

K. Mallams  
2855 Heritage Road  
Central Point, OR 97502  
October 1, 2012

DEPT OF

Department of Land Conservation and Development  
Periodic Review Specialist  
635 Capitol Street NE, Suite 150  
Salem, OR 97301

October 3, 2012

received  
by DLCD

LAND CONSERVATION  
AND DEVELOPMENT

Dear Periodic Review Specialist,

I do not believe the URA adopted by the City of Central Point as part of the Greater Bear Creek Valley Regional Plan complies with statewide planning goals. I also do not believe Jackson County satisfactorily completed the URA adoption.

My husband and I participated in the entire Regional Plan process from the beginning until the final public hearings. My husband, Duane Mallams, was a member of the original public Citizens Involvement Committee (pCIC), and we have given oral testimony and provided written comments (in the official records) at numerous public hearings in Central Point, at the Jackson County Planning Commission, and at a hearing held by LCDC in Ashland on March 20, 2008.

My objections to the urban reserves adopted by the City of Central Point are as follows:

Central Point violated Statewide Planning Goal 3 "to preserve and maintain agricultural lands."

1. RPS allowed and encouraged cities to trade off portions of their projected population allocation to protect surrounding high-value resource land. Instead of trading away population growth to protect the surrounding farmland, Central Point took on more population growth than necessary. Then, as a result of its choice of a city-centric growth pattern (a violation of the intent of RPS), Central Point included hundreds of acres of high-value farmland to its west and north in the urban reserve. The inclusion of high-value farmland would have been unnecessary if Ashland, which is not bordered by farmland, had taken on more population growth and, if needed, more area in its urban reserves. In addition, if all the cities in the region had calculated their residential land needs using the highest density figures, significantly less land would be needed. This would have greatly reduced Central Point's need for additional residential land. If the land remaining in Central Point's current UGB were also developed at the highest possible density, even less agricultural land would be needed.
2. Central Point should have added Gibbon Acres to its urban reserve before adding any high-value farmland. Gibbon Acres is an unincorporated, urbanized area to the immediate northeast. It is in close proximity to existing utilities and the transportation corridor along Table Rock Road. It is not high-value farmland and has already been designated by the County as an area that is high priority for urbanization. The RPS Policy Committee (12/19/06 and 1/9/07) determined that Gibbon Acres should be added to the urban reserve before any agricultural land because 1) it is an urban area within an urban containment area, 2) the Jackson County Comprehensive Plan stated it should be included in the UGB of an adjacent city, and 3) it is at least as high priority as exception lands.

3. Land west of Grant Road (CP-6A) should not have been included in the urban reserve. At a meeting in 2002, City of Central Point staff and the City Council agreed that this land should not be urbanized because it is too valuable for agriculture. In the Draft RPS Plan, the participating jurisdictions agreed that further urbanization of CP-6A and neighboring CP-6B would have severe negative consequences for farmland in the interior valley. The north 2/3 of CP-6A is mostly large parcels – the Resource Lands Review Committee identified 300 acres as Critical Agricultural Land. Although there are a handful of dwellings in this area, the development is minimal and does not interfere with agricultural activity in the area. This area should not have been included in the urban reserve.

To resolve these objections I recommend that:

- Central Point allocate its share of population increase to other cities in the region to decrease the amount of acres needed for urbanization and reduce the amount of agricultural land in its urban reserve.
- Residential land needs of all the cities including Central Point are recalculated using the highest possible density
- All land west of Grant Road is excluded from the urban reserve.
- Gibbon Acres is added to the urban reserve and annexed into the Urban Growth Boundary before any agricultural land.
- CP-6A and CP-6B remain rural residential to provide a buffer with surrounding agricultural land.

My objection to URA adoption by Jackson County is due to the lack of timely or adequate public involvement for residents of the County outside city limits. The County violated Statewide Planning Goal 1 "to ensure opportunities for citizens to be involved at all phases of the planning process". The County did not hold ANY public hearings for County residents until AFTER all the cities had finished their proposals and the Draft Plan was completed. By then so much time and effort had been invested that none of the participants wanted to make any changes. The County never informed people their property was included in proposed urban reserves. These are the very people who will be most affected by the Plan. For example, late in the process, CP-6B was added to the urban reserve of Central Point. The property owners in the area were not informed of this until the City of Central Point sent out letters prior to the final planning commission meeting in July, 2012. A number of the property owners attended the meeting, very upset because this was the first notification they had had of being included in the urban reserve. They objected, but again, because the process was so far along, the Plan was approved with minimal discussion. I believe that the lack of timely or adequate public involvement by the County invalidates the entire RPS process and the final Plan.

I hope these objections show that the Regional Plan has some serious flaws that ought to be corrected before DLCDC finds that the Greater Bear Creek Valley Regional Plan satisfactorily complied with statewide planning goals.

Sincerely,



Katy Mallams

Oct 4 2012

Please note: Objection to  
Jackson County Ordinance  
LRP-2012-00001 filed 8/16/12  
see attached Fed Ex slip.

DLCD  
635 Capital St NE Suite 150  
Salem OR 97301-2540

Re: City of Talent Ordinance No. 12865-0

Re: Adoption of a Regional Plan comprehensive Plan element, Adoption of an Urban Growth  
Management Agreement, amending the talent comprehensive Plan Map to include Urban  
Reserve Areas, and amending the zoning Code to include Agricultural Buffering Standards

LAND CONSERVATION  
AND DEVELOPMENT  
OCT 09 2012  
DEPT OF

Dear Department:

I object to the adoption of the above referenced items for the following reasons:

1. They violate 5 of the Statewide Planning Goals as adopted in OAR Chapter 660, Division 015
2. They do not provide for a future bikepath and/or sidewalk along Rapp Road which is required to eliminate an existing safety hazard.
3. The TA-2 portion of the plan contains numerous factual errors.
4. There is insufficient showing that the plan is in compliance with the City Transportation Plan, specifically that it is feasible for TA-2 to provide access to the Railroad District Lands.
5. They are in conflict with the Railroad District Master Plan which has already been adopted by the Council.
6. The lands in the study area TA-D were not properly prioritized for inclusion into the Urban Reserve
7. There was insufficient consideration of the unintended consequences of the reduction of the TA-2 area to its present size.
8. There was insufficient consideration of the alternatives to the reduction of the TA-2 area to its present size.
9. There is insufficient documentation from ODOT Rail and/or traffic engineers that a connection to Rapp Road within TA-2 is either feasible or the best alternative to provide access to the Railroad District Lands.
10. There was no consideration of the benefits of making the Railroad District connector

intersect into Rapp Lane instead of Rapp Road.

#### 1. Violation of Statewide Planning Goals

a. Citizen Involvement: There was insufficient citizen involvement in the process of reducing the size of TA-2. The previous Railroad District Master Plan had widespread citizen involvement including myself, and was developed over many months. The last minute reduction occurred over only a few months without my and others knowledge.

b. Housing: Parcels in the study areas were not properly inventoried or prioritized. (A) Planning was not met: 1. provide comparisons of income, costs, vacancies, and demands for housing. 3. Provide public facilities for presently developed .... land. No provision was made for an obviously needed bikepath and or/walking path along Rapp Road.

#### c. Transportation:

No inventory was made of the needs for bicycling or walking along Rapp Road, nor was sufficient study made of the best alternatives for a connector between the TA-2 area and the Railroad District Lands. No engineering studies were made. Implementation: no study of positive or negative impacts was made regarding the TA-2 area transportation plans.

#### d. Energy Conservation:

No effort was made to facilitate energy conserving means of transportation along Rapp Road by providing a bike path and/or sidewalk to better enable people from Parkside Apts to escape from the "car culture" by getting safely to the bus stop at Talent Ave.

#### e. Urbanization

The plan does not provide for the most efficient urbanization and utilization of adjacent to the city limits residential land. The plan does not provide sufficient land that is feasible

identified population growth demands within the next 10 or 20 year period.

#### 2. Lack of planning for a future Bikepath and/or sidewalk along Rapp Road.

The need for this is obvious. See petitions presented to the Council as Exhibit A. A wide spectrum of citizens supports this goal, including prominent citizens on Rapp Lane. The problem has been known to the council since at least 2011. Because the city ROW along Rapp Road is only 40 feet in width and insufficient without donation of additional land by property owners. The two property owners on the south side of Rapp Road have already signed the petition and are willing to donate land to accomplish this, but the plan needs to include

approximately 300 feet more to the west of the existing TA-2 boundary all the way to Rapp Lane to make this a realistic possibility.

### 3. Factual Errors

#### a. The Regional Plan contains many factual errors regarding TA-2:

1. Figure TA-5 is incorrect...there are not 11% parks in the plan
2. Access to TA-2 is not provided by Rapp Lane....as it incorrectly states
3. TA-2 does not complete an Area Master Plan (RDMP).....because it leaves out critical lands identified to be included as Railroad District lands by the RDMP, namely identified as RD lands outside the UGB by the RDMP.
4. Wagner Creek is not a boundary of the TA-2 area.

### 4. City Transportation Plan

a. There is insufficient documentation regarding the feasibility, safety, and engineering of any access to be supposedly provided by TA-2 to the Railroad District lands. In fact, it is obvious that the safest connection would be to Rapp Lane, near the stop sign where cars are already slowing down, rather than creating a new, dangerous intersection to Rapp Road. Why have two intersections so close together? It violates basic safe road engineering principles.

### 5. RDMP

a. The RDMP identifies additional lands all the way to Rapp Lane as included in the plan, yet these lands are being left out, thus conflicting with the councils previous approval of the RDMP.

Many hundreds of hours and thousands of dollars were spent

developing this plan. It should not be discarded without at least adequate discussion of the consequences.

### 6. Prioritization of lands

My parcel at the SE corner of Rapp Road and Rapp Lane (Parcel 400) was incorrectly prioritized to be low on the list for urbanization and was characterized as agricultural land. It is only 1.05 acres in size, covered with buildings, and has never been used for agriculture since its inception in 1947.

### 7. Unintended consequences

The inability to fund with developers money a bikepath and/or sidewalk between the railroad tracks and Rapp Lane along Rapp Road. The inability to make the access connection for the Railroad District Lands at Rapp Lane, an obviously safer alternative to making it close by on Rapp Road. The inability to utilized residential land most adjacent to the city limits for denser residential purposes.

8. Insufficient Consideration

No alternative proposals for a reduced TA-2 were considered by the council during its deliberations, when they should have been.

9. Feaseability issues

There is no documentation from ODOT Rail that TA-2 provides the the best feasibility for providing access in conjunction with the Railroad Crossing issues, or that it is feaseable at all, a requirement under Oregon Land Use Planning Law. Eric Artner's application before the Talent Hearings Officer was denied because the Hearing Officer determined that access from Rapp Road to his property was "not feaseable"

10. Insufficient consideration of the Rapp Lane Connection to Railroad District and TA-2 lands

Rapp Lane is the obvious place to make the connection. Cars are already slowing down to the stop sign where the connection would be. To place the intersection on Rapp Road nearby Rapp Lane would be foolish and unsafe. The Rapp Lane connection as the best alternative will be shown when proper engineering and traffic studies are made. To date there is insufficient documentation of any studies being made regarding this issue.

11. See Exhibit "A" attached for revision of TA-2 (extension) that would resolve the objection.

Sincerely,

  
Thomas A. Lowell

owner

199 Rapp Road (Parcel 400)

Talent OR 97540

Affadavit of Thomas Lowell  
I affirm that I appeared before the Talent City Council to object to their adoption of the above referenced ordinance as well as submitted the objection in writing.

4

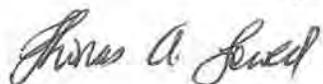
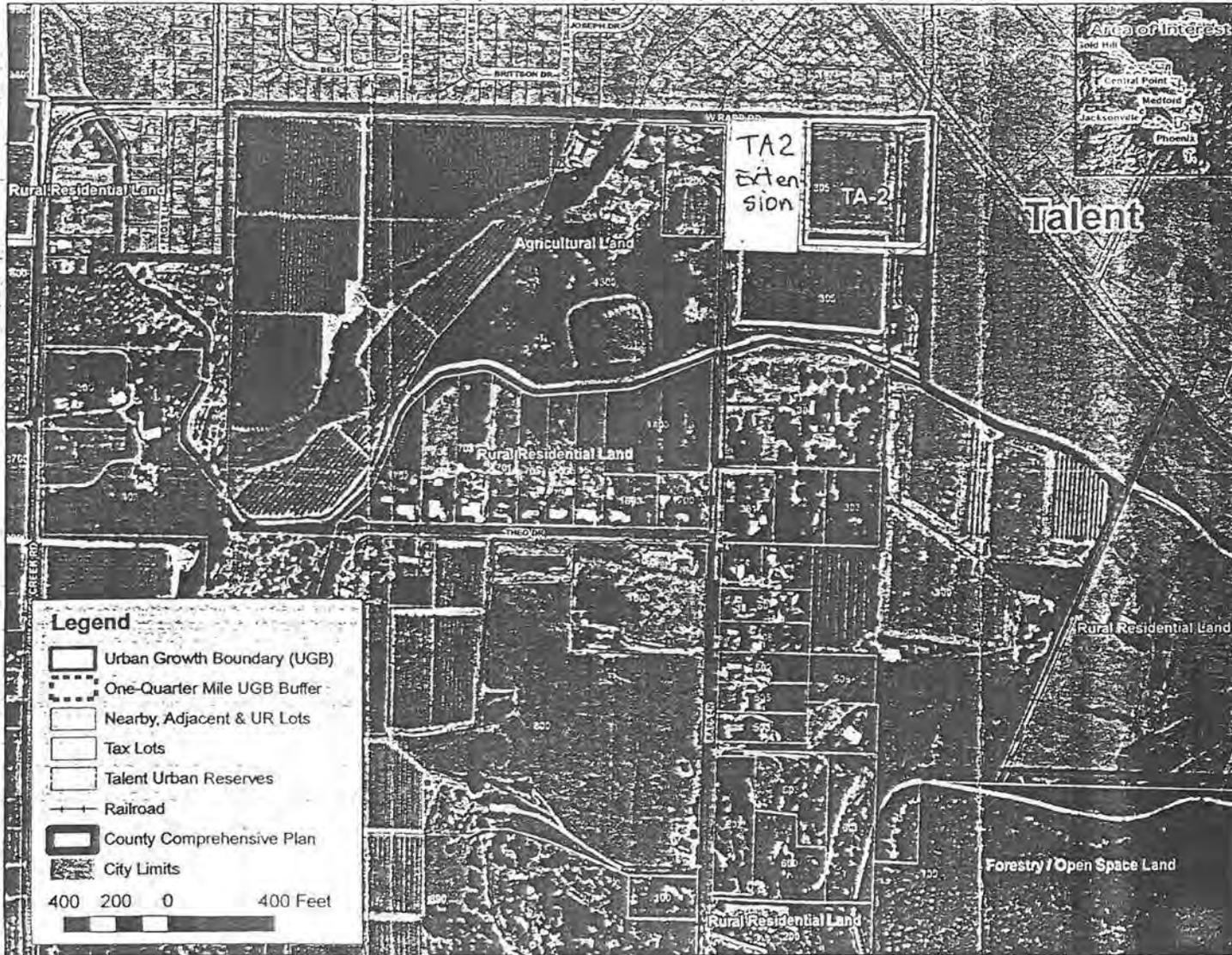
 10/4/12

EXHIBIT A



Greater Bear Creek Valley - Regional Plan

Urban Reserve Area TA-2

City of Talent

## The Talent Coalition for Safe Walking and Bicycling alongside Rapp Road

**We the People** of the Talent Coalition have suffered with the effects of inadequate public facilities for walking and bicycling alongside Rapp Road for many years and hereby ask the Talent City Planning Commission and the Talent City Council to formally recognize that this is a public safety hazard which needs to be addressed.

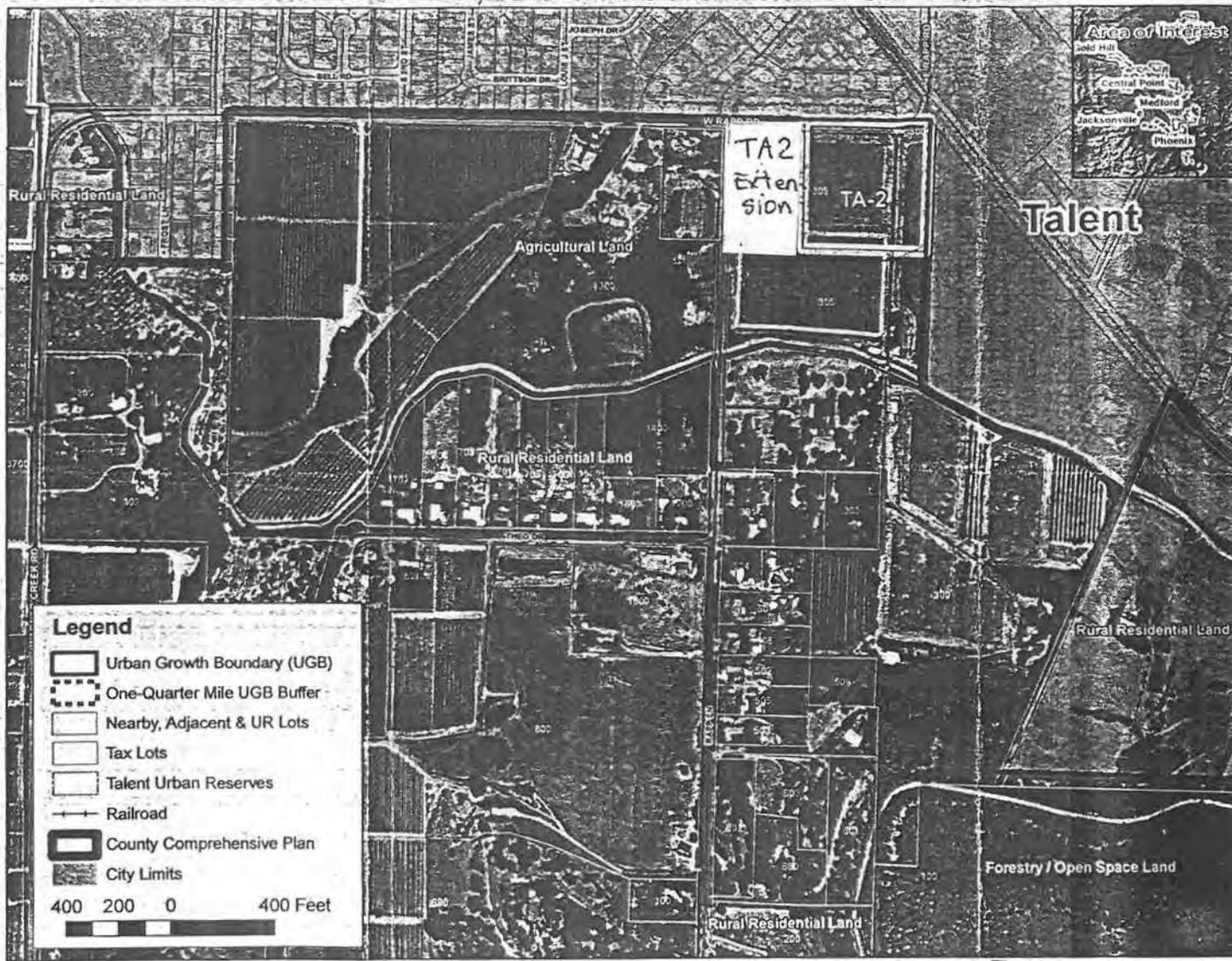
**We the People** of the Talent Coalition (for Safe Walking and Bicycling along Rapp Road) hereby petition the Talent City Planning Commission and the Talent City Council to provide those who desire to use Rapp Road between Louis J Road and the Railroad Tracks for walking and bicycling a safe way to do it.

**We the People** of the Talent Coalition would like the Talent City Planning Commission as well as the Talent City Council to apply for grant funds to accomplish this, as well to extend the urban reserve area which starts at the railroad tracks at Rapp Road, an additional 300 feet more or less to Rapp Lane (see Exhibit A), and to require that any future developers of this urban reserve provide both a walking sidewalk and a bikepath on the south side of Rapp Road, where there are no obstructing telephone poles and adequate land, to accomplish such.

Name	Address	Comments
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Michelle Engel	P.O. Box 471 Ashland	SAFETY 1st!
Adam Howald	7340 Adams Rd. Talent	
Jay Tracy Gould	" same as above "	
Donald D. Moore	2700 <del>Rapp Lane</del> Quail Run	Talent 541-535-8001
Travis Moore	2700 Quail Run, Talent	- We need this!!
Laura Lappach	7112 Rapp Lane Talent	Please for safety
Brett Johnson	199 W Rapp Road, Talent	- Please!
Peter Thorniley	115W Rapp Rd Talent OR	
STANLEY MITCHELL	261 TALENT AVE	TALENT 97504
Kenneth L. Voy	3932 SOUTHVIEW TER	MEGFORD 97504
Robert F. MacGrath	333 Mtn View Dr #12	Talent 97504
Carol Pearson	991 Terra Ave	Ashland 97520
Mary Pritchard	PO Box 3475 Ashland,	OR 97520

Bicyclists {



June 27th, 2012

Jackson County Commissioners  
100 South Oakdale Ave.  
Medford, OR 97501

Re: File #LRP 2012-00001 Ordinance #2011-14

Dear Commissioners:

I object to the adoption of the referenced Ordinance and associated planning files as related to the TA-2 portion of the same for the following four reasons:

1. Insufficient land is available within the proposed TA area to satisfy the projected growth for Talent for the next 20 or 50 years, without undesirably increasing the density of development to unsustainable levels. This is confirmed by the recommendations and reports of the RVCOG and the Talent planning staff. See portion Regional Plan, Exhibit A, and August 15, 2011 letter to Talent Planning Commission from Dick Converse RVCOG Exhibit B.

2. Insufficient attention was given to the Transportation Element of TA-2. This is ironic because the ostensible purpose of the truncated portion of TA-2 remaining is to satisfy the Transportation Element of the plan, which as it stands now constitutes a public safety hazard which under the current plan has no foreseeable remedy. The hazard is the lack of a sidewalk/bikepath to allow the approx 500 residents of Parkside apartments safe pedestrian and bike access to the town of Talent. See photos EXhibit C.

3. Insufficient notice was given to the property owners within TA-2 considering that some of us (myself for example) attended countless meetings and workshops in order to fashion the original plan which was included in the Regional Plan 2009, only to have the rug pulled out from under their feet without their knowledge, and for stated reasons that are not even applicable to all the properties withdrawn (for example the primary reason given was preservation of farm land, which my parcel (corner of Rapp Road and Rapp Lane east side) is not.

4. The 75 foot strip of farm land remaining between my parcel and TA-2 as now drawn is not feasible to farm, and wastes land.

Conclusion:

By extending TA-2 to Rapp Lane the following benefits would follow: *Ex D*

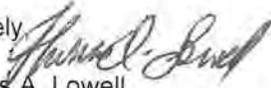
1. Any future development of TA-2 would provide a sidewalk/bikepath for safe access by the Parkside apartments. The situation is so bad that in January a volunteer group attempted to improve the situation by adding gravel to the side of the road along side the Parkside apt fence. This is because Talent has no funds of its own to build a sidewalk (according to Mark Knox, Talent Planner, conversation 6/27/12).

2. Density requirements in Talent would be reduced, without withdrawing any resource land from the agricultural base.

3. Development would occur across the street from existing services which is more efficient than satellite developments now contemplated.

4. The Ordinance would be less appealable because it would more closely satisfy the legal requirements of State Law.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas A. Lowell". The signature is written in a cursive style with a large, prominent initial "T".

Thomas A. Lowell  
7340 Adams Road  
199 West Rapp Road  
Talent, OR 97540

541-821-3032

# NOTICE OF DECISION



City of Talent, Community Development Department  
P.O. Box 445, Talent, Oregon 97540 Ph: (541) 535-7401 Fax: 535-7423

Pursuant to Oregon Revised Statutes (ORS) 197.616 and the City of Talent's Land Use Code 8-3M.160, you are hereby being notified that on August 15<sup>th</sup>, 2012, the Talent City Council passed and approved Ordinance No. 12-865-O at the regular City Council meeting at the Community Center located at 206 E. Main Street, Talent, Oregon.

The effective date of the ordinance will be September 14<sup>th</sup>, 2012 (30 days after passage and approval of the ordinance). A description of the ordinance is as follows:

Ordinance No. 12-865-O is an ordinance to amend the Talent Comprehensive Plan to add a Regional Plan Element (as acknowledged by reference in the Regional Plan Element's Introduction - the *Greater Bear Creek Valley Regional Plan*) as adopted by Jackson County Board of Commissioners in Ordinance No. 2011-14 and amended by Ordinance No. 2012-6; amend the official Comprehensive Plan Map to designate the Regional Plan Boundary and Urban Reserve Areas; amend the Zoning Code relating to buffering standards, adopt an Urban Reserve Management Agreement between Jackson County and the City and revise section 8-8.120 to raise the target density standard from 6.2 units per acre to 6.6 units through 2035 and 7.6 units thereafter.

If you have any questions about the effect of this ordinance, please contact Mark Knox at Talent City Hall, Planning Department located at 110 E. Main Street, Talent, Oregon, 97540. Telephone: (541) 535-7401.

You may review the ordinance and all related materials at the Talent Planning Department or you may view on-line at <http://www.co.jackson.or.us> to review the *Greater Bear Creek Valley Regional Plan Record*.

Ordinance No. 12-865-O is a Legislative Decision based on the Type IV procedures as described in the Talent Land Use Code 8-3M-160. The City Council makes the final decision on Legislative matters. However, because the ordinance pertains to Regional Problem Solving for the *Greater Bear Creek Valley Regional Plan*, as provided in ORS 197.652 through 197.659, the Comprehensive Plan and Land Use Regulation changes cannot be effectuated until the ordinance and record are submitted to the State of Oregon's Department of Land Conservation and Development pursuant to Oregon Administrative Rules, Chapter 660, Division 25, Section 175 (OAR 660-025-0175 entitled Review of UGB Amendments and Urban Reserve Area Designations) for Land Conservation and Development Commission review and approval. Information on filing an objection with the Department of Land Conservation and Development can be found in OAR 660-025-140.