

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

ORDINANCE NO. 2004-3

AN ORDINANCE AMENDING THE JACKSON COUNTY COMPREHENSIVE PLAN MAPS AND THE JACKSON COUNTY ZONING MAPS TO CONFORM WITH TEXT AMENDMENTS REVISING PLAN DESIGNATION AND ZONING DISTRICT NAMES, AND ADDING THE JACKSON COUNTY SPORTS PARK, HAZARDOUS WILDFIRE AREA, STEEP SLOPE AND EXPANSIVE SOILS OVERLAYS. FILE #2003-1-CPA.

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 (the Board) 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. Further, OAR 660, Division 18 (Plan and Land Use Regulation Amendment Review Rule) is directly applicable to these amendments.
3. The standards for initiating a legislative, post-acknowledgment amendment to the Comprehensive Plan or Zoning maps 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 Plan or LDO 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."*
4. The existing Comprehensive Plan includes 18 implementing maps, which depict both Plan Designations and Zoning Districts on each map. The Plan and Zoning maps are proposed for amendment through File #2003-1-OA, which includes:
 - a) Jackson County Comprehensive Plan Map;
 - b) Jackson County North Zoning Map;
 - c) Jackson County South Zoning Map;
 - d) White City Zoning Map;
 - e) Sports Park Overlay Map;
 - f) Hazardous Wildfire Area Map;

- g) Steep Slopes Map; and
 - h) Expansive Soils Map
5. 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.
 6. 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.
 7. 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.
 8. Following public notice in accordance with the Jackson County Land Development Ordinance 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.
 9. 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.
 10. 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 the last week of November 2003 in accordance with statutory guidelines.

11. 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.
12. 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.
13. 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 as shown on the maps 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 Commissioners hereby adopts the Findings contained in "Exhibit 1" as the basis for their decision to amend the Jackson County Comprehensive Plan maps and Zoning maps as shown in "Exhibit 2."
- 1.2 The Board finds that two individual public notices were sent to all unincorporated property owners of record, affected agencies and known interested persons on June 20, 2003 and December 1, 2003. In addition, other witnesses and parties who participated in the hearings at the local level received the second mailed notice.

SECTION 2. LEGAL FINDINGS

- 2.1 Text amendments to the Jackson County Comprehensive Plan proposed through Ordinance 2004-1 and text amendments to the Land Development Ordinance proposed through Ordinance 2004-2 are the basis for these Comprehensive Plan map and Zoning maps amendments.
- 2.2 The Board of County Commissioners finds that proper public notice was published in the Legal Notices Section of Mail Tribune July 6, 2003 and December 21, 2003 editions.

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 and Zoning map amendments are consistent with all applicable Statewide Planning Goals, ORS Chapters 197 and 215, and Oregon Administrative Rule 660, as applicable.
- 3.3 The Board of Commissioners further concludes that the proposed amendments to the Comprehensive Plan and Zoning maps are consistent with and implement the goals and policies of the Comprehensive Plan.

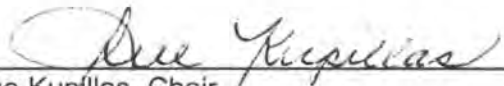
DECISION

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

1. The Board of County Commissioners hereby amends the Comprehensive Plan and Zoning maps as shown in "Exhibit 2," effective upon the date that Ordinance Nos. 2004-1 and 2004-2 go into effect. In the event that either Ordinance No. 2004-1 and/or Ordinance No. 2004-2 does not go into effect for any reason, this Ordinance No. 2004-3 shall likewise not take effect.
2. Invalidity of a section or part of this ordinance shall 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, Chair

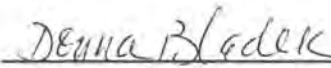

Dave Gilmour, Commissioner


Jack Walker, Commissioner

APPROVED AS TO FORM:

ATTEST:


County Counsel


By: Recording Secretary

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on January 16, 2004, and the LUBA appeal period will expire on February 6, 2004. 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.