



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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February 17, 2022

Hank Williams, Mayor  
City of Central Point  
140 S. 3rd Street  
Central Point, OR 97502

Dave Dotterrer, Chair  
Jackson County Board of Commissioners  
10 South Oakdale Ave. Room 214  
Medford, OR 97501

**RE: Approval of Urban Growth Boundary Expansion (Order 001928)**

The Department of Land Conservation and Development (DLCD) received a submittal from the City of Central Point and Jackson County regarding an expansion of the Central Point urban growth boundary (UGB) of 444 acres on October 26, 2021. I am pleased to inform you that the amendment is approved. This letter constitutes the department's order approving the task as provided in OAR 660-025-0150(1)(a).

The department received one objection to this amendment. The department's response to the objection is contained in the attached report.

Those who submitted a valid objection may appeal this approval order to the Land Conservation and Development Commission, pursuant to OAR 660-025-0150(6). An appeal must:

- Be filed with the department's Salem office within 21 days of the date the director's action was sent;
- Show that the person participated in the local proceedings leading to adoption of the work task orally or in writing;
- Clearly identify a deficiency in the work task sufficiently to identify the relevant section of the submitted task and the statute, goal, or administrative rule the local government is alleged to have violated; and
- Suggest a specific modification to the work task necessary to resolve the alleged deficiency.

Appeal letters must be received by DLCD's Salem office by March 10, 2022.

Please feel free to contact your DLCD regional representative, Josh LeBombard, at (541) 414-7932 or [josh.lebombard@dlcd.oregon.gov](mailto:josh.lebombard@dlcd.oregon.gov), if you have any questions or need assistance.

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City of Central Point UGB  
Order 001928  
Page 2 of 2

Yours truly,

A handwritten signature in black ink, appearing to be "Jim Rue", written in a cursive style.

Jim Rue  
Director

Cc: Stephen Young, 3602 Old Stage Road, Central Point, OR 97502

via e-mail: Stephanie Holtey, Central Point Planning Director  
Ted Zuk, Jackson County Development Services Director  
DLCD (Young, LeBombard, Howard)

**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
REPORT ON CITY OF CENTRAL POINT  
URBAN GROWTH BOUNDARY**

**DLCD Order 001928**

February 17, 2022

**I. DECISION**

For the reasons explained in this report, the Department of the Land Conservation and Development (DLCD, or department) concludes that the submittal from the City of Central Point (city) and Jackson County, containing an urban growth boundary (UGB) amendment and supporting comprehensive plan amendments, complies with the requirements of the applicable statewide planning goals, statutes, and administrative rules. The submittal is approved.

**II. REVIEW PROCEDURES AND CRITERIA**

**A. Procedural Considerations**

Oregon Revised Statutes (ORS) 197.626 to 197.650 and Oregon Administrative Rule (OAR) 660-025-0175 authorize the director's review of work submitted "in the manner provided for periodic review." The director of DLCD has 120 days from the date of submittal to make a decision (OAR 660-025-0150(1)). The director may approve the submittal, remand it, or refer the matter to the Land Conservation and Development Commission (LCDC). The director elected to make a decision in this case.

OAR 660-025-0150(5) provides: "If the department received one or more valid objections to the work task or plan amendment, the director must either issue an order...or refer the work task or plan amendment to the commission for review." The department received one objection. This report addresses the objection.

**B. Validity of Objections**

The department received one objection to the submittal. The objection alleges a violation of the statewide planning goals due to the proposed expansion of the Central Point UGB onto land designated Exclusive Farm Use (EFU) and references potential traffic impacts that will occur due to the expansion into a particular area on the west side of the city.

Regarding objections, OAR 660-025-0140 provides:

- (2) Persons who participated at the local level orally or in writing during the local process leading to the final decision may object to the local government's work task submittal. To be valid, objections must:
  - (a) Be in writing and filed with the department's Salem office no later than 21 days from the date the notice was mailed by the local government;

- (b) Clearly identify an alleged deficiency in the work task sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the task submittal is alleged to have violated;
  - (c) Suggest specific revisions that would resolve the objection; and
  - (d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.
- (3) Objections that do not meet the requirements of section (2) of this rule will not be considered by the director or commission.

Mr. Young's submittal:

- Is in writing and was filed with the department's Salem office on November 7, 2021, less than 21 days after October 26, 2021, when Central Point mailed notice of the UGB decision;
- Alleges the city's decision to expand the urban growth boundary onto land zoned Exclusive Farm Use and the resulting impacts upon farming in the vicinity of Central Point as a deficiency. While the objection does not itself identify the relevant section of the final decision and the statute, goal, or administrative rule the task submittal is alleged to have violated, the department surmises from the text of the objection that 1) Mr. Young objects to the expansion of the Central Point UGB onto land zoned for exclusive farm use; and 2) Mr. Young's objection relates to insufficient findings from the city under Goal 14, Location Factor 2, which requires consideration of "orderly and economic provision of public facilities and services" regarding traffic impacts, and Goal 14, Location Factor 4, which requires consideration of "compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB."
- Suggests his objection would be resolved by not expanding the existing Central Point UGB as currently proposed; and
- Demonstrates, through the provision of a letter to the City of Central Point, that Mr. Young participated at the local level during the local process.

Therefore, the objection submitted (Attachment A) satisfies the basic requirement of a valid objection in OAR 660-025-0140(2).

### **C. Substantive Criteria**

The principal legal provisions that govern this review and decision are Statewide Planning Goals 14 (Urbanization) and 1 (Citizen Involvement) and OAR chapter 660, division 24.

#### **1. Statewide Planning Goals and Administrative Rules**

Statewide Planning Goal 14 is: "To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities." Compliance with Goal 14 is guided by administrative rules regarding housing (OAR chapter 660, division 8), economic development (OAR chapter 660, division 9), and urban growth boundaries (OAR chapter 660, division 24). Relevant considerations for planning for expanded urban areas are also

found in the administrative rules regarding public facilities planning (OAR chapter 660, division 11), transportation (OAR chapter 660, division 12), and natural resources (OAR chapter 660, division 23).

OAR chapter 660, division 24 explains requirements for population forecasting, determining land need, inventorying available land, responding to a deficiency of land in the existing UGB, and boundary location analysis.

## **2. Oregon Revised Statutes**

ORS 197.296 sets out requirements for demonstrating that the UGB contains a 20-year supply of buildable residential land. These requirements address buildable lands inventories, housing needs analyses, and planning and zoning of residential lands. This statute directs, along with the need factors of Goal 14, how the city is to calculate its residential land needs.

Once land need has been established, determining where to expand the UGB is governed by the priority of lands in ORS 197A.320 along with boundary location factors in Goal 14.

### **III. BACKGROUND AND DESCRIPTION OF SUBMITTAL**

On March 25, 2021, the Central Point City Council adopted Ordinance 2073 amending the UGB for the purpose of providing a 20-year land supply based on the city's projected need for residential and employment land, parks and open space, and public facilities. The proposed changes include an amendment of the city's Comprehensive Plan to include the expanded UGB, transferring jurisdiction of particular roadways, and amending the UGB management agreement between the city and county.

On May 12, 2021, the Jackson County Board of Commissioners adopted Ordinance 2021-1 approving the amendment to the City of Central Point UGB including the changes adopted in the city's ordinance.

On June 24, 2021, the Central Point City Council adopted Ordinance 2077 adopting revisions to the UGB amendment to align the city's and county's findings of fact, conclusions of law, and record of proceedings. On October 26, 2021, the city submitted the notice of adoption. Therefore the 120-day deadline for the department to act is February 23, 2022.

The decision includes the addition of approximately 444 total acres to the city's UGB, including: 358 acres of land for future development (residential and employment) and 86 acres for parks, open space, and public facilities.

### **IV. ANALYSIS OF SUBMITTAL**

In accordance with ORS 197.296 and OAR chapter 660, division 24, the city has adequately documented the analysis of its 20-year land supply and need, which considered the availability of

buildable lands within its existing UGB. Central Point started with an estimate of population growth based upon the 2019 forecast issued by Portland State University's Population Research Center.<sup>1</sup> For residential land, Central Point used the conclusions of its most recently adopted housing needs analysis to determine that the primary residential land need was for lower density detached unit residential development, and determined that the average density of needed residential development in the city is 7.04 dwelling units per acre.<sup>2</sup> The city used the number of needed units and the average residential density to find a need for 410 acres of new residential development, while the city's buildable lands inventory showed a supply of 105 acres for new residential development.<sup>3</sup> The city landed on this number based upon a number of efficiency measures adopted by the city since the city adopted its UGB in 1983, which raised the average density of new development and thus reduced the number of new acres needed for residential development.<sup>4</sup> Thus Central Point determined that it needed 305 acres of new land for residential development from a UGB expansion.

For employment land, the city started with the 20-year job forecast for Jackson County and then allocated a proportional share of that job growth to Central Point based upon the proportion of Jackson County's overall population growth expected to locate in the city.<sup>5</sup> This resulted in an increase during the 20-year planning period of 1,948 jobs, which the city first divided into commercial and industrial jobs based upon the overall Jackson County forecast, and then converted to acreage using the DLCDC Industrial and Other Employment Lands Guidebook.<sup>6</sup> After comparing land needs to the city's buildable lands inventory for employment lands, the city determined that its UGB expansion needed to accommodate 35 new acres for retail and office uses.<sup>7</sup>

The city then looked at the Parks section of its acknowledged comprehensive plan, which provides a goal of 3.5 acres of park land for every 1000 city residents.<sup>8</sup> After inventorying existing park land within the city, Central Point determined that its UGB required expansion for 55 acres of additional park land.<sup>9</sup>

After including a 25% land factor for necessary public facilities such as streets and schools authorized by OAR 660-024-0040(10), the city determined that it needed to add 444 acres to its existing urban growth boundary. Notably, the city did not use this provision to "double count" park land needs to get to the 444-acre expansion proposal.<sup>10</sup>

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<sup>1</sup> Record, pg. 9. ORS 195.033(3) provides:  
(3) A local government with land use jurisdiction over land for which the center issues population forecasts under subsection (2) of this section shall apply the current final population forecast when changing the comprehensive plan or a land use regulation of the local government

<sup>2</sup> Record, pg. 12.

<sup>3</sup> Record, pg. 12

<sup>4</sup> Record, pg. 13-16

<sup>5</sup> Record, pg. 16

<sup>6</sup> Record, pg. 17

<sup>7</sup> Record, pg. 18

<sup>8</sup> Record, pg. 18

<sup>9</sup> Record, pg. 19

<sup>10</sup> 305 acres of residential land plus 35 acres of employment land = 340 acres. 25% of 340 is 85 acres. The land added for parks is 55 acres, and so 30 acres of land is justified under OAR 660-024-0040(10) for schools and roads,

Once land need has been established, determining where to expand the UGB is governed by the priority of lands in ORS 197A.320 along with boundary location factors in Goal 14.

ORS 197A.320 specifies urban reserves are the first priority for expansion of UGBs. All of the city's eight study areas were designated as urban reserve, satisfying the requirements of ORS 197A.320.<sup>11</sup> Then, based upon the provisions of OAR 660-024-0065, the city excluded lands from the study area that were impracticable to serve, had natural hazards in the form of flood hazards, or had natural resource constraints.<sup>12</sup> The city then applied the four locational factors provided in Goal 14 to analyze the remaining study areas, coming to a conclusion based upon those factors to determine which lands it would add to its UGB.<sup>13</sup>

## **V. ANALYSIS OF OBJECTIONS**

As explained in subsection II.B, the department received one valid objection to the submittal. The objection is from a property owner, Stephen Young, who owns land adjacent to a portion of the proposed UGB expansion area.

### **A. Stephen Young**

Mr. Young submitted an email objection to the Department which referenced a letter he previously sent to the city during the hearing process. Both the email and letter are found in Attachment A.

Mr. Young objects to the proposal on three main grounds. First, he expresses concern for the impacts to farmland. In particular, he indicates that the area proposed for expansion of the UGB on the west side of the city (referred to as CP-6A) represents a loss of some of the most valuable farmland in the area. Additionally, he cites the potential for conflicts between agriculture and future urban development. Mr. Young also suggests there are areas within the existing UGB which should be developed first before expanding into the area on the west side. Last, he states concerns that future development of this UGB expansion area will cause increased traffic congestion.

### **Department's Analysis:**

Central Point established urban reserves through a collaborative regional problem-solving effort which concluded in 2013 with state acknowledgement after twelve years of effort. This includes the CP-6A area. As mentioned in section IV, urban reserves are the first priority for expansion of UGBs. The objector does not reference urban reserves or provide any information to suggest the area is not an urban reserve and should not be considered as first priority for urban expansion.

The regional problem-solving process attempted to balance many statewide planning goals, including the protection of farm and forest land, with urbanization goals, to establish sufficient urban reserve areas for Central Point and the other five communities that designated urban

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for a total of 425 acres. The city also proposes to add some acreage of natural open space along Bear Creek, which justifies the additional 19 acres to reach a total of 444 acres added to the UGB.

<sup>11</sup> Record, pg. 149.

<sup>12</sup> Record, pg. 151-162

<sup>13</sup> Record, pg. 163-644

reserves through that process. While most of the urban reserves selected avoided valuable farmland, due to the proximity of urbanization and agriculture in the area, inevitably some valuable farmland was included as urban reserve to serve the future urban needs of the Greater Bear Creek Valley over a fifty-year horizon. A special committee focused on the review of resource land during the problem-solving process. Additionally, the participants adopted agricultural mitigation standards<sup>14</sup>, which apply to future development in urban reserves. The objector does not provide any evidence to suggest the adopted standards are insufficient to mitigate the conflicts between agriculture and future urban development.

As mentioned in Section IV, the city has adequately documented the analysis of its 20-year land supply and need, which considered the availability of buildable lands within its existing UGB. The objector does not provide any evidence to the contrary.

As mentioned in Section IV, the city preformed a locational analysis and only selected lands from the city's urban reserves. The objector does not provide any evidence to refute this.

Last, the city hired an engineering firm to prepare a traffic impact analysis which modeled impacts of future growth scenarios on existing, planned, and conceptual transportation facilities. Through this analysis, it was found that traffic impacts occur at some locations, but all can be mitigated.<sup>15</sup> The objector does not reference the traffic impact analysis or provide any information to prove otherwise. The traffic impact analysis provides substantial evidence to support the submittal.

While the objector does not agree with the city's decision, the objector has not proposed any evidence to refute the information submitted by the city. Furthermore, the department's review of the submittal for compliance is not whether the city made the "best" decision, but rather whether the city's decision is supported by an adequate factual base. This is the equivalent of the requirement in ORS 197.633(3)(a)<sup>16</sup> that the decision is based upon substantial evidence in the record as a whole. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).

This level of review also serves the additional purpose of assuring that the department does not substitute its judgment for that of the local government. *Id.*; *Naumes Properties, LLC v. City of Central Point*, 46 Or LUBA 304, 314 (2004).

As discussed above the department finds that the city has complied with the relevant state and local laws in determining the amount and location of lands to be added to the UGB to meet its

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<sup>14</sup> Agricultural mitigation standards for Central Point can be found at [Central Point Municipal Code 17.71](#)

<sup>15</sup> Record pages 265-644.

<sup>16</sup> ORS 197.633(3) provides in part:

"The rules adopted by the commission under this section may include, but are not limited to, provisions concerning standing, requirements to raise issues before local government as a precondition to commission review and other provisions concerning the scope and standard for commission review to simplify or speed the review. The commission shall confine its review of evidence to the local record. The commission's standard of review:

"(a) For evidentiary issues, is whether there is substantial evidence in the record as a whole to support the local government's decision."



identified need, has appropriately considered the evidence and testimony provided to it, and has met its legal obligation in providing notice to the public. Therefore, the Young objection in whole is rejected.

## **VI. CONCLUSION AND DECISION**

The submittal from the City of Central Point and Jackson County containing an urban growth boundary amendment and supporting comprehensive plan amendments complies with the requirements of the applicable statewide planning goals, statutes, and administrative rules. The submittal is approved.

## **ATTACHMENTS**

A. Letter of objection and reference email from Stephen Young

**From:** [STEVE YOUNG](#)  
**To:** [PR-UGB DLCD \\* DLCD](#)  
**Subject:** Objection to changing Urban Growth Boundary  
**Date:** Sunday, November 7, 2021 11:05:01 PM

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Attention :Periodic Review Specialist  
Dept. of Land Conservation and Development  
635 Capital Street NE, Suit 150  
Salem OR97301

Enclosed(or attached) is the copy of my objections I sent to the city of Central Point on Sept.8th 2020.

My objection to is stated in that letter. The goal or statute that has been violated by you, The Dept. of Land Conservation. Your goal is to save farmland by upholding current laws Protecting Exclusive Farm Use Land.

Letting the city's expand into these protected lands is plane wrong. Other areas other than farmland can be utilized. Granted, it more advantages to build on large parcels so the cities can have planned communities.

But, when all this farmland is gone, it is gone forever. You should protect it! I grew up in Souther California and personally see it happen. There were orange groves, strawberry fields and dairies. Now there gone

and replaced with urban sprawl a far as the eye can see. Thats what the Rogue Valley will become if you let it.

Thats also happening in Idaho and other places where they don't have strong land use laws like Oregon

has. The reason I moved here as well as many others, because it is a semi rural area with small farms

and open space. I and many other don't want that to change.

Granted the cities will gain houses and the added revenue,as well as the land developers and the few property owners. But what about the rest of the entire community.

Farms are the heart of this valley. People with animals are having a hard time finding hay locally.We already have to travel out of the area to buy hay. People like to buy local beef. Cattle farmers Like myself will probably go out of business. Agriculture is a important part of the economy.

I hope you can make the right decision here and protect our beautiful valley

As for recommendations cities should work to save the farms and develop land not in EFU,but the hillsides on the west side of the valley.

Thank you,

Stephen Young

PS. The copy of my original will follow in following E-Mail

Stephen Young  
3602 Old Stage Rd.  
Central Point, OR 97502

September 8, 2020

City of Central Point  
Planing Dept  
Central Point City Hall  
140 South Third St.  
Central Point OR97502

I am a farmer who owns 40 acres of land adjacent to the proposed large parcel you plan to annex and develop west of Grant Road. I have a cow calf operation which entails growing hay, pasturing cows, as well as breeding cows. I AM STRONGLY OPPOSED TO CHANGING THE URBAN GROWTH BOUNDARY.

First of all, the land is designated as Exclusive Farm Use Only which means exactly that! Oregon has strong land use laws with the intent to stop or slow URBAN SPRAWL and protect farm land.

The existing boundary on Grant Road is a natural choice and creates a better buffer between houses and small farms. Putting medium and high density houses next to farms does not make sense. Housing development already exists on the East side of Grant Road and should not be allowed to go west. Farming creates dust, noise, nasty smells as well as safety issues.

The proposed housing development takes some of the best farm ground in the valley. The soil is exceptional for growing crops, grass pastures as well as the new crop of hemp. Once this land is taken out of farming it will never come back. Protect our farmland. Large developments like Jackson Creek and Twin Creeks have already taken great farmland.

Other areas within the city are available to develop. Although, they are not large contiguous parcels, they should be developed first. Granted, developers want nice flat ground which is easy to build on, but other places to build should be looked at.

Traffic is already bad in this area due to the the developments mentioned above. At certain times of the day, it is difficult to go to town. The traffic around May Richardson school is horrible in the morning and when school lets out. It will get considerably worse if thousands of new homes are built.

I have lived in this valley for over 20 years. It has changed a lot. Some for the better some for the worse. Some growth is understandable, but I came here because it was a semi-rural area of small farms and open space. Thats why people want to live here. I grew up in Southern California and saw it change into solid mass of development for hundreds of square miles. There were no strong Land Use Laws like we have here in Oregon. If we don't try to save this valley now, this valley will not be the rural valley I came here for.

I understand why some landowners want to develop their land. They can sell their property for ten to twenty times the value of farmland. The city sees this as an opportunity to develop large parcels to make planned communities to develop as they see fit. The developers make a killing on easy to build housing tracks. The cities, the county and the State will

be rewarded with millions from fees, building permits, and property taxes.

In conclusion, I hope the County and State Urban Planning Commission can have the foresight to save our valley from urban sprawl and save our precious farmland.

Sincerely,

Stephen Young