requirements of ORS 215.296 (LDO 4.2.3). We find that the "surrounding lands" are those lands in the immediate vicinity of the Rest Area as identified in ODOT's application Exhibit G. The primary farm use in the surrounding area is grazing with a blueberry farm owned by the Folands on the east side of I-5 and a vineyard on the west side of I-5. We are aware that the Rest Area site has well and irrigation rights from Dunn Ditch which could supply some or all of the water needs at the facility. We are also aware that some of the surrounding agricultural operators raised concerns regarding potential impacts to their wells and water sources if the Rest Area was supplied by a ground water source or from Dunn Ditch. In response to these very concerns, we imposed Condition #27, in part, to avoid any real or perceived conflicts with the water use of these surrounding operations. We heard no testimony from surrounding agricultural operators that the addition of the Talent Irrigation District (TID) water rights to Tolman Creek will adversely affect surrounding farm practices.

2.1.4 **FINDING:** For the reasons described above, we find that Condition #27 was imposed for the twin objectives of ensuring that the large volumes of sanitary waste generated by a roadside rest area are efficiently and effectively

disposed of and done so in a manner that avoids conflicts with the water needs of the surrounding agricultural operations dependent on well and/or Dunn Ditch water. We affirm the staff report findings and find that using water from the TID or other off-site sources for irrigation purposes will not force a significant change to the surrounding lands devoted to agriculture or significantly increase the cost of accepted farm practices on those surrounding lands.

- 2.1.5 **FINDING:** We heard testimony that the TID water source is inadequate to serve the irrigation requirements of the site because the rights only extend through the summer irrigation season. ODOT's licensed landscape architect testified that the landscaping will only require water during the summer months and the plants will be watered by natural precipitation during the wetter winter months. Opponents have not offered any reasons to support their argument that landscape plants require a longer irrigation season than the blueberry plants or grass located in the nearby fields that are also subject to the same irrigation watering cycles. We rely upon the expert testimony provided by ODOT to conclude that the duration of the irrigation season is adequate to sustain the required landscaping.
- 2.1.6 **FINDING:** We heard testimony questioning whether the TID water right itself is adequate to serve the irrigation needs of the site. ODOT has submitted testimony that its TID water right entitles it to a weekly allotment of 272,881 gallons. ODOT's landscape architect estimates that only about 10% of that allotment is required for irrigation purposes. We find that there is an adequate supply of water to meet the irrigation demands for the site.
- 2.1.7 **FINDING:** We heard testimony that there will be an inadequate water supply during dry years. Based upon expert testimony from ODOT's landscape architect, we find that the TID water supply is sufficiently robust to meet the short-term water demands to establish the landscape plants and sufficiently adequate to meet the water needs of plants requiring long-term maintenance. ODOT also testified that the water right it acquired from Arrowhead Ranch has a priority right from 1912. ODOT also testified that should the need arise it has the ability to supplement the TID water supply with tanker trucks and storage tanks on site. Our condition requiring that replacement of plant materials that do not survive the establishment period adequately addresses concerns regarding a potential water shortage.
- 2.1.8 **FINDING:** We heard testimony speculating that ODOT may not have sufficient water in the long-term due to non-use of its full allotment for five years. Based upon expert testimony from ODOT's landscape architect, we conclude that even if the water allocation is reduced from non-use, the long term maintenance needs of the established plants are anticipated to be reduced and can be met.
- 2.1.9 **FINDING:** In summary of the above findings, we find that the June 22, 2011 City of Ashland order approving the extension of water and sewer service to the Rest Area "for non-irrigation purposes only" is sufficient to provide water and sewer services to adequately dispose of the sanitary waste that will be generated and do so in a way that does not harm surrounding agricultural

operations, consistent with the original intent of Condition #27. In addition, we find no reason to require the use of potable water and/or an urban water source for the growing and irrigating of landscaping.

- 2.1.10 **FINDING:** We heard testimony that a municipal water source is needed for fire suppression. Correspondence in the record shows that Jackson County Fire District #5 Chief Dan Marshall has concluded that the "main thing that is needed for fire safety is good access for fire department vehicles" and that "a fire hydrant" (connecting to a municipal water source) "would not likely be required." Chief Marshall instead recommended a 5,000 gallon water tank for fire suppression needs. ODOT has proposed a 22,000 gallon tank holding more than four times the amount recommended by Chief Marshall. We therefore find that the use of off-site water sources for irrigation will not adversely affect fire suppression efforts for the site.
- 2.1.11 **FINDING:** We heard testimony regarding the nature of the plant selection identified for the proposed landscape plan. This Board is not approving the landscape plan at this time. Approval of the landscape plan is an administrative decision subject to review under LDO 9.2.
- 2.1.12 **FINDING:** We heard testimony that this modification is in conflict with the master plan that was approved in 2009. The 2009 approved master plan included a schematic site plan with a schematic landscape plan. ODOT has not requested changes to that site plan.
- 2.1.13 **FINDING:** We heard testimony asserting that the Rest Area is a 'recreational' use and is required to have urban water services. We find that LUBA and the Court of Appeals affirmed that the Rest Area is a transportation facility – not a recreational facility. *Foland v Jackson County*, 61 Or LUBA 264 (2010); *Foland v. Jackson County*, 239 Or App 60 (2010). There is no requirement that a transportation facility be served with an urban water source.
- 2.1.14 **FINDING:** Finally, we heard testimony asserting that modification of Condition # 27 will require a new "Reasons" goal exception under OAR 660-004-0018(4). This administrative rule provides that:

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

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

Consistent with the requirements of subsection (a) above, the BOC limited the uses, density, and public services to the Rest Area uses justified in the approved "Reasons" exceptions allowing connection to both municipal water and sewer services. The water and sewer service extended from the City of

Ashland will only be used to serve the uses justified in the original exception. Therefore, no further review is required under OAR 660-004-0018(4)(a).

Opponents also argue that the BOC's modification of Condition #27 to utilize water from the TID triggers subsection (b). We find that it does not because the County is not changing the types or intensities of approved uses, nor is it changing the public facilities or services that could potentially be subject to a "Reasons" goal exception. "Reasons" exceptions to Goal 11 (Public Facilities and Services) have already been taken as part of the Rest Area approval for both municipal water and sewer services. Approving the proposed modification to Condition #27 will allow ODOT to use a water source for irrigation purposes that is allowed outright within the zone. Nothing within the provisions of Goal 11 would require a new "Reasons" exception in order to allow irrigation water to be used for irrigating landscaping. Therefore, no further review is required under OAR 660-004-0018(4)(b).

SECTION 3. CONCLUSIONS

- 3.1 The BOC concludes that proper public notice was given.
- 3.2 The BOC hereby adopts, as its own, the Conclusions contained in the JCPC's Recommendation for Approval, incorporated herein and attached as Exhibit "A." These conclusions, in addition to the Legal Findings identified in Section 2 of this Ordinance, demonstrate that the applications are in compliance with the applicable Statewide Planning Goals, Oregon Administrative Rules, the applicable policies in the Jackson County Comprehensive Plan, and the applicable sections of the Jackson County Land Development Ordinance.

SECTION 4. DECISION

Now, therefore,

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

- 4.1. Based on the record of the public hearing, the BOC hereby approves the requested amendment to a condition of approval requiring that all land uses be connected to water services provided by the City of Ashland on an 18 acre property described as Township 39 South, Range 1 East, Section 24 (right of way), between mileposts 12 and 13 within the Interstate 5 right of way (east side), approximately 500 feet south of the City of Ashland Urban Growth Boundary (UGB). File No. LRP2013 00005.

ADOPTED this 7th day of May, 2014, at Medford, Oregon.

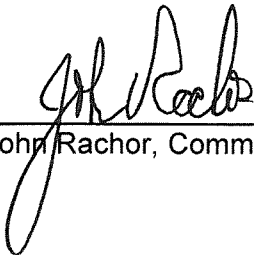
JACKSON COUNTY BOARD OF COMMISSIONERS



Don Skundrick, Chair

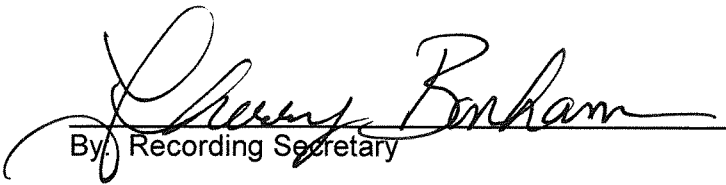


Doug Breidenthal, Commissioner



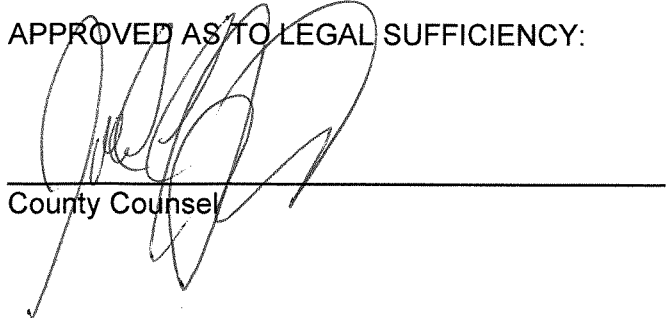
John Rachor, Commissioner

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 _____, 2014, and the LUBA appeal period will expire on _____, 2014. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

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

IN THE MATTER OF AN AMENDMENT TO A)
CONDITION OF APPROVAL CONTAINED IN THE)
ADOPTION OF ORDINANCE NO. 2009-7 (ODOT)
SISKIYOU SAFETY REST AREA) THAT REQUIRES)
ALL LAND USES BE CONNECTED TO WATER)
SERVICES PROVIDED BY THE CITY OF ASHLAND.)
THE PROJECT IS LOCATED ON AN 18 ACRE)
PROPERTY DESCRIBED AS TOWNSHIP 39 SOUTH,)
RANGE 1 EAST, SECTION 24 (RIGHT OF WAY),)
BETWEEN MILEPOSTS 12 AND 13 WITHIN THE)
INTERSTATE 5 RIGHT OF WAY (EAST SIDE),)
APPROXIMATELY 500 FEET SOUTH OF THE CITY)
OF ASHLAND URBAN GROWTH BOUNDARY. FILE:)
LRP2013-00005.)

RECOMMENDATION
FOR APPROVAL

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan (JCCP) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDDC).
2. On August 30, 2013 an application for an amendment to a condition of approval included in the adoption of Ordinance No. 2009-7 (ODOT Siskiyou Safety Rest Area) was submitted by Applicant, Oregon Department of Transportation (ODOT). The application was determined to be complete on September 25, 2013.

PROCEDURAL FINDINGS:

1. A notice of the proposed amendment was provided to DLCD on October 10, 2013, 35 days prior to the first evidentiary hearing. A notice was published on Sunday, November 3, 2013 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday November 14, 2013 at 9:00 a.m. in the Jackson County Auditorium.
2. A public hearing was held on November 14, 2013 before the Jackson County Planning Commission in the Jackson County Auditorium. Additional time was provided to Applicant and opponents to submit written argument and rebuttal on the application. A noticed public meeting was held on December 19, 2013 in order to provide further time for opponents to respond to new argument submitted by Applicant and for Applicant's rebuttal. Deliberations on the application were held on January 23, 2014.

3. Now, therefore,

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

SECTION 1. FINDINGS OF FACT:

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

- 1.1 The Planning Commission finds that proper legal notice was sent to the Applicant, affected agencies and property owners within 750 feet of the subject property on October 25, 2013. Legal notice was published in the Sunday, November 3, 2013 edition of the Medford Mail Tribune.
- 1.2 The Planning Commission finds that a Staff Report was prepared for the initial public hearing.
- 1.3 The Planning Commission finds that the subject property is described as: TOWNSHIP 39 SOUTH, RANGE 1 EAST, SECTION 24 (RIGHT OF WAY). The subject property is located on the east side of Interstate 5 between mileposts 12 and 13, approximately 500 feet south of the City of Ashland Urban Growth Boundary.
- 1.4 The current Comprehensive Plan Map and Zoning Designation for the subject property is Limited Use (LU).
- 1.5 The Planning Commission finds that a public hearing and was held to consider the evidence on these matters on November 14, 2013 and that subsequent public meetings were held to discuss and deliberate on the evidence on December 19, 2013 and on January 23, 2014.

SECTION 2. LEGAL FINDINGS:

- 2.1 To recommend approval of an amendment to a condition of approval, the Planning Commission must find that the amendment is in conformance with Section 2.6.7 of the Land Development Ordinance.
- 2.2 The Planning Commission adopts the findings in the Staff Report as a basis for this recommendation. These findings demonstrate that the application is in compliance with the applicable approval criteria. Where factual conflicts arose, the Jackson County Planning Commission has resolved them consistent with the following findings:
 - 2.2.1 The Planning Commission has relied on the advice of County Counsel with respect to whether or not they have jurisdiction over the proposed application.
 - 2.2.2 The Planning Commission herewith modifies staff's recommended condition of approval (JCPC record p.14) to read as follows:

ODOT shall irrigate Rest Area landscaping per the recommendations contained in Exhibit C of their application (August 29, 2013 memorandum from Mike Smyth to Jayne Randleman) except that a minimum of three years of irrigation shall be applied to plantings outside the water rights limits. Any plantings not surviving on the date after three years following the issuance of the occupancy permit shall be replaced.

- 2.3 The deliberations held on January 23, 2014 resulted in a motion to recommend approval of the application. The Planning Commission voted unanimously (4-0) in favor.

SECTION 3. CONCLUSIONS:


Based on the evidence and arguments included in the record, the Planning Commission concludes that the proposed amendment to condition of approval #27 contained in Ordinance No. 2009-7 is justified and in compliance with the applicable provisions of the Jackson County Land Development Ordinance.

SECTION 4. RECOMMENDATION:

The Jackson County Planning Commission hereby recommends that the Board of Commissioners approve file LRP2013-00005.

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

JACKSON COUNTY PLANNING COMMISSION



Don Greene, Chair



Joel Ockunzzi, Commissioner



Richard B. Thierolf, Commissioner



Craig Prewitt, Commissioner

ATTEST:



Kelly Madding, Development Services Director

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