

# JACKSON COUNTY PLANNING COMMISSION

## PUBLIC MEETING

November 18, 2010

### MINUTES

MEMBERS PRESENT: Don Greene  
Joel Ockunzzi  
Richard Thierolf Jr.  
Tani Wouters

GUESTS PRESENT: Clark Stevens  
Delores Lisman  
Janell Stradtner  
Jered Carpenter  
Joe Granacki  
Steve Rouse

STAFF PRESENT: Director Kelly Madding  
Planner Mike Mattson  
Office Assistant Patricia Guida

The meeting was called to order by Chair Don Greene at 9:05 a.m. The roll was called.

#### APPROVAL OF MINUTES:

**A motion was made by Commissioner Richard Thierolf and seconded by Commissioner Tani Wouters to approve as corrected the October 28, 2010 at 9 a.m. meeting minutes. The motion was approved by a unanimous "Aye" vote.**

**POTENTIAL BUSINESS FROM THE AUDIENCE: None**

#### UNFINISHED BUSINESS:

**Public Hearing** - Consideration of a Remand from the Board of Commissioners of a Text Amendment to the Land Development Ordinance to revise the Floodplain Overlay, Section 7.1.2, in order to meet the National Flood Insurance Program (NFIP) requirements for floodplain management in Jackson County. The amendment also revises Sections 10.4.1 (F) (Floodplain Areas) and 13.3(100) (Definitions, Flood or Flooding) to coincide with changes to Section 7.1.2. These revisions could affect properties located within the FEMA mapped floodplain on the Flood Insurance Rate Maps (FIRM) for Jackson County. File No. LRP2008-00009.

**Mike Mattson – New Model Ordinance received last week and requests that today's review start with the 4<sup>th</sup> Edits red text addition (Exhibit Q). Discussion followed on the continued changes to the model ordinance.**

- Red text in section 7.2 Floodplain Overlay noted and explained.
- Kelly Madding discussed section 7.2.2(C) - Establishment of Flood Plain Development Permits. Language has been written to limit or remove staff discretion. Type 1 vs. Type 2 process discussed along with LUBA's prior decision. Commissioners requested additional information
- 7.2.3(A)(6) No base flood elevations may require a study. The red text is required language. Commissioners request that staff check and report back if actually required.
- 7.2.4(A)(3) Language tightened up to make the engineer responsible and not placing discretion on staff
- 7.2.4(C) Codified Ordinance Chapters where the 180 day expiration is stated as a requirement on Building permits. Permits and requirements discussed.
- 7.2.7(A) Tightens up language regarding engineers.
- 7.2.7(H) Text was stricken by staff regarding Type 2 Review. As 7.2.2(C) additional information is request from staff on process exceptions.
- 7.2.8(D) Significant changes to the previous language. Burden of proof is placed on the applicant.
- 7.2.10(A)(2) FEMA expectation and language discussed. Commissioners request that the red text be left and the black text be modified. Staff to check on it.
- 7.2.10(F) Staff's ability to accept or deny an engineer's determination discussed. Commissioners request the term deny be removed from the language.
- 7.2.12(C) Deny will be removed.
- 7.2.13(F) The collapsible fence (only example - Virginia Rail), setbacks, permitting, barbed wire with 1foot spacing, engineering requirements, and discretion. Staff directed to define adequate.
- 7.2.13(L)(3) Process types and situations discussed. Commissioners feel it could be a Type 2 in this instant. Will be brought up during deliberations.

Definitions will be prepared for a future hearing.

Public Hearing opened at 10:58 a.m.:

Clark Stevens, Richard Stevens and Assoc., Medford: Brought up the following concerns;

- LDO Page 7, 7.2.3(A)(6) Believed the red text should be removed

- LDO Page 11, 7.2.4(C) Expiration of reviews – minimum of two years on staff's decisions vs. 180 days on building permits. Made need references or additional text.
- LDO Page 16, 7.2.10 (Refer to Exhibit L) Proposes language changes or additional options suggestions

Janell Stradtner, ODOT Planner, Roseburg: Submitted Exhibits P and R for the record.

- 7.2.2(C) Prefers the Type 1 Process vs. Type 2. Approves of the languages changes proposed in the Red Text Edition (Exhibit Q). If a Type 2 review is supported an exception might be made for replacement structures.

Jared Carpenter, ODOT Hydrologist Engineer:

- 7.2.2(C) Proposes that a portion of the red text strikeout starting with "or to determine no rise of base flood..." remain stricken from any future edits to this section. Review LUBA's decision of Johnson vs. Jackson County addresses the cumulative effect of development in the floodway. If there is no rise, it wouldn't pertain to the case law.

Joe Granacki, Evans Creek, Rogue River: States concerns with the setbacks and the floodplains in Rogue River and why are there no floodplains along the Applegate. Discussion followed on flood insurance and requirement for lending. Appreciates the language in this new proposal.

Dolores Lisman, Applegate Rd., Jacksonville: Questioned Type 1 and Type 2 processes and the appeals through LUBA and Circuit Court. Talked about hearings officer denying applications when an engineer had been hired.

- 7.2.1(C) Believes a Type 2 process should be required in order to provide surrounding property owners notification. Discussion followed on what processes might be allowed to have a type 1 review.

Steve Rouse, Applegate Rd, Jacksonville: LUBA decision discussed. If applications require engineering then a Type 2 process should be required, plus it provides the ability to appeal. Term "except or deny" should remain in the proposed text. If engineering is suspect, staff should have the option to deny the report. Commissioners questioned on the County's ability and qualification to deny a report. Believes the options needs to remain. The term "the County" needs to be clarified, making sure it doesn't include the hearings officer.

**A motion was made by Commission Richard Thierolf and seconded by Commissioner Joel Ockunzzi to continue the public hearing to December 9, 2010 at 9 a.m. Vote was as follows:**

Yes

No

Abstain

Don Greene  
Joel Ockunzzi  
Richard Thierolf Jr.  
Tani Wouters

**NEW BUSINESS: None**

**BUSINESS FROM THE BOARD OF COMMISSIONERS: None**

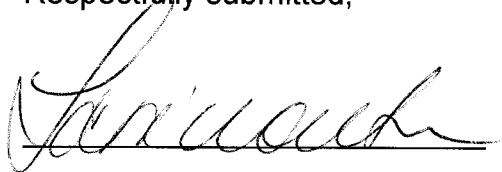
**BUSINESS FROM COMMISSION MEMBERS:** Joel asked if Front Counter maps are going to be updated. Kelly will check.

**BUSINESS FROM THE PLANNING DIVISION:**

The next regular meeting is scheduled for Thursday, , 2010 at 9:00 a.m;

There being no further business, the meeting was adjourned at a.m.

Respectfully submitted,

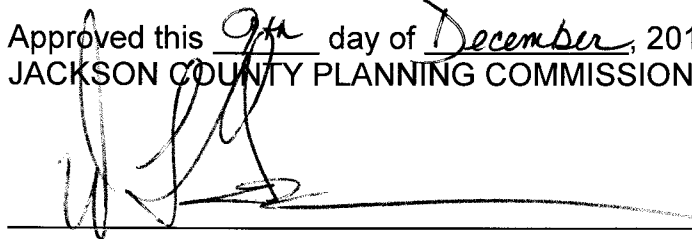


Tani Wouters, Secretary



Patricia A. Guida, Recording Clerk

Approved this 9<sup>th</sup> day of December, 2010.  
JACKSON COUNTY PLANNING COMMISSION



Don Greene, Chair

Note: An audio CD of this public hearing can be ordered and purchased from Development Services for a nominal fee. In order to listen to the CD, you will need

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access to a computer with an internet connection to download (free of charge) the program for the CD.

You may order the CD by phone (774 6907; Jackson County residents outside of Medford's local calling area use 1 800 452 5021 x.6907) or you may FAX your order to (541) 774 6791. Please allow seven (7) working days.

When you place your order, please indicate that you need a CD of a Jackson County Planning Commission Public Hearing, the date of the public hearing, the file number that relates to the public hearing, your name and your daytime telephone number. You will be notified when the CD is ready to pick up at the Zoning Counter in Room 100 of the County Offices, 10 South Oakdale. It will be your responsibility to pay for the CD when it is picked up.