



Oregon

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TO: Land Conservation and Development Commission

FROM: Jim Rue, Acting Director
Josh LeBombard, Southern Oregon Regional Representative

SUBJECT: **Agenda Item 4, March 14–16, 2012, LCDC Meeting**

REGIONAL PROBLEM SOLVING

GREATER BEAR CREEK VALLEY REGIONAL PLAN

I. AGENDA ITEM SUMMARY

A. Type of Action and Commission Role

The matter before the Land Conservation and Development Commission (LCDC or “the commission”) includes amendments to the Jackson County Comprehensive Plan and Land Development Ordinance to designate urban reserves in the Greater Bear Creek Valley for the cities of Central Point, Eagle Point, Medford, Phoenix, and Talent using the Regional Problem Solving (RPS) process authorized by ORS 197.652-197.658 (2007 edition).

Amendments adopted under the RPS statute are reviewed by LCDC “in the manner set forth in ORS 197.628 to 197.650 for periodic review or set forth in ORS 197.251 for acknowledgment.” The region has requested, and DLCD has agreed, for commission review in the manner of periodic review.

LCDC cannot formally review and acknowledge a plan amendment developed through RPS until the plan amendments are adopted by all of the participants in the process; however, Jackson County has requested that LCDC informally review the Greater Bear Creek Valley Regional Plan (“Regional Plan”) before the participating cities adopt the necessary conforming amendments to incorporate the Regional Plan into their comprehensive plans and implementing ordinances. The purpose of this review of the Regional Plan is to provide specific feedback to the jurisdictions to establish a higher level of certainty for the remainder of the participants before they begin their land use hearing processes. Consistent with the RPS statute, formal commission review of the Regional Plan will occur when the Regional Plan has been adopted by all participants in the RPS process.

B. Staff Contact Information

If you have questions about this agenda item, please contact Josh LeBombard, DLCD Regional Representative, at (541) 414-7932, or josh.lebombard@state.or.us.

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II. SUMMARY OF RECOMMENDED ACTION

For the reasons described in its report, below, the department recommends that the commission provide support for the overall Regional Plan with specific recommendations for revisions that respond to comments received by the public, participating jurisdictions, and affected agencies. This action will act as guidance for Jackson County and the remaining participants in the region to conclude this unique 12-year RPS process.

While the urban reserves designated through the Regional Plan, and the associated policies contained in the Regional Plan, guide where and how the region may grow over the next 50 years, it is important to understand that these decisions do *not* commit particular lands to urban development. That will occur only if and when each participating city is able to justify an urban growth boundary (UGB) expansion under other applicable law. Urban reserves will enable communities in the region and their partners in the private and public sectors to plan more effectively and efficiently in order to create the foundation for great communities that can sustain long-term job creation and provide needed housing.

The department carefully reviewed the comments from each of the 20 parties who filed in response to the Jackson County submittal. There are several areas where the parties made persuasive arguments, and in such cases the department is offering recommendations to amend the submittal. Nevertheless, the department recommends that the commission, Jackson County considered on the whole what they were required to consider, and have adequately explained their decisions. Their decisions are based on substantial evidence in the record as a whole and the agreement reached by the participants in the Regional Plan and, with incorporation of the amendments recommended by the department in this report, the implementing plan amendments and land use regulations conform, on the whole, to the purposes of the statewide planning goals.

As a result, and for the reasons set out in detail below, the department recommends that the commission provide positive support overall for the submittal with specific recommendations for revision which respond to comments received by the public, participating jurisdictions, and affected agencies.

III. BACKGROUND

A. Purpose of Collaborative Regional Problem Solving and Urban Reserves

1. Collaborative Regional Problem Solving

In 1996, House Bill 3482 was adopted to allow for collaborative regional problem solving (ORS 197.652-658). In 2009, ORS 197.652 through 197.656 were substantively amended through House Bill 2229; however the amendments included a specific provision that specified the amendments applied “to collaborative regional problem-solving processes commenced on or after the effective date of this 2009 Act.” The Greater Bear Creek Valley RPS process had commenced before that time; therefore, this

process is subject to RPS Statutes ORS 197.652-197.656 as they existed prior to the 2009 amendments.

ORS 197.654 (1) provides: “Local governments and those special districts that provide urban services may enter into a collaborative regional problem-solving process. A collaborative regional problem-solving process is a planning process directed toward resolution of land use problems in a region,” and is explained in greater detail in Section V of this report.

Additionally, the RPS statute states, “the commission may acknowledge amendments to comprehensive plans and land use regulations, or new land use regulations, that do not fully comply with the rules of the commission that implement the statewide planning goals, without taking an exception,” provided that certain provisions are met as explained in Section V of this report.

2. Urban Reserves

The legislative findings for urban reserves (ORS 195.139) provide the purpose statement for urban reserve planning:

- (1) Long-range planning for population and employment growth by local governments can offer greater certainty for:
 - (a) The agricultural and forest industries, by offering long-term protection of large blocks of land with the characteristics necessary to maintain their viability; and
 - (b) Commerce, other industries, other private landowners and providers of public services, by determining the more and less likely locations of future expansion of urban growth boundaries and urban development.
- (2) State planning laws must support and facilitate long-range planning to provide this greater certainty.

Furthermore, Oregon Administrative Rule (OAR) 660-031-0010 (1) states that “Urban Reserve” means “lands outside of an urban growth boundary that will provide for: (a) Future expansion over a long-term period; and (b) The cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary.”

B. Local Actions

Jackson County adopted the Regional Plan on November 23, 2011. The cities of Ashland, Central Point, Eagle Point, Medford, Phoenix, and Talent have yet to make final decisions whether to adopt their portion of the Regional Plan. See Attachment D, Regional Plan Atlas page 1, for a map of the Regional Plan boundary.

Jackson County submitted its decision to the department on December 15, 2011. This submittal establishes a system to guide long-term planning for the next 50 years in the Greater Bear Creek Valley.

The decision designates approximately 8,529 acres of urban reserves to:

- Accommodate urban growth to the year 2060,
- Establishes an Agricultural Task Force and an agricultural buffering program,
- Commits the region to developing at certain minimum densities and in mixed-use/pedestrian friendly form, and
- Requires conceptual land use and transportation planning to be conducted prior to UGB amendments.

See Attachment D for a map of the adopted urban reserves.

The adoption includes (1) changes to the Jackson County comprehensive plan to add the Regional Plan Element as a new element, (2) an amendment to the Population Element to adjust the population allocations of rural unincorporated Jackson County and the city of Ashland, (3) an amendment to the implementing ordinance, and (4) inclusion of Urban Reserve Management Agreements between the county and each city electing to designate urban reserves (all participating cities except Ashland).

C. Major Legal and Policy Issues

The decision by Jackson County involves issues related to the amount and location of urban reserves, leading to four general issues:

1. Location of urban reserve land and farmland protection;
2. Amount of urban reserve land and density; and
3. The Collaborative Regional Problem Solving process

An additional issue stems from requirements regarding planning and zoning within reserve areas. The criteria from statute and administrative rule relating to each of these issues are listed in the following section of this report.

IV. REVIEW CRITERIA, PROCESS & RECORD

A. Decision-making Criteria

1. Collaborative Regional Problem Solving

Former ORS 197.652-197.658 provide the statutory regulations governing RPS for the Greater Bear Creek Valley regarding coordination¹ and process.²

¹ ORS 197.654 (1) Local governments and those special districts that provide urban services may enter into a collaborative regional problem solving process. A collaborative regional problem solving process is a planning process directed toward resolution of land use problems in a region. The process must offer an opportunity to participate with appropriate state agencies and all local governments within the region affected by the problems that are the subject of the problem solving process. The process must include:

(a) An opportunity for involvement by other stakeholders with an interest in the problem; and

2. Urban Reserves

ORS 195.137-195.145 provide the statutory authorization for urban reserve designation. These statutes also provide criteria regarding:

(b) Efforts among the collaborators to agree on goals, objectives and measures of success for steps undertaken to implement the process as set forth in ORS 197.656.

(2) As used in ORS 197.652 to 197.658, “region” means an area of one or more counties, together with the cities within the county, counties, or affected portion of the county.

² ORS 197.656 (1) Upon invitation by the local governments in a region, the Land Conservation and Development Commission and other state agencies may participate with the local governments in a collaborative regional problem solving process.

(2) Following the procedures set forth in this subsection, the commission may acknowledge amendments to comprehensive plans and land use regulations, or new land use regulations, that do not fully comply with the rules of the commission that implement the statewide planning goals, without taking an exception, upon a determination that:

(a) The amendments or new provisions are based upon agreements reached by all local participants, the commission and other participating state agencies, in the collaborative regional problem solving process;

(b) The regional problem solving process has included agreement among the participants on:

(A) Regional goals for resolution of each regional problem that is the subject of the process;

(B) Optional techniques to achieve the goals for each regional problem that is the subject of the process;

(C) Measurable indicators of performance toward achievement of the goals for each regional problem that is the subject of the process;

(D) A system of incentives and disincentives to encourage successful implementation of the techniques chosen by the participants to achieve the goals;

(E) A system for monitoring progress toward achievement of the goals; and

(F) A process for correction of the techniques if monitoring indicates that the techniques are not achieving the goals; and

(c) The agreement reached by regional problem solving process participants and the implementing plan amendments and land use regulations conform, on the whole, with the purposes of the statewide planning goals.

(3) A local government that amends an acknowledged comprehensive plan or land use regulation or adopts a new land use regulation in order to implement an agreement reached in a regional problem solving process shall submit the amendment or new regulation to the commission in the manner set forth in ORS 197.628 to 197.650 for periodic review or set forth in ORS 197.251 for acknowledgment.

(4) The commission shall have exclusive jurisdiction for review of amendments or new regulations described in subsection (3) of this section. A participant or stakeholder in the collaborative regional problem solving process shall not raise an issue before the commission on review that was not raised at the local level.

(5) If the commission denies an amendment or new regulation submitted pursuant to subsection (3) of this section, the commission shall issue a written statement describing the reasons for the denial and suggesting alternative methods for accomplishing the goals on a timely basis.

(6) If, in order to resolve regional land use problems, the participants in a collaborative regional problem solving process decide to devote agricultural land or forestland, as defined in the statewide planning goals, to uses not authorized by those goals, the participants shall choose land that is not part of the region’s commercial agricultural or forestland base, or take an exception to those goals pursuant to ORS 197.732. To identify land that is not part of the region’s commercial agricultural or forestland base, the participants shall consider the recommendation of a committee of persons appointed by the affected county, with expertise in appropriate fields, including but not limited to farmers, ranchers, foresters and soils scientists and representatives of the State Department of Agriculture, the State Department of Forestry and the Department of Land Conservation and Development. (7) The Governor shall require all appropriate state agencies to participate in the collaborative regional problem solving process.

- a. Amount of urban reserve land³;
- b. Location of urban reserves⁴; and
- c. Use within urban reserves⁵.

In addition to statutory provisions governing the designation, the adopted rules implementing the statutes are found in OAR chapter 660, division 21. The relevant rules in this division include provisions regarding:

- a. Amount of Urban Reserve Land⁶;
- b. Location of Urban Reserves⁷; and

³ ORS 195.145(4): Urban reserves designated by a metropolitan service district and a county pursuant to subsection (1)(b) of this section must be planned to accommodate population and employment growth for at least 20 years, and not more than 30 years, after the 20-year period for which the district has demonstrated a buildable land supply in the most recent inventory, determination and analysis performed under ORS 197.296.

⁴ ORS 195.145(5): A district and a county shall base the designation of urban reserves under subsection (1)(b) of this section upon consideration of factors including, but not limited to, whether land proposed for designation as urban reserves, alone or in conjunction with land inside the urban growth boundary:

- (a) Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;
- (b) Includes sufficient development capacity to support a healthy urban economy;
- (c) Can be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers;
- (d) Can be designed to be walkable and served by a well-connected system of streets by appropriate service providers;
- (e) Can be designed to preserve and enhance natural ecological systems; and
- “(f) Includes sufficient land suitable for a range of housing types.”

⁵ ORS 195.145(3): In carrying out subsections (1) and (2) of this section:

- (a) Within an urban reserve, neither the Commission nor any local government shall prohibit the siting on a legal parcel of a single family dwelling that would otherwise have been allowed under law existing prior to designation as an urban reserve. * * *

⁶ OAR 660-021-0030(1): Urban reserves shall include an amount of land estimated to be at least a 10-year supply and no more than a 30-year supply of developable land beyond the 20-year time frame used to establish the urban growth boundary. Local governments designating urban reserves shall adopt findings specifying the particular number of years over which designated urban reserves are intended to provide a supply of land.

⁷ OAR 660-021-0030: (2) Inclusion of land within an urban reserve shall be based upon the locational factors of Goal 14 and a demonstration that there are no reasonable alternatives that will require less, or have less effect upon, resource land. Cities and counties cooperatively, and the Metropolitan Service District for the Portland Metropolitan Area Urban Growth Boundary, shall first study lands adjacent to, or nearby, the urban growth boundary for suitability for inclusion within urban reserves, as measured by the factors and criteria set forth in this section. Local governments shall then designate, for inclusion within urban reserves, that suitable land which satisfies the priorities in section (3) of this rule.

(3) Land found suitable for an urban reserve may be included within an urban reserve only according to the following priorities:

- (a) First priority goes to land adjacent to, or nearby, an urban growth boundary and identified in an acknowledged comprehensive plan as an exception area or nonresource land. First priority may include resource land that is completely surrounded by exception areas unless these are high value crop areas as

c. Planning for areas inside of urban reserves⁸.

defined in Goal 8 or prime or unique agricultural lands as defined by the United States Department of Agriculture;

(b) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, second priority goes to land designated as marginal land pursuant to former ORS 197.247 (1991 edition);

(c) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(4) Land of lower priority under section (3) of this rule may be included if land of higher priority is found to be inadequate to accommodate the amount of land estimated in section (1) of this rule for one or more of the following reasons:

(a) Future urban services could not reasonably be provided to the higher priority area due to topographical or other physical constraints; or

(b) Maximum efficiency of land uses within a proposed urban reserve requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

⁸ OAR 660-021-0040: (1) Until included in the urban growth boundary, lands in urban reserves shall continue to be planned and zoned for rural uses in accordance with the requirements of this section, but in a manner that ensures a range of opportunities for the orderly, economic and efficient provision of urban services when these lands are included in the urban growth boundary.

(2) Urban reserve land use regulations shall ensure that development and land divisions in exception areas and nonresource lands will not hinder the efficient transition to urban land uses and the orderly and efficient provision of urban services. These measures shall be adopted by the time the urban reserves are designated, or in the case of those local governments with planning and zoning responsibility for lands in the vicinity of the Portland Metropolitan Area Urban Growth Boundary, by the time such local governments amend their comprehensive plan and zoning maps to implement urban reserve designations made by the Portland Metropolitan Service District. The measures may include:

(a) Prohibition on the creation of new parcels less than ten acres;

(b) Requirements for clustering as a condition of approval of new parcels;

(c) Requirements for preplatting of future lots or parcels;

(d) Requirements for written waivers of remonstrance against annexation to a provider of sewer, water or streets;

(e) Regulation of the siting of new development on existing lots for the purpose of ensuring the potential for future urban development and public facilities.

(3) For exception areas and nonresource land in urban reserves, land use regulations shall prohibit zone amendments allowing more intensive uses, including higher residential density, than permitted by acknowledged zoning in effect as of the date of establishment of the urban reserves. Such regulations shall remain in effect until such time as the land is included in the urban growth boundary.

(4) Resource land that is included in urban reserves shall continue to be planned and zoned under the requirements of applicable Statewide Planning Goals.

(5) Urban reserve agreements consistent with applicable comprehensive plans and meeting the requirements of OAR 660-021-0050 shall be adopted for urban reserves.

(6) Cities and counties are authorized to plan for the eventual provision of urban public facilities and services to urban reserves. However, this division is not intended to authorize urban levels of development or services in urban reserves prior to their inclusion in the urban growth boundary. This division is not intended to prevent any planning for, installation of, or connection to public facilities or services in urban reserves consistent with the statewide planning goals and with acknowledged comprehensive plans and land use regulations in effect on the applicable date of this division.

(7) A local government shall not prohibit the siting of a single family dwelling on a legal parcel pursuant to urban reserve planning requirements if the single family dwelling would otherwise have been allowed under law existing prior to the designation of the parcel as part of an urban reserve.

orderly, economic and efficient provision of urban services when these lands are included in the urban growth boundary.

These statutory and rule provisions provide the basis for the department’s review in sections V–VII of this report. The provisions of the statute are generally repeated in a corresponding LCDC rule, so when a relevant standard is cited in this report, normally only the rule will be identified unless there is some particular reason for specific reference to the statute.

In addition to these statutes and rules, ORS 197.010 provides legislative land use policy, including these overarching principals:

1. Provide a healthy environment;
2. Sustain a prosperous economy;
3. Ensure a desirable quality of life; and
4. Equitably allocate the benefits and burdens of land use planning. (ORS 197.010(2))

The statute goes on to provide that the overarching principles provide “guidance” to a public body when the public body adopts or interprets goals, comprehensive plans and land use regulations implementing the plans, or administrative rules implementing a provision of statute; or interprets a law governing land use.

(2) Urban reserve land use regulations shall ensure that development and land divisions in exception areas and nonresource lands will not hinder the efficient transition to urban land uses and the orderly and efficient provision of urban services. These measures shall be adopted by the time the urban reserves are designated, or in the case of those local governments with planning and zoning responsibility for lands in the vicinity of the Portland Metropolitan Area Urban Growth Boundary, by the time such local governments amend their comprehensive plan and zoning maps to implement urban reserve designations made by the Portland Metropolitan Service District. The measures may include:

- (a) Prohibition on the creation of new parcels less than ten acres;
- (b) Requirements for clustering as a condition of approval of new parcels;
- (c) Requirements for preplatting of future lots or parcels;
- (d) Requirements for written waivers of remonstrance against annexation to a provider of sewer, water or streets; and
- (e) Regulation of the siting of new development on existing lots for the purpose of ensuring the potential for future urban development and public facilities.

(3) For exception areas and nonresource land in urban reserves, land use regulations shall prohibit zone amendments allowing more intensive uses, including higher residential density, than permitted by acknowledged zoning in effect as of the date of establishment of the urban reserves. Such regulations shall remain in effect until such time as the land is included in the urban growth boundary.

(4) Resource land that is included in urban reserves shall continue to be planned and zoned under the requirements of applicable statewide planning goals.

(5) Urban reserve agreements consistent with applicable comprehensive plans and meeting the requirements of OAR 660-021-0050 shall be adopted for urban reserves.

(6) Cities and counties are authorized to plan for the eventual provision of urban public facilities and services to urban reserves. However, this division is not intended to authorize urban levels of development or services in urban reserves prior to their inclusion in the urban growth boundary. This division is not intended to prevent any planning for, installation of, or connection to public facilities or services in urban reserves consistent with the statewide planning goals and with acknowledged comprehensive plans and land use regulations in effect on the applicable date of this division.

(7) A local government shall not prohibit the siting of a single family dwelling on a legal parcel pursuant to urban reserve planning requirements if the single family dwelling would otherwise have been allowed under law existing prior to the designation of the parcel as part of an urban reserve.

B. The Record for this Proceeding

This staff report, including responses to comments.

1. Entire Record of Jackson County public hearing process including Ordinance No. 2011-14 and all three volumes of the Regional Plan. (Attachment A, provided on CD). This information can also be found at www.jacksoncounty.org/RPS.
2. Regional Plan Atlas (Volume III of the Regional Plan). This atlas is also in the complete record, but is provided as a separate attachment for ease of locating relevant maps. (Attachment B, provided on CD).
3. **Comments.** The following list shows the name of the individual or organization who submitted a letter in response to the Jackson County Regional Plan submittal. The reference number associated with the letter corresponds to the order of the letters in the following list and is used throughout this report. The reference number has no importance beyond identification. The letters are included as Attachment C (provided on CD). The majority of the letters contain one main comment, while a few include multiple comments. Section IV of this report groups comments into categories based upon similar topics.

Reference	Name
1	Evelyn Henderson
2	Brent Thompson
3	Katy and Duane Mallams
4	Micki Summerhays and David Lewin
5	John Graves
6	Sarah Adams and Julian Lewis
7	Joe Brooks
8	Richard Stevens and Associates on behalf of Haya Enterprises
9	Dale Shultze, City of Phoenix Planning Director
10	Sharie Methven-Toney, Larry Toney, and Lorraine Methven
11	Greg Holmes, 1,000 Friends of Oregon
12	Hank Williams, Mayor of Central Point
13	Linda Ellebruch (1 of 2)
14	Linda Ellebruch (2 of 2)
15	Richard Stevens and Associates on behalf of Freel and Associates
16	Mary-Kay Michelson
17	Rogue Advocates
18	Oregon Department of Transportation
19	Oregon Department of Agriculture
20	Oregon Department of Environmental Quality

V. DEPARTMENT ANALYSIS

This section contains the department's general review and analysis of Jackson County's urban reserves submittal. This analysis is supplemented by the department's response to comments provide Section VI.

A. Collaborative Regional Problem Solving

After nine years of collaboration amongst Jackson County and the cities in the region, the participants who were committed to proceed with the requisite comprehensive plan and ordinance amendments necessary to effectuate the Regional Plan, signed the *Greater Bear Creek Regional Problem Solving Agreement* ("Participant's Agreement"). The Participant's Agreement can be found in Attachment A, pages 633-651.

Consistent with applicable version of ORS 197.654, the Participant's Agreement contains the necessary components:

- Regional goals for resolution of each identified regional problem,
- Optional techniques to achieve the goals,
- Measurable indicators of performance toward achievement of the goals,
- A system of incentives and disincentives to encourage successful implementation of the techniques,
- A system for monitoring progress toward achievement of the goals, and
- A process for correction of the techniques if monitoring indicates that the techniques are not achieving the goals.

The three identified regional problems are:

1. Lack of a mechanism for coordinated regional growth planning
2. Loss of valuable farm and forest land caused by urban expansion, and
3. Loss of community identity and developed goals and policies to address those problems

The subsequent identified regional goals to address the problems are:

1. Manage future regional growth for the greater public good
2. Conserve resource and open space lands for their important economic, cultural, and livability benefits, and
3. Recognize and emphasize the individual identity, unique features, and relative competitive advantages and disadvantages of each community within the region.

The Participant's Agreement served as the platform for the formal public hearing process in Jackson County. The county chose to take the first step in the adoption process (prior to the participating cities) and held the first public hearing on this item in early 2010.

Through the public hearing process, the participants came to agreement on modifications of many of the Regional Plan components in order to better resolve identified regional problems and better address the goals. A few of the key modifications included commitments to:

- Increase minimum residential densities for development of land within the urban reserves
- Apply minimum residential densities to land within the UGB
- Mixed-use, pedestrian-friendly development
- Conceptual transportation and land use planning prior to UGB expansion
- Amend the Jackson County Population Element to transfer additional population from the region to the city of Ashland, and
- Establish an Agricultural Task Force

Jackson County concluded its public hearing process in November 2011 with an adopted Regional Plan and sent the amendment package to the department on December 15, 2011.

Chapter 5 of the Regional Plan (pages 263-276 of Attachment A) provides the revised elements, consistent with former ORS 197.654.

Department Recommendation. The department recommends that the commission find that the Regional Plan contains the elements required by ORS 197.654.

B. Urban Reserves

The statutory and administrative rule requirements regarding the amount of land that may be designated as urban reserves are provided in footnotes 3 and 6 above. Generally, the urban reserves shall include at least a 10-year supply and no more than a 30-year supply of developable land beyond the 20-year supply provided within the UGB. The Regional Plan is intended to designate land over a 50-year period (a period of 30 years beyond the 20-year UGB time frame).

OAR 660-021-0030(2) provides for the analysis methods and approach to identify suitable lands for consideration as urban reserves, and OAR 660-021-0030(3) establishes priorities for inclusion of identified suitable lands as urban reserves. Jackson County used the flexibility in application of administrative rules provided in ORS197.656 (footnote 2 above) regarding the process by which the urban reserves were selected. Sections 4.3.6.4 and 4.4.4 of Jackson County's adopting ordinance (pages 8 and 9 of Attachment A) states that the RPS *process* for selecting urban reserves differed from the urban reserve selection process prescribed by administrative rule, but that *the outcome* of the process was consistent, on the whole, with the purposes of the statewide planning goals.

Department Recommendation. The department recommends that the commission find that flexibility outlined in ORS197.656 allowed the region flexibility in its process for designating urban reserves, and the process employed conforms, on the whole, with the purposes of the statewide planning goals.

C. Plan and Code Provisions to Implement Urban Reserves Policy

The statute and administrative rule requirements relevant to planning and land use regulations within reserves are found in footnotes 5 and 8 above.

OAR 660-021-0040 includes both mandatory and optional measures to “ensure that development and land divisions in exception areas and non-resource lands will not hinder the efficient transition to urban land uses and the orderly and efficient provision of urban services.” The measures found in Chapter 5 of the Regional Plan (pages 263-276 of Attachment A) contain the necessary provisions outlined in the rule.

The department received no objections related to Jackson County’s implementation of planning and zoning inside urban reserves.

Department Recommendation. The department recommends the commission find the reserves decision is consistent with OAR 660-021-0040.

VI. RESPONSE TO COMMENTS

The department’s analysis of comments to Jackson County’s submittal, with recommendations to the commission, follow. The department has not responded to the following comments because they provide support for the Regional Plan and do not allege any deficiencies in the plan.

Reference	Name
7	Joe Brooks
8	Richard Stevens and Associates on behalf of Haya Enterprises
15	Richard Stevens and Associates on behalf of Freel and Associates
18	Oregon Department of Transportation
20	Oregon Department of Environmental Quality

Additionally, the department has not responded to the comments from Hank Williams, Mayor of Central Point (Ref. 12), as these comments offered neither a citation to what provision is allegedly violated nor a remedy.

Lastly, one comment was received by the department after the deadline for receiving comments. As such, this comment, from Karl MacNair, has not been responded to in this report.

A. Location of Urban Reserve Land and Farmland Protection

1. Urban Reserve Area PH-2

These commenters all submitted letters in regards to Urban reserve PH-2 (see map in Attachment D).

Reference	Name
1	Evelyn Henderson
4	Micki Summerhays and David Lewin
5	John Graves
6	Sarah Adams and Julian Lewis
9	Dale Shultze, City of Phoenix Planning Director
10	Sharie Methven-Toney, Larry Toney, and Lorraine Methven
11	Greg Holmes, 1,000 Friends of Oregon
13, 14	Linda Ellebruch
17	Rogue Advocates
19	Oregon Department of Agriculture

The various parties, including the Department of Agriculture, assert that area PH-2 should be removed from inclusion as an urban reserve for the following reasons:

- The property was designated as part of the commercial agricultural base by the Resource Lands Review Committee (RLRC);
- Urbanization of property would have negative effects on nearby agricultural operations;
- Employment traffic would significantly impact local schools, residential neighborhoods, and the rural county road system including a designated bike route; and
- Phoenix already has an excess amount of employment land.

Department Recommendation. The department recommends that the commission agree with these comments and request that Jackson County remove area PH-2 as an urban reserve for the city of Phoenix.

As indicated in the comments received by the department, area PH-2 was originally proposed as an urban reserve by Phoenix. The city requested its removal at the start of the Jackson County public hearings process in response to comments received during city hearings. The Jackson County Planning Commission decided to remove PH-2 consistent with the city's request. However, after receiving public testimony from the PH-2 property owner, the Jackson County Board of Commissioners decided to include PH-2 as an urban reserve. In response to concerns raised about employment traffic, the board added a condition that prohibits truck traffic onto Houston Road (Page 269 of Attachment A, Section 2.9.7).

Area PH-2 is approximately 41 acres and is proposed as 50 percent employment land and 50 percent open space/parks land. Additional information about the urban reserve can be found starting on page 219 of Attachment A.

Inclusion of PH-2 is not supported by the city of Phoenix. Removal of this land as an urban reserve would effectively decrease the amount of commercial agricultural land designated as urban reserve, reduce the amount of employment land designated as urban reserve for Phoenix (the need for which is otherwise met), and eliminate the potential for

adverse impacts to the surrounding agricultural operations, the adjacent school, and the rural transportation infrastructure.

Removal of PH-2 would further meet one of the regional problems identified in the Regional Plan: “Loss of Valuable Farm and Forest Land Caused by Urban Expansion,” and the goal identified to address the regional problem: “Conserve resource and open space lands for their important economic, cultural, and livability benefits.”

2. Urban Reserve Area MD-4

Rogue Advocates (Ref. 17) asserts that area MD-4 (see map, Attachment D) should be removed from inclusion as an urban reserve because it is currently a thriving agricultural operation and was identified by the RLRC as being part of the commercial agricultural base. Rogue Advocates further explains that there will be an increasing need for urban agriculture in the future as fuel prices increase over the span of this plan (out to the year 2060). The property is surrounded on all sides by the city of Medford.

Department Recommendation. The department recommends that the commission disagree with this comment. Area MD-4 is approximately 271 acres and is proposed as 63 percent residential land, 15 percent open space/park land, and 22 percent employment land. More information on MD-4 can be found on page 177 of Attachment A. While MD-4 was deemed to be part of the commercial agricultural base by the RLRC, the county has demonstrated in these findings that inclusion of the property satisfies the urban reserve selection criteria identified in OAR 660-021-0030 because the property is surrounded on all sides by the city of Medford.

3. Establishment of an Agricultural Task Force.

Rogue Advocates (Ref. 17) expressed concern regarding a condition in Chapter 5, Section 2.20 of the Regional Plan that requires Jackson County to appoint an Agricultural Task Force (page 271 of Attachment A).

Rogue Advocates’ concerns are threefold:

1. Appointment of the task force should be upon approval of the Regional Plan, rather than prior to approval of first UGB amendment;
2. The task force should develop mitigation measures, as part of its duty, in addition to simply identifying mitigation measures;
3. Objective criteria should be provided to determine what mitigation measures are appropriate.

Department Recommendation. The department recommends that the commission agree with first and second of these comments and disagree with the third.

The Jackson County Board of Commissioners added the condition to appoint an Agricultural Task Force after receiving much testimony from the agricultural community, land use advocacy groups, as well as from affected irrigation districts. The condition reads as follows:

Prior to the approval of any Urban Growth Boundary Amendment, Jackson County shall appoint an Agricultural Task Force made up of persons with expertise in appropriate fields, including but not limited to farmers, ranchers, foresters and soils scientists, representatives of the State Department of Agriculture, the State Forestry Department, the State Department of Land Conservation and Development, Jackson County, and a RPS participating city.

The Agricultural Task Force shall develop a program to assess the impacts on the agricultural economy of Jackson County arising from the loss of agricultural land and/or the ability to irrigate agricultural land, which may result from Urban Growth Boundary Amendments. The Agricultural Task Force shall also identify potential mitigation measures to offset those impacts. Appropriate mitigation measures shall be applied to Urban Growth Boundary Amendment proposals.

By establishing this condition, Jackson County essentially voiced their concern about the loss of valuable farmland due to urbanization, but recognized that many specific circumstances can affect what type and level of mitigation measure that should be applicable to a given situation. Additionally, the county determined that the appropriate time to establish mitigation measures was when the land is proposed to be brought into the UGB.

Rogue Advocates' first concern is that the Agricultural Task Force be required to be appointed "upon the approval of the RPS Plan rather than approval of UGB amendments" to avoid the preservation of agricultural land being left to an afterthought. Recognizing the complexity of the duties of the Agricultural Task Force, the department agrees that appointing the task force sooner rather than later will prove a more effective strategy. Additionally, if the task force is to develop a program to assess the impacts on the agricultural economy of Jackson County and identify and/or develop mitigation measures to apply at the time of urban growth amendments, the department finds that it is in the best interest of Jackson County and all participating cities to begin working on this undertaking as soon as possible so as to avoid delaying UGB amendment proposals.

Rogue Advocates' second concern is that the task force should not only identify, but develop, mitigation measures as part of its duty. If the county's intent is for mitigation measures to be applied to UGB amendment proposals, then it is reasonable that the task force not be limited to simply identifying existing mitigation measures but also furthering work on existing mitigation measures to fit unique characteristics.

Accordingly, regarding the first and second concerns raised by Rogue Advocates, the department recommends that the commission request that Jackson County amend Chapter 5, Section 2.20 of the Regional Plan as follows:

Prior to approval of any Urban Growth Boundary Amendment Within six months of acknowledgement of the Greater Bear Creek Valley Regional Plan, Jackson County shall appoint an Agricultural Task Force made up of persons with expertise in appropriate fields, including but not limited to farmers, ranchers, foresters and soils scientists, representatives of the State Department of

Agriculture, the State Forestry Department, the State Department of Land Conservation and Development, Jackson County, and a RPS participating city.

The Agricultural Task Force shall develop a program to assess the impacts on the agricultural economy of Jackson County arising from the loss of agricultural land and/or the ability to irrigate agricultural land, which may result from Urban Growth Boundary Amendments. The Agricultural Task Force shall also identify and develop potential mitigation measures to offset those impacts. Appropriate mitigation measures shall be applied to Urban Growth Boundary Amendment proposals.

The department recommends that the commission not agree with Rogue Advocates’ third concern, which is that objective criteria should be developed to determine which mitigation measures are appropriate to offset the impacts on the agricultural economy of Jackson County arising from the loss of agricultural land and/or the ability to irrigate agricultural land, which may result from UGB Amendments.

The Agricultural Task Force will be made up of a diverse group of individuals with expertise in agriculture, land use, and municipal and state government. As amended above, this group would be tasked with developing a system to assess impacts and identify and/or develop mitigation measures that will be applied at the time of UGB amendments. The department finds that determining which mitigation measures are appropriate for specific UGB amendments should be left up to the qualified group of experts that will staff the task force.

Furthermore, the question about whether the mitigation applied to a particular UGB amendment is “appropriate” or not is best answered through the land use process pertaining to UGB amendments.

B. Amount of Urban Reserve Land and Density

1. Minimum Density Requirements of the Regional Plan.

These commenters all submitted comments in regards to the minimum density standards required in the Regional Plan.

Reference	Name
2	Brent Thompson
11	Greg Holmes, 1,000 Friends of Oregon
16	Mary-Kay Michelson
17	Rogue Advocates

The various commenters have expressed concern regarding a condition in Chapter 5, Section 2.5, of the Regional Plan that requires the participating cities to achieve minimum residential built densities for land within the urban reserves and for land within the UGB but outside of the existing city limits (page 267 of Attachment A). All of the commenters except Brent Thompson specifically commented that the minimum density

established for Medford is inadequate because it is and will continue to be the largest city in the region.

Both 1,000 Friends of Oregon and Rogue Advocates cite a previous version of the Regional Plan, which outlined low- and high-density targets, as opposed to the single minimum density that was eventually agreed upon. Both groups assert that Medford could achieve a higher density than what has been committed to in the adopted Regional Plan and thus would have less of an impact on resource lands.

1,000 Friends of Oregon proposes that the minimum density for Medford be increased from 6.5 gross dwelling units per acre (du/acre) to 7.0 gross du/acre for the time period of 2010-2035 and from 7.5 gross du/acre to 8.1 gross du/acre for the time period of 2036-2060. The proposed density increase is based on the observed built density from 1996 to 2009 in Medford. 1,000 Friends of Oregon indicates that this would result in “Applying the same density increases to Medford as was applied to the other cities in RPS.” Rogue Advocates insists that Medford commit to the highest density in the region. This would result in an increase from 6.5 gross du/acre to 6.9 gross du/acre for the time period of 2010-2035 and from 7.5 gross du/acre to 7.9 gross du/acre for the time period of 2036-2060

Brent Thompson’s comments were more general in that he commented that the need for minimum density standards is great.

Department Recommendation. The department recommends that the commission partially agree with the comments regarding the minimum density commitment for Medford. The process of agreeing to minimum density standards for all of the participating cities was a challenging task. Originally, the minimum committed densities were established by the Regional Problem Solving Policy Committee, a group of elected officials from the participating jurisdictions. However, during the Jackson County public hearing process, it was determined that the minimum density standards agreed upon by the policy committee were not consistent (see Jackson County staff memo on page 2625 of Attachment A). Thus the minimum density standards for all of the cities were based upon the safe harbor provisions of OAR 660-024-0040(8)(f) and (h). However, for the cities utilizing OAR 660-024-0040(8)(h),⁹ instead of pegging the 25 percent increase in

⁹ OAR660-024-0040(8)(f): A local government outside of the Metro boundary may determine housing needs for purposes of a UGB amendment using the combined Housing Density and Housing Mix safe harbors described in this subsection and in Table 1, or in combination with the Alternative Density safe harbor described under subsection (g) of this section and in Table 2. To meet the Housing Density safe harbor in this subsection, the local government may Assume For UGB Analysis that all buildable land in the urban area, including land added to the UGB, will develop at the applicable average overall density specified in column B of Table 1. Buildable land in the UGB, including land added to the UGB, must also be Zoned to Allow at least the average overall maximum density specified as Zone To Allow in column B of Table 1. Finally, the local government must adopt zoning that ensures buildable land in the urban area, including land added to the UGB, cannot develop at an average overall density less than the applicable Required Overall Minimum density specified in column B of Table 1. To meet the Housing Mix safe harbor in this subsection, the local government must Zone to Allow the applicable percentages of low, medium and high density residential specified in column C of Table 1.

density to the “average overall density of developed residential land in the urban area,” the cities pegged the density increase to the expected density for build-out of land within the UGB. This resulted in higher minimum densities than what would have been achieved by using the safe harbor in the administrative rule. Additionally, recognizing that the safe harbor provisions specifically apply to UGB amendment processes, which have a 20-year time period, the region decided to apply the density calculated by the safe harbor provisions to the first 25-year period of the Regional Plan and increase the minimum density commitment for the second 25-year period by an additional 15 percent.

Utilizing the safe harbor provision meant that all of the cities besides Medford needed to increase their minimum density commitment. Medford was not required to increase their minimum density because, as originally proposed, their density was consistent with the safe harbor provisions as applied to all participating cities.

The commenters have criticized the density commitment for Medford citing that it, along with Eagle Point, has committed to the lowest density of all of the cities in the region and that this should not be the case since Medford is and will continue to be the largest city in the region. As originally proposed by the policy committee, Medford’s density commitment was highest in the region. Only after the other cities were asked to increase their minimum densities to meet the safe harbor provisions did Medford fall to the bottom of the list.

Utilizing the safe harbor provisions to develop a minimum density for Medford was useful in that the minimum density determined (6.5 gross du/acre) is based upon supportable data rather than policy. However, since Medford has a population over 25,000, it is not allowed to utilize the safe harbor provisions at the time of an UGB amendment.

Therefore, the department has provided three optional ways for the commission to proceed with its recommendation to the region. The department recommends Option 2 as described further below.

Option #1. The commission disagrees with the commenters and recommends that no changes be made to the city of Medford’s minimum residential density. This is based upon the fact that the minimum density established for the city is based on the safe harbor methodology in administrative rule and is consistent with the methodology established for the other participating cities in the region. Furthermore, the minimum density established in a previous version of the Regional Plan, established by the Regional Problem Solving Policy Committee, was not based on supportable data and therefore does not provide a factual basis for the argument for that density being a reasonable alternative that would require less or have less of an impact on resource lands.

This action would not have any effect on the amount of urban reserve land needed.

Option #2. The commission partially agrees with the commenters and recommends that a slight change be made to the city of Medford’s minimum residential density as follows. Medford’s housing element indicates that the overall needed density for all housing to the

year 2029 is 6.6 gross du/acre. That density should serve as the minimum density for the Regional Plan time period of 2010-2035 instead of the currently committed 6.5 gross du/acre. The density for the time period of 2036-2060 would then be increased from 7.0 to 7.1 gross du/acre.

This action would slightly reduce the amount of urban reserve land needed, but would not trigger a need for Medford to reduce its amount of urban reserve land.

Option #3. The commission agrees with the commenters and recommends that the city of Medford’s minimum residential density be based on the actual density Medford achieved for the period 1996 to 2009. This would result in an increase from 6.5 gross du/acre to 7.0 gross du/acre for the time period of 2010-2035 and from 7.5 gross du/acre to 8.1 gross du/acre for the time period of 2036-2060.

This action would reduce the amount of urban reserve land needed and would trigger a need for Medford to reduce its amount of urban reserve land by approximately 130 acres.

2. Phoenix Employment Land

Greg Holmes, 1,000 Friends of Oregon (Ref. 11), Mary-Kay Michelson (Ref. 16), and Rogue Advocates (Ref. 17) have commented on the amount of employment land designated as urban reserve for the city of Phoenix.

These commenters have expressed concern regarding the amount of employment land designated as urban reserve for the city of Phoenix. They state that the city has proposed more employment land than can be justified. In particular, 1,000 Friends of Oregon points to urban reserve areas PH-2 and PH-5 (South Valley Employment Center) as areas that need attention (see map, Attachment D). 1,000 Friends of Oregon and Rogue Advocates both request that urban reserve PH-2 be removed.

Additionally, 1,000 Friends of Oregon requests that the region create policies that will steer employment to “the otherwise excessive employment lands designated for Phoenix—specifically to the ‘South Valley Employment Center’ in the area known as PH-5—and will facilitate through funding or other regional commitments the development of these employment opportunities.” 1,000 Friends also requests that an overlay be added to the Regional Plan that reserves PH-5 for industrial use.

Department Recommendation. The department recommends the commission advise removal of urban reserve area PH-2. We made this same recommendation, for other reasons, in Section IV(A)(1) of this report. Therefore, we do not go into any more detail here.

The department further recommends that the commission agree with the comments regarding urban reserve area PH-5. The South Valley Employment Center was developed around the concept that this area represents a viable location for light industrial employment. By providing a block of land of the size of the South Valley Employment Center, it is believed that it can be competitive in attracting employers to the region and/or offering a proximate location for relocation of existing employers. The South

Valley Employment Center is composed of two urban reserves: PH-5 (predominantly) and a small portion of MD-5.

Two-thirds of urban reserve area PH-5 is designated as employment. The term “employment” is used generically in the Regional Plan on purpose, so as to be flexible over the 50-year horizon of the plan. However, since the South Valley Employment Center has always been considered a unique component of the Regional Plan because of the possibilities it offers for regional job creation, the department recommends that the commission agree with the comments and request that Jackson County amend Chapter 5, Section 2.9.8 as follows:

PH-5. Development of the portion of PH-5 designated as employment land is restricted to industrial zoning. Prior to the expansion of the Phoenix Urban Growth Boundary into PH-5, the city shall adopt standards to create visual distinction between the city of Phoenix and the city of Medford.

Regarding the remaining request by 1,000 Friends of Oregon, the department recognizes that the concern about the execution of the South Valley Employment Center concept has plagued the region since its conception. The lingering question has always been, and continues to be, that if this amount of employment land has been proposed using a *regional* need justification, then how will Phoenix be able to justify this amount of land when it proposes an UGB amendment on its own?

The department acknowledges that, while there will be many factors that will affect the overall fate of the South Valley Employment Center, absent policies to assist Phoenix in justifying the need for this land using a regional approach, the city will not be able to add this amount of land to its UGB in the foreseeable future.

Therefore, in addition to the above recommendation pertaining to the designation of PH-5 as industrial land, the department recommends that the commission agree with the comment pertaining to the need for a regional policy which focuses on urban reserve PH-5 and request that Jackson County amend Chapter 5, Section 2.9 to add a subsection with language as follows:

PH-1, PH-1a, PH-3, PH-5, PH-10. Prior to the expansion of the city of Phoenix Urban Growth Boundary into any Urban Reserve Area to accommodate employment land need, the region shall agree on a mechanism (such as a Regional Economic Opportunities Analysis) to assist the city of Phoenix in justifying the regional need for urban reserve PH-5.

3. Amount of Park Land

Greg Holmes, 1,000 Friends of Oregon (Ref. 11) and Rogue Advocates (Ref. 17) have commented on the treatment and amount of park land designated within urban reserves in the Regional Plan.

The commenters expressed concern regarding both the type and amount of park land proposed within urban reserves in the Regional Plan. 1,000 Friends of Oregon provides

an analysis to justify why it is believed that the amount of park land proposed exceeds that which can be justified using the safe harbor provisions of OAR660-024-0040(10).¹⁰ 1,000 Friends of Oregon provides a remedy as follows:

Add a requirement to Chapter 5 of the plan to clarify that, for the purposes of UGB expansions, the Department and the Commission expect that plan assertions regarding amount and type of parkland needed shall be consistent with the requirements of OAR 660-024-0040, and further that they will be consistent with local plans and practice, and with FYC vs. Newberg, and not treat unbuildable land as unavailable for park use.

Department Recommendation. The department recommends that the commission agree with the comments regarding the treatment of park land in the Regional Plan applying to future UGB amendments. Because the Regional Plan is governed by the RPS statute and the major outcome is the designation of urban reserves, the safe harbor provisions do not directly apply to this process. Nevertheless, the language recommended by 1,000 Friends of Oregon will not affect the amount of land proposed as urban reserves through the Regional Plan, it will instead provide clarification to the participants in the region that, when they come in for subsequent UGB amendments, the amount of park land will be reviewed in accordance with the regulations governing UGB amendments.

Therefore, The department recommends that the commission agree with this comment and request that Jackson County amend Chapter 5, Section 2 of the Regional Plan to add a subsection with language as follows:

For the purposes of UGB amendments, the amount and type of park land included shall be consistent with the requirements of OAR 660-024-0040 or the park land need shown in the acknowledged plans.

4. Definition of Buildable Land

Greg Holmes, 1,000 Friends of Oregon (Ref. 11) commented on the definition of “buildable land” in the Regional Plan. The comment expresses concern regarding the definition of “buildable land” within the Regional Plan. Specifically, the comment questions the threshold used to determine steep slopes. While the Regional Plan used a 23 percent threshold to determine if land was considered unbuildable for the purposes of determining its land needs analysis, 1,000 Friends of Oregon indicates that a 25 percent threshold is required per OAR660-008-0005(2).¹¹ 1,000 Friends then offers the following remedy:

¹⁰ OAR660-024-0040(10): As a safe harbor during periodic review or other legislative review of the UGB, a local government may estimate that the 20-year land needs for streets and roads, parks and school facilities will together require an additional amount of land equal to 25 percent of the net buildable acres determined for residential land needs under section (4) of this rule, and in conformance with the definition of “Net Buildable Acre” as defined in OAR 660-024-0010(6).

¹¹ OAR 660-008-0005(2): “Buildable Land” means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and

Add a requirement to Chapter 5 of the plan to clarify that DLCD and the Commission will not approve future UGB expansion requests that are not based on compliance with the definition of buildable land as “those lands with a slope of less than 25 percent,” or as consistent with OAR 660-008-0005(2) and other local and state requirements.

Department Recommendation. The department recommends that the commission agree with the comments regarding the definition of “buildable land” in the Regional Plan for the purposes of future UGB amendments.

On page 1806-1807 of Attachment A, the consultant who prepared the original draft of the Regional Plan explains, “The Urban Reserve Rule (660-021-0030(1)) speaks to providing a supply of ‘Developable Land’. Developable Land is defined in 660-021-0010 as Land that is not severely constrained by natural hazards nor designated or zoned to protect natural resources, and that is either entirely vacant or has a portion of its area unoccupied by structures or roads.” The letter further states that “Jackson County 10 meter DEMs [digital elevation models] were used to create a slope file. Areas of slopes 23% and higher were removed from buildable calculations.”

The term “developable land” as utilized in OAR 660-021-0010¹² applies to the urban reserve (not UGB amendment) process. The term “buildable land” as referenced by 1,000 Friends of Oregon applies to the UGB amendment process. While the department believes that use of the 23 percent threshold is adequate for the designation of urban reserves, the definition found in OAR 660-008-0005(2) must be utilized for subsequent UGB amendments.

Therefore, The department recommends that the commission agree with this comment and request that Jackson County amend Chapter 5, Section 2 of the Regional Plan to add a subsection with language as follows:

Future urban growth boundary amendments will be required to utilize the definition of buildable land as those lands with a slope of less than 25 percent, or as consistent with OAR 660-008-0005(2) and other local and state requirements.

necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered “suitable and available” unless it: (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7; (b) Is subject to natural resource protection measures determined under statewide Planning Goals 5, 15, 16, 17, or 18; (c) Has slopes of 25 percent or greater; (d) Is within the 100-year flood plain; or (e) Cannot be provided with public facilities.

¹² OAR660-021-0010(5): “Developable Land” means land that is not severely constrained by natural hazards or designated or zoned to protect natural resources and that is either entirely vacant or has a portion of its area unoccupied by structures or roads.

5. Central Point Urban Reserve Areas

Katy and Duane Mallams (Ref. 3) commented on the amount of high-value farmland proposed by the city of Central Point as urban reserves and the need for the city to “take in” Gibbon Acres. Their comments maintain that the county has approved too much high-value farmland to the west and north of Central Point because of its choice to develop in a city-centric pattern and its willingness to accept a high level of additional population. Additionally, the comments indicate that before Central Point adds any high-value farmland to its urban reserves that the city should take in Gibbon Acres, a quasi-urban neighborhood east of the city.

Department Recommendation. The department recommends that the commission disagree with the comments regarding amount of high-value farmland in urban reserves around Central Point and the need for the city to “take in” Gibbon Acres.

Katy and Duane Mallams offer no specifics in regards to how the Regional Plan violated any statute or rule governing the RPS process or the urban reserve selection process. Therefore, their concerns that the city of Central Point has included too much high-value farmland is not supported by a facts, and therefore does not require a response by the department.

Regarding the concern expressed about the rural subdivision known as Gibbon Acres, the Regional Plan contains a provision (Chapter 5, Section 2.9.5; page 269 of Attachment A) that requires the city of Central Point to adopt an agreement (Area of Mutual Planning Concern) for the management of Gibbons/Forest Acres Unincorporated Containment Boundary prior to the expansion of the city’s UGB into any of its urban reserves. The department believes that this is sufficient at this time and that a full incorporation of Gibbon Acres is not appropriate because of 1) the physical separation between the city and Gibbon Acres and 2) the possibility of the White City Unincorporated Area becoming incorporated within the 50 year planning horizon of the Regional Plan, which may include incorporation of the Gibbon Acres area.

C. Collaborative Regional Problem Solving Process

1. Jacksonville Participation

Katy and Duane Mallams (Ref. 3) have commented about the participation of the city of Jacksonville in the Regional Planning process, specifically:

When RPS began it was stated that all the jurisdictions involved in the Plan needed to agree on the final results... However, Jacksonville later dropped out due to disagreements about the proposal. In other RPS efforts around the state, lack of agreement has resulted in failure. We don't believe the Greater Bear Creek Valley RPS should be treated differently.

Department Recommendation. The department recommends that the commission disagree with the comment regarding the involvement of the city of Jacksonville.

The Regional Plan (Regional Plan Chapter 2, page 28 of Attachment A) describes the situation with Jacksonville as follows:

Finally, in 2009, preceding the initiation of the final, major stage of this Regional Problem Solving process, the City of Jacksonville elected not to propose the comprehensive plan and land use regulation amendment required to effectuate the Regional Plan. While Jacksonville’s involvement in the process was desirable, the region determined that their involvement was not necessary or critical to the remaining seven jurisdictions being able to address the regional problems identified in the Greater Bear Creek Valley Regional Problem Solving Process. Thus, the region decided to move forward with seven of the original eight jurisdictions (Jackson County, Eagle Point, Central Point, Medford, Phoenix, Talent, and Ashland) by focusing the project’s original problems and their solutions on the jurisdictions bisected by the Greater Bear Creek Valley’s two major transportation corridors, I-5/Hwy 99 and Hwy 62. These corridors, and the cities they impact so significantly, represent the major fault lines of the issues influencing the regional effort (future population growth, agricultural activity, and likely urban expansion) and therefore share the highest need for regional collaboration and long-term regional planning.

Katy and Duane Mallams offer no specifics in regards to how the Regional Plan violated any statute or rule governing the Collaborative Regional Problem Solving Process or the urban reserve selection process. The comments do not specify which other RPS project “failed” due to lack of agreement. There was one such project where a participant did not adopt the final RPS plan. The facts surrounding the decision of Jacksonville not to participate in the RPS plan are different than this other case where the commission determined that a participant’s failure to approve the plan was required. Without additional explanation regarding why Jacksonville’s decision to not participate in this RPS process, the department does not find reason to recommend any modifications to the Regional Plan.

VII. DEPARTMENT RECOMMENDATION

The department recommends that the commission provide support overall for the Regional Plan, as submitted by Jackson County, with specific recommendations for revision which respond to comments received by the public, participating jurisdictions, and affected agencies as outlined below:

1. Urban reserve PH-2 should be eliminated as an urban reserve.
2. Amend Chapter 5, Section 2.20 of the Regional Plan as follows:

Prior to approval of any Urban Growth Boundary Amendment Within six months of acknowledgement of the Greater Bear Creek Valley Regional Plan, Jackson County shall appoint an Agricultural Task Force made up of persons with expertise in appropriate fields, including but not limited to farmers, ranchers,

foresters and soils scientists, representatives of the State Department of Agriculture, the State Forestry Department, the State Department of Land Conservation and Development, Jackson County, and a RPS participating city.

The Agricultural Task Force shall develop a program to assess the impacts on the agricultural economy of Jackson County arising from the loss of agricultural land and/or the ability to irrigate agricultural land, which may result from Urban Growth Boundary Amendments. The Agricultural Task Force shall also identify and develop potential mitigation measures to offset those impacts. Appropriate mitigation measures shall be applied to Urban Growth Boundary Amendment proposals.

3. Amend Chapter 5, Section 2.5 of the Regional Plan to increase the committed residential density for the city of Medford to 6.6 gross du/acre for the time period of 2010 to 2035 and to 7.1 gross du/acre for the time period of 2036 to 2060.

4. Amend Chapter 5, Section 2.9.8 as follows:

PH-5. Development of the portion of PH-5 designated as employment land is restricted to industrial zoning. Prior to the expansion of the Phoenix Urban Growth Boundary into PH-5, the city shall adopt standards to create visual distinction between the city of Phoenix and the city of Medford.

5. Amend Chapter 5, Section 2.9 to add a subsection with language as follows:

PH-1, PH-1a, PH-3, PH-5, PH-10. Prior to the expansion of the city of Phoenix Urban Growth Boundary into any Urban Reserve Area to accommodate employment land need, the region shall agree on a mechanism (such as a Regional Economic Opportunities Analysis) to assist the city of Phoenix in justifying the regional need for urban reserve PH-5.

6. Amend Chapter 5, Section 2 of the Regional Plan to add a subsection with language as follows:

For the purposes of urban growth boundary amendments, the amount and type of park land needed shall be consistent with the requirements of OAR 660-024-0040 and/or locally adopted plans.

7. Amend Chapter 5, Section 2 of the Regional Plan to add a subsection with language as follows:

For the purposes of UGB amendments, the amount and type of park land included shall be consistent with the requirements of OAR 660-024-0040 or the park land need shown in the acknowledged plans.

ATTACHMENTS

- A. Entire Record of Jackson County public hearing process including Ordinance No. 2011-14 and all 3 volumes of the Regional Plan. This information can also be found at www.jacksoncounty.org/RPS. (Provided on CD)
- B. Regional Plan Atlas (Volume III of the Regional Plan) (Provided on CD)
- C. Comment letters (Provided on CD)
- D. Map of region showing urban reserves (p. 1 of Regional Plan Atlas)