

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

ORDINANCE NO. 2004-1

AN ORDINANCE AMENDING THE TEXT OF THE JACKSON COUNTY COMPREHENSIVE PLAN GENERAL INTRODUCTION, MAP DESIGNATIONS, DEFINITIONS, NATURAL HAZARDS, PUBLIC FACILITIES AND SERVICES, RURAL AND SUBURBAN LANDS, TRANSPORTATION, AND URBAN LANDS ELEMENTS. FILE #2003-1-OA.

RECITALS:

1. Pursuant to Oregon Revised Statutes (ORS) Chapters 197 and 215, and in conformance with the Statewide Planning Goals, the Jackson County Comprehensive Plan (The Plan) and Jackson County Land Development Ordinance (LDO) were adopted in 1982 by the Jackson County Board of Commissioners and acknowledged by the Oregon Land Conservation and Development Commission (LCDC) as being in compliance with the Oregon Statewide Planning Goals ("the Goals") on May 16, 1983, through Compliance Acknowledgment Order 83-ACK-93.
2. Post-acknowledgment amendments to local plans and implementing ordinances are subject to the procedural requirements of ORS 197.610-615. Periodic Review work tasks are subject to the procedural requirements of ORS 197.628-636. Further, OAR 660, Division 18 (Plan and Land Use Regulation Amendment Review Rule) is directly applicable to these amendments. Portions of the amendments are required to comply with Land Conservation and Development Commission Order No. 001477 (Periodic Review Work Tasks 20 and 21) and are subject to OAR 660, Division 25 (Periodic Review).
3. Jackson County entered Periodic Review in 1989. Work on the tasks established in the County's work program has been ongoing since that time. Completion of Tasks 20 and 21 through this ordinance and Ordinance 2004-2 will conclude Jackson County's 1989 Periodic Review.
4. The standards for initiating a post-acknowledgment amendment to the text of the Comprehensive Plan are contained in Chapter 277, Sections 277.010(1), 277.020(1), 277.030, 277.050 and 277.060 of the Jackson County Land Development Ordinance. They state, in part, that a legislative amendment to the text of the Comprehensive Plan may be initiated by the Planning Commission or Board of Commissioners; that the Planning Commission will hold a public hearing and forward its recommendation to the Board of Commissioners; and that the Board of Commissioners, upon receiving a favorable recommendation from the Planning Commission, will hold a public hearing. Section 277.035 further provides that "*Where the public interest would best be served by such action, the Jackson County Planning Commission ... and Board of Commissioners may hold a joint hearing on a proposed amendment.*"
5. The existing Comprehensive Plan includes 24 Elements, which implement Statewide Planning Goals 1 through 14. Eight Plan Elements are proposed for amendment through File #2003-1-OA:
 - a) General Introduction Element;

- b) Map Designations Element;
 - c) Definitions Element;
 - d) Natural Hazards Element;
 - e) Public Facilities and Services Element;
 - f) Rural and Suburban Lands Element;
 - g) Transportation Element; and
 - h) Urban Lands Element.
6. The Planning Commission conducted 35 public work sessions between October 25, 2001 and June 26, 2003. During their work sessions the Planning Commission considered input from land development professionals, staff and citizens participating in the review process. Following this intensive review, the draft Comprehensive Plan and Land Development Ordinance amendments were scheduled for a joint Board of County Commissioners/Jackson County Planning Commission public hearing on July 17, 2003.
 7. The Department of Land Conservation and Development (DLCD) received and commented on advance copies of the proposed amendments throughout the three-year review process. A complete set of Comprehensive Plan and Land Development Ordinance amendments was transmitted to DLCD 45 days prior to the first hearing as required by ORS 197.610.
 8. Media notice was published in the Ashland Daily Tidings and Upper Rogue Independent on July 1, 2003, in the Grants Pass Daily Courier on July 5, 2003 and in the Mail Tribune on July 6, 2003 in accordance with ORS 215.223. Proper legal notice was also sent to every unincorporated county property owner pursuant to ORS 197.610 through 615 and ORS 215.503. In addition, the notice of hearing was mailed to all 195 agencies and parties on the County's affected agency list. A dedicated phone number and worldwide web address were published in the mailed notice to provide specialized assistance to citizens and agencies responding to the notice of hearing.
 9. Following public notice in accordance with the Jackson County LDO and State law, the Jackson County Planning Commission and Board of Commissioners convened a joint hearing to consider the proposed Comprehensive Plan and Land Development Ordinance amendments on July 17, 2003. The hearing was continued to July 24, 2003, at which time the Planning Commission continued its hearing to August 7, 2003 and the Board of Commissioners continued their public hearing to October 15, 2003. The Planning Commission subsequently closed its oral and written record on August 7, 2003 and deliberated to a decision. On September 4, 2003, the Planning Commission, by motion and unanimous vote recommended approval of the revised Comprehensive Plan and Land Development Ordinance to the Jackson County Board of Commissioners.
 10. The Board of County Commissioners' properly advertised July 17, 2003 public hearing was continued to July 24, October 15, and October 22, 2003. After considering the Planning Commission's recommendation and additional evidence and testimony the Board, by motion and vote, closed the public hearing on October 22, 2003 and scheduled November 10, 2003 for deliberations. On November 10, 2003 the Board discussed the June 20, 2003 property owner notice, which had been mailed a month prior to the beginning of the joint public hearings on July 17, 2003. The Board noted portions of the draft amendments had been substantially changed as a result of Planning Commission deliberations. To provide additional opportunity for property owners to comment on the Planning Commission's recommendation the Board, by motion and vote, reopened the written record to receive additional

evidence and testimony and scheduled December 2, 2003 to reopen the record for oral testimony. The Board further directed that the record remain open until the final public hearing and second reading of this Ordinance scheduled for January 7, 2004.

11. At their November 10, 2003 hearing the Board, by motion and vote, directed staff to mail a second property owner notice of the January 7, 2004 hearing to all unincorporated property owners in accordance with ORS 197.610-615 and ORS 215.503. The notice was prepared and mailed on December 1, 2003 in accordance with statutory guidelines.
12. On December 2, 2003 additional written and oral testimony was received into the record. The Board of Commissioners scheduled a joint work session with the Planning Commission on the proposed ordinance amendments for December 15, 2003. The worksession was open to the public.
13. On December 15, 2003 a joint work session was held with the Board of Commissioners and the Planning Commission to discuss issues that had arisen during testimony before the Board.
14. On January 7, 2004, the Board closed the oral and written record, beginning deliberations and considering the evidence and testimony. The Board continued its deliberations to January 12, 2004, at which time by motion and vote, they approved the Planning Commission's recommended amendments, with revisions made by the Board, to the text of eight Plan Elements as shown in "Exhibit 2."

Now, Therefore, the Board of County Commissioners of Jackson County hereby makes the following findings and conclusions:

SECTION 1. FINDINGS

- 1.1 The Board of County Commissioners finds that proper public notice was given to the Mail Tribune for publication in the Legal Notices Section of the July 6, 2003 and December 21, 2003 editions.
- 1.2 The Board further finds that two public notices were sent to a mailing list of all unincorporated property owners in the County, affected agencies and interested parties. Witnesses and parties who participated in the hearings at the local level between July 2003 and December 2003 also received the second mailed notice.
- 1.3 The Board of Commissioners hereby adopts the Findings contained in "Exhibit 1" as the basis for their decision to amend the Jackson County Comprehensive Plan as shown in "Exhibit 2."
- 1.4 The Comprehensive Plan General Implementation Element, which is not proposed for amendment, establishes the Land Development Ordinance as the County's preeminent Plan implementation tool. The effectiveness of the Plan will be strengthened through the proposed amendments, which relocate a number of development standards from the Plan to the Land Development Ordinance.

SECTION 2. LEGAL FINDINGS

- 2.1 The Board of Commissioners finds the procedural and legislative enactment requirements of the aforementioned statutes and administrative rules have been met based on the facts presented in "Exhibit 1."
- 2.2 The Board of Commissioners finds that all applicable statutes and administrative rules have been met based on the facts presented in "Exhibit 1." Where factual conflicts arose, the Board has resolved them consistent with these findings.
- 2.3 Text amendments to the Jackson County Land Development Ordinance proposed through Ordinance 2004-2 and major Comprehensive Plan and Zoning Map Amendments proposed through Ordinance 2004-3 are related to and implement this Comprehensive Plan update effort.

SECTION 3. CONCLUSION

- 3.1 The Board of County Commissioners concludes that proper public notice has been given.
- 3.2 The Board of County Commissioners concludes that the proposed Plan amendments are consistent with all applicable Statewide Planning Goals, ORS Chapters 197 and 215, and Oregon Administrative Rule 660, Divisions 18 and 25 as applicable.
- 3.2 The Board of County Commissioners concludes that adoption of this ordinance along with Ordinance 2004-2 will complete Jackson County's Periodic Review effort that began in 1989.
- 3.3 The Board of Commissioners further concludes that the proposed amendments to the General Introduction, Map Designations, Definitions, Natural Hazards, Public Facilities and Services, Rural and Suburban Lands, Transportation, and Urban Lands Elements of the Comprehensive Plan are consistent with and further the goals and policies of the unamended portions of the Plan.

DECISION

Now, Therefore, the Board of County Commissioners of Jackson County ordains as follows:

1. The Board of County Commissioners hereby amends the General Introduction, Map Designations, Definitions, Natural Hazards, Public Facilities and Services, Rural and Suburban Lands, Transportation and Urban Lands Elements of the Comprehensive Plan as shown in "Exhibit 2."
2. Contrary to Section 14(8) of the Jackson County Charter, this ordinance will go into effect when Jackson County Periodic Review Work Tasks #20 and #21 are acknowledged by the Land Conservation and Development Commission, provided such acknowledgment occurs at least 60 days from the date this ordinance is adopted. The Department of Land Conservation and Development (DLCD) is required by law to notify Jackson County of acknowledgment. This ordinance will become effective 10 days after receipt of said notice, but no sooner than 60 days from the date this ordinance is signed.
3. Invalidity of a section or part of this ordinance will not affect the validity of the remaining sections or parts of sections.

APPROVED this 12th day of January, 2004, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Sue Kupillas
Sue Kupillas, Chair

Dave Gilmour
Dave Gilmour, Commissioner

Jack Walker
Jack Walker, Commissioner

APPROVED AS TO FORM:

Stan
County Counsel

ATTEST:

Donna Bladek
By: Recording Secretary

This ordinance represents the Board of Commissioner's final decision on Work Tasks #20 and #21. Pursuant to State law, Jackson County will notify all persons who participated in the hearings, either in writing or orally, or persons who have requested notice on Work Tasks #20 and #21, who will then have 21 days from the date the County's notice is mailed to raise an objection with the Department of Land Conservation and Development (DLCD) if they believe the County did not satisfactorily complete the work task or the work task does not comply with the Statewide Planning Goals. This decision is being mailed on January 16, 2004. To file an objection with DLCD, you **must** do three things. 1) Submit a written objection to Tasks #20 and/or #21, to Rob Hallyburton (rob.hallyburton@state.or.us, (503) 373-0050 ext. 239), DLCD, 1175 Court Street NE, Salem, Oregon 97310-0590. DLCD must receive the objection **within 21 days** of the date the notice is mailed. 2) Send a copy of your objection to Jackson County Planning and Development Services, 10 South Oakdale, Room 100, Medford, Oregon 97501, Attention: Alwin Turiel, Planning Manager. 3) In your objection, show how you participated in the County's periodic review either by speaking at a public meeting or by sending written comments about the work task; and, explain your complaint about the work task, and recommend a specific change to the work task that would resolve your objection. If you have questions about DLCD's review of this work task, call John Rentz at 1-541-858-3189.

If your disagreement concerns issues of the County's decision that do **not** involve periodic review and the Statewide Planning Goals, or issues outside the jurisdiction of the Land Conservation and Development Commission (LCDC), you may appeal to the Land Use Board of Appeals (LUBA), **within 21 days** of the date the notice is mailed. For appeal information, contact LUBA, State Library Building #306, 250 Winter Street N.E., Salem, Oregon 97310-0590, 1-503-373-1265.