

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

ORDINANCE NO. 2007-3

**AN ORDINANCE RESCINDING THE PREVIOUSLY ADOPTED POPULATION ELEMENT
AND ADOPTING THE POPULATION ELEMENT OF THE JACKSON COUNTY
COMPREHENSIVE PLAN, FILE LRP2006-00003.**

RECITALS:

1. Pursuant to Chapters 197 and 215 of the Oregon Revised Statutes and in conformance with the Statewide Planning Goals, the Jackson County Comprehensive Plan (JCCP), Jackson County Land Development Ordinance (LDO) and associated implementing ordinances were acknowledged by the Oregon Land Conservation and Development Commission (LCDC) through Acknowledgment Order 83-ACK-93 on May 16, 1983. Today, after numerous post-acknowledgment plan amendments and periodic review adjustments, the County's plan and implementing ordinances (e.g., Ordinances 2004-1 and 2004-2RM) retain their "acknowledged" status.
2. Oregon State law requires that the designated coordinating body¹ prepare a coordinated population forecast within its boundary². Jackson County is the coordinating body responsible for developing the 20-year population forecast within its jurisdiction, and currently, the population forecast for the County is out of date and must be revised to meet this mandate.
3. Completing an update to the population forecast in the Population Element will bring the County into compliance with state law, as well as enable cities within the jurisdiction to plan for and initiate Urban Growth Boundary (UGB) expansions as needed to maintain consistency with Statewide Planning Goal 14
4. The revised Population Element of the Comprehensive Plan presents the coordinated population forecast for Jackson County and its incorporated communities consistent with the requirements of ORS 195.036, for the period 2006 to 2040.

¹ Oregon Revised Statute (ORS) 195.025: "In addition to the responsibilities stated in ORS 197.175, each county, through its governing body, shall be responsible for coordinating all planning activities affecting land uses within the county."

² ORS 195.036: "The coordinating body under ORS 195.025 shall establish and maintain a population forecast for the entire area within its boundary for use in maintaining and updating comprehensive plans, and shall coordinate the forecast with the local governments within its boundary".

5. The population control total for Jackson County was initially based on the Office of Economic Analysis' (OEA) forecast for the period 2005-2040³, and the ratio method was used to allocate the County's total forecast population to the eleven incorporated cities, White City and unincorporated areas of the County.
6. The OEA control total was increased by 3% to reflect a faster rate of growth in Jackson County, which is more consistent with the County's past growth rates. For the period from 1980 to 2005, Jackson County grew at a faster rate than the OEA forecast for the 2005 to 2040 period; the growth rate derived from the OEA forecast is 1.23%, as opposed to the actual average annual growth rate of 1.55% experienced by the County from 1980 to 2005.
7. The population allocation for the City of Jacksonville was reduced because their City Council voted to contain population growth⁴ within the 20-year planning period.
8. A trend extrapolation was used to allocate the 3% increase in the County control total and the Jacksonville adjustment. Population adjustments for the unincorporated County and the cities of Eagle Point and Medford were increased to reflect historic growth rates: 1) the unincorporated County population is projected to remain relatively static, and 2) the cities of Eagle Point and Medford are projected in 2026 to grow at a rate of 3.91% and 2.16%, respectively.
9. Comments received reflect an interest in maintaining consistency with the Regional Problem Solving (RPS) process, however, comparing the County's projected 2040 population allocation with the RPS' Double Population Target is difficult because the forecasts have different time-frames and different geographic focuses. Furthermore, each city within the RPS study area will not necessarily grow at the same pace. With these differences in mind, the proposed allocations are relatively consistent with the assumptions of growth from the RPS Double Population Target.
10. The Population Element of the Comprehensive plan should be reviewed in approximately five years, following release of the 2010 United States Census date and updated as necessary.

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

SECTION 1. FINDINGS OF FACT

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

³ OEA Projections are based on data and analysis provided by Portland State University's Center for Population Studies.

⁴ Jacksonville's population was limited to a total of 3,397 or an average annual growth rate of 1.49% for the 20-year planning period.

- 1.1 The Board of County Commissioners initiated amendments to the Population Element in 2006 under Board Order #169-06.
- 1.2 Following several months of research, interviews and a meeting on June 13th with the cities, two planning commission work sessions were held on July 13th and August 10th of 2006. These work sessions were followed by a public hearing with the Jackson County Planning Commission on September 28, 2006.
- 1.3 The Department of Land Conservation and Development (DLCD) received an advance copy of the proposed population report at least 45 days prior to the first evidentiary hearing, in accordance with ORS 197.610.
- 1.4 Media notice of the September 28, 2006 Planning Commission public hearing was published in the Mail Tribune on Sunday, September 17, 2006 in accordance with ORS 215.223. In addition, the notice of hearing was mailed to all cities, affected agencies and citizen's groups on the County's affected agency list on September 5, 2006. The staff report and all addenda were available seven days prior to the Planning Commission's hearing.
- 1.5 Following public notice in accordance with Statewide law and the Jackson County Land Development Ordinance, the Planning Commission opened a public hearing on September 28, 2006 to consider amendments to the Population Element, which included revised population allocations for cities and communities within the County. The Planning Commission closed the oral and written record on September 28, 2006 and scheduled October 12, 2006 for deliberations.
- 1.6 On October 12, 2006 the Planning Commission by motion and majority vote recommended approval of the revised Population Element to the Jackson County Board of Commissioners, directing staff to prepare a recommendation to forward to the Board of Commissioners.
- 1.7 On January 10, 2006 the Jackson County Board of Commissioners by motion and majority vote approved the revised Population Element and directed staff to prepare an ordinance for adoption.

SECTION 2. LEGAL FINDINGS

- 2.1 Jackson County is the coordinating body responsible for developing the 20-year population forecast within its jurisdiction. The Population Element of the Comprehensive Plan presents the coordinated population forecast for Jackson County and its incorporated communities consistent with the requirements of ORS 195.036.
- 2.2 The Jackson County Board of Commissioners initiated an update to the Population Element of the Comprehensive Plan on April 26, 2006 (Board Order #169-06). A revision to the Population Element is a major text amendment, which is legislative in nature, thus exempting the review from the processing time lines of ORS 215.427. The Type 4 review procedure is being implemented as dictated by LDO, Section 3.1.5.

- 2.3 The amendments comply with ORS 197.610-615 (post-acknowledgment plan amendments):
- 2.3.1 File LRP2006-00003 was initiated by the County and is legislative in nature, thus exempting it from the processing time lines of ORS 215.427.
 - 2.3.2 A properly noticed Jackson County Planning Commission public hearing was held on September 28, 2006. Oral and written responses are included in the record of the public hearing.
 - 2.3.3 On October 12, 2006, the Planning Commission deliberated and voted unanimously to recommend approval of the amendments to the Population Element of the Comprehensive Plan to the Board of County Commissioners.
 - 2.3.4 On January 10, 2006 the Jackson County Board of Commissioners by motion and majority vote approved the revised Population Element and directed staff to prepare an ordinance for adoption.

SECTION 3. CONCLUSIONS

- 3.1 Proper public and agency notice was given and the procedural requirements of ORS 197.610-615 have been met.
- 3.2 The amendments in File LRP2006-00003 are in compliance with and implement Oregon land use laws.
- 3.3 The amendments proposed through File No. LRP2006-00003 are in compliance with and further the intent of the Jackson County Comprehensive Plan by bringing the County into compliance with ORS 195.036.

SECTION 4. DECISION

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

- 4.1 Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, the Board of County Commissioners rescinds the previously adopted Population Element.
- 4.2 Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, the Board of County Commissioners adopts the Population Element of the Comprehensive Plan, attached hereto as Exhibit A.
- 4.3 Invalidity of a section or part of this ordinance shall not affect the validity of the remaining sections or parts of sections.

APPROVED this 21st day of February, 2007, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Dennis C. W. Smith, Chair

Jack Walker, Commissioner

Dave Gilmour, 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 _____, 2007, and the LUBA appeal period will expire on _____, 2007. 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.