

CITY OF PHOENIX OREGON

ORDINANCE NO. 940

AN ORDINANCE TO AMEND THE PHOENIX COMPREHENSIVE PLAN TO ADD A REGIONAL PLAN ELEMENT; AMEND THE OFFICIAL COMPREHENSIVE PLAN MAP TO DESIGNATE THE REGIONAL PLAN BOUNDARY AND URBAN RESERVE AREAS; AMEND THE LAND DEVELOPMENT CODE RELATING TO BUFFERING STANDARDS, AND ADOPT AN URBAN RESERVE MANAGEMENT AGREEMENT BETWEEN JACKSON COUNTY AND THE CITY.

WHEREAS, after due consideration, the City of Phoenix has made certain findings in connection with the proposed amendments and has followed the statutory procedures; and

WHEREAS the staff report includes findings supporting the proposed Regional Plan Element and implementing documents, including reference to the Jackson County Board of Commissioners decision on November 23, 2011 (Ordinance No. 2011-14), to approve Regional Problem Solving; and

WHEREAS the Phoenix Planning Commission conducted a public hearing on June 25, 2012 to accept public testimony on the proposal, and voted to recommend that the City Council amend the Comprehensive Plan text by adding a Regional Plan Element; sign the Urban Reserve Management Agreement that is part of the Regional Plan Element; include the approved Urban Reserve Areas on the Comprehensive Plan Map; amend the Land Development Code by replacing Agricultural Buffering Standards in Land Development Code 3.3.3.F with new Agricultural Buffering Standards; modify Chapter 4.1 of the Land Development Code to include urban reserve decisions in the Type IV decision process; and add references to the agricultural buffering standards in land use district chapters of the Land Development Code where development is in proximity to farmland.

NOW, THEREFORE, the City of Phoenix Ordains as follows:

Section 1. COMPREHENSIVE PLAN AMENDMENT

Add a Regional Plan Element (Exhibit A) including an agricultural buffering program, and revise the Comprehensive Plan Map to designate Urban Reserve Areas.

Section 2. LAND DEVELOPMENT CODE AMENDMENT

Delete Agricultural Buffering Standards in Land Development Code 3.3.3.F, add new Chapter 3.11 entitled Agricultural Buffering Standards (Exhibit B); modify Table 4.1.2 to include urban growth boundary and urban reserve area decisions in the Type IV decision process (Exhibit C); and add references to the agricultural buffering standards in land use district chapters of the Land Development Code where development is in proximity to farmland (Exhibit D).

Section 3. FINDINGS AND CONCLUSIONS

Adopt the Jackson County Board of Commissioners' findings and conclusions (Exhibit E).

Section 4. URBAN RESERVE MANAGEMENT AGREEMENT

Approve the Urban Reserve Management Agreement (Exhibit F).

Section 5. EFFECTIVE DATE

Under the provisions of the 2009 Phoenix Charter, Chapter III, Section 18, this ordinance shall take effect 30 days following adoption.

PASSED AND APPROVED by the City Council of the City of Phoenix and signed in authentication thereof at a regular meeting on the 6th day of AUGUST, 2012.


_____, Mayor
Carlos DeBritto

ATTEST:


_____, Interim City Manager/City Recorder
Eli Naffah

EXHIBIT A
Phoenix Regional Plan Element

City of Phoenix

**REGIONAL PLAN
ELEMENT**

1. INTRODUCTION

The *Greater Bear Creek Valley Regional Plan* is the product of a comprehensive regional land-use planning effort undertaken by the cities of Ashland, Central Point, Eagle Point, Medford, Phoenix, Talent, and Jackson County to address long-term urbanization needs of the region, including the establishment of goals and policies.

The most significant product of the *Regional Plan* is the establishment of requirements which affect the form and function of future urban-level development and the creation of an *Urban Reserve (UR)* for each of the cities, the purpose of which is to set aside a 50-year supply of land for future urban-level development. The method of establishing an urban reserve is defined in state law (see ORS 195.137–145).

Adoption milestones:

- On December 23, 2009, the City of Phoenix signed the *Greater Bear Creek Regional Problem Solving Participants' Agreement*, acknowledging and supporting the continued efforts in completing and adopting a long-term regional plan for the continued urbanization in the Greater Bear Creek Valley.
- On November 23, 2011 the Jackson County Board of Commissioners adopted Ordinance No. 2011-14 approving the *Greater Bear Creek Valley Regional Plan (Regional Plan)*. On _____ July 25, 2012, the Board amended its decision by adopting Ordinance 2012-6____, consistent with the March 15, 2012 recommendations of the Land Conservation and Development Commission.
- The Plan was acknowledged by the Oregon Land Conservation and Development Commission (LCDC) on _____, 2012.

The purpose of this comprehensive plan element is to acknowledge by reference the entire *Greater Bear Creek Valley Regional Plan (Regional Plan)*¹, and to incorporate those sections of the *Regional Plan* that are applicable to the City of Phoenix, and in so doing commence implementation of the *Regional Plan*.

2. REGIONAL PLAN GOALS AND POLICIES

The *Regional Plan* contains three goals and guiding policies² that form the basis of the Regional Plan. These goals and policies are made a part of this Regional Plan Element.

3. URBAN RESERVE

The following describes the context in which the City selected its urban reserve areas. Sections 4-6 are extracted verbatim from the *Regional Plan*. Maps of each of the Urban Reserve Areas discussed in this section can be found in Appendix 1 of this Element. For a detailed description of the selection process, refer to Appendix 2.

¹ The entirety of the Regional Plan can be found in the Jackson County Comprehensive Plan.

² Greater Bear Creek Valley Regional Plan, Chapter 1, Section 5.3.2

4. CITY DESCRIPTION

Phoenix is one of the oldest communities in Bear Creek Valley, though it is one of the smallest. It has grown at a slower pace than other cities in the region.

The Regional Plan allocates population growth over the planning horizon to Phoenix in rough proportion to the regional share of the population it presently comprises. This translates into approximately 500 acres of total gross residential land demand. Of this, the City estimates 84 acres can be accommodated within the existing UGB. Therefore the Urban Reserve residential supply should provide 416 acres of gross residential land.

Employment land demand for Phoenix over the planning horizon is projected to be 513 acres. Of 513 acres, Phoenix estimates that 137 acres can be accommodated within the existing UGB. Urban Reserve buildable employment land supplies could be up to 376 acres to satisfy the allocated employment.

Based upon the regional growth planning discussed in Chapter 2, the regional growth demand is to be supplied in Urban Reserves in the City of Phoenix is as follows:

Figure PH.1

PHOENIX URBAN RESERVE LAND DEMAND SUMMARY							
	Residential		Employment		Urban Parks		Total Demand (acres)
	Population	Land (acres)	Jobs	Land (acres)	Developed (acres)	Open Space (acres)	
Allocated Regional Share	7,587	424	4,583	513			937
Planned Inside UGB	1,268	84	1,629	137			221
Urban Reserve Land Demand	6,320	341	2,954	376	49	-	766
Net New Urban Demand (Demand less Urbanized PH-3)							516

The City of Phoenix has also identified needs for park land of approximately 49 acres. The park acreage demand is reasonably proportional with employment growth and population projections for the City of Phoenix. This is especially true when accounting for the transfer of employment and population in the Phoenix-Medford Urban Containment boundary which is essentially built-out and contains minimal urban amenities such as park land for a fairly sizable built-out employment and population area.

Many challenges to Urban Reserve planning face the City of Phoenix, including:

- Much of the land west of the City is devoted to high value agricultural activities such as pear farming.
- The City has significant current transportation constraints at the I-5 Interchange and at Fern Valley Road and Highway 99. These constraints are being alleviated to significant extent with the planned Fern Valley Interchange reconstruction project. The City of Phoenix is in the process of formulating and adopting (jointly with ODOT) an Interchange Area Management Plan (IAMP) for the interchange. However, even with the new interchange configuration, this interchange will still be the only east-west connection for regional through traffic for a six-mile segment from the South Medford Interchange to Suncrest Road in the City of Talent.
- Some City's existing residential inventory in the southeast portion of the UGB has some relatively severe topographic constraints. These topographic constraints also have resulted in related access constraints.

The above challenges have been considered and evaluated throughout the Urban Reserve Planning process for the City of Phoenix and the implications of these challenges are related to the Urban Reserves proposed for the City of Phoenix.

5. CITY GROWTH GUIDELINES AND POLICIES

Two city and county growth policies have influenced the selection of urban reserve lands for the City of Phoenix.

First, Goal 4 of the City of Phoenix Comprehensive Plan Economic Element recognizes the opportunities for the traveling public and region to obtain goods and services near the Phoenix I-5 interchange. Through Regional Plan development, Phoenix has extended this policy to its long-range growth plans to accommodate a greater future share of regional employment growth. Recently, the City made a series of formal resolutions to pursue economic growth so it can improve the quality of services available and provide more employment options. To increase its share of the region's industrial and commercial activity, the City seeks to capitalize on its central location for employment growth and economic development. As discussed in the Chapter 3 (Regional Planning), the Regional Plan has recognized this potential and has allocated significant employment growth to the City of Phoenix beyond its current regional share.

Second, Policy 13 of the Jackson County Comprehensive Plan Urban Lands Element guides major urban growth boundary amendment policy choices regarding the South Pacific Highway 99 Urban Containment Boundary. Policy 13 encourages future inclusion of this exception area into the City of Medford and/or the City of Phoenix Urban Growth Boundary. The City of Medford already included a significant portion of this area in its most recent UGB amendment in 1993 consistent with this policy direction. During the RPS process, Phoenix expressed a desire to include remaining portions of the South Pacific Highway 99 Urban Containment Boundary area within its urban reserves and, ultimately, its urban growth boundary. Establishment of an Urban Reserve that does not include the remaining area would have the effect of lowering the priority for UGB inclusion of this area under the priority lands statute. Consistent with the County's longstanding policy for this area and the effect an urban reserve designation would have on this policy, the land in this area is included in the Regional Plan as part of the City of Phoenix Urban Reserves. However, because the area is essentially fully developed at urban densities, it meets the City's population allocation associated with a transfer of population in this area, but this population increase is not associated with any significant growth or development. I

6. URBAN RESERVE AREAS AND LAND USES

Each of the areas identified in the accompanying Atlas as numbered Urban Reserves were evaluated for suitability, considering the growth policies for Phoenix and balance of Statewide Land Use Planning Goal 14 boundary location factors. All of the numbered areas were found to be suitable for inclusion/ protection as Urban Reserve for the detailed reasons explained below.

PH-1:

This 58-acre area, located immediately west of the railroad right-of-way, consists of four parcels once occupied by a lumber mill. This land has very limited road access; access to Highway 99 will require substantial investment. Moreover, this land also has little or no ability to secure a rail crossing to the east that will accommodate industrial traffic. Therefore, the principal means of access to PH-1 will be from the north. As further explanation, the railroad right-of-way extends along the entire eastern one-half mile long border of PH-1. The nearest road to the west is Voorhies Road and the nearest road to the south is Carpenter Hill Road. PH-1 properties are separated from both roads by road-less agricultural lands. The lumber mill formerly had access via a private road (West Glenwood Road) which intersects with Highway 99. West Glenwood Road and the one-lane, unimproved, un-signalized railroad crossing north of the mill property are still used for access to a handful of homes north of the mill property and west of the railroad tracks which have no other access. Discussions the City has had with railroad representatives indicates that to accommodate industrial traffic, the crossing would

need to be upgraded and additional right-of-way acquired at costs of over \$1 million. The industrial land cannot absorb such costs without putting this land at a significant economic disadvantage with other industrial lands in the region which are not similarly constrained.

PH-1 Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 58	Reasonably Developable: 55	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan						100%
Proposed Uses						100%

This area was found to be suitable due to the following Goal 14 boundary location factors and resource land use impacts:

1. *Efficient Accommodation of Identified Land Needs*- This land serves as a mechanism in concert with PH-1a to provide a means to obtain access to these County industrial lands as well as the lands further to the south inside the existing UGB without the need for an additional rail crossing.
2. *Orderly and Economic Provision of Public Facilities and Services*- This land serves as a mechanism in concert with PH-1a to provide a means to obtain access to these County industrial lands as well as the lands further to the south inside the existing UGB without the need for an additional rail crossing. Special facility planning and infrastructure finance planning may be required.
3. *ESEE Consequences*- The overall comparative ESEE consequences of an Urban Reserve boundary in this area is neutral, based upon the following:
 - a. *Economic*- The comparative economic consequence of selecting these lands is slightly positive because the site is relatively small and its ability to accommodate employment has relatively little impact on the amount of regional employment allocated to the City of Phoenix. This area in combination with industrial lands further to the south within the Phoenix UGB may be capable of accommodating some economic development over time as infrastructure plans become realized.
 - b. *Social*- The comparative social consequences are expected to be positive over time as its inclusion in an Urban Reserve may eventually lead to annexation which would serve the site with public facilities and make available job opportunities over time.
 - c. *Environmental*- The comparative environmental consequences are expected to be neutral or positive. In the even the site redevelops, it environmental issues from the properties' past life as a mill may be identified and redevelopment may support remediation of any environmental issues.
 - d. *Energy*- The comparative energy consequences are expected to be neutral or positive. The energy inputs to obtain adequate access will be substantial, but the site is well located to serve some niche regional industrial land needs and proximity to rail provides access to high efficiency freight transportation. This site can accommodate employment in near proximity to Phoenix residential areas which will result in energy savings by permitting employees living nearby to walk or otherwise commute to work using not vehicular travel modes.
4. *Compatibility of the Proposed Urban Uses with Nearby Agriculture and Forest Activities Occurring on Farm and Forest Land Outside the Urban Growth Boundary*- PH-1 is deemed suitable because it is already designated industrial so it will consume no resource land and the adjacent farmlands have become accustomed to some level of industrial use occurring on the property over time.

PH-1.a:

This approximately 52-acre area is located northwest of PH-1 and along the railroad tracks. The northernmost portion of this area is adjacent to South Stage Road and would make possible the opportunity to access both the abandoned mill site at PH-1 and existing green-field industrial lands to the south that are already within the existing UGB, but lack access. The area is predominantly comprised of rural residential exception lands with one small Agricultural parcel that contains some field farming uses.

PH-1a Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 52	Reasonably Developable: 47	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan		67%		33%		
Proposed Uses						100%

This area was found to be suitable due to the following Goal 14 boundary location factors and resource land use impacts:

1. *Efficient Accommodation of Identified Land Needs*- Because these lands are mostly exception lands in relatively small parcels, efficient accommodation would be challenging without external infrastructure planning and financing. However, it is expected that this area represents a lower cost option to a grade separated rail crossing to serve the industrial lands of PH-1 and the existing UGB. Infrastructure planning and financing will be directed at the employment potential of these sites over time and these investments may be of significant scale and scope that incremental services to the PH-1.a lands would represent a negligible impact, but by having these lands within the UGB would allow such infrastructure planning and investment to occur. With this infrastructure in place and driven by these industrial investments, the other urban uses in the area can be accommodated efficiently and present opportunities for low-cost workforce housing in close proximity to future industrial demand.
2. *Orderly and Economic Provision of Public Facilities and Services*- The infrastructure planning of this area will be wholly dependent on the needs and planning for the industrial lands to the south. However, these lands are determined to be suitable because their inclusion into the UGB would provide a regulatory path for planning and extending such facilities to serve industrial lands to the south.
3. *ESEE Consequences*- The overall comparative ESEE consequences of an Urban Reserve boundary in this area is neutral, based upon the following:
 - a. *Economic*- The comparative economic consequence of selecting these lands is positive because this area represents a land use regulatory bridge to a public at-grade rail crossing that could be utilized to serve the industrial lands further to the south. At such time as industrial development on those lands is realized, significant economic benefit would be expected to accrue and this benefit is especially rare for any rail dependent industries interested in a south valley location.
 - b. *Social*- The comparative social consequences are expected to be balanced as it will be positive for the city and will likely be negative for existing county residents. When industrial traffic materializes on the industrial lands to the south then this location will have positive social benefits to the City as this regulatory access bridge will not result in increased industrial traffic within the City core. However, this traffic would then be located within the existing exception areas within PH-1.a; some social benefits may accrue to these lands owners over time through rising urban land values.
 - c. *Environmental*- The comparative environmental consequences are expected to be slightly positive as including this land may support redevelopment of PH-1 and tangentially support the environmental benefits derived from that area described above.
 - d. *Energy*- The comparative energy consequences are expected to be slightly positive if inclusion of these lands supports eventual industrial development to the south that

utilizes the existing rail access because rail is a very energy efficient means of freight mobility.

4. *Compatibility of the Proposed Urban Uses with Nearby Agriculture and Forest Activities Occurring on Farm and Forest Land Outside the Urban Growth Boundary-* PH-1.a is deemed suitable because it is unlike most other areas west of Phoenix. Most areas west of Phoenix are located in a small ribbon of rural residential and agricultural between the foothills and the City. However, the valley expands considerably as far north as PH-1.a. and urbanization of a small strip of land to the west in this location will not encroach significantly on this much broader area of agricultural land. Moreover, this area already contains many exception areas and no large commercial farming operations in immediate proximity, so small scale urbanization between Voorhies Road and the existing urban uses that abut the railroad tracks are not expected to significantly affect nearby agricultural and forest activities in the area.

PH-3:

This 250-acre area — the northern gateway to Phoenix — lies immediately north of Phoenix city limits and its UGB and south of the City of Medford's corporate limits and its UGB. It is directly east of and immediately across the railroad right-of-way from PH-1. Most of PH-3 is developed with residential uses (some of which is at urban densities) though much of the area also contains significant commercial and industrial uses. The area is part of the Jackson County Urban Containment Boundary. The area is fully contained between the barriers of the railroad right-of-way on the west, Bear Creek and Interstate 5 on the east, the City of Medford on the north, and Phoenix on the south. Except for a private, un-sigaled, and unimproved railroad crossing at West Glenwood Drive, a private dead-end road, the only way in to or out of PH-3 is State Highway 99.

As mentioned, the area is fully developed with a mix of urban residential, commercial, and industrial uses. The residential uses are primarily higher-density mobile home and trailer parks, and one apartment complex. The commercial uses are mostly low-intensity, highway-dependent retail and service uses, ranging from auto dealerships to mini-storages to flea markets. Jackson County has zoned the area for a variety of urban-density classifications which mostly reflect current uses and housing densities. There are no agricultural uses in the area.

The transportation artery serving the area is Highway 99, consisting of four travel lanes and a center turn lane, with no shoulders, no sidewalks for the most part, and no traffic signals. Side roads are mostly private and all dead end, either at the railroad right-of-way (on the west side of Highway 99) or at Bear Creek (on the east side). PH-3 obtains water service from the Charlotte Anne Water District (there are some private wells. The Charlotte Ann Water District is a special district established many years ago which obtains water from the Medford Water Commission. The area has public sanitary sewer service from Rogue Valley Sewer Services.

PH-3 Urban Reserve By-Existing and Potential Land-Use Type						
Gross Acres: 250	Reasonably Developable: 0	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan		69%				31%
Proposed Uses		69%				31%

Because of the existing degree of urbanization in PH-3 detailed Goal 14 boundary analysis in support of its inclusion as an Urban Reserve is not merited. However, some important Goal 14 implications of this area are observed in the plan, such as:

- Urbanization in the area is not necessarily optimally efficient. This area was largely developed before any planning or zoning at the county level. Urban efficiency is challenged by the condition and standards of the existing pattern of urbanization.

- Urban public facilities, while present, do not meet current standards. Improvement of Highway 99 is the responsibility of the Oregon Department of Transportation. ODOT faces many challenges bringing this section of Highway up to modern standards, including the many and diverse property ownerships. Improvements to the public water system in the area will involve absorption of the Charlotte Anne Water District into the City of Phoenix. The Charlotte Anne Water District still serves some properties in the Phoenix City limits that in time will also likely be absorbed by Phoenix.
- Funding to improve the efficient urban utilization of the PH-3 area is expected to be a major challenge for the City of Phoenix even over a fifty-year planning period.

PH-5:

PH-5 consists of 427 acres and lies north of Phoenix city limits and its UGB, and immediately east of the Interstate 5 freeway. Medford is to the north, and agricultural land exists to the east. Much of the land immediately south and within Phoenix has been developed; there is a new Home Depot superstore, a La-Z-Boy furniture gallery, and a Peterbilt truck center adjacent to the freeway, at the regionally important Fern Valley Interchange.

All of PH-5 is currently planned for Agriculture and zoned EFU by Jackson County. The Resource Lands Review Committee (RLRC) recommended that PH-5 not be recognized as part of the commercial agricultural land base, despite the existence of an operating cattle ranch and equestrian center — Arrowhead Ranch. Compared to all the other surrounding Agricultural lands, PH-5 is comprised of the least capable agricultural soils.

PH-5 Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 427	Reasonably Developable: 412	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan				100%		
Proposed Uses		22%			12%	66%

1. *Efficient Accommodation of Identified Land Needs-* PH-5 is represents Phoenix's best block of land to supply efficient future urbanization. Much of the land is found to meet the more stringent siting standards of many potential employers for which the City of Phoenix has been allocated regional growth beyond its historical share. PH-5 has one relatively manageable slope break on its south boundary. This slope break is one that would not be expected to present inordinate obstacles to efficient urbanization and will support efficient urbanization within the existing UGB by providing opportunities for a well-gridded street connection to the north that will not require use of regional transportation facilities. Within PH-5 itself, the land is most typically flat to gently rolling and provides opportunities for efficient urbanization patterns that are capable of integrating employment, parks and residential development (at various densities) and which can accommodate growth in a cohesive development pattern. PH-5 is also well situated from a regional perspective to integrate with planned development in southeast Medford in a manner that concentrates regional residential, commercial, and industrial growth for efficient urbanization and utilization of public facilities and services.
2. *Orderly and Economic Provision of Public Facilities and Services-* Water and sewer service is available to PH-5 because of the development of the Home Depot store located immediately to the south. The sewer trunk line serving Home Depot crosses PH-5, and has the capacity to serve additional development. A 12-inch water line was bored under Interstate 5 to serve Home Depot, and has additional capacity. The extent to which storm drainage facilities need to be developed depends on the specifics of development that ends up being proposed for PH-5.

Improved transportation facilities are the primary prerequisite for development of PH-5. The main transportation artery through PH-5 is North Phoenix Road, a county road already experiencing heavy traffic because of commercial and residential development in southeast Medford. That traffic, plus traffic from as far distant as northern California accessing the

regional medical facilities in south Medford, often use North Phoenix Road and the Fern Valley interchange. Improvement of the Fern Valley interchange, Fern Valley Road, and North Phoenix Road to handle current and projected traffic loads, and construction of an overpass or interchange³ at South Stage Road (midway between the Fern Valley and South Medford Interstate 5 interchanges) to handle some of the south Medford traffic, will be critical to the usability of PH-5 and development of the South Valley Employment Center. Both interchanges and their feeders are the responsibility of ODOT. The South Medford Interchange relocation is complete and the Fern Valley Interchange is fully funded and scheduled for reconstruction within the planning horizon in a few short years. Local street network planning is feasible for this area, but will need to be well coordinated with the City of Medford to assure local street grid traffic and alternative transportation modes are well accommodated within an efficient urban configuration to maximize the utility of the regional and State transportation systems.

3. *ESEE Consequences*- The overall comparative ESEE consequences of an Urban Reserve boundary in this area is positive, based upon the following:

- a. *Economic*- The comparative economic consequence of selecting this area is positive because the area is well situated to accommodate regional employment growth opportunities, some of which the Region has allocated to the City of Phoenix (see Chapter 3). The ultimate urbanization of PH-5 will support substantial regional economic opportunities wherein such opportunities are shared with a smaller City in the region to support the continued economic vitality of that City and thereby support the broader Regional Plan objectives to retain and support community identity over the life of the plan. The economic consequences from the loss of farm production will occur but is not expected to be significant in comparison to other alternative Urban Reserve areas.

PH-5 will ultimately be developed with a street system which includes an urban transportation corridor which, through PH-10, will ultimately connect Fern Valley Road to North Phoenix Road as an alternative connection to southeast Phoenix from Medford that is separate and distinct from North Phoenix Road. The same will serve traffic moving between east Phoenix and Medford without need to travel near (and which will divert existing and future traffic away from) the interchange area. By diverting traffic away from the Fern Valley Interchange, its capacity will be preserved and intercity travel between Phoenix and Medford on Interstate 5 will be discouraged. A key objective of ODOT near urban areas is to reduce local traffic on its freeways, thereby preserving capacity for the intended purpose of the interstate system — to accommodate interstate travel.

- b. *Social*- The comparative social consequences are expected to be positive over time as efficient arrangements of urban land residential and employment opportunities support community vitality over time. Moreover, this area has a great opportunity to integrate proximal residential and employment opportunities which will enable people to walk and bicycle from home to work. There is some potential for negative social consequences due to loss of community identity caused by a growing together of Phoenix and Medford in this area; this consequence can and should be addressed to some degree with design elements at the detail level to address this social consequence.
- c. *Environmental*- The comparative environmental consequences are expected to be positive, primarily from an air quality perspective. The location is well situated for an efficient combination of urban land uses and to support employment from the regional labor market in an efficient manner. This can reasonably be expected to support efficient transportation systems and alternative transportation modes for long term air quality benefits.

³ It has yet to be determined whether freeway improvements (in the vicinity of where the easterly projection of South Stage Road crosses Interstate 5 to intersect with North Phoenix Road at Campbell Road) would be an overpass, interchange, or overpass capable of later upgrading to an interchange.

- d. Energy- The comparative energy consequences are expected to be positive because the site is well situated to support efficient and alternative transportation systems and efficient urbanization patterns. This can translate into positive energy consequences through job-housing balance and alternative transportation opportunities over time.
4. *Compatibility of the Proposed Urban Uses with Nearby Agriculture and Forest Activities Occurring on Farm and Forest Land Outside the Urban Growth Boundary-* PH-5 is planned and zoned for agricultural use and is predominantly composed of a working cattle ranch (Arrowhead Ranch) which is comprised of soils that are predominantly Class III and IV. There are few high value agricultural activities adjacent or nearby PH-5 and none currently exist within the area.

PH-10:

This area contains three parcels totaling 43 acres. It is located on the north side of Fern Valley Road north of the Meadow View Subdivision. PH-10 shares a common property line with PH-5 (Arrowhead Ranch) on the north and is contiguous to Phoenix's urban growth boundary along its west and south boundaries. This growth area can accommodate a mix of residential types and densities, as well as commercial uses. Development near the Fern Valley Interchange will be governed (on matters important to traffic) by an Interchange Management Agreement for the soon-to-be-reconstructed Fern Valley Interchange. The Agreement will be entered into by the City of Phoenix and ODOT and will exist in addition to the City of Phoenix Comprehensive Plan and Land Development Ordinance.

Figure PH.9

PH-10 Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 43	Reasonably Developable: 39	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan				100%		
Proposed Uses		85%				15%

1. *Efficient Accommodation of Identified Land Needs-* This area is surrounded on three sides by existing urban development, planned urban development within the existing urban growth boundary, and the PH-5 Urban Reserve to the north. Given this area's close proximity to the city, it represents a logical choice for urban reserve. PH-10's relationship with PH-5 is its primary reason for consideration. As above noted, PH-10 will help accommodate an additional north/south urban transportation corridor that will: 1) provide for travel between east Phoenix and Medford in the vicinity of the Fern Valley Interchange, 2) divert from and therefore reduce impacts upon the Fern Valley Interchange, and 3) reduce reliance on Interstate 5 for intercity travel, thereby preserving capacity of the interstate system.
2. *Orderly and Economic Provision of Public Facilities and Services-* Water and sewer service is available to PH-5, a result from development of the Home Depot store located immediately south within incorporated Phoenix. Significant residential and freeway-oriented commercial development near the interchange further affords PH-10 efficient access to existing public facilities. In addition to existing development in east Phoenix, substantial development is contemplated for large blocks of land already within the Phoenix UGB.

Urbanization of this area, like any considered subarea in PH-A, will produce traffic impacts at the Fern Valley Interchange. However, the proximity of this growth area to the freeway would mean the impact on local arterials would be minor compared to proposed growth areas elsewhere in the region which are located longer distances from major highways. A future South Stage Road interchange or overpass would carry some of the current and future traffic, and alleviate much of the impact on the Fern Valley Interchange with the creation of local street network connections through PH-5. The City will actively pursue the necessary planning and cooperative arrangements with the Oregon Transportation Commission, ODOT, the MPO, and City of Medford to facilitate construction of the I-5/South

Stage interchange/overpass. Phoenix is committed to completion a site-specific master plan for this area consistent with the Regional Transportation Plan and PH-5.

3. *ESEE Consequences*- The overall comparative ESEE consequences of an Urban Reserve boundary in this area is positive, based upon the following:
 - a. *Economic*- The comparative economic consequence of selecting these lands is positive because this area is well situated to function and support urbanization of PH-5 and provide needed infrastructure connections. Ultimate and efficient urbanization of PH-5 will benefit from an urban corridor and which will provide an alternative connection to southeast Phoenix that is separate and distinct from North Phoenix Road. The same will serve traffic traveling between east Phoenix and Medford without need to travel through the interchange area. In this way, substantial traffic will be diverted away from the Fern Valley Interchange and discourage intercity travel between Phoenix and Medford on Interstate 5. A key objective of ODOT near urban areas is to reduce local traffic on its freeways, thereby preserving capacity for the intended purpose of the interstate system — to accommodate interstate travel. The preservation of capacity at the Fern Valley Interchange and Interstate 5 corridor represents substantial positive economic consequences.
 - b. *Social*- The comparative social consequences are expected to be positive over time. Residents of southeast Phoenix have voiced considerable concern and issues associated with their single transportation connection that requires use of North Phoenix Road adjacent to the Fern Valley Interchange (during the public planning process undertaken in connection with the interchange reconstruction project). PH-10, in conjunction with ultimate urbanization of and street connections through PH-5, will support important alternative local street connections to the regional transportation system
 - c. *Environmental*- The comparative environmental consequences are expected to be slightly negative. Air quality benefits will accrue from the improved local street connectivity over time. However, PH-10 does include some steeper topography on its north boundary and a stream on its south boundary. Neither of these present insurmountable environmental challenges, but development of PH-10 is likely to require substantial grading and potential stream impacts, both of which can be mitigated. Phoenix can and will ensure proper mitigation through its development standards and approval processes.
 - d. *Energy*- The comparative energy consequences are expected to be positive because the site is well situated to facilitate and support efficiency enhancing transportation system improvements, and efficient urbanization patterns over time and in conjunction with the ultimate urbanization of PH-5. This will translate to positive energy consequences through job-housing balance, provision of an additional transportation corridor that operates to reduce interchange and freeway congestion, and by providing alternative transportation opportunities over time.
4. *Compatibility of the Proposed Urban Uses with Nearby Agriculture and Forest Activities Occurring on Farm and Forest Land Outside the Urban Growth Boundary*- PH-10 is composed of high-value agricultural soils. It is not devoted to high value agricultural use. There are active commercial farms situated to the east and southeast of PH-10. PH-10 has adequate land area to institute an agricultural buffer consistent with Regional standards along its eastern edge. Because of the close proximity to I-5 and the Fern Valley Interchange, traffic resulting from future urbanization of this area would not likely extend eastward into the nearby farm land. Therefore, potential impacts upon nearby farmland can be sufficiently minimized. PH-10 contains three undersized agricultural parcels each with a separate residence; it is unlikely these would ever be consolidated into a single agricultural unit. As such, they each represent a small contribution to the regional supply of high value agricultural land and are well located from an impacts standpoint to other lands when compared to the growth impacts and pressures that would be expected on alternative lands on the west side of Phoenix where much larger blocks of high value soils and intensive cultivation are present.

Summary of Proposed Land Uses in Phoenix Urban Reserves

Urban Reserve area	Residential		Employment		Open Space	
	Acres	percent	acres	Percent	acres	Percent
PH-1			58	100		
PH-1a			52	100		
PH-3	173	69	77	31		
PH-5	94	22	282	66	51	12
PH-10	37	85	6	15		

7. REGIONAL OBLIGATIONS

The City agrees to comply with all applicable monitoring and implementation requirements of the *Regional Plan, Chapter 5*, titled "Performance Indicators," which follows below. The City may not unilaterally amend these requirements.

8. PERFORMANCE INDICATORS

To effectuate the Regional Plan, Jackson County shall adopt the Regional Plan in its entirety into the County Comprehensive Plan. The Participating cities then shall incorporate the portions of the Regional Plan that are applicable to each individual city into that city's comprehensive plan and implementing ordinances, and shall reference the Plan as an adopted element of Jackson County's Comprehensive Plan. After the County and all participating cities have completed the adoptions, the amendments must be submitted to the State of Oregon Department of Land Conservation and Development for acknowledgement by the Land Conservation and Development Commission. Only after acknowledgement does the Regional Plan become effective.

Progress following the acknowledgement of the Greater Bear Creek Valley Regional Plan by the State of Oregon will be measured against a number of performance indicators to determine the level of compliance by participating jurisdictions with the Plan or the need to refine or amend it. The measurable performance indicators listed below are those identified as necessary for the acknowledgement of the Plan and as appropriate for monitoring compliance with the Plan.

1. Jackson County shall adopt the regional plan in its entirety into the county comprehensive plan and implementing ordinance.
2. All participating jurisdictions shall incorporate the portions of the Regional Plan that are applicable to each individual city into that city's comprehensive plan and implementing ordinances, and will reference the Plan as an adopted element of Jackson County's Comprehensive Plan.
3. Urban Reserve Management Agreement. Participating jurisdictions designating an Urban Reserve Area (URA) shall adopt an Urban Reserve Management Agreement (URMA) between the individual city and Jackson County per Oregon Administrative Rule 660-021-0050. Adoption shall occur prior to or simultaneously with adoption of the URAs.

4. Urban Growth Boundary Management Agreement. If there is an inconsistency between this Plan and an adopted Urban Growth Boundary Management Agreement (UGBMA), the city and Jackson County shall adopt a revised UGBMA. When an inconsistency arises, provisions in this Plan and associated URMA shall override the provisions in the UGBMA, until the UGBMA is updated.
5. Committed Residential Density. Land within a URA and land currently within an Urban Growth Boundary (UGB) but outside of the existing City Limit shall be built, at a minimum, to the following residential densities. This requirement can be offset by increasing the residential density in the City Limit.

City	Dwelling Units Per Gross Acre 2010-2035	Dwelling Units Per Gross Acre 2036-2060
Central Point	6.9	7.9
Eagle Point	6.5	7.5
Medford	6.6	7.6
Phoenix	6.6	7.6
Talent	6.6	7.6

Prior to annexation, each city shall establish (or, if they exist already, shall adjust) minimum densities in each of its residential zones such that if all areas build out to the minimum allowed the committed densities shall be met. This shall be made a condition of approval of a UGB amendment.

6. Mixed-Use/Pedestrian-Friendly Areas. For land within a URA and for land currently within a UGB but outside of the existing City Limit, each city shall achieve the 2020 benchmark targets for the number of dwelling units (Alternative Measure #5) and employment (Alternative Measure #6) in mixed-use/pedestrian-friendly areas as established in the 2009 Regional Transportation Plan (RTP) or most recently adopted RTP. Beyond the year 2020, cities shall continue to achieve the 2020 benchmark targets, or if additional benchmark years are established, cities shall achieve the targets corresponding with the applicable benchmarks. Measurement and definition of qualified development shall be in accordance with adopted RTP methodology. The requirement is considered met if the city or the region overall is achieving the targets or minimum qualifications, whichever is greater. This requirement can be offset by increasing the percentage of dwelling units and/or employment in the City Limit. This requirement is applicable to all participating cities.
7. Conceptual Transportation Plans. Conceptual Transportation Plans shall be prepared early enough in the planning and development cycle that the identified regionally significant transportation corridors within each of the URAs can be protected as cost-effectively as possible by available strategies and funding. A Conceptual Transportation Plan for a URA or appropriate portion of a URA shall be prepared by the City in collaboration with the Rogue Valley Metropolitan Planning Organization, applicable irrigation districts, Jackson County, and other affected agencies, and shall be adopted by Jackson County and the respective city prior to or in conjunction with a UGB amendment within that URA.

Transportation Infrastructure. The Conceptual Transportation Plan shall identify a general

network of regionally significant arterials under local jurisdiction, transit corridors, bike and pedestrian paths, and associated projects to provide mobility throughout the Region (including intracity and intercity, if applicable).

8. Conceptual Land Use Plans. A proposal for a UGB Amendment into a designated URA shall include a Conceptual Land Use Plan prepared by the City in collaboration with the Rogue Valley Metropolitan Planning Organization, applicable irrigation districts, Jackson County, and other affected agencies for the area proposed to be added to the UGB as follows:

Target Residential Density. The Conceptual Land Use Plan shall provide sufficient information to demonstrate how the residential densities of Section 8.5 above will be met at full build-out of the area added through the UGB amendment.

Land Use Distribution. The Conceptual Land Use Plan shall indicate how the proposal is consistent with the general distribution of land uses in the Regional Plan, especially where a specific set of land uses were part of the rationale for designating land which was determined by the Resource Lands Review Committee to be commercial agricultural land as part of a URA, which applies to the following URAs: CP-1B, CP-1C, CP-4D, CP-6A, CP-2B, MD-4, MD-6, MD-7mid, MD-7n, TA-2, TA-4.

Transportation Infrastructure. The Conceptual Land Use Plan shall include the transportation infrastructure required in Section 8.7 above.

Mixed Use/Pedestrian Friendly Areas. The Conceptual Land Use Plan shall provide sufficient information to demonstrate how the commitments of Section 8.6 above will be met at full build-out of the area added through the UGB amendment.

9. The following conditions apply to specific Urban Reserve Areas:

PH-1, PH 1a, PH3, 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.

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.

10. Agricultural Buffering. Participating jurisdictions designating Urban Reserve Areas shall adopt the Regional Agricultural Buffering program in Volume 2, Appendix III into their Comprehensive Plans as part of the adoption of the Regional Plan. The agricultural buffering standards in Volume 2, Appendix III shall be adopted into their land development codes prior to a UGB amendment.
11. Regional Land Preservation Strategies. Participating jurisdictions have the option of implementing the Community Buffer preservation strategies listed in Volume 2, Appendix V of the Regional Plan or other land preservation strategies as they develop.
12. Housing Strategies. Participating jurisdictions shall create regional housing strategies that strongly encourage a range of housing types throughout the region within 5 years of

acknowledgement of the RPS Plan.

13. Urban Growth Boundary Amendment. Pursuant to ORS 197.298 and Oregon Administrative Rule 660-021-0060, URAs designated in the Regional Plan are the first priority lands used for a UGB amendment by participating cities.

Land outside of a city's URA shall not be added to a UGB unless the general use intended for that land cannot be accommodated on any of the city's URA land or UGB land.

14. Land Division Restrictions. In addition to the provisions of Oregon Administrative Rule 660-021-0040, the following apply to lots or parcels which are located within a URA until they are annexed into a city:

- a. The minimum lot size shall be ten acres;

- b. Development on newly created residentially zoned lots or parcels shall be clustered to ensure efficient future urban development and public facilities, and this shall be a condition of any land division;

- b. Land divisions shall be required to include the pre-platting of future lots or parcels based on recommendations made by the city government to which the urban reserve belongs;

- c. Land divisions within a URA shall not be in conflict with the transportation infrastructure identified in an adopted Conceptual Transportation Plan; and

- d. As a condition of land division approval, a deed declaration shall be signed and recorded that recognizes public facilities and services will be limited as appropriate to a rural area and transitioned to urban providers in accordance with the adopted URMA.

15. Population Allocation. The County's Population Element shall be updated per statute to be consistent with the gradual implementation of the adopted Plan. If changes occur during an the update of the County's Population Element that result in substantially different population allocations for the participating jurisdictions of this Regional Plan, then the Plan shall be amended according to Section 5 of this Chapter of the Plan.

16. Greater Coordination with the RVMPO. The participating jurisdictions shall collaborate with the Rogue Valley Metropolitan Planning Organization (RVMPO) to:

- a. Prepare the Conceptual Transportation Plans identified in Section 8.7.

- b. Designate and protect the transportation infrastructure required in the Conceptual Transportation Plans identified in Section 8.7 to ensure adequate transportation connectivity, multimodal use, and minimize right of way costs.

- c. Plan and coordinate the regionally significant transportation strategies critical to the success of the adopted Regional Plan including the development of mechanisms to preserve rights-of-way for the transportation infrastructure identified in the Conceptual Transportation Plans; and

- d. Establish a means of providing supplemental transportation funding to mitigate impacts arising from future growth.

17. Future Coordination with the RVCOG. The participating jurisdictions shall collaborate with the Rogue Valley Council of Governments on future regional planning that assists the participating jurisdictions in complying with the Regional Plan performance indicators. This includes cooperation in a region-wide conceptual planning process if funding is secured.
18. Agricultural Task Force. Within six months of acknowledgment 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, develop, and recommend potential mitigation measures, including financing strategies, to offset those impacts. Appropriate mitigation measures shall be applied to Urban Growth Boundary Amendment proposals.

19. 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.
20. 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.

9. INCENTIVES AND DISINCENTIVES— ORS 197.656(2)(B)(D)

The state requires that participants in an RPS process delineate the factors, mechanisms, or outcomes that constitute the most compelling reasons for participants to comply with the Regional Plan over the identified planning horizon. Accordingly, the Participants have agreed to the following:

INCENTIVES:

- a. Continued regional cooperation through the 5-year review process and 10-year coordinated periodic review may improve the region's ability to respond to challenges and opportunities more effectively than it does presently.
- b. Adherence to the adopted Regional Plan may provide the region with a competitive advantage, increase the attractiveness of the region to long-term investment, and improve southern Oregon's profile in the state.
- c. Adherence to the adopted Regional Plan may produce significant reductions in transportation infrastructure costs by minimizing future right-of-way acquisition costs, encouraging mixed-use/pedestrian friendly development, and improving the overall long-range coordination of transportation and land use planning.
- d. Adherence to the adopted Regional Plan will provide participating jurisdictions with

population allocations that are predictable, transparent, and based on the relative strengths of the different participating jurisdictions.

e. The adopted Regional Plan offers compelling regional justifications and state agency support for Tolo and the South Valley Employment Center that may not have been available to an individual city proposal.

f. Adherence to the adopted Regional Plan will permit jurisdictions to implement the flexibility provided by the concept of the “Regional Community”, in which cities, in the role of “regional neighborhoods”, enjoy wide latitude in their particular mix, concentration, and intensity of land uses, as long as the sum of the regional parts contributes to a viable balance of land uses that is functional and attractive to residents and employers and in compliance with statewide goals.

DISINCENTIVES:

a. The region’s failure to adhere to the adopted Regional Plan may damage its competitive advantage, the attractiveness of the region to long-term investment, and southern Oregon’s profile in the state.

b. Adherence to the Regional plan may be a rating factor for MPO Transportation Funding. Transportation projects of jurisdictions not adhering to the adopted Regional Plan may be assigned a lower priority by the MPO when considered for funding.

c. Jackson County may reconsider the population allocations of jurisdictions signatory to the Agreement not adhering to the adopted Regional Plan.

d. Participating jurisdictions not adhering to the adopted Regional Plan will need to provide corrective measures in order to have a UGB amendment approved by the County.

e. The failure of a participating jurisdiction to adhere to the adopted Regional Plan will compromise its ability to implement the concept of the “Regional Community”, and will not provide the participating cities with as wide a latitude in their desired individual mix, concentration, and intensity of land uses.

10. MONITORING— ORS197.656(2)(B)(E)

a. **Monitoring.** Participating jurisdictions shall maintain a monitoring system to ensure compliance with the Regional Plan and future amendments. Specific indicators against which performance will be judged are listed in Section 8 of this Chapter. Monitoring to ensure compliance with the adopted Regional Plan will be a shared responsibility.

Regional Plan Progress Report. On a regular basis, beginning in 2017 and every 5 years thereafter, all participating jurisdictions shall participate in a regular Regional Plan review process. Jackson County shall initiate the Regional Plan review process by providing notice of the Regional Plan review to each participant and requiring that each participant submit a self-evaluation monitoring report addressing compliance with the performance indicators, set out in Section 8 of this Chapter of the Regional Plan, to the County within 60 days after the date of the notice.

A standardized format for the review and report shall be developed by Jackson County and agreed upon by the jurisdictions. The reports shall include descriptions of their jurisdiction’s

activities pertinent to the Regional Plan for the preceding five-year period, analysis as to whether and how well those activities meet each of the performance indicators, and a projection of activities for the next five-year period. Jackson County will distribute these monitoring reports to all participants and make them available to the public.

b. Coordinated Periodic Review. On a regular basis, beginning in 2022 and every 10 years thereafter the participating jurisdictions in the Regional Plan may, at their discretion, participate in a process of coordinated Periodic Review. This process may be initiated by any of the participating jurisdictions but requires agreement between all participants to proceed.

11. CORRECTIVE MEASURES AND PLAN ADJUSTMENTS— ORS197.656(2)(B)(F)

a. Corrective Measures.

1. If a Regional Plan Progress Report indicates that a particular city is not meeting the performance measures, the city shall propose corrective measures as an addendum to the Regional Plan Progress Report. The corrective measures shall be approved by the Policy Committee.
2. Cities that choose to expand their UGBs into land not designated as a URA will be required to go through the Regional Plan minor or major amendment process prior to or concurrent with any other process.
3. If land outside of a URA is included in a UGB while URA land remains available to that city, an equivalent amount of land shall be removed from the remaining URA land. Land removed shall be of equal or higher priority in relation to the land included. Additionally, if land determined part of the region's commercial agricultural base by the RLRC is included, the land removed shall also be land with that designation (if available).
4. A proposal for an UGB amendment will be required to demonstrate how the Regional Plan performance indicators have been met. A UGB amendment will not be approved by the County unless the Regional Plan performance indicators have been met or corrective measures are proposed which demonstrate how the performance indicators will be met.
5. Approval of a UGB amendment shall be subject to the condition that it be zoned and developed in a manner consistent with the Conceptual Land Use Plan submitted in the UGB amendment proposal. After the UGB Amendment has been approved, all subsequent Comprehensive Plan Amendments by a city to amend land uses which will result in an inconsistency with the Conceptual Land Use Plan shall be reviewed, modified as appropriate, and approved by the county prior to development. The amendment shall be processed as a Type 4 permit.
6. A UGB amendment to add land not designated as a URA shall only be considered through a quasi-judicial application when the land to be added is industrial.

b. Regional Plan Amendments.

1. Regional Plan Amendment Responsibility. Processing amendments to the adopted Regional Plan shall be the responsibility of Jackson County, and shall only be proposed by the governing authority of a participating jurisdiction. In acknowledgement of the collaborative

process by which the adopted Regional Plan was created, Jackson County shall have available the assistance of the participating jurisdictions through a Technical Advisory Committee and Policy Committee. Both committees serve on an as-needed basis, and both serve in an advisory capacity to Jackson County as follows:

Technical Advisory Committee. The TAC shall be comprised of planners and senior-level staff from signatory jurisdictions and agencies, and each signatory shall have one vote, irrespective of the number of participating representatives. Recommendations to the Policy Committee or directly to Jackson County shall be made by at least a supermajority vote (simple majority plus one) of a quorum of signatory jurisdictions and agencies.

Policy Committee. The Policy Committee shall be comprised of elected officials or executive staff from signatory jurisdictions and agencies. Each signatory jurisdiction shall designate a voting and alternate voting member, and each signatory jurisdiction will have one vote. Recommendations to Jackson County shall be made by at least a supermajority vote (simple majority plus one) of a quorum of jurisdictions. State agencies, the MPO, and Rogue Valley Sewer Services, while Signatories, shall not be voting members of the Policy Committee.

2. **Regional Plan Amendment Type.** When an amendment to the adopted Regional Plan is proposed, Jackson County shall make a preliminary determination regarding whether the proposed amendment is a Minor Amendment or Major Amendment, as defined below, shall notify signatory jurisdictions and affected agencies of the County's preliminary determination, and shall solicit input. Based on its preliminary determination and input received, Jackson County shall review the proposed amendment according to the procedures for Minor Amendments or Major Amendments set out below. Proposed amendments to the adopted Regional Plan shall adhere to the following provisions:

Minor Amendment. A minor amendment is defined as any request for an amendment to the adopted Regional Plan that does not conflict with the performance indicators and does not propose an addition of more than 50 acres to a city's URA established in the adopted Regional Plan or more than a 50-acre expansion of the UGB into non-URA land.

Should a city exceed its limit of 50 acres for adding to its URAs during the Planning Horizon for the Regional Plan, it may not use the minor amendment process for further additions to its URA. Should a city exceed its limit of 50 acres for expanding its UGB into non-URA land during the planning horizon, it may not use the minor amendment process for further expansions of its UGB into non-URA land.

Any participant jurisdiction may initiate a minor amendment to the adopted Regional Plan. The proposing jurisdiction must clearly identify the nature of the minor amendment, and specify whether the minor amendment would require any other signatory jurisdiction to amend its comprehensive plan. Should any signatory jurisdiction other than the proposing jurisdiction and Jackson County be required to amend their comprehensive plans as a result of the proposed minor amendment, the affected signatory jurisdiction shall be a party to the minor amendment proceeding.

Jackson County's process and the proposing jurisdiction's process for a minor amendment to the Regional Plan shall be equivalent to the state and local processes required for a comprehensive plan amendment.

Signatories and agencies shall be provided with notice of the County's and proposing jurisdiction's final decision on each minor amendment within five working days of the adoption of the final decision.

Major Amendment. A major amendment is defined as any requested amendment to the adopted Regional Plan that does not meet the definition of a Minor Amendment.

If multiple signatory jurisdictions are involved in a single request for a major amendment, a lead jurisdiction shall be selected by the affected jurisdictions.

Notice containing a detailed description of the proposed change shall be forwarded by Jackson County to all signatories and affected agencies.

Staff from signatory jurisdictions and agencies shall meet as a Technical Advisory Committee and generate a recommendation to the Policy Committee by vote of at least a supermajority of a quorum (simple majority plus one).

Decision-makers from signatory jurisdictions and agencies shall meet as a Policy Committee and consider the proposal and the Technical Advisory Committee recommendation. The Policy Committee shall generate a recommendation to Jackson County by vote of at least a supermajority of a quorum (simple majority plus one).

Should an existing city or a newly incorporated city desire to become a participating jurisdiction, increased population shall be added to the regional projected population adequate to accommodate the projected population growth of the newly incorporated city for the remainder of the Planning Horizon for the Regional Plan. The addition of a newly incorporated city to the Regional Plan, the establishment of Urban Reserve Areas and other such actions shall be accomplished through the major amendment process.

Jackson County's process, and the proposing jurisdiction's process, for a minor or major amendment to the Regional Plan shall be equivalent to the state and local required process for a comprehensive plan amendment, in addition to the Regional Plan-specific provisions. Signatories and affected agencies shall be provided with notice of the final decision on each major or minor amendment within five working days of the adoption of the final decision. Jurisdictions or agencies shall be noticed according to Figure 11.1.

Figure 11.1

JURISDICTIONS AND AGENCIES TO RECEIVE NOTIFICATION OF PROPOSED AMENDMENTS TO THE ADOPTED REGIONAL PLAN		
Jurisdiction or Agency	Routine	As Needed
City of Eagle Point	X	
City of Central Point	X	
City of Medford	X	
City of Phoenix	X	
City of Talent	X	
City of Ashland	X	
Oregon Department of Transportation	X	
Oregon Department of Land Conservation and Development	X	
Oregon Department of Environmental Quality	X	
Oregon Economic and Community Development Department	X	
Oregon Department of Agriculture	X	

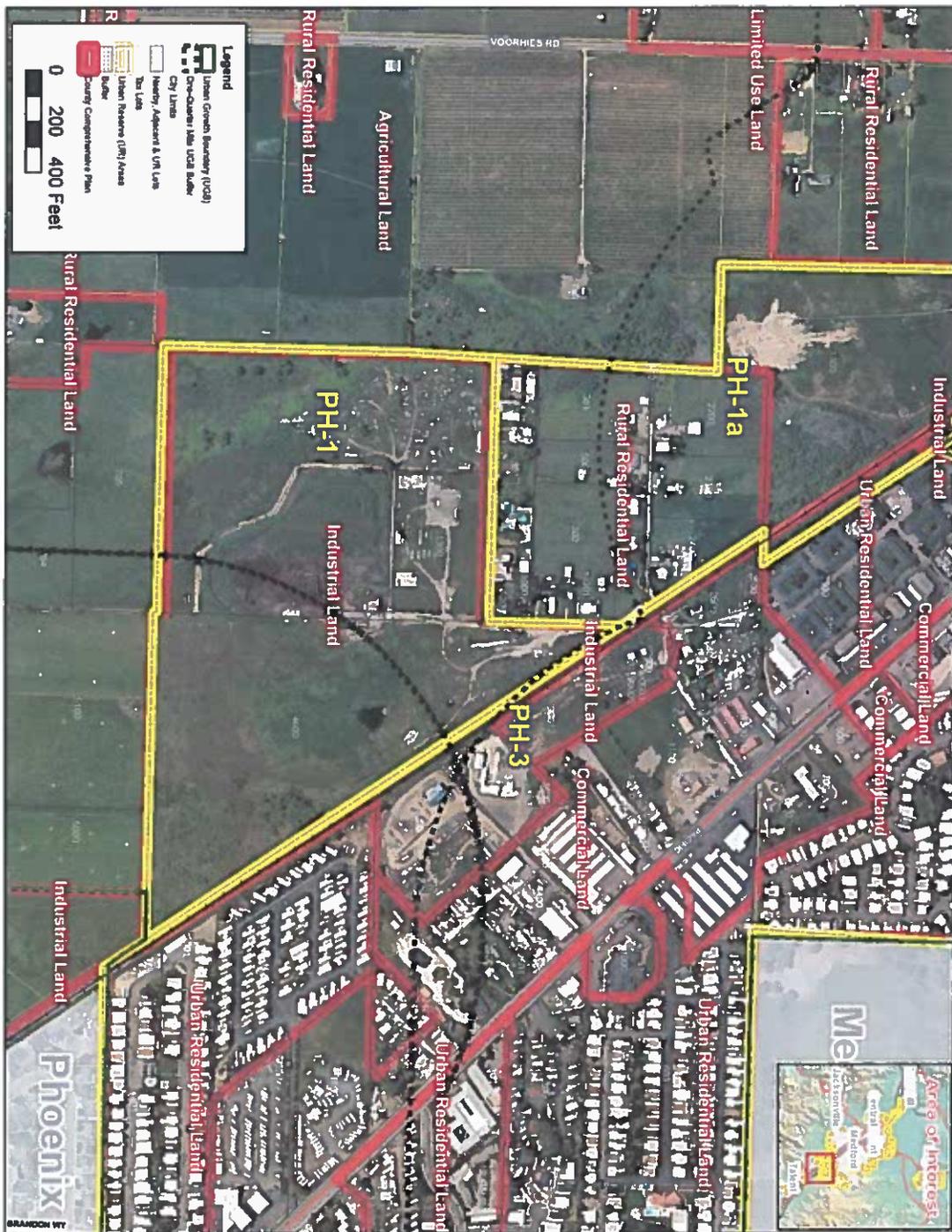
Oregon Housing and Community Development Department	X	
Rogue Valley Metropolitan Planning Organization	X	
Rogue Valley Sewer Services	X	
Medford Water Commission	X	
Rogue Valley Council of Governments	X	
Rogue Valley Transit District	X	
Oregon Department of Fish and Wildlife		X
Division of State Lands		X
Ashland School District #5		X
Central Point School District #6		X
Jackson County School District #9		X
Medford School District 549C		X
Phoenix-Talent School District #4		X
Eagle Point Irrigation District		X
Medford Irrigation District		X
Rogue Valley Irrigation District		X
Talent Irrigation District		X
Jackson Soil and Water Conservation District		X

12. URBAN RESERVE MANAGEMENT AGREEMENT

The creation of urban reserves required the adoption of an Urban Reserve Management Agreement (URMA) between the City and Jackson County. All development within the City's Urban Reserve Areas will be regulated in accordance with the URMA. The approved URMA for Phoenix's Urban Reserve is presented in Appendix 3 of this element.

APPENDIX 1

Urban Reserve Area Maps



Greater Bear Creek Valley - Regional Plan

Urban Reserve Area PH-1
Phoenix

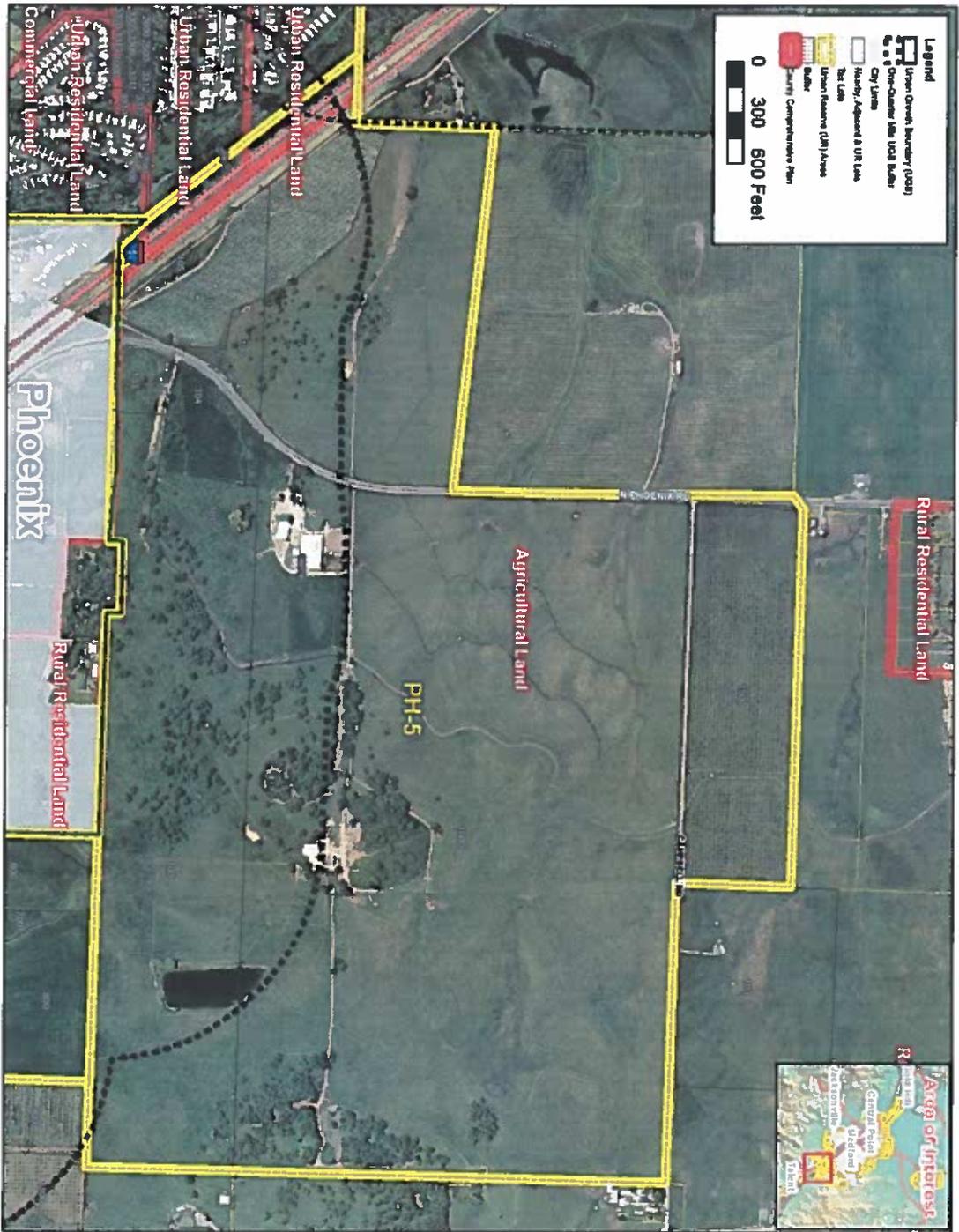




Greater Bear Creek Valley - Regional Plan

Urban Reserve Area PH-3
Phoenix





Greater Bear Creek Valley - Regional Plan

Urban Reserve Area PH-5
Phoenix



APPENDIX 2

Urban Reserve Selection Process

1. STUDY AREA SELECTION /COARSE FILTER

The study areas for initial (coarse) filtering are identified on Map 63 of the Atlas. They are PH-A, PH-B and PH-C. Phoenix, in coordination with the Regional Problem Solving Process, ultimately identified the suitable lands from these broad areas for final consideration as urban reserves. 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. The study areas for initial (coarse) filtering are identified on Map 63 of the Atlas. They are PH-A, PH-B and PH-C. The City of Phoenix, in coordination with the Regional Problem Solving Process, ultimately identified the suitable lands from these broad areas for final consideration as urban reserves. The study areas are sized to consider all nearby and adjacent lands and areas where urban reserves may be appropriately extended beyond one-quarter mile if needed to accommodate identified urban land needs over the planning horizon. The estimated urban land need for the planning horizon is related to the initial study area in the table at Figure PH.2 below. The study area is reasonably sized to yield an inventory of suitable lands responsive to the future urban needs of Phoenix. Of the 3,720 gross acres within the coarse study areas, 1,872 acres are passed through for further study.

Figure PH.2

COARSE STUDY AREA COMPARED TO ESTIMATED NEED				
Jurisdiction	Estimated Need (acres)	Coarse Study Areas		
		Lots	Acres	Percent of Residential Need
Phoenix	805	777	3,720	462%

Area PH-A

Area PH-A is generally described as those lands lying north, northeast, and east of the City, traversed north-south by Fern Valley Road. The northern half of PH-A is situated north of the city, east of Interstate 5 and north of Fern Valley Road with Payne Road delineating the approximate eastern-most extent.

The southeast corner of this study area includes lands along Payne Road that are part of a larger agricultural area that extends generally from Fern Valley Road east of Phoenix to North Valley View Road northwest of Ashland. This area has experienced considerable reinvestment in high-value pear orchards over the last ten years. There is very little residential development in and around this area, which is one of the factors that has made it appealing for companies to invest in agriculture within this area. The Fern Valley to Suncrest Corridor experiences fairly low volume traffic, further minimizing conflicts between urban or rural residents and commercial agriculture. The City has elected not to extend further east into PH-A because of the potential significant impacts additional traffic would likely pose on agriculture in the area, especially to the Royal Crest orchard reinvestment area and other impacts from increased urbanization pressure.

This northern part of PH-A contains approximately 1220 acres. Of which Arrowhead Ranch — a working cattle ranch and equestrian center — comprises ~362 acres. The southern extent of PH-A is situated south of Fern Valley Road and east of the City's existing Urban Growth Boundary, with Payne Road being the approximate east border of said study area. The southern half of PH-A is approximately 575 acres.

Coarse Suitability of PH-A North of Fern Valley Road: Much of this area is potentially suitable for future urbanization by either the City of Medford or the City of Phoenix. The coordinated resolution to this regional issue was to place the lands within a ¼ mile of the Phoenix UGB on the west side of North Phoenix Road into Phoenix's pool of suitable lands; lands east of North Phoenix Road and just north of Campbell Road were also included in the pool of potentially suitable lands. All lands within a ¼ mile of the existing UGB as well as lands along North Phoenix Road were selected for detailed study as potentially suitable lands for Urban Reserves based upon the following Goal 14 boundary location factors and resource land and use impacts:

1. *Efficient Accommodation of Identified Land Needs*- Following the reconstruction of the Fern Valley Interchange, most all of this study area could be urbanized with relative efficiency. The western

half of PH-A north of Fern Valley Road is relatively flat. This area is well served by, and visible from, major regional transportation facilities, specifically Interstate-5 and the North Phoenix Road. North Phoenix Road is expected to take on a greater regional transportation facility role over the life of the Regional Plan. The City of Phoenix urban land need is weighted toward employment lands, consistent with regional allocations to the City of Phoenix. Lands in the eastern half of PH-A north of Fern Valley Road are too steep to suit the needs of most regional employers. To assure an adequate pool of potentially suitable lands to meet the identified regional employment land needs with an efficient arrangement along regional transportation corridors, all lands within a ½ of North Phoenix Road to just north of Campbell Road were selected for detailed study as potentially suitable Urban Reserve Lands.

2. *Orderly and Economic Provision of Public Facilities and Services*- Preliminary evaluation indicates public facilities and services can be planned and eventually provided to the PH-A area; transportation planning for the area contemplates the need for an east-west connection from South Stage Road to North Phoenix Road across Interstate 5. This connection is expected to support adequate transportation facilities to serve this area.
3. *ESEE Consequences*- The overall comparative ESEE consequences of an Urban Reserve boundary in this area is positive, based upon the following:
 - a. *Economic*- The comparative economic consequences of selecting all lands within a quarter mile plus lands within a ½ mile on North Phoenix Road to just North of Campbell Road for Phoenix Urban Reserves is expected to be positive as this land is well situated to serve regional economic development needs and to support future regional employment. Such economic development would also have beneficial impacts on general fund revenues that would accrue to the City of Phoenix.
 - b. *Social*- The comparative social consequences of selecting all lands within a ¼ mile plus lands within ½ mile on North Phoenix Road to just north of Campbell Road for Phoenix Urban Reserves, are expected to be positive by reason of expanded employment opportunities. Positive consequences will also result from employment land generating needed general fund revenues.
 - c. *Environmental*- The comparative environmental consequences of Urban Reserves in this area are not expected to be appreciably different than other potential areas.
 - d. *Energy*- The comparative energy consequences are significant when compared to other areas. The increasing share of regional employment that has been allocated to Phoenix translates to energy costs in the form of transportation energy expenditures by the regional labor force. The area within ¼ mile of the UGB plus lands within a ½ mile on North Phoenix Road to just North of Campbell Road for Phoenix Urban Reserves are well situated to serve the regional labor market and can be expected to have comparative energy benefits over other potential urban reserve areas.
4. *Compatibility of the Proposed Urban Uses with Nearby Agriculture and Forest Activities Occurring on Farm and Forest Land Outside the Urban Growth Boundary*- The portion of PH-A lying north of Fern Valley Road and west of the irrigation canal has some farm uses. Most of the soils are Class IV with some classes I, II, IV and VI. The predominant agricultural use is a cattle and equestrian ranch — Arrowhead Ranch. The other acreage consists of hay production and other low-intensity agriculture. There are two very small pear orchards that were removed in the last five years and are now devoted to hay and field crop production. The area above the irrigation canal is oak savannah and pasture land. Soils in this area are Class II and Class IV. Urban growth in this area is not expected to adversely effect the long-term viability of other resource lands in the area, provided the Region's agricultural buffering standards are implemented in conjunction with future urban development.

Coarse Filter Outcome for PH-A: The areas from within Coarse Study Area PH-A, that are being passed through to the fine filter analysis are identified on Atlas Map 63b as PH-5, PH-10, PH-A.a, and PH-A.b.

Area PH-B

Coarse study area PH-B includes those lands generally situated south and southeast of the City of Phoenix. In total, PH-B includes approximately 650 acres. The area is bounded on the west by Colver Road and on the east by Payne Road. The area extends approximately ¼ mile to the south — roughly half the distance between the cities of Phoenix and Talent.

The eastern-most 280 acres includes gentle to steeply sloped terrain populated by oak trees and traversed by a narrow strip of irrigated pasture situated along Kenutchen Creek and between Interstate 5 and Payne Road. This is the only area between Ashland and Medford in which Bear Creek runs along the east side of the freeway.

The western-most portions of PH-B are dominated by flat, irrigated farmlands which are actively and intensively under commercial agricultural production. This area was designated as a community buffer area by the pCIC through the RPS plan development. Highway 99 extends through this area, creating an island of land between the state highway and Interstate 5. Parallel to Highway 99 and further west is the railroad right-of-way which exists as the primary physical feature traversing the relatively large blocks of farm-land between Highway 99 and Colver Road to the west. The only road access into this area is Hartley Road a privately maintained Local Access Road.

Approximately 36 acres of land within PH-B, along Highway 99 and immediately adjacent to the city are designated Rural Residential on the Jackson County Comprehensive Plan (JCCP). Uses within this area are relatively diverse, ranging from single family homes, to farm-stands and churches.

Coarse Filter Outcome for PH-B: Because of potential farmland impacts west of I-5 and the remoteness of lands in PH-B east of I-5, only those lands partially or wholly within ¼ mile of the Phoenix UGB were passed through to the fine filter analysis below, including those lands identified on Atlas Map 64 as PH-B.a, PH-B.b, and PH-B.c. All other lands are excluded from further consideration based upon the Goal 14 Factors and Resource Land Use impacts analyzed above.

Area PH-C

PH-C, an area of more than 1,000 acres, encompasses all land northwest, west, and southwest of Phoenix. From a coarse filter urban reserve standpoint, this is a fairly complex area; the area is complex because it contains a patchwork of Rural Residential designated exception areas intermingled with some of the Valley's best agricultural land. Rural Residential exception areas are primarily concentrated within a narrow ribbon of valley bottomland between the southwest corner of the City and the west hills that form the foothills of the 7000-foot peaks of the Siskiyou Mountains to the southwest. The west hills contain additional exception lands. Like other exception lands in the region, these were developed prior to state or county planning/zoning regulations. This narrow ribbon of land creates a rural land connection between two of the largest and most intensively cultivated high value crop areas in the Rogue Valley located west and northwest of Talent and west and northwest of Phoenix.

For this reason, a fundamental urban reserve suitability decision with respect to establishment of Urban Reserves for the City of Phoenix is whether lands greater than ¼ mile from the Phoenix UGB in PH-C should be passed through for detailed study. The area west of Phoenix is an instance where more specific suitability analysis of Goal 14 and Resource Land and Use impacts are appropriate and necessary to determine whether additional lands beyond ¼ mile should be evaluated in the detailed suitability analysis. These are further discussed below, as follows:

Coarse Suitability of PH-C: The suitability of Urban Reserves more than ¼ mile west of the existing Phoenix UGB is evaluated according to the following Goal 14 boundary location factors and resource land and use impacts:

1. *Efficient Accommodation of Identified Land Needs-* There is some degree of parcelization and the presence of small exception lots that can impede efficient urbanization to some degree by preventing the annexation and ultimate urban development; the region's experience has been that property owners within rural exception areas are typically satisfied with their neighborhoods (absent public facilities — sewer and water — limitations) and resist efforts of other nearby

owners to further develop to higher densities or land use intensities. However, the area does not contain additional confounding variables, such as environmental constraints, that render it significantly more difficult than is commonly overcome when redeveloping exception areas throughout the Jackson County and the State of Oregon. The same is not true beyond PH-C in the foothills to the southwest where steep topography combined with existing parcelization and development make efficient urbanization difficult to achieve. However, the railroad also presents challenges for orderly provision of public facilities and services to the existing industrial lands inside Phoenix's existing Urban Growth Boundary; this land has no access and may not be able to obtain access via an existing railroad crossing inside the Urban Growth Boundary or within an acknowledged exception area. One possible solution would be the extension of infrastructure parallel to the railroad to utilize an existing public crossing at South Stage Road.

2. *Orderly and Economic Provision of Public Facilities and Services*- There is some degree of parcelization and the presence of small parcels that can impede the orderly provision of public facilities. For purposes of street connectivity, the lack of railroad crossings combined with existing parcelization is likely to make the orderly and economic provision of public facilities challenging anywhere west of the City of Phoenix; the larger the area to be served, the greater the degree of orderly public facility challenges are likely to occur.
3. *ESEE Consequences*- The overall comparative ESEE consequences of an Urban Reserve boundary in this area is negative, based upon the following:
 - a. *Economic*- The comparative economic consequence of Urban Reserves west of the City of Phoenix is expected to be generally negative. Agricultural lands west of Phoenix have adapted to the level and location of rural residential uses and intensive cultivation has continued, albeit with some conflicts. Increased urbanization pressures are expected to place future agricultural investments at risk and this would reduce basic sector economic production in Jackson County. The notable exception to this general consequence is the positive benefit and the potential for infrastructure extension to utilize the public railroad crossing at South Stage Road to derive full economic benefit from existing industrial lands within the Phoenix Urban Growth Boundary.
 - b. *Social*- The comparative social consequences of selecting these lands would be negative for the inverse reasons of the economic consequences. Locating urban uses closer to significant intensive agricultural uses has the potential to create adverse social consequences from land use conflicts with accepted farm and forest practices. Given the areas topography, some exception areas cannot be adequately buffered through use of the Region's agricultural buffering standards. The notable exception to this general consequence is the positive benefit and the potential for infrastructure extension to utilize the public railroad crossing at South Stage Road for the benefit of undeveloped industrial land within the existing UGB. This crossing would direct industrial traffic outside Phoenix's urban core and away from potentially conflicting uses such as schools and residential neighborhoods while still having relatively direct connections with regional transportation facilities.
 - c. *Environmental*- The comparative environmental consequence of Urban Reserves that are more than a ¼ from the existing UGB is not be expected to be significantly greater than would result in other alternative areas.
 - d. *Energy*- The comparative energy consequences are expected to be negative because this area is not as well connected to the regional transportation network than alternative areas. Lands along the railroad to the northwest of the City may be suitable from an energy perspective as these have somewhat more direct connection to the regional transportation network via South Stage Road.
4. *Compatibility of the Proposed Urban Uses with Nearby Agriculture and Forest Activities Occurring on Farm and Forest Land Outside the Urban Growth Boundary*- As discussed in the ESEE consequences, urban growth more than ¼ mile from the existing UGB in the City of Phoenix has the potential to cause land use conflicts with agricultural uses. In particular, the designation of urban reserves and eventual extension of the City of Phoenix to the southwest will create an urban divide between two of the most significant large blocks of agricultural use in Jackson County (west and northwest of Talent and west and northwest of Phoenix). Urbanization of this narrow strip of land (~3,100') will change the character of the area from

rural to urban and definitively split the two large blocks of farmland and intensive farm uses west and northwest of the City of Talent from the large block of farmland west and northwest of the City of Phoenix. Conflicts between farm uses and urban land uses are most acute for the urban residential land uses; this narrow strip of land is generally only suitable for residential development as it is ill-located for most employment uses. Intensified urban residential land uses in this narrow strip will create even more conflicts between the urban traffic patterns and significant fresh fruit and fruit waste hauling that occurs on the rural market roads between these two large blocks of contiguous agricultural land. Moreover, due to topography, Regional agricultural buffering standards will be less effective in mitigating land use impacts between agricultural and residential use.

Coarse Filter Outcome for PH-C: Because of potential farmland and farm use impacts, only those lands partially or wholly within ¼ mile of the Phoenix UGB and near the railroad tracks to the northwest in a location with the potential to provide access via South Stage Road to the existing vacant industrial land within the UGB are being passed through to the fine filter for further analysis below, including those lands identified on Atlas Map 64 as PH-C.a and PH-C.b. All other lands were excluded from further suitability analysis based upon the above Goal 14 analysis and the anticipated resource land use impacts.

Area Highway 99 Urban Containment Boundary [PH-3]

Coarse Suitability of PH-3: In addition to the study areas analyzed above, Jackson County has a longstanding policy to place lands within the Highway 99 Urban Containment Boundary within an UGB. Most of this land was placed in Medford's UGB in 1993 and now the coordinated urban reserve process has identified the balance of this area as appropriate for the City of Phoenix Urban Reserves. A detailed Goal 14 review is not provided or required where the land is already urbanized, there are no comparable alternatives, and the area does not meet identified land needs because it has no appreciable potential to accommodate additional development in the context of an urban reserve plan.

Coarse Filter Outcome for PH-3: Land within PH-3 is therefore passed through to the fine filter.

3. SUITABLE LANDS ANALYSIS / FINE FILTER

Lands within the initial coarse filter study areas which were selected for further study, were then examined in more detail to determine which should be inventoried as suitable lands for urban reserve consideration. In general, the rationale and reasoning for Urban Reserve designation in areas evaluated at the coarse filter level, is applicable to the more detailed specific areas. All Goal 14 and Resource Land Impacts and use analysis in the coarse filter analysis above, also applies to the fine filter suitability analysis unless specifically stated as it applies to the particular fine filter area analyzed. The structure of the fine filter analysis evaluates suitability under Goal 14 and the Resource Land and Use impacts first for those lands found to be unsuitable and then for those lands found to be suitable. Figure PH.3 summary table of the lands in each category for the more specific Fine Study areas:

Figure PH.3

OVERVIEW SUMMARY OF FINE STUDY AREA						
Fine Study Area	Lots	Existing Dwellings	Gross Acres	Physically Constrained	Built	Generally Unconstrained
PH-1	5	2	58	3	1	55
PH-1a	22	20	52	2	3	47
PH-2	2	1	41	1	1	40
PH-3	206	26	250	13	250	0
PH-5	13	3	453	14	1	438
PH-10	3	3	43	4	1	39
PH-A.a	12	6	191	4	2	185
PH-A.b	5	4	184	23	1	160
PH-B.a	6	0	51	15	0	36
PH-B.b	21	17	96	7	4	85
PH-B.c	32	28	155	4	8	143
PH-C.a	52	59	212	0	15	197
PH-C.b	17	10	138	3	3	133
Totals	396	179	1,924	93	288	1,556

4.1 Study Areas - Unsuitable

Each of the areas identified in the accompanying Atlas (Map 63b) as PH-A.a, PH-A.b, PH-B.a, PH-B.b, PH-B.c, PH-C.a and PH-C.b were evaluated for suitability considering the growth policies for Phoenix and the balance of Goal 14 boundary location factors. Each of these areas was found to be unsuitable for inclusion/ protection as Urban Reserve for the detailed reasons explained below:

Areas PH-A.a and PH-A.b

Areas PH-A.a and PH-A.b includes lands from coarse area PH-A primarily within a ¼ mile of the existing eastern border of the Phoenix UGB.

The Goal 14 location factors relate, in balance, to PH-A.a PH-A.b as follows:

1. *Efficient Accommodation of Identified Land Needs-* The PH-A.b is not well situated for efficient accommodation of urban land needs due to significant amounts of steep topography, some of which exceeds 22 percent slope. PH-A.a is somewhat better situated due to less topographic relief, but it is also split by Payne Creek. Additionally, Phoenix urban land need is weighted toward employment lands, consistent with the regional allocations to the City of Phoenix. Employment lands (especially large employers) are much more sensitive to topographic constraints than residential uses. This is largely an issue with respect to construction cost for buildings but also the inefficiency (and greater cost) associated with constructing substantial fields of off-street parking on steep terrain. Issues with grading, drainage and wasted land generally make steep lands impractical for employment uses and associated development. Designating steep lands for Employment would serve to place them at a competitive disadvantage with other lands not constrained by topography. Employment land uses, particularly retail, are also highly sensitive to visibility and access from regional transportation facilities which have high vehicle counts. Neither PH-A.a nor PH-A.b are sufficiently visible or have immediate access to high-traffic volume arterial streets to accommodate employment uses in general, nor retail uses in particular. Moreover, any attempt to accommodate employment uses within these areas would require the removal of a large hill and associated bedrock.
2. *Orderly and Economic Provision of Public Facilities and Services-* All of this study area south of Fern Valley Road has significant public facilities constraints in the form of streets and some in the form of water service. There is a large and steep hill in the southeast corner of the existing UGB that constrains access to this area. While development may eventually provide some local street network connections, higher order street connections would be challenging from engineering and fiscal standpoints. This area is further constrained by the proposed interchange redesign at Fern Valley Interchange. Any growth in this area would only have two

regional transportation options. One, a connection to Suncrest Road via Payne Road which would add traffic to a completely un-urbanized high value agricultural area. This connection is not well situated as it does not directly connect with regional destinations. All other increased traffic from this area must utilize Fern Valley Road at its intersection with North Phoenix Road. This would add significant turning movement demand to an intersection which is projected to be at or over capacity in 20 years. As opposed to through movements, turning movements at at-grade intersections consume a significantly higher percentage of intersection capacity. Significant growth in the southern portion of PH-A necessitate the planning for a viable transportation solution which, in this area, would be difficult or impossible to achieve.

3. *ESEE Consequences*- The overall comparative ESEE consequences of an Urban Reserve boundary in this area is negative, based upon the following:
 - a. *Economic*- The relative economic consequences of selecting this area for Phoenix Urban Reserves is expected to be severe as much of the Phoenix growth is employment land and this area would be unsuitable for most employment uses due to steep topography, poor visibility from and access to regional transportation facilities, and the lack of arterial streets with high vehicle counts which provide the needed basis for retail development. This consequence of including this land for employment purposes, is to risk regional economic development and associated employment opportunities and lose them to other areas better physically suited to accommodate the needs of employment.
 - b. *Social*- The comparative social consequences of Urban Reserves in this area are derived from the potential lost employment opportunities as well as consequences to City residents caused by the employment land inventory sitting vacant and failing to generate needed general fund revenues.
 - c. *Environmental*- The comparative environmental consequences of Urban Reserves in this area are not expected to be appreciably different than other potential areas.
 - d. *Energy*- The comparative energy consequences are largely a function of the adverse consequences associated with increased travel demand in a location that is not well situated from a transportation facilities standpoint, making connections to the regional labor pool less energy efficient than other potential urban reserve areas.
4. *Compatibility of the Proposed Urban Uses with Nearby Agriculture and Forest Activities Occurring on Farm and Forest Land Outside the Urban Growth Boundary*- PH-A.a and PH-A.b are, based strictly on a soils capability comparison, comprised of lower capability farm soils than some of the other detailed study areas. However, the area contains active agriculture under a variety of ownerships. There are active orchards, vineyards, and small livestock pastures throughout the area. Most of the existing and sparse residential development is located along the existing roadways. The poorly rated agricultural soils in this area are located where significant topographic features separate existing agricultural land and farm uses from the urban uses to the west. Urban expansion into this area will impact agricultural practices by necessary removal of the natural topographic buffer created and from increased traffic on the Payne Road/Fern Valley Road farm market transportation system which carries high volumes of agricultural traffic during the pear harvest season.

This area was found to be unsuitable, on balance, in accordance with the review of the Goal 14 boundary location factors analyzed above. The substantial natural physical constraints and potential adverse impacts of urbanization on the active agricultural lands within and adjacent to these areas weighed analysis to conclude the lands are unsuitable.

Area PH-B.a

Area PH-B.a is a 51 acre, relatively inaccessible strip that runs between the east side of Interstate 5 and the steep terrain that comprises the western portion of PH-A.b. It includes gentle terrain populated by oak and the Bear Creek floodplain which runs along the east side of the freeway in this area.

The Goal 14 location factors relate, in balance, to PH-B.a as follows:

1. *Efficient Accommodation of Identified Land Needs*- This area is quite remote from the Phoenix urban area and has significant physical barriers to efficient urbanization, bounded by the Interstate 5 corridor and very steep topography. The area is also impacted by the floodplain and floodway of Bear Creek.
2. *Orderly and Economic Provision of Public Facilities and Services*- Extension of public facilities into most of this area is largely impractical unless the area in PH-A south of Fern Valley Road was also included as Urban Reserve (which it is not, see above).
3. *ESEE Consequences*- The overall comparative ESEE consequences of an Urban Reserve boundary in this area is negative, based upon the following:
 - a. *Economic*- The comparative economic consequences of selecting these lands are found to be negative with high costs to serve the lands relative to their potential developability, especially for regional employment uses.
 - b. *Social*- The comparative social consequences of selecting these lands are found to be negative due to the challenges and burdens that would need to be placed upon a small community in order to make these lands financially viable for urbanization. Additionally, such expenses would be in addition to the lost opportunities for employment while the expense of urbanizing these lands was absorbed.
 - c. *Environmental*- The comparative environmental consequences of Urban Reserves in this area is expected to be negative when compared to other areas due to the need to develop roads into the relatively narrow floodplain/floodway area between Interstate 5 and the hillside. The grading needed to accommodate employment buildings and parking would produce greater than typical environmental impacts.
 - d. *Energy*- The comparative energy consequences would be negative when compared to other areas when the very high costs of infrastructure extension are accounted for and the area's relative remoteness which will produce greater vehicle trip lengths and durations for employees and customers, the consequence of which is greater energy consumption. These consequences are significant in comparison to other areas.
4. *Compatibility of the Proposed Urban Uses with Nearby Agriculture and Forest Activities Occurring on Farm and Forest Land Outside the Urban Growth Boundary*- Resource land impacts in the western portion of the area are expected to be minimal because little agriculture now exists in the area. Urbanization of the eastern portion of this area however does have the potential to generate urban land pressures on the recent and significant orchard investments off of Payne Road as well as other smaller agricultural activities in this area. These could be significantly adverse.

This area was found to be unsuitable due to its inaccessibility and the above Goal 14 boundary location factor analysis.

Area PH-B.b and PH-B.c

PH-B.b and PH-B.c are dominated by flat, irrigated farmlands which are actively and intensively under commercial agricultural production. This area was designated as a community buffer area by the pCIC through the RPS plan development. PH-B.b is an island of land that is created between the state Highway 99 and Interstate. Parallel to Highway 99 and further west is the railroad right-of-way which exists as the primary physical feature traversing the relatively large blocks of farm-land between Highway 99 and Colver Road to the west which comprises PH-B.c. The only road access into this area is Hartley Road a privately maintained Local Access Road.

Approximately 36 acres of land, along Highway 99 and immediately adjacent to the city are designated Rural Residential on the Jackson County Comprehensive Plan (JCCP). Uses within this area are relatively diverse, ranging from single family homes, to farm-stands and churches.

The Goal 14 location factors relate, in balance, to PH-B.b and PH-B.c as follows:

1. *Efficient Accommodation of Identified Land Needs*- There are several constraints to efficient urbanization in this area. Efficient urbanization under statewide Planning Goal 12 and its implementing rule (OAR Chapter 660 Division 12) requires a well connected street system that

is also integrated with other transportation modes (see public facilities discussion regarding streets, below). The parcelization in this area is fairly significant even in the resource zoned areas and unlike most undersized-parcel resource zoned areas, this area has a number of active and intensive farm activities on very good agricultural soils. As such, the resulting urban form from the patchwork of exception areas alone would be inefficient.

2. *Orderly and Economic Provision of Public Facilities and Services*- Planning a well connected street system in this area that could actually be constructed and does not conflict with other transportation modes cannot reasonably be expected. The area is traversed by Oregon Highway 99 and the railroad, both running on a northwest/southeast axis. At-grade accesses across railroads are notoriously difficult to obtain and the area is too small to lay off the cost of one or more grade separated crossings; this leaves only the Hartley Road crossing which would need to be upgraded to higher order crossing from a local access road which may be difficult (if not impossible) to obtain. Connectivity is further complicated by the presence of Anderson Creek and the need for any east-west connections west of Highway 99 to bridge this creek. The area east of Highway 99 exists on a narrow bench (~400 feet) at the highway and then drops down to floodplain along Bear Creek. Water, sewer and storm drainage do not appear to be as great a challenge as providing a well-connected future street system.
3. *ESEE Consequences*- The overall comparative ESEE consequences of an Urban Reserve boundary in this area is negative, based upon the following:
 - a. *Economic*- The comparative economic consequences of selecting these lands are approximately neutral as there would likely be an offsetting benefit from the development that was feasible to accomplish set against the high costs and challenges of providing needed infrastructure to the area and the loss of productive farmland.
 - b. *Social*- The comparative social consequences of selecting these lands are negative due to aesthetic and community identity impacts. A central objective of the Regional Plan is the preservation and support of community identity. Urbanization in this area will reduce the separation between the cities of Talent and Phoenix which was identified by the pCIC as an important community buffer area to retain community identity between the two cities..
 - c. *Environmental*- The comparative environmental consequences of Urban Reserves in this area are expected to be slightly negative when compared to other areas due to the area's proximity to the confluence of Anderson Creek and Bear Creek. This will create engineering challenges for public facilities and development that will have some degree of environmental consequence.
 - d. *Energy*- The comparative energy consequences would be expected to be negative because of the expected compromises and challenges associated with development of a well connected street system that supports all modes of transportation for an energy efficient system.
4. *Compatibility of the Proposed Urban Uses with Nearby Agriculture and Forest Activities Occurring on Farm and Forest Land Outside the Urban Growth Boundary*- Some portions of this PH-B.b and PH-B.c contain exception lands and other portions are resource lands. Most resources lands are undersized and are not held in large contiguous blocks, but they do contain a mix of high intensity agricultural uses. Soil capability is good to excellent (Class II and I). The existing exception areas are largely located within a quarter mile of the existing UGB and function as a relatively narrow buffer and transition from urban uses to the neighboring intensive agriculture to the south.

These detail study areas, due to the above negative results in the review of the balance of the Goal 14 boundary location factors and resource land use impacts, were found to be unsuitable for consideration for inclusion as Urban Reserve.

Area PH-C.a

This area contains approximately 212 acres and is located southwest of the existing Phoenix UGB from Houston Road to Colver Road and extending out approximately a quarter mile. The area contains a mix lands that are designated exception lands and land that are Class II agricultural land.

The Goal 14 location factors relate, in balance, to PH-C.a as follows:

1. *Efficient Accommodation of Identified Land Needs*- There is some degree of parcelization and the presence of small exception lots that can impede efficient urbanization to some degree. However, the area does not contain additional confounding variables, such as environmental constraints, that render it significantly more difficult than is commonly overcome when redeveloping exception areas throughout the Jackson County and the State of Oregon.
2. *Orderly and Economic Provision of Public Facilities and Services*- There is some degree of parcelization and the presence of small parcels that can impede the orderly provision of public facilities to some degree. However, the area does not contain additional confounding variables, such as environmental constraints, that render it significantly more difficult than is commonly overcome when urbanizing small lot areas throughout Jackson County and the State of Oregon.
3. *ESEE Consequences*- The overall comparative ESEE consequences of an Urban Reserve boundary in this area is negative, based upon the following:
 - a. *Economic*- The comparative economic consequence of selecting lands south of Camp Baker Road has the potential to be severely negative. The existing UGB is only ~1,340 feet from the privately owned and operated regional reclamation facility for treatment and agronomic application of waste from the fruit processing industry⁴. The potential for land use conflicts regarding this facility is established; the original permitting was challenged at the Land Use Board of Appeals. Most of the tree fruit industry in Jackson County is either directly or indirectly reliant upon this facility. Even the temporary loss of this facility during a relocation period would be expected to have significant adverse effects on this basic sector industry in Jackson County.

Lands between Camp Baker Road and Houston Road would not be expected to have as acute an effect on this agri-business facility. However, urban expansion this direction would move Phoenix urban land use pressures further to the west and increase urban land use pressures and urban traffic patterns on the large block of contiguous agricultural land to the west.

- b. *Social*- The comparative social consequences of selecting lands south of Camp Baker Road would be negative for the inverse reasons of the economic consequences. Moving urban uses closer to a significant agri-business reclamation use can reasonably be expected have adverse social consequences.

Urban Reserves between Houston Road and Camp Baker Road would largely cause adverse social consequences from the land use change itself. This area contains a mix of agricultural and rural residential uses that have developed a long-standing and relative harmony of uses. Urban growth in this area can reasonably be expected to disrupt this harmony.

- c. *Environmental*- The comparative environmental consequence of Urban Reserves south of Camp Baker road is similarly high for the same reasons described above. The reclamation facility provides an environmental asset by pre-treating and reusing agricultural waste. Adverse environmental consequences would result from this facility being at risk.

Urban Reserves between Houston Road and Camp Baker Road would not be expected to cause significantly greater comparative environmental consequences than would otherwise be expected in other potential locations.

- d. *Energy*- The comparative energy consequences would be expected to be negative for Urban Reserves south of Camp Baker Road for similar reasons to the economic, social and environmental because the utilization of this agri-business reclamation facility is very efficient and risk to this facility has the potential for significant increased energy inputs to address fruit processing waste.

Urban Reserves between Houston Road and Camp Baker Road would not be expected to cause significantly greater comparative energy consequences than would otherwise be expected in other potential locations.

⁴ See Jackson County Planning File #00-40-LUC-RM which permitted the facility as well as established the State case law and ultimate legislation for treatment and application of farm use wastes in EFU zones.

4. *Compatibility of the Proposed Urban Uses with Nearby Agriculture and Forest Activities Occurring on Farm and Forest Land Outside the Urban Growth Boundary-* As discussed in the ESEE consequences, urban growth south of Camp Baker Road in PH-C.a has the potential to cause land use conflicts and pose a risk to a facility that is integral to the tree fruit processing industry in Jackson County. There are other intensive agricultural uses in this area such as a pear orchard and the area is connected via county market roads to the larger block of pear and vineyard land uses to the northwest via a narrow strip of farmland between the City of Phoenix and the west hills. Urbanization of this narrow strip of land (~3,100') will change the character of the area from rural to urban and definitively split the two large blocks of farmland and intensive farm uses west and northwest of the City of Talent from the large block of farmland west and northwest of the City of Phoenix. Conflicts between farm uses and urban land uses are most acute for the urban *residential* land uses; this narrow strip of land is generally only suitable for residential development as it is ill-located for most any employment use. Intensified urban residential land uses in this narrow strip of rural land will create even more conflicts between the urban traffic patterns and significant fresh fruit and fruit waste hauling that occurs on these rural market roads between these two large blocks of contiguous agricultural land.

The principal basis for concluding that land in PH-C.a between Camp Baker and Houston Road are not suitable of Urban Reserves is based upon the impacts to nearby agricultural uses and the consumption of high quality farmland by urban uses over time. This area includes some of the region's best and most intensively developed agricultural lands.

There are a few exception areas north of Camp Baker Road, but again this is an area where the west hills (with exception areas) extend eastward to form a narrow strip of agricultural land along Camp Baker Rd with a block of exception lands about 1,500 feet east of the west hills that is about 2,300 feet wide (along Calhoun Rd) then an island of agricultural land 1200 feet wide then the City's UGB. Through this narrow strip of inter-mixed agricultural and rural exception lands. Fully urbanizing these lands will result in a complete urban separation of the large block of high value agricultural lands west and northwest of Talent from the large block of high value agricultural lands west and northwest of the Phoenix.

The valley at Houston Road and further north almost doubles in width in relation to the distance from the west hills and the Phoenix UGB. This area contains a large contiguous block of agricultural land that contains some of the most intensively cultivated areas in the Bear Creek Valley. Significant expansion in this area will consume high value agricultural land and has the potential to increase conflicts with nearby agricultural land.

This area, due to the above negative results in the review of the balance of the Goal 14 boundary location factors and resource land use impacts, was found to be unsuitable for consideration for inclusion as Urban Reserve.

Area PH-C.b

The PH-C.b area is approximately 138 acres from Houston Road north to the rural industrial exception area (PH-1) to the north and out approximately a quarter mile and not containing the PH-2 Urban Reserve area. The area contains four rural residential exception lots along Houston Road and the balance is land designated Agricultural with Class II soils.

1. *Efficient Accommodation of Identified Land Needs-* There is one significant impediment to efficient urbanization, the railroad. There are no public railroad crossings from Houston Road (4th Street) all the way to South Stage Rd. (~9,000'). Only one private crossing exists over that distance. New at-grade crossings are effectively impossible to obtain and grade separated crossings can only be made feasible with development potential that warrants the investment. This situation is compounded by the fact that the area between the railroad and Highway 99 is already developed at urban intensity so higher order crossings will confront significant right-of-way constraints as well. The other urbanization efficiency issue in this area is the existing tract of UGB land with rail frontage and which is zoned for industrial use has no practical vehicular access and must obtain access from either Houston Road or Carpenter Hill Road. Without access, this rare south valley industrial land with rail frontage is essentially unusable. The PH-C.b land and PH-2 lands are the

alternatives to connections north through PH-1a to permit efficient urbanization of the industrial land inside the existing UGB.

2. *Orderly and Economic Provision of Public Facilities and Services*- There is one significant impediment to the provision of public facilities, the railroad. There are no public railroad crossings from Houston Road (4th Street) all the way to South Stage Rd. (~9,000'). Only one private crossing exists over that distance. New at-grade crossings are effectively impossible to obtain and grade separated crossings can only be made feasible with development potential that warrants the investment. This situation is compounded by the fact that the area between the railroad and Highway 99 is already developed at urban intensity so higher order crossings will confront significant right-of-way constraints as well.

With respect to the orderly and economic provision of public facilities, this land requires further Goal 14 analysis in relation to its effect on the provision of orderly and economic public facilities to the industrial land already inside the UGB. The existing industrial UGB land with rail frontage and zoned for industrial use has no practical vehicular access and must obtain access from either Houston Road or Carpenter Hill Road; access through portions of the City of Phoenix already developed (with residential uses) is infeasible due to lack of a rail crossing. Without vehicular access, this rare south valley industrial parcel with rail frontage is essentially unusable. The PH-C.b land and PH-2 lands exist as the only alternative for orderly and economic delivery of public facilities to the urban industrial land within the existing UGB. Ultimately, the Phoenix City Council concluded that the PH-1a alternative was suitable and that infrastructure extension from the north was viable. The PH-2 alternative was determined to be the suitable land to supply facilities efficiently and economically; however because of adverse transportation impacts of industrial use traffic through the City core area the Jackson County Board of Commissioners concluded that the PH-2 land is suitable for industrial use only if truck traffic is prohibited through the City core area. From a public facility standpoint, PH-C.b is not suitable because its connection with Carpenter Hill Road would have eliminated the through movement which now exists on Carpenter Hill Road at its 90-degree corner; an other alternative access location would produce a safety hazard or require land beyond a quarter mile to also be included in order to deliver a safe connection to the city-owned industrial property. Additionally, PH-2 has no existing development that might otherwise make the extension of public facilities difficult.

3. *ESEE Consequences*- The overall comparative ESEE consequences of an Urban Reserve boundary in this area is negative, based upon the following:
 - a. *Economic*- The comparative economic consequence of selecting these lands is negative because the same economically beneficial outcomes from PH-2 can be realized at a lower expected facility cost. The economic consequences of eventual urbanization of either is therefore, significantly different; as the selection of PH-C.b will result in lost opportunity costs owing to the greater time to deliver public facilities and the multiple ownerships through which a future roadway would need to pass (which the City believes would result in greater right-of-way acquisition costs). Additionally, the same economically beneficial outcomes from PH-1a can be achieved through extension of services through lands already predominantly planned for industrial use (PH-1).
 - b. *Social*- The comparative social consequences of selecting these lands would be neutral as positive benefits associated with enhanced employment opportunities would be offset by industrial traffic impacts on existing uses.
 - c. *Environmental*- The comparative environmental consequence of selecting these lands is neutral or positive when compared to other lands as there does not appear to be any significant adverse environmental consequences to growth in this area.
 - d. *Energy*- The comparative energy consequences are similar and related to those described above for the economic consequences above.
4. *Compatibility of the Proposed Urban Uses with Nearby Agriculture and Forest Activities Occurring on Farm and Forest Land Outside the Urban Growth Boundary*- The amount of impact for this area is largely due to the amount of the total identified land need that might be satisfied in this area. If growth expands beyond the exception areas to the northwest

then all the lands included are high value farmland under intensive cultivation. The exception lands in this area are not enough to satisfy all the regional land need that has been allocated to the City of Phoenix and therefore satisfaction of all land need in this area would result in high impacts. Satisfaction of some land need on the existing exception areas is not expected to result in significant new impacts that are not already present. With respect to providing access to the City owned industrial lands inside the UGB, impacts through PH-C.b and PH-2 are likely to be appreciably greater than an alternative location in PH-1a where most of the infrastructure extension would traverse exception land. However, with the condition to restrict truck traffic south through PH-2, compatibility of industrial uses in the PH-2 area with the downtown core area is greatly increased.

Therefore, the area PH-C.b, due to the above negative results in the review of the balance of the Goal 14 boundary location factors and resource land use impacts, was found to be unsuitable for consideration for inclusion as Urban Reserve.

Exhibit B

**New Chapter 3.11 of Land Development Code –
Agricultural Buffering Standards**

Agricultural Buffering & Mitigation

Section 3.11.1. Urban/Agricultural Conflict Mitigation

A. Purpose.....	46
B. Definitions.....	47
C. Description of Impacts Requiring Mitigation	48
<u>APPLICATION STEPS</u>	
D. Applicability.....	49
E. Application: Agricultural Impact Assessment Report.....	49
G. Mitigation Requirements	50
H. Alteration or Removal of Mitigation Measures.....	52
<u>MITIGATION STANDARDS</u>	
I. Illustration of Tree Buffer/Setback Combination Options	52
J. Tree Buffers.....	54
K. Transitions between buffers of different intensity	56
L. Screening Shrubs	58
M. Trespass-Inhibiting Hedges and Fences	58
N. Other Design Requirements	59
<u>DEVIATIONS</u>	
O. Deviations from Provisions.....	59

Section 3.11.1. Urban/Agricultural Conflict Mitigation

The regulations in this section apply to urban land in the urban growth boundary that was added from the urban reserve areas shown in the Regional Plan Element of the Comprehensive Plan. The basis for these regulations can be found in the Greater Bear Creek Valley Regional Plan (Regional Plan), Volume II, Appendix III. Development on other land in the City may be required to provide agricultural buffering per Sections 10.801-805.

A. Purpose

The purpose of these standards is to mitigate the potential for conflict between farming activities and urban uses. These provisions implement a policy mutually adopted by the City and Jackson County in the Regional Plan. The mitigation provisions of this Section seek to achieve the following objectives:

1. Minimize the impacts of urban development on agricultural production activities.
2. Minimize the potential for complaints about agricultural practices and activities.
3. Ensure the continued use of agricultural land for agricultural uses.

4. **Minimize potential conflict by developing a well-defined boundary between agricultural and urban uses. The best boundary will be one that minimizes conflict in both directions.**

B. Definitions

The following definitions apply only to this Section

1. **Agricultural land uses.** The use of land for the cultivation and husbandry of plant and animal products, including agricultural activities permitted on land zoned Exclusive Farm Use (EFU).
2. **Classification. Agricultural**
 - (a) **Intensive Use (I).** The agricultural lands in this category:
 - (1) Are composed of Class I–IV agricultural soils; or
 - (2) Support existing or scheduled plantings of long-term crops with a height at maturity exceeding four (4) feet.
 - (b) **Passive Use (P).** The agricultural lands in this category:
 - (1) Are composed of predominately Class IV soils, can demonstrate an unbroken or essentially unbroken 25-year history of agricultural inactivity or grazing use, and which have either of the following: (i) greater than 50% hydric soils or (ii) greater than 50% shallow soils (surface to bedrock) of less than two feet in depth; or
 - (2) Are composed of greater than 50% of Class VI or poorer soil; or
 - (3) Are outside of an irrigation district’s boundary and outside of areas suitable for future expansion of a district, as determined by the district.
3. **Mitigation area.** A management zone of varying size, shape, and characteristics between different land uses that uses combinations of mitigation elements to buffer between agricultural land and urban land uses.
4. **Mitigation element.** A physical or legal feature within a mitigation area that mitigates an adverse impact. A mitigation element may consist of vegetation, transportation and utility corridors, natural barriers, deed restrictions, or other natural or man-made features.
5. **Spray drift.** Airborne movement of agricultural chemicals onto a non-target area.
6. **Urban Receptor. Sensitivity of:**
 - (a) **Urban receptor. Higher-sensitivity (H):**
 - (1) Residential use.

- (2) Motel, hotel, or hostel.
- (3) Place of worship; public meeting facility.
- (4) Childcare center, kindergarten, school, university, or other educational institution.
- (5) Medical center or hospital.
- (6) Public or quasi-public use, such as library, park, etc.
- (7) Other similar uses.

(b) Urban receptor. Lower-sensitivity (L):

- (1) Commercial use, except for any defined as higher-sensitivity urban receptor.
- (2) Industrial use.
- (3) All other uses not classified here.

C. Description of Impacts Requiring Mitigation

1. Spray Drift. Principally, spray drift is caused by agricultural chemical use, but can apply to urban use of agrochemicals. Separation between urban and agricultural uses is the preferred tool to mitigate the impact of the spray drift, employing either large setbacks or a combination of smaller setbacks and a tree buffer.
2. Trespass and Vandalism. Trespass and vandalism are often considered by farmers to be the most serious adverse potential impact to agricultural operations in proximity to urban areas. Climb-resistant, trespass-inhibiting fences and/or hedges in the mitigation area are the means of reducing these impacts, as is placing the buffer in individual ownership (such as larger urban lots with strict setback requirements).
3. Odor. Odor is one of the less important agriculture-related adverse impacts. Unless there are site-specific reasons why mitigation of odor is critical (such as the presence of a livestock feed lot), issues with odor are sufficiently addressed by requiring that owners of new urban development within 1,000 feet of agricultural land receive notice through an explicitly worded deed declaration of the potential adverse impacts to which they will likely be exposed as a result of living within 1,000 feet of agricultural land.
4. Dust, Smoke, and Ash. Like odor, this grouping of potential adverse impacts is one of the least important agriculture-related issues in the region, and, like odor, can be addressed by the use of a deed declaration.
5. Run-off. Stormwater and irrigation run-off arise from both urban and agricultural uses, and can adversely impact agricultural operations as well as urban health and livability. Impacts may be avoided or significantly reduced by employing erosion-prevention and erosion-control measures during construction, and by an adequate stormwater plan for urban development that takes into account impacts from and on the adjacent agricultural land.

6. **Noise.** Noise is an impact arising from agricultural operations. This Section contains no noise mitigation requirements, but applicants are encouraged to consider community design and construction practices that provide some level of noise mitigation. Recommended methods may be found in Appendix III of the Regional Plan.

APPLICATION STEPS

D. Applicability

1. The provisions of this Section apply to the development permit applications listed below where proposed urban development abuts land zoned Exclusive Farm Use (EFU) and the outer edge of the urban growth boundary. Refer to Regional Plan Element of the Comprehensive Plan for maps of the urban reserve.
 - (a) Land Division;
 - (b) Planned Unit Development;
 - (c) Conditional Use Permit;
 - (d) Site Plan and Architectural review.
2. A pre-application conference is required for all applications subject to the provisions of this Section.
3. Different degrees of mitigation are required of the applicant based on the following factors: the sensitivity of the adjoining urban use to agricultural impacts; the impact being buffered; the intensity of uses on the adjacent EFU land; and whether the mitigation area is to be mid- or long-term.
4. Mitigation elements established under this Section shall not be removed or reduced unless the adjacent EFU land changes to a non-agricultural zoning district.

E. Application: Agricultural Impact Assessment Report.

As part of any land use or development application listed in Subsection D where the agricultural mitigation standards in Subsections H–M apply, an applicant shall supply the Planning Department with a report entitled “Agricultural Impact Assessment Report” (AIAR). The purpose of the AIAR is to provide the approving authority with sufficient evidence to determine agricultural intensity (active or passive) and to evaluate the applicant’s proposed method of complying with the provisions of this Section.

1. Map showing the zoning of land adjacent and within two hundred (200) feet of the property proposed for urban development.
2. A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned EFU and sources of such information. The information thus required, if applicable, shall include:
 - (a) Method of irrigation.

- (b) Type of existing agricultural product produced or scheduled plantings within one year of projected development completion date.
 - (c) Types of agricultural production and practices for the five preceding years.
 - (d) Method of frost protection.
 - (e) Type of agricultural equipment customarily used on the property.
3. Detailed information obtained from the Natural Resources Conservation Service (NRCS) concerning soils which occur on adjacent lands zoned EFU, and whether the land has access to water for irrigation.
 4. Wind pattern information.
 5. A description of the measures proposed to comply with the requirements of Section XYZ.
 6. The persons who prepared said report and all persons, agencies, and organizations contacted during preparation of the report.
 7. All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the appendices.
 8. If the applicant is requesting a deviation from the standards of this Section, the Agricultural Impact Assessment Report shall not be deemed to be complete unless accompanied by the Conflict Assessment and Mitigation Study described in Subsection O and the recommendation of Jackson County's Agricultural Buffering Committee, or a letter from Jackson County indicating that no such recommendation is forthcoming.

F. Review Process

1. Using the definitions of these classifications herein and the evidence of the AIAR, the approving authority shall determine:
 - (a) Whether adjacent agricultural uses are intensive or passive at the time the urban development application is filed and accepted by the City; and
 - (b) Whether the applicant's proposed mitigation plan meets the standards of this Section.
2. The approving authority shall approve, approve with conditions, or deny the AIAR and its proposals and conclusions.

G. Mitigation Requirements

1. All mitigation elements will be sited on urban land unless arrangements have been made with the adjacent agricultural land owner to site some or all elements on agricultural land.

2. Mitigation for **Intensive** Agriculture. To minimize or mitigate the potential adverse impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the applicant when urban development is proposed adjacent to land which is in intensive agricultural use:
 - (a) Setbacks as illustrated in subsection I, Figure 1, either alone or in conjunction with a tree buffer;
 - (b) Tree Buffer as illustrated in Figure 1 and described in subsections J and K;
 - (c) Screening Shrubs (only in conjunction with a tree buffer) as described in subsection L;
 - (d) Trespass-Inhibiting Hedges/Fencing as described in subsection M;
 - (e) Deed Declaration. All urban land proposed for development which lies within one thousand (1,000) feet of an EFU zoning district boundary shall be subject to a deed declaration that requires the owners and all successors in interest to recognize and accept common, customary and accepted farming practices which may produce noise, dust, odors, and other impacts. The deed declaration shall be in a form approved by the City. After the deed declaration is signed it shall be recorded in the official records of Jackson County, and copies shall be mailed to the owners of adjacent agricultural lands zoned EFU.
 - (f) Maintenance Program. Land adjacent to an EFU zoning district boundary shall be subject to a restrictive covenant that provides that the perpetual maintenance of mitigation-related fencing, the perpetual horticultural care and maintenance of trees, shrubs, and hedges that are used for mitigation, and the maintenance of other mitigation elements shall be solely the responsibility of the owners and all successors in interest of property subject to the covenant. The covenant shall be in a form approved by the City. After the covenant is signed it will be recorded in the official records of Jackson County.
 - (g) Runoff. Measures appropriate to the circumstances present shall be undertaken by the applicant to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.
3. Mitigation for **Passive** Agriculture. To minimize or mitigate the potential adverse impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the applicant when urban development is proposed adjacent to land in passive agricultural use:
 - (a) Setbacks as illustrated in subsection I, Figure 1, either alone or in conjunction with a tree buffer;
 - (b) Tree Buffer as illustrated in Figure 1 and described in subsections J and K;
 - (c) Screening Shrubs (only in conjunction with a tree buffer) as described in subsection L;

- (d) Trespass-Inhibiting Hedges/Fencing as described in subsection M;
- (e) Deed Declaration. A deed declaration as described in subparagraph G.2 (e).
- (f) Maintenance Program. A restrictive covenant guaranteeing perpetual maintenance as described in subparagraph G.2 (f).
- (g) Runoff. Measures as described in subparagraph G.2 (g).

H. Alteration or Removal of Mitigation Measures

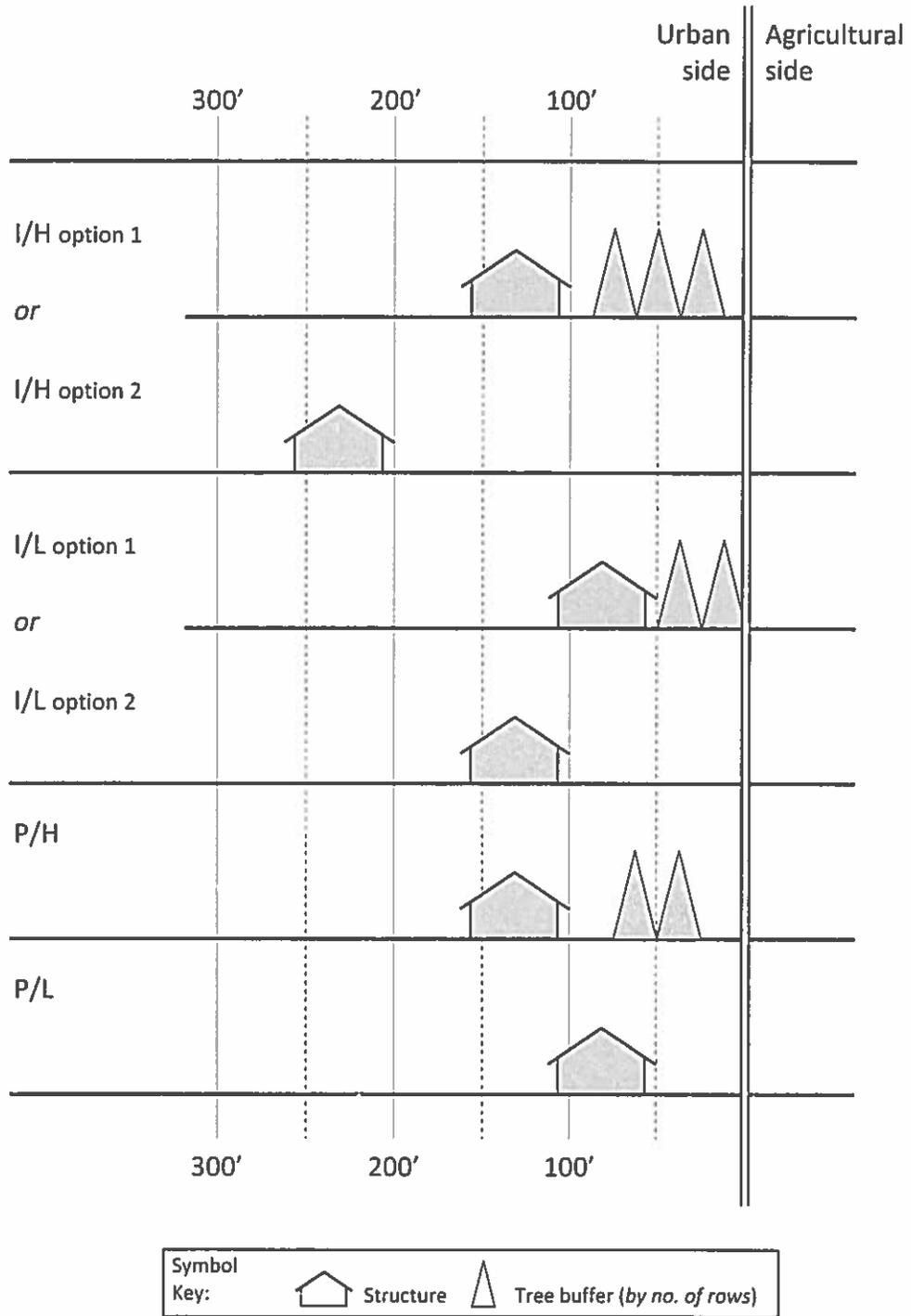
The mitigation measures required by the approving authority may be altered or removed entirely when the zoning of the adjacent agricultural land is changed from EFU zoning. No alteration or removal of the mitigation elements shall cause the removal of fencing or landscaping which is required to meet other buffering or landscaping requirements.

MITIGATION STANDARDS

I. Illustration of Tree Buffer/Setback Combination Options

1. Figure 3.11.A, below, illustrates the tree buffer/setback combination options for applicants.
 - (a) The 'tree' symbol illustrates the number of rows required under each option.
 - (b) Minimum structure setbacks are represented by the 'structure' symbol ranged along a linear scale showing distance from the urban/agricultural boundary. Setbacks apply to any structure. Setbacks do not apply to eaves or similar structural elements.
2. The Figure does not depict screening shrubs; however, that element is required when a tree-based buffer is used and when the tree species in the first row on the agricultural side will not provide sufficient foliage cover to ground level.
3. Key to abbreviations used in the Figure:
 - I Intensive use agricultural land
 - P Passive use agricultural land
 - H Higher-sensitivity urban receptor
 - L Lower-sensitivity urban receptor
4. The letter pairs "I/H", "I/L", "P/H", and "P/L" indicate the types of agricultural/urban adjacencies that determine the extent and make-up of the tree buffer and setback elements. The options shown under each adjacency type may be used at the discretion of the applicant.
5. Where there is a mix of urban uses, the buffer design shall protect the most sensitive use among them.

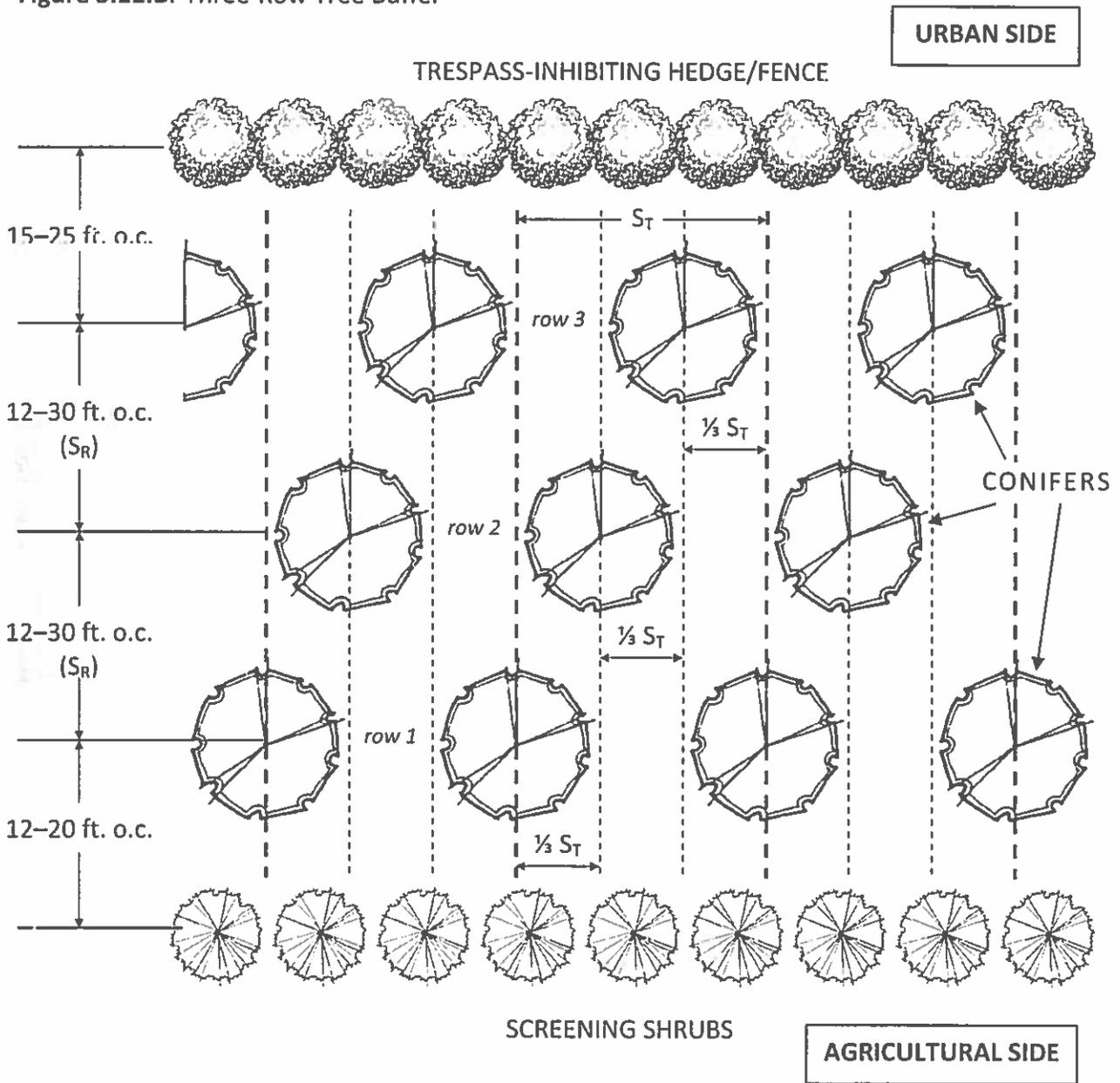
Figure 3.11.A Illustration of Tree Buffer & Setback Options



J. Tree Buffers

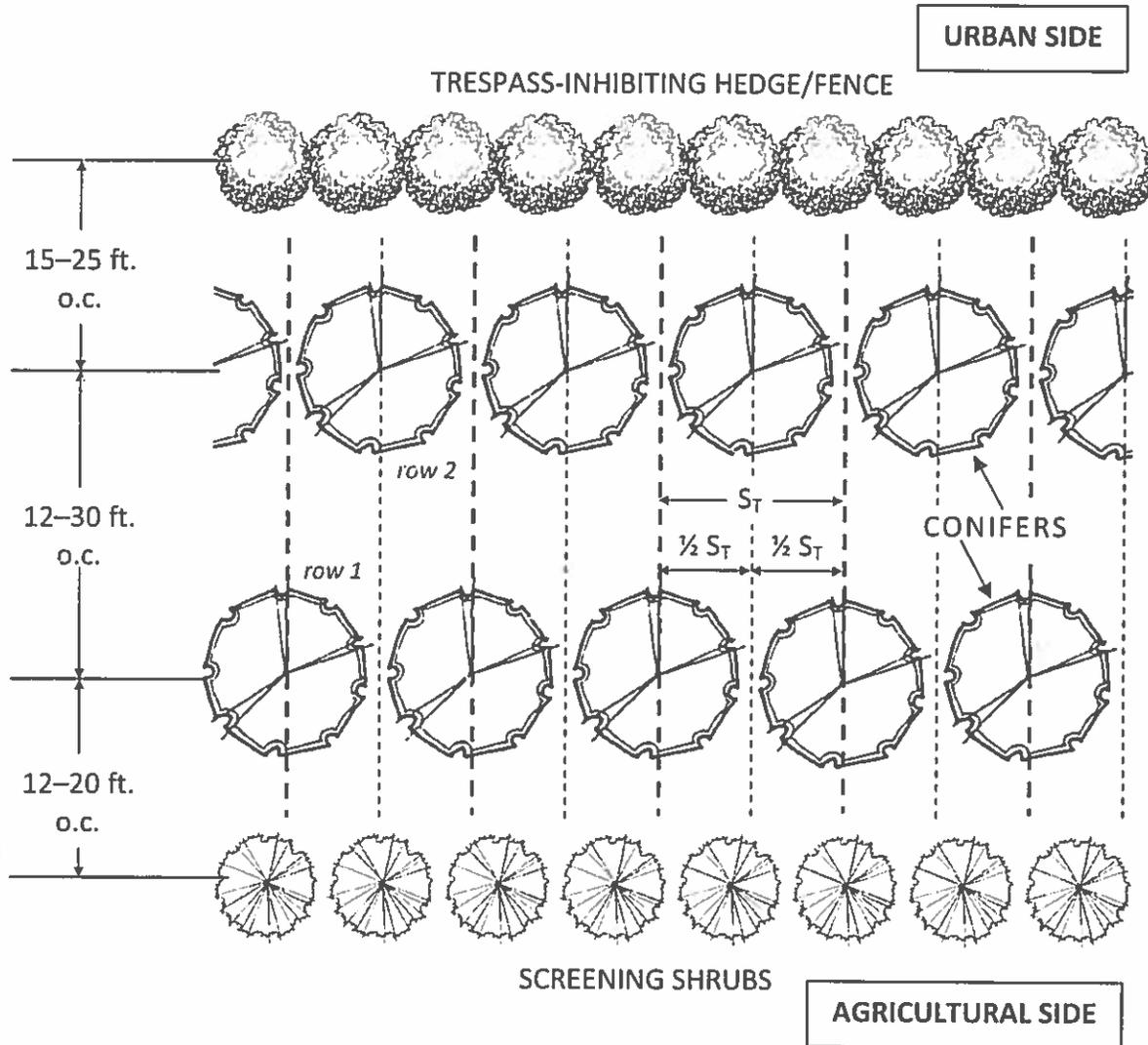
1. Three-Row Buffer (as required for I/H, option 1). Depending on the species used, the minimum possible tree buffer width is 50 feet; the maximum is 100 feet. The buffer shall be composed of at least two different conifer species.

Figure 3.11.B. Three-Row Tree Buffer



2. Two-Row Buffer (as required for I/L, option 1, and P/H, option 1). Depending on the species used, the minimum possible planted buffer width is approximately 40 feet; the maximum is approximately 65 feet. The buffer shall be composed of at least two different conifer species.

Figure 3.11.C. Two-Row Tree Buffer



3. Row Spacing and Offset. The purpose of the row-by-row offset is to mitigate the effect of individual tree mortality and to compensate for the individual differences between trees.

(a) Three-Row Buffer

- (1) Offset: Set off the second row by one third the spacing distance of trees (S_T) in the first row; set off the third row by another third. Refer to *Figure 3.11.B* for clarification.
- (2) Spacing of Rows: The distance between rows will be determined using the following formula, where S_R is the spacing distance

between rows, D_1 is the widest foliage diameter of the tree species in one row when it reaches a height of 30 feet, and D_2 is the widest foliage diameter of the tree species in the next row when it reaches a height of 30 feet:

$$S_R = 0.5(D_1 + D_2) + 4$$

(b) Two-Row Buffer.

- (1) Offset: Set off the second row by half the spacing distance of trees (S_T) in the first row. Refer to *Figure 3.11.C* for clarification.
- (2) Spacing of Rows: Use the same formula as for Three-row Buffers, above.

4. Tree Spacing within Rows. Tree spacing within a row is based on the greatest foliar diameter of a given tree species when it reaches a height of 30 feet. Coniferous trees vary from narrow pyramidal forms (e.g., Atlas cedar) to broad pyramidal forms (e.g., Norway spruce), so the following table contains calculation methods for each.

Table 3.11.A. Calculation of tree spacing within rows for narrow- and broad-diameter trees

	Higher-Intensity Buffer		Lower-Intensity Buffer	
	Narrow $S_T =$	Broad $S_T =$	Narrow $S_T =$	Broad $S_T =$
single-species row	1.25D	1.1D	0.95D	0.8D
two-species row	$0.625(D_1 + D_2)$	$0.55(D_1 + D_2)$	$0.475(D_1 + D_2)$	$0.4(D_1 + D_2)$

D = Typical foliar diameter of a tree species when 30 feet tall. The diameter is measured at the widest extent of a pyramidal conifer.

S_T = Tree spacing within rows; calculated as a multiple of tree diameter.

Note: When planting more than two species in a row, use the two species with the widest diameters to calculate spacing.

5. Minimum Tree Height at Planting: 5–6 feet, balled and burlapped.

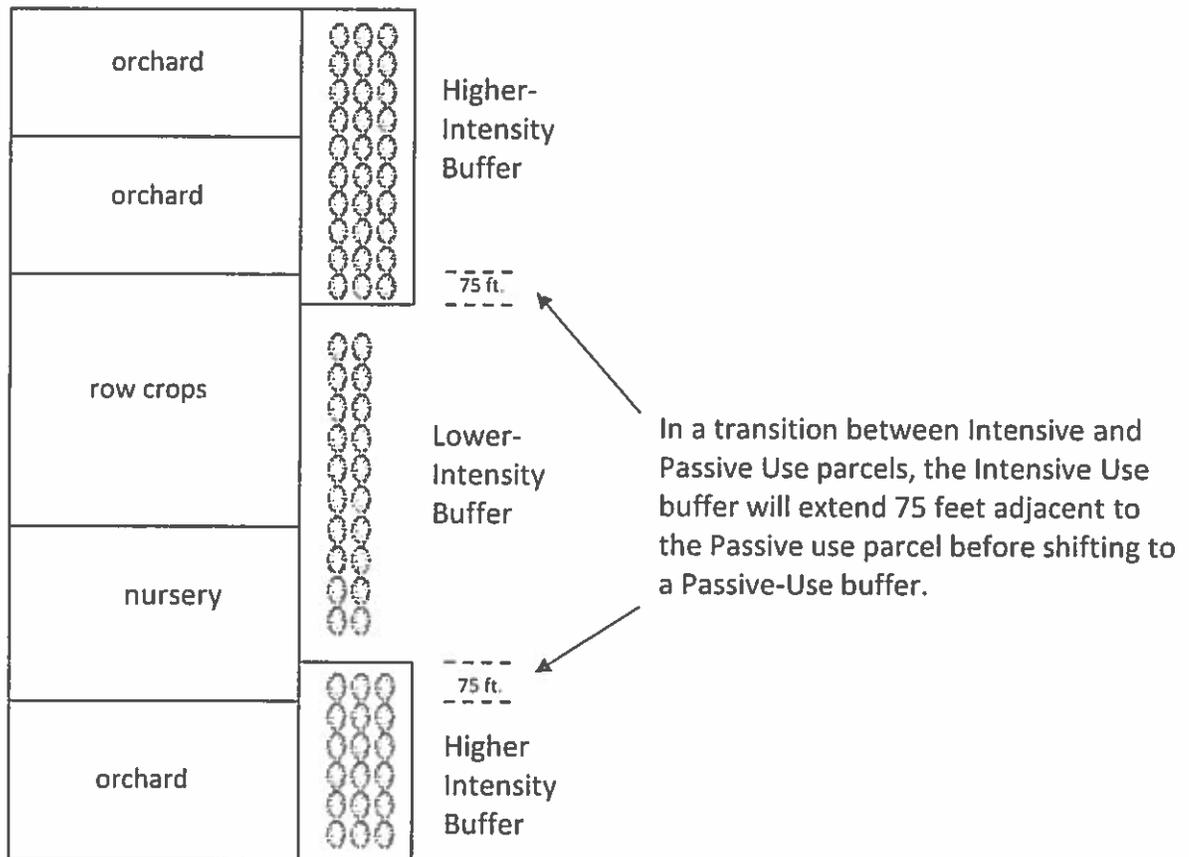
6. Permitted Tree Species.

- (a) Applicants may use any species of conifer trees provided they are resistant to or will not harbor agriculturally harmful insects or diseases.
- (b) A list of recommended species is available in the Regional Plan, Appendix III, available in the City of — Planning Department.

K. Transitions between buffers of different intensity

The principal purpose of the tree buffer is to mitigate spray drift; spray height is the primary factor in determining whether a higher- or lower-intensity buffer is required. To lessen the amount of spray being carried past a transition between the two types of buffer, the applicant will extend the buffer 75 feet beyond the end of the higher-intensity buffer, as shown in Figure 3.11.D.

Figure 3.11.D. Buffer Overlapping for Transition Areas



L. Screening Shrubs

1. Screening shrubs are used only in conjunction with tree buffers.
2. If the first row of trees on the agricultural side of the tree buffer does not have foliage down to ground level, install screening shrubs to provide sufficient foliage cover to close the gap. If the first row of trees on the agricultural side of the buffer provides foliage down to ground level, then screening shrubs are not required.
3. The mature height of the shrubs shall be 125 percent of the anticipated ground-to-foliage bare space of the average mature specimen of tree species.
4. Permitted Screening Shrubs.
 - (a) Applicants may use any species of screening shrubs provided they are resistant to or will not harbor agriculturally harmful insects or diseases.
 - (b) A list of appropriate species is available in the Regional Plan, Appendix III.

M. Trespass-Inhibiting Hedges and Fences

1. Hedges and fences may be used separately or in combination to inhibit trespass onto agricultural land.
2. Hedge Standards
 - (a) Spacing and Number of Rows: one or more rows, whichever is sufficient to create an eight-foot-wide (8') buffer at maturity.
 - (b) Spacing within Rows: as appropriate to eliminate gaps within three (3) years of planting.
 - (c) Overall Height:
 - (1) No less than five (5) feet if being used solely as a trespass inhibitor.
 - (2) If doubling as screening shrubbery, the hedge needs to cover any bare space between the ground and the lowest branches of trees in the central portion. Mature height shall be 125 percent of anticipated ground-to-foliage bare space of average mature specimen of tree species being screened.
 - (d) Permitted Trespass-Inhibiting Species. Applicants may use any species of trespass-inhibiting hedges provided they are resistant to or will not harbor agriculturally harmful insects or diseases. A list of appropriate species is available in the Regional Plan, Appendix III.
3. Fence Standards

- (a) Minimum fence height: six (6) feet.
- (b) Fences shall be climb resistant.
- (c) Install gates only when necessary for maintenance of the mitigation area.

N. Other Design Requirements

1. Mid-term mitigation area

- (a) The agricultural land being protected by a mid-term buffer may eventually be converted to urban uses; therefore, a mid-term buffer may be designed for eventual conversion to urban uses.
- (b) Mid-term buffer design shall be based on the following factors:
 - (1) The most likely time period it will remain as a buffer;
 - (2) The specific use to which the buffer will likely be put to once the agricultural land is urbanized: conversion to housing, to roads, or to recreational use for the community.
- (c) Alternatively, the applicant may defer development of an appropriate portion of the urbanizing land bordering agricultural land until such time as the agricultural land is no longer zoned EFU.

- 2. Irrigation. The establishment of an irrigation system is mandatory for vegetational buffers. Must be designed by a licensed professional, and should be site and species specific, as appropriate. The operation and maintenance of the irrigation system must be part of the buffer's overall maintenance plan contained in the deed declaration.
- 3. Road Placement. It is always preferable to not bisect buffers with roads due to the wind-funneling effect they create. If a road is unavoidable, it should be as narrow as possible, not straight, and should not be oriented to the prevailing wind. It should be noted that even a road with an acceptable orientation and design will permit some degree of increased spray drift to pass through the buffer area, and will also pose a greater risk of trespass.

DEVIATIONS

O. Deviations from Provisions

- 1. A proposed mitigation design that deviates from the provisions may be approved by the approving authority per the following process.
- 2. A mitigation design does not deviate when existing elements consistent with the purpose of the buffer are incorporated, as described following:
 - (a) For mitigation without tree buffers the requirements of linear distance can be achieved by elements such as the following:

- (1) Man-made or natural features such as infrastructure rights-of-way, roads, watercourses, wetlands, rock outcrops, forested areas, and steep slopes;
- (2) Non-farmable areas of the agricultural land being buffered (including yards, storage areas, roads, and all structures);
- (3) Publicly owned land without consistent present or projected public use (as determined by the public entity owner);
- (4) An easement on agricultural land purchased by the applicant;
- (5) Other open areas (except undeveloped rural residential, commercial, or industrial parcels) that are considered appropriate to the purpose of the buffer.

(b) For mitigation with tree buffers the approving authority may allow the requirements to be partially or fully satisfied by existing areas of trees and shrubs, as long as their mitigation effect is essentially the same as that intended by the requirements in Subsection G. If the characteristics of the existing vegetation do not meet the requirements in Subsection G, and cannot substitute in full or in part for an adequate tree buffer, then the area can either be incorporated into the design at half its mitigation value (for example, a 20-foot-wide riparian area would be calculated as 10 feet of tree buffer) or it can be left out of the tree buffer and be calculated at its original width (20 feet of existing vegetation would be considered as 20 feet of bare land).

3. When an applicant proposes a mitigation design that deviates from the minimum standards in this Section, the applicant is responsible for the preparation of a Conflict Assessment and Mitigation Study (CAMS), which shall be evaluated by an Agricultural Buffering Committee appointed by the Jackson County Board of Commissioners. The Committee will make a recommendation to the City's approving authority regarding the acceptability of the deviation.

4. Conflict Assessment and Mitigation Study (CAMS).

(a) The CAMS shall:

- (1) Determine the present and likely future agricultural land uses, practices, and activities with the potential to cause adverse impacts to adjacent urban development. Base the determination of likely agricultural practices on factors such as soil type; topography; parcel size, shape, and location; infrastructure; microclimatic conditions; regional agricultural practices and crops; and the farming history of the adjacent agricultural land and surrounding similar parcels.
- (2) Determine how the proposed urban development would likely impact the management and operation of nearby agricultural lands. All owners of EFU-zoned land within 1,000 feet of the land

proposed for development shall be asked for an interview, and the findings of those interviews will be included in the CAMS.

- (3) Identify the land uses, practices, and activities that may cause adverse impacts and the extent of the impacts, from both the urban use as well as from the agricultural land. Quantify the impacts, where possible, in terms of frequency and duration of activities to determine the impacts. As part of this evaluation, the CAMS shall consider the likely future uses determined in (1) above. The buffering mechanisms that are proposed shall be sufficient to accommodate these potential future uses. The current financial viability of a particular crop will not be considered an important limiting factor in determining potential future use.
- (4) Propose a set of buffering measures that will achieve acceptable buffering outcomes, which may include, but are not limited to, the siting of residences, size and geometry of lots, separation distances, communal open space, vegetation, natural landscape features, acoustic features, and so forth.
- (5) Propose the means by which the proposed buffering measures will be monitored and maintained. This includes responsibility for implementing and maintaining specific features of the buffer areas to ensure continued effectiveness. Acknowledgment of the authority responsible for ensuring compliance with any agreement will be plainly cited.
- (6) Establish a timeline for the development that establishes when the buffer will be installed.

(b) The recommendations of the Agricultural Buffering Committee, if any, shall be included in the application. The application shall not be considered complete without such recommendations or a letter from Jackson County indicating that no such recommendations are forthcoming.

5. The approving authority may accept the recommendation of the Agricultural Buffering Committee in whole or in part and make findings for its acceptance, partial acceptance, or rejection.
6. Any approval of a deviation does not create a precedent for any subsequent requests for deviations from the standards of this Section.

EXHIBIT C

**Amend Table 4.1.2 of the
Land Development Code**

Table 4.1.2 Summary of Development Decisions/Permit by Type of Decision-making Procedure*

Annexation	Type III/IV	Comprehensive Plan and city/county intergovernmental agreements, and ORS Chapter 222, as applicable.
Building Permit	N/A	Building Code
Code Interpretation	Type II	Chapter 4.8 – Code Interpretations
Code Amendment	Type IV	Chapter 4.7 – Land Use District Map and Text Amendments
Comprehensive Plan Amendment, including urban growth boundary and urban reserve amendments	Type IV	Comprehensive Plan
Conditional Use Permit	Type III	Chapter 4.4 – Conditional Use Permits
Flood Plain Development Permit	Type I	City Engineer
Home Occupation Permit	Type I	Chapter 4.9 – Miscellaneous Permits
Planned Unit Development	Type III	Chapter 4.5 – Planned Unit Developments
Modification to Approval	Type II/III	Chapter 4.6 – Modifications to Approved Plans and Conditions of Approval
Land Use District Map Change		
Quasi-Judicial (no plan amendment required)	Type III	Chapter 4.7 – Land Use District Map and Text Amendments
Legislative (plan amendment required)	Type IV	Chapter 4.7 – Land Use District Map and Text Amendments
Lot Line Adjustment	Type I	Chapter 4.3 – Land Divisions and Lot Line Adjustments
Non-Conforming Use or Development Confirmation	Type I	Chapter 5.3 – Non-Conforming Uses and Developments
Partition	Type II	Chapter 4.3 – Land Divisions and Lot Line Adjustments
Sign Permit	Type I	Chapter 3.6
Development Review	Type I	Chapter 4.2, Building Code
Site Design Review	Type II/III	Chapter 4.2
Subdivision	Type II/III	Chapter 4.3 – Land Divisions and Lot Line Adjustments
Temporary Use Permit	Type II/III	Chapter 4.9 – Miscellaneous Permits
Tree Removal	Type I/II	Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls
Variance	Type II/III	Chapter 5.2 – Variances

*Note: The chapters referenced above in the right-hand column describe the types of land uses and development activity that require permits under each type of decision-making procedure.

Exhibit D

Agricultural Buffering Standards - Amendments to Land Use District Chapters of Land Development Code

1. Amend sections listing of Chapter 2.2 by adding Section 2.2.10:

Sections:

- 2.2.1 – Purpose
- 2.2.2 – Permitted Land Uses
- 2.2.3 – Building Setbacks
- 2.2.4 – Lot Dimensions
- 2.2.6 – Building Height
- 2.2.7 – Building Orientation
- 2.2.8 – Architectural Standards
- 2.2.9 – Special Standards for Certain Uses
- 2.2.10 – Agricultural Buffering & Mitigation

2. Amend Chapter 2.2. by adding Section 2.2.10:

2.2.10 – Agricultural Buffering & Mitigation

To implement the Agricultural Buffering Standards of the Greater Bear Creek Valley Regional Plan, the Agricultural Buffering & Mitigation provisions of Chapter 3.11 are applicable to development permit applications for urban development on land along the urban growth boundary that abuts land zoned Exclusive Farm Use.

3. Amend sections listing of Chapter 2.4 by adding Section 2.4.6:

Sections:

- 2.4.1 – Purpose
- 2.4.2 – Permitted and Conditionally Permitted Land Uses
- 2.4.3 – Development Standards
- 2.4.4 – Architectural Guidelines and Standards
- 2.4.5 – Special Standards for Certain Uses
- 2.4.6 – Agricultural Buffering & Mitigation

4. Amend Chapter 2.4. by adding Section 2.4.6:

2.4.6

To implement the Agricultural Buffering Standards of the Greater Bear Creek Valley Regional Plan, the Agricultural Buffering & Mitigation provisions of Chapter 3.11 are applicable to development permit applications for urban development on land along the urban growth boundary that abuts land zoned Exclusive Farm Use.

5. Amend sections listing of Chapter 2.5 by adding Section 2.5.10:

Sections:

2.5.1 – Purpose

2.5.2 – Permitted Land Uses

2.5.3 – Development Setbacks

2.5.4 – Lot Coverage

2.5.5 – Lot Area and Dimensions

2.5.6 – Development Orientation

2.5.7 – Building Height

2.5.8 -- Special Standards for Certain Uses

2.5.9 – Industrial Design Standards

2.5.10 – Agricultural Buffering & Mitigation

6. Amend Chapter 2.5. by adding Section 2.5.10:

2.5.10

To implement the Agricultural Buffering Standards of the Greater Bear Creek Valley Regional Plan, the Agricultural Buffering & Mitigation provisions of Chapter 3.11 are applicable to development permit applications for urban development on land along the urban growth boundary that abuts land zoned Exclusive Farm Use.

Exhibit E

Jackson County Board of Commissioners' Findings and Conclusions

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

IN THE MATTER OF CONSIDERATION OF)
ADOPTION OF THE GREATER BEAR CREEK)
VALLEY REGIONAL PLAN INCLUDING)
ADOPTION OF THE REGIONAL PLAN)
ELEMENT AS A NEW ELEMENT OF THE)
JACKSON COUNTY COMPREHENSIVE)
PLAN; AMENDMENT TO THE LAND)
DEVELOPMENT ORDINANCE SECTIONS)
7.3.1 AND 7.3.3 AND OFFICIAL)
COMPREHENSIVE PLAN AND ZONING)
MAPS TO DESIGNATE THE REGIONAL)
PLAN BOUNDARY AND URBAN RESERVE)
AREAS; URBAN RESERVE MANAGEMENT)
AGREEMENTS BETWEEN JACKSON)
COUNTY AND THE CITIES OF CENTRAL)
POINT, EAGLE POINT, MEDFORD,)
PHOENIX, AND TALENT; AND AMENDMENT)
TO THE POPULATION ALLOCATIONS OF)
RURAL UNINCORPORATED JACKSON)
COUNTY AND THE CITY OF ASHLAND IN)
THE POPULATION ELEMENT OF THE)
JACKSON COUNTY COMPREHENSIVE)
PLAN. FILE NO. LRP2009-00010.)

ORDINANCE NO. 2011-14

RECITALS:

1. These amendments were initiated by the Jackson County Board of Commissioners on August 26, 2009.
2. On October 27, 2009 DLCD was mailed a notice regarding the review of the LRP2009-00010.
3. On January 28, February 25, March 11, April 8, April 22, May 13, May 27, June 10, June 24, July 8, July 22, August 12, September 9, October 14, October 28, and November 18, December 9, 2010, the Jackson County Planning Commission held properly advertised public hearings to consider a Comprehensive Plan Map and Text Amendment and a Land Development Ordinance Zoning Map and Text Amendment to adopt the Greater Bear Creek Valley Regional Problem Solving (RPS) Plan under Oregon Revised Statute (ORS) 197.652-197.658.
4. In addition to the proposal to adopt the Greater Bear Creek Valley Regional Plan, it was determined that the Jackson County Population Element should be amended to redistribute the population allocations provided to the Rural Unincorporated portion of Jackson County and the City of Ashland. Additionally, the description of the proposal was revised to be more specific than the original noticed language (item 3 above). A revised DLCD notice was sent out accordingly on November 23, 2010. On, January 27, February 10, February 24, March 24, and April 14, 2011 the Jackson County Planning Commission held properly advertised public hearings to adopt the Greater Bear Creek Valley Regional Plan including adoption of the Regional Plan Element as a new element of the Jackson County Comprehensive Plan; amendment to the Land Development Ordinance Sections 7.3.1 and 7.3.3 and Official Comprehensive Plan and Zoning Maps to designate the Regional Plan Boundary and Urban Reserve Areas; Urban Reserve Management Agreements between Jackson County and the cities of Central Point, Eagle Point, Medford, Phoenix, and Talent; and amendment to the Population Allocations of Rural Unincorporated Jackson County and the City of Ashland in the Population Element of the Jackson County Comprehensive Plan and concluded the public hearing. The item was continued to April 28, 2011 for deliberations.
5. On April 28, May 12, May 26, June 9, June 23, and July 14, 2011 the Jackson County Planning Commission held properly advertised public meetings to deliberate on the proposal to adopt the Greater Bear Creek Valley Regional Plan including adoption of the Regional Plan Element as a new element of the Jackson County Comprehensive Plan; amendment to the Land Development Ordinance Sections 7.3.1 and 7.3.3 and Official Comprehensive Plan and Zoning Maps to designate the Regional Plan Boundary and Urban Reserve Areas; Urban Reserve Management Agreements between Jackson County and the cities of Central Point, Eagle Point, Medford, Phoenix, and Talent; and amendment to the Population Allocations of Rural Unincorporated Jackson County and the City of Ashland in the Population Element of the Jackson County Comprehensive Plan. The Jackson County Planning Commission voted to recommend approval of the proposal, as amended, and concluded the public hearing.
6. On September 7, 14, 21, and 28, October 5, and October 12, 2011 the Jackson County Board of Commissioners held properly advertised public hearings to consider the Jackson County Planning Commission's recommendation to adopt the Greater Bear Creek Valley Regional Plan including adoption of the Regional Plan Element as a new element of the Jackson County Comprehensive Plan; amendment to the Land Development Ordinance Sections 7.3.1 and 7.3.3 and Official Comprehensive Plan and Zoning Maps to designate the Regional Plan Boundary and Urban Reserve Areas; Urban Reserve Management Agreements between Jackson County and the cities of Central Point, Eagle Point, Medford, Phoenix, and Talent; and amendment to the Population Allocations of Rural Unincorporated Jackson County and the City of Ashland in the Population Element of the Jackson County Comprehensive Plan.
7. On October 12 and October 19, 2011 the Jackson County Board of Commissioners held properly advertised public meetings to deliberate on the Jackson County Planning Commission's Recommendation and on October 19, 2011 voted to adopt the proposal, as amended, and concluded the public hearing.

Now, therefore,

The Jackson County Board of Commissioners finds and concludes, as follows:

SECTION 1. SCOPE AND NATURE OF THE LAND USE ACTION

- 1.1 Adoption of the Greater Bear Creek Valley Regional Plan ("Regional Plan") is a legislative action to enact text amendments to the Jackson County Comprehensive Plan and Land Development Ordinance and to amend the Official Comprehensive Plan and Zoning Maps.
- 1.2 The Jackson County Comprehensive Plan will be amended to incorporate the Greater Bear Creek Regional Plan as a new Element of the Comprehensive Plan.
- 1.3 The Population Element of the Jackson County Comprehensive Plan will be amended to redistribute the population allocations provided to the Rural Unincorporated portion of Jackson County and the City of Ashland.
- 1.4 The Regional Plan Element will supplement the Population Element of the Jackson County Comprehensive Plan by extending and allocating the coordinated population projection for the Regional subarea from the year 2040 to the year 2060.
- 1.5 The Land Development Ordinance and Official Comprehensive Plan and Zoning Maps will be amended to designate the regional boundary as a sub-area of the Jackson County Comprehensive Plan and to designate Urban Reserve boundaries for the cities of Eagle Point, Central Point, Medford, Phoenix, and Talent.
- 1.6 The Regional Plan Element will function as a coordinated Urban Reserve plan for the participating cities and Jackson County.
- 1.7 Mutual adoption of the Greater Bear Creek Valley Regional Plan will be effectuated by Jackson County and the participating cities by way of post-acknowledgement plan amendments and intergovernmental agreements, including a Regional Problem Solving Agreement and Urban Reserve Management Agreements, to be submitted jointly in the manner of periodic review consistent with the Collaborative Regional Problem Solving Statute set forth in ORS 197.652 to 197.656 and pursuant to OAR Chapter 660, Division 25, Section 175 relating to review of Urban Reserve area designations.

SECTION 2. FINDINGS OF FACT

Based upon the evidence received during the public hearings and in the public record, the Jackson County Board of Commissioners makes the following findings of fact and reaches the following conclusions. Where factual conflicts arose, the Jackson County Board of Commissioners has resolved them consistent with these findings.

- 2.1 Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Transportation System Plan, Comprehensive Plan (JCCP), Land Development Ordinance (JCLDO) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
- 2.2 Jackson County has substantively amended the Comprehensive Plan since initial adoption and acknowledgement to satisfy periodic review requirements and to meet the needs of the County through Post-Acknowledgment Plan Amendments from time to time. Significant amendments include, but are not limited to, the adoption of provisions for non-resource lands that are referred to as Rural Use in The Plan; adoption of a Goal 5 inventory and program to achieve Goal 5 along with subsequent amendments to implement OAR 660 Division 23; implementation of the Unincorporated Communities Rule (OAR 660 Division 22) including the

adoption of an exception to Goal 14 for White City and associated adoption of an urban unincorporated community plan; adoption of a Transportation System Plan; amendments to municipalities' Urban Growth Boundaries; and adoption of a Population Element that establishes a coordinated population forecast through the year 2040.

- 2.3 The Oregon Legislature adopted House Bill 3482 in the 1996 Special Legislative Session. House Bill 3482 established the statutes at ORS 197.652 to ORS 197.656 to engage in collaborative Regional Problem Solving. In the 1999 to 2001 biennium, the Department of Land Conservation and Development ("DLCD") awarded a grant to commence the local collaboration process under the Regional Problem Solving statute. In the 2009 legislative session, the Oregon Legislature substantively amended ORS 197.652 to ORS 197.656 through House Bill 2229, but Section 18 of that bill provides, "Section 13 of this 2009 Act and the amendments to ORS 197.652, 197.654, 197.656 and 197.747 by sections 8, 9, 10 and 11 of this 2009 Act apply to collaborative regional problem-solving processes commenced on or after the effective date of this 2009 Act." Accordingly, the Board of Commissioners finds that the amendments that are the subject of these findings comply with the Regional Problem Solving Statutes at ORS 197.652 to ORS 197.656 as they existed prior the 2009 legislative session amendments.
- 2.4 The Board of Commissioners finds that a Regional Problem Solving Agreement, entitled "Greater Bear Creek Valley Regional Problem Solving Agreement" [hereinafter the "Participants Agreement"] was signed by all the Regional Problem Solving participants and appropriate State of Oregon agencies prior to initiating the Jackson County land use hearings process to consider the amendments that are the subject of these findings.
- 2.5 The acknowledged Jackson County Comprehensive Plan contains 24 Elements. Adoption of the Regional Plan would result in the adoption of Volume 1 of the Regional Plan as a new multi-chapter Element (Element 25) of the Jackson County Comprehensive Plan. Volumes 2 and 3 of the Regional Plan are to be incorporated as part of the comprehensive plan data base in support of the Plan Element.
- 2.6 The Board of Commissioners finds that Chapter 1 of the Regional Plan is an appropriate introductory section which establishes the regional planning area, planning horizon, project background, planning process (including citizen involvement and appropriate State agency involvement), identified regional problems, community buffering recommendations, regional land preservation strategies, regional agricultural buffering standards, and commercial agricultural land base recommendations.
- 2.7 The Board of Commissioners finds that Chapter 2 of the Regional Plan results in reasonable growth planning and growth policy for the planning. The Board of Commissioners finds that the growth planning in Chapter 2 is based upon appropriate background studies, reasonable assumptions (found in the Appendixes of Volume 2 of the Regional Plan), and a coordinated consensus among the participants. The Board of Commissioners further finds that Chapter 2 serves as an adequate factual basis to estimate urban land needs in a manner appropriate to the 50 year planning horizon for the designated Urban Reserves. The Board of Commissioners also finds that Chapter 2 adequately describes the regional transportation analysis conducted as part of the regional planning process and describes the coordination between the region and the Rogue Valley Metropolitan Planning Organization.
- 2.8 The Board of Commissioners finds that Chapter 3 appropriately explains the requirements and application of the Urban Reserve Rule and the Urban Reserve selection process undertaken by the region. The Board of Commissioners further concludes Chapter 3 describes the application of the Urban Reserve Rule in the context of a Regional Plan, which is the subject of a planning project adopted under the Regional Problem Solving Statute.
- 2.9 The Board of Commissioners finds the Chapter 4 sub-chapters, which apply to each individual city, are based upon appropriate Geographical Information System (GIS) mapping and statistical analysis, background studies, and an analytical approach for the establishment of

Urban Reserves, pursuant to OAR 660 Division 21.

- 2.10** The Board of Commissioners finds that adoption of the Regional Plan will result in the adoption of Volumes 2 and 3 of the Regional Plan as background studies and graphics as reference documents that provide factual support and an explanation of the analytical methods used and upon which the Regional Plan is appropriately adopted. The Board of Commissioners finds that the maps in Volume 3 of the Regional Plan were intended to match the amendments to be depicted on the official Comprehensive Plan Map and official Zoning Map.
- 2.11** Comprehensive Plan Map and Zoning Map Amendments adopted through the Regional Plan establish and map the Urban Reserves for the cities where Urban Reserves are to be established through the Regional Plan.

SECTION 3. PROCEDURAL FINDINGS

Post Acknowledgment Plan Amendments are subject to the procedural requirements of ORS 197.610-615. Further, OAR 660, Division 18 (Plan and Land Use Regulation: Amendment Review Rule) is directly applicable to these amendments. Post Acknowledgement Plan Amendments to the Jackson County Comprehensive Plan that are based upon and/or implement agreements reached by Regional Problem Solving Participants shall be submitted in the manner set forth in ORS 197.628 to 197.650 for periodic review, pursuant to ORS 197.656 as it existed prior to House Bill 2229 pursuant to Section 18 HB 2229 of the 2009 Oregon Legislature. ORS 197.626 requires the establishment of Urban Reserves for cities larger than 2,500 to be submitted in the manner of Periodic Review; adoption of The Regional Plan as Element 25 of the Jackson County Comprehensive Plan establishes Urban Reserves for five such cities. For the foregoing reasons, the Board of Commissioners finds the nature of the amendments require submission in the manner of periodic review.

Consistent with the above general procedural findings, the Board of Commissioners finds the procedural requirements of the aforementioned statutes and administrative rule have been met based on the facts presented below. Where procedural issues arose, the Board of Commissioners has resolved them consistent with these findings.

- 3.1** The Jackson County Board of Commissioners finds that the Regional Plan, as recommended, contains background procedural findings that fairly characterize and describe the process to define the Regional Problems, reach a Regional Problem Solving Agreement between the participants, and the development of a draft regional plan sufficient for proper technical review. The background procedural findings contained therein are herewith incorporated and adopted as the Board of Commissioner's own.
- 3.2** The Jackson County Board of Commissioners finds that the Regional Plan, as recommended, is consistent with the framework of the Urban Reserve Rule and incorporates the substantive background findings that support the policy and land use choices made since the inception of RPS.

SECTION 4. LEGAL CONCLUSIONS

The Jackson County Comprehensive Plan and its implementing ordinances are acknowledged by the State of Oregon as being in compliance with the Statewide Planning Goals. Amendments must comply with applicable local procedural requirements and result in a Comprehensive Plan that continues to comply with State statutes, the Statewide Planning Goals and applicable Oregon Administrative Rules. Statewide Planning Goals 1 through 14 are applicable to Jackson County.

Based upon the evidence and arguments presented and the above procedural and substantive findings, the Board of Commissioners concludes as follows with respect to these amendments:

4.1 Procedural Conclusions:

- 4.1.1 Jackson County collaborated in the initial development of an agreement to participate in Regional Problem Solving and signed the agreement as a Participant. Following the signing of the Participants Agreement, the Jackson County Board of Commissioners directed the Planning Director to open Planning File LRP2009-00010. The Board of Commissioners concludes this planning project is legislative in nature, and is thus exempt from the processing time lines of ORS 215.427.
- 4.1.2 The local proceedings were processed in accordance with the adopted and acknowledged procedures for adoption of Type IV legislative text and map amendments to the Jackson County Comprehensive Plan and legislative map amendments to the Official Zoning Map. The Board of Commissioners concludes the amendments have been processed consistent with the procedural requirements at LDO Sections 2.2.1, 2.7.7, 2.8.4, 3.7.2 and 3.8.2.
- 4.1.3 Proper notice was timely provided to DLCD on the appropriate forms for amendments submitted in the manner of periodic review and has been processed at the local level consistent with OAR 660-025-0175.
- 4.1.4 The local proceedings were carried out in accordance with the procedures for Post-Acknowledgement Plan Amendments set forth in ORS 197.610-615 and interpreted in OAR 660 Division 18.
- 4.1.5 Proper notice was timely provided to DLCD on the appropriate forms and the local proceedings were properly conducted for local adoption and subsequent submittal of the subject amendments to DLCD in the manner of periodic review.

4.2 Substantive Compliance with Local Regulations

- 4.2.1 The Jackson County Board of Commissioners concludes that LDO Section 3.7.3(B) contains the criteria for major legislative text amendments to the Comprehensive Plan. The Board of Commissioners concludes the subject amendments satisfy these criteria because the amendments will implement a change in land use policy by allocating future growth to certain communities in the planning area and establishing Urban Reserves. The Board of Commissioners further concludes that amendments are consistent with and support the stated legislative objectives for the establishment of Urban Reserves at ORS 195.139.
- 4.2.2 Based upon its review of the Jackson County Comprehensive Plan, the Board of Commissioners concludes that the Regional Plan has implications for other Elements of The Plan. However, the Board of Commissioners concludes that careful review of the Regional Plan did not yield any direct conflict with any existing Comprehensive Plan Element and therefore no other Element updates are necessarily required to ensure that The Plan remains internally consistent. However, during the public hearings process, the City of Ashland requested that additional population be allocated to the City through RPS. Jackson County decided to provide the City of Ashland with the requested additional population and determined that in order to retain consistency with the population allocations prescribed in the Population Element, an amendment to the Population Element was necessary (as described below).
- 4.2.3 Based upon further review of historic population growth patterns and the methodology used in the Population Element update of 2006-2007, the Board of Commissioners determined that the additional population requested by the City of Ashland could be shifted from the allocation provided to the Rural Unincorporated portion of Jackson County. The Board of Commissioners finds that a narrow amendment of the Jackson County Population Element providing the City of Ashland with additional population by shifting population from the Rural Unincorporated

portion of Jackson County is supported by factual information.

- 4.2.4 Through this process, the Board of Commissioners concludes that the County and each individual City for which an Urban Reserve is established by the Regional Plan will jointly enter into an Urban Reserve Management Agreement (URMA). The Board of Commissioners has reviewed the URMA's for the subject cities: Central Point, Eagle Point, Medford, Phoenix, and Talent, and concludes that each URMA satisfies the requirements of OAR 660-021-0050.
- 4.2.5 The Board of Commissioners concludes that adoption of the Regional Plan will establish a Comprehensive Plan Map overlay and Zoning Map overlay for the Urban Reserves. The Board of Commissioners further concludes that these overlays will function in the Comprehensive Plan in a manner similar to other Comprehensive Plan overlays. The Board of Commissioners concludes the Urban Reserves will be applied directly under the Regional Plan during and immediately following acknowledgment review.

4.3 Substantive Compliance with Applicable Statutes:

- 4.3.1 ORS 197.175 and ORS 215.050 together require Jackson County to have and maintain a comprehensive land use plan. The Board of Commissioners concludes the amendments, which are the subject of these findings, are consistent in all ways and carry out these responsibilities.
- 4.3.2 ORS 195.025 requires and authorizes counties to act as the coordinating body for local land use planning within their respective boundaries. The Board of Commissioners concludes that adoption of The Regional Plan is authorized by ORS 195.025 and is consistent with Jackson County's responsibilities to coordinate local land use planning in accordance with ORS 195.025. The Board of Commissioners specifically concludes that Chapter 2 of the Regional Plan includes population and employment growth forecasts that are reasonable and appropriate for long-range land use planning in the aggregate and for the individual cities within the planning area. The Board of Commissioners further concludes that these forecasts utilize reasonable and appropriate assumptions to estimate future land needs for the individual cities within the planning area in the context of a long-range land use plan, such as the Regional Plan.
- 4.3.3 ORS 195.036 requires Jackson County to maintain a coordinated population forecast for the County and each of its incorporated cities. The Board of Commissioners concludes that the Jackson County Comprehensive Plan contains the required coordinated population forecast for the entire County out to the year 2040. Based on information in the record, the Board of Commissioners also concludes that a narrow amendment, through this project, to the population allocations provided to the Rural Unincorporated portion of Jackson County and the City of Ashland in the Population Element are supported by factual data. The Board of Commissioners concludes that adoption of the Regional Plan includes an extension of the adopted and acknowledged population forecast and allocations out to the year 2050 for the specific planning area of the Regional Plan including the cities of Central Point, Eagle Point, Medford, Phoenix, and Talent, and as amended through this process for the City of Ashland, which is consistent with and exceeds the minimum requirements of ORS 195.036.
- 4.3.4 The Urban Reserve Management Agreements (URMA), pursuant to OAR 660-021-0050, are authorized by and conform in all ways to the requirements of ORS 190.010 to ORS 190.030.
- 4.3.5 ORS 195.145(1)(a) authorizes local governments to cooperatively establish Urban Reserves, and based thereupon, the Board of Commissioners concludes the

Regional Plan cooperatively establishes such Urban Reserves for the cities of Central Point, Eagle Point, Medford, Phoenix, and Talent.

- 4.3.6 The Board of Commissioners conclusions herein are consistent with RPS statutes that existed prior to the 2009 legislative session amendments, which are still in effect for collaborative regional solving projects initiated prior to passage of the 2009 law. The Board of Commissioners concludes as follows with respect to the RPS statutes:
- 4.3.6.1 ORS 197.652 provides that regional problem solving programs shall be distributed geographically throughout the state and the Board of Commissioners concludes that the Regional Problem Solving project that is the subject of these findings is the first in this portion of the State of Oregon.
- 4.3.6.2 ORS 197.654 allows local governments and certain special districts to enter into a collaborative regional problem solving process directed toward resolution of land use problems in a region. The Board of Commissioners concludes that the planning area addressed in the Regional Plan is properly considered a "region" under the statute because it constitutes an appropriate urban sub-area of the County. Based upon the Participants Agreement, the background findings in Chapter 1 of the Regional Plan, and the supporting planning documents in the Volume 2 reference document, the Board of Commissioners concludes that all local governments within the planning area were offered an opportunity to participate and that appropriate state agencies have participated throughout the process. Additionally, through this process, the participants have come to an agreement on the goals, objectives, and measures of success for the steps undertaken to implement the Regional Problem Solving process.
- 4.3.6.3 ORS 197.656(1) provides that local governments may invite the Department of Land Conservation and Development (DLCD) and other State agencies to participate in the collaborative regional problem solving process and the Board of Commissioners concludes that DLCD and other appropriate State agencies were invited and did in fact participate consistent with that statute.
- 4.3.6.4 ORS 197.656(2) provides that LCDC may acknowledge amendments to comprehensive plans that do not fully comply with LCDC rules that implement the statewide planning goals where the amendments are based upon an agreement among all the local participants, the commission, and other state agencies and where the said agreement contains required components. As to the required agreement components, the Board of Commissioners concludes the Regional Problem Solving Participants Agreement includes agreement among the participants on regional goals, optional techniques to achieve the goals, measurable performance indicators toward achievement of the goals, a system of incentives and disincentives to achieve the goals, a system of monitoring progress, and a process for correction of the techniques if the goals are not being achieved. The Board of Commissioners herewith incorporates and adopts their conclusions of law below that the subject amendments comply with the Statewide Planning Goals. The Board of Commissioners herewith incorporates and adopts the conclusions of law below with respect to compliance with OAR 660-021 and concludes that while the RPS process for selecting Urban Reserves differed from the Urban Reserve Rule process (as outlined in Volume 1, Chapter 3, Section 5.2), the outcome of the process is consistent, on the whole, with the purposes of the statewide planning goals.
- 4.3.6.5 ORS 197.656(6) allows for land that is part of the region's commercial agricultural land or forest land base to be devoted to a use not allowed by those goals only if an exception to those goals is taken. The Board of

Commissioners concludes that the Regional Plan includes provisions for regional growth in Chapter 2 consistent with planning coordination requirements of ORS 195 and establishment of Urban Reserves consistent with applicable provisions in ORS 195 and neither of these actions have any affect on the permissible uses on agricultural land and/or forestland in Jackson County.

4.4 Substantive Compliance with the Oregon Administrative Rules.

- 4.4.1 The Board of Commissioners herewith incorporates and adopts the conclusions of law and consistent with those conclusions, concludes the Regional Plan and associated Urban Reserves comply with the Statewide Planning Goals.
- 4.4.2 OAR 660-021-0030(1) requires Urban Reserves to include 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. The Board of Commissioners concludes that Chapter 1 of the Regional Plan contains background findings which specify that the Regional Plan is intended to supply land over a 50-year period (a period of 30 years beyond the 20-year urban growth boundary time frame). The Board of Commissioners further concludes that the amount of Urban Reserve land reasonably meets the total projected land demand during that period.
- 4.4.3 OAR 660-021-0030(2) provides for the analysis methods and approach to identify suitable lands for consideration as Urban Reserves. The Board of Commissioners herewith incorporates and adopts the background findings in Chapter 3 as the County's general explanation of the methods used to identify suitable lands for the all cities. The Board of Commissioners herewith incorporates and adopts the background findings and suitability analysis provided in each of the city's individual sub-chapters of Chapter 4 to evaluate and identify suitable lands for each city's Urban Reserve. On the basis of these findings and analysis, the Board of Commissioners concludes that suitable lands for each city's Urban Reserves were identified using methods that appropriately applied the factors of Goal 14. This resulted in a pool of suitable land that ensured the application of the priority schema in Section 3 of this rule would result in Urban Reserves that require the least, or have the least effect upon, resource land.
- 4.4.4 OAR 660-021-0030(3) establishes priorities for inclusion of identified suitable lands as Urban Reserves. The Board of Commissioners herewith incorporate and adopt the background findings and analysis in Chapter 3 and the background findings and analysis in the sub-chapters of Chapter 4 devoted to the individual cities and on that basis concludes the Regional Plan includes suitable land according to the priorities in OAR 660-021-0030(3). As mentioned previously, the Board of Commissioners concludes the RPS process for selecting Urban Reserves differed from the Urban Reserve selection process (as outlined in Volume 1, Chapter 3, Section 5.2) but the outcome of the process is consistent, on the whole, with the purposes of the statewide planning goals.

4.5 Substantive Compliance with the Statewide Planning Goals

- 4.5.1 Goal 1: Citizen Involvement. The goal is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. The governing bodies for all participating cities and Jackson County have adopted and publicized programs for citizen involvement for their respective acknowledged comprehensive plans. The Citizen Involvement Element of the Jackson County Comprehensive Plan was last updated on May 31, 2006 (Ordinance No. 2006-03). It provides that the Board of Commissioners may create special countywide advisory commissions to study and provide recommendations on specific planning issues. Consistent with the adopted program, the Board created several

committees in collaboration with the affected cities and public agencies for the Greater Bear Creek Regional Problem Solving project, as described in the Regional Plan. These included the Public Citizens Involvement Committee, Policy Committee, Technical Advisory Committee, and the Resource Lands Review Committee.

In combination with the individual cities' outreach efforts as described in the Regional Plan, the RPS process provided for citizen involvement— consistent with the Goal 1 required components for a citizen involvement program. Adoption, implementation, monitoring, and amendment processes all provide for continued citizen involvement consistent with the Participants' Agreement and the acknowledged Citizen Involvement Programs for the respective jurisdictions. Accordingly, it is concluded that the Regional Plan project, including its implementing agreements and comprehensive plan amendments and the overall process, complies with Statewide Planning Goal 1.

- 4.5.2 Goal 2: Land Use Planning. The goal is to establish a land planning process and policy framework as a basis for all decisions and actions related to use of land and to ensure an adequate factual base for such decisions and actions. The Regional Plan results from a coordinated collaborative regional problem solving process, and is to be adopted as part of the comprehensive plans for each of the participating cities and Jackson County. The Regional Plan, consistent with Goal 2, includes identification of issues and problems, inventories and other factual information pertaining to the applicable statewide planning goals, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy, and environmental needs.

The Regional Plan to be adopted by the participating cities and Jackson County will be the basis for the specific implementation measures described therein. Adoption shall be in accordance with public hearing procedures and will be reviewed and, as needed, revised on a periodic cycle in accordance with the provisions in the Regional Plan. The legislative process and the agreement provided for opportunities for review and comment by citizens and affected governmental jurisdictions during preparation, review, and revision of the plan and implementing measures. The plan proposes no exceptions to the Statewide Planning Goals under Part II of Statewide Planning Goal 2. Consistent with Goal 2 Guidelines, the preparation and implementation of measures of the Regional Plan was based on a series of broad phases over an approximately ten-year period as described in Chapter 1 of the Plan. The regional problem solving and planning process provided time for collection of factual information included in the plan, which was refined many times to address problems and issues and to define alternative solutions and strategies for development. The factual information in the Plan includes a comprehensive GIS based mapping and inventory of the entire planning area (Volume 3 – Atlas), the analyses in Chapters 2 through 4 of Volume 1, and the appended studies and research included in Volume 2. Studies therein include the Phase I Status Report on Open Space, the Transportation Planning Analysis Unit (TPAU) Modeling Report, the Regional Economic Opportunities Analysis, the Regional Housing Needs Analysis, and the Regional Land Needs Simulator and Population Allocation report.

The Regional Plan has been prepared in coordination with affected governmental jurisdictions and in a manner that allows it to be integrated as part of the comprehensive land use plans of the participating cities and Jackson County. Furthermore, the Regional Plan was developed to balance long term land use needs over a fifty-year planning horizon. As the participating cities in the Region establish the need to adjust urban growth boundaries over the next fifty years, the Regional Plan will ensure that area appropriate for future urban needs is reserved and available in a manner consistent with management implementation measures of the cities' comprehensive plans, including land use and development ordinances, public facility plans, capital improvement budgets, and annexation requirements.

The Regional Plan includes site and area specific measures related to urban reserve areas, critical open space areas, buffering techniques, and generalized land use mix and densities. Accordingly, it is concluded that the Regional Plan complies with the purpose, requirements, and guidelines for land use planning as established in Statewide Planning Goal 2.

- 4.5.3** Goal 3: Agricultural Lands. The goal is to preserve and maintain agricultural lands. All agricultural land within the planning area subject to Goal 3, as defined therein and as inventoried in the Jackson County Comprehensive Plan, is identified in Volume 3 (Atlas) of the Regional Plan. The Regional Plan coordinates urban reserve areas for long range growth that will accommodate a doubling of the Region's urban population. As cities demonstrate a need for additional land, long range growth will generally be accommodated in areas that are adjacent or nearby (i.e., areas partially or wholly within one-quarter mile) to existing urban growth boundaries.

The Urban Reserve Rule promotes development of a compact urban form by requiring that local jurisdictions first consider the suitability of lands adjacent and nearby existing urban growth boundaries for urban reserves, and to prioritize lands for inclusion such that inventoried exception and non-resource lands within the study area are assigned first priority for inclusion and high-value resource lands are assigned lowest priority.

Additionally, through the Regional Plan, the cities have committed to developing at increased residential densities and mixed-use/pedestrian friendly form. The participants have also agreed to prepare and submit conceptual land use and transportation plans at the time of an Urban Growth Boundary amendment. These measures, in addition to other measures stated in Chapter 5 of the Regional Plan, will ensure that future development takes place in a compact fashion, thereby reducing the amount of agricultural land necessary to accommodate urban land needs.

The Urban Reserve Rule, at OAR 660-021-0040(4), requires resource land that is included in urban reserves to continue to be planned and zoned under the requirements of applicable Statewide Planning Goals. Accordingly, agricultural lands included in urban reserve areas will continue to be designated by Jackson County as Agricultural Land and zoned for Exclusive Farm Use while under County jurisdiction. The planning horizon of the Regional Plan is fifty years rather than the twenty years generally associated with urban growth boundaries. The stability provided to agricultural producers may encourage investments in higher value, longer-term crops, such as orchards and vineyards, and in operations that require greater investments in infrastructure and processing. Finally, the Regional Plan establishes practical, effective techniques for buffering farms from urban uses through adoption by the participants of Regional Agricultural Buffering Standards.

The need for improved agricultural buffering throughout the region was reinforced during the process of evaluating agricultural lands proposed for urban reserves. Trespass and vandalism, arising from the juxtaposition to urban areas, was the most commonly cited reason against designating agricultural lands in proximity to cities as part of the commercial agricultural base. Based on first-hand experience with the negative impacts arising from inadequately buffered urban/rural interfaces, members of the Resource Lands Review Committee developed "Guidelines for Establishing Effective Buffers between Agricultural and Urban Uses". The guidelines provide separate buffering recommendations for chemical spray drift, noise, sediment and stormwater run-off, trespass and vandalism, odor, and dust, smoke, and ash. The guidelines also serve to ensure the continued use of farmland for farm uses, to minimize potential conflict by a well-buffered boundary between rural agricultural and urban uses, to minimize the impacts of urban development on rural agricultural production activities and land resources, and to minimize the potential for complaints

about rural agricultural activities from urbanized areas.

Lastly, in response to public testimony, through the Regional Plan, Jackson County committed to appointing an Agricultural Task Force. The Task Force is required to 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 and to identify potential mitigation measures to offset those impacts. Appropriate mitigation measures shall be applied to Urban Growth Boundary Amendment proposals.

Altogether, since the Regional Plan does not allow for use of agricultural land subject to Goal 3 in any manner inconsistent with the goal, ORS Chapter 215, OAR 660 Division 033, or the Jackson County Comprehensive Plan and Land Development Ordinance and because the Regional Plan includes substantial mitigation measures to reduce potential impacts on agricultural lands, it is thereby concluded that the Greater Bear Creek Valley Regional Plan complies with Statewide Planning Goal 3.

- 4.5.4** Goal 4: Forest Lands. The goal is to conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that ensure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture. All Forest Land within the planning area subject to Goal 4, as defined therein and as inventoried in the Jackson County Comprehensive Plan, is identified in Volume 3 (Atlas) of the Regional Plan. The Regional Plan, as explained above in relation to Agricultural Land, balances long the range need for urbanizable land with the goals to preserve agricultural and forest lands.

The cities within the planning area are generally far removed from the principal forest land environments (i.e., areas suitable for commercial forest uses) as identified in the Forest Lands Element of the Jackson County Comprehensive Plan. Consequently, only the City of Medford and the City of Talent have identified any designated forest lands as Urban Reserves. There is a 28-acre enclave of Open Space Reserve (OSR) zoned land proposed by Medford on the east side of Table Rock Road within Urban Reserve area "MD-1". The subject OSR zoned land is adjacent to the municipal boundary and is comprised of four parcels that are on the valley floor and completely removed from any forested area. As mapped in the Atlas, the soils in the vicinity are unrated for forestry and are predominately rated as Class IV for agriculture. Consequently, the parcels were assigned priority (c)(2) for inclusion as Urban Reserve upon a determination of urban land suitability as discussed in the Medford element of Chapter 4 in the Plan.

The City of Medford proposes to include Prescott Park as an Urban Reserve ("MD-P"), as explained in Chapter 4 of the Regional Plan. The park area is 1,712 acres in size and is comprised of soils unrated for forestry with an agricultural class IV rating. This area is presently owned and managed by the City of Medford as a city park, as explained in Chapter 4 of the Regional Plan, and is committed to that use. The Regional Plan provides for eventual inclusion into the City on the condition that it continues to be used for public park purposes. The fact that Prescott Park was acquired with federal funds ensures it cannot be used for other than public park purposes. A forty acre privately owned parcel, also OSR zoned, forms an enclave within the park area. It has the same soil ratings as the rest of the park area, but is included as part of "MD-3" because it is not subject to the park condition. Its inclusion under priority (c)(2) is appropriate as inclusion of all higher priority land area does not fulfill the identified land need.

The City of Talent has designated approximately 38 acres of forest designated land within Urban Reserve area TA-3. The area includes five parcels of Woodland

Resource (WR) and Open Space Reserve (OSR) zoned land adjacent to the existing urban growth boundary and below the West Canal southwest of the city. The area was found to be suitable for urban growth needs as explained in Chapter 4 of the Regional Plan, and assigned a (c)(2) priority for inclusion as Urban Reserve. The area was designated as Urban Reserve after all higher priority lands had first been used. The Urban Reserve Rule, at OAR 660-021-0040(4), requires resource land included in Urban Reserves to continue to be planned and zoned under the requirements of applicable Statewide Planning Goals. Accordingly, forest lands included in Urban Reserve areas will continue to be designated by Jackson County as Forestry/Open Space Land and zoned for forest or open space uses while outside the urban growth boundaries and under the County's jurisdiction.

Because inclusion of designated forest lands has been found to comply with the provisions of the Division 21 Urban Reserve Rule for suitability, prioritization, inclusion, and continuation of resource land zoning within an Urban Reserve, it is concluded that the Plan complies with Goal 4.

- 4.5.5** Goal 5: Natural Resources, Scenic and Historic Resources, and Open Spaces. The goal is to protect natural resources and conserve scenic and historic areas and open spaces. Pursuant to Goal 5, local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. Goal 5 listed resources that must be inventoried by local governments are riparian corridors (including water and riparian areas and fish habitat), wetlands, wildlife habitat, federal wild and scenic rivers, state scenic waterways, groundwater resources, approved Oregon recreation trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources, and cultural areas. Local governments are also encouraged to maintain inventories of historic resources, open space, and scenic views and sites.

Jackson County's acknowledged inventory of Goal 5 resources is incorporated as a background document to the Natural and Historic Resources Element of the Jackson County Comprehensive Plan. Protection programs are implemented through the regulations included in the Jackson County Land Development Ordinance – primarily in Chapter 7 (Overlays – Environmental and Cultural), and at Chapter 4 relating to aggregate and mineral resources. Special setbacks to aggregate resources, stream corridors, and riparian habitat are established in Chapter 8 of the Land Development Ordinance.

Adoption and implementation of the Regional Plan does not alter Jackson County's Goal 5 resources or protection programs, nor does it alter any Goal 5 programs for the participating cities. The Regional Plan does not allow new uses within the planning area, nor does it amend any urban growth boundary. The Regional Plan does list significant open space resource sites identified through the Regional Problem Solving process, and it does contain strategies for acquisition of Critical Open Space Areas (COSA). However, OAR 660-023-0230 provides that local governments may adopt a list of significant open space resource sites as an open space acquisition program and are not required to apply the requirements of OAR 660-023-0030 through 660-023-0050 to such sites unless land use regulations are adopted to protect such sites prior to acquisition. Goal 5 is, therefore, not directly applicable to the Plan. Nonetheless, the Regional Plan emphasizes conservation of open space for its important economic, cultural, and livability benefits.

Conservation of Goal 5 resources was a fundamental consideration in the development of a long range regional plan in the context of determining the appropriateness and suitability of areas to accommodate future growth beyond existing urban growth boundaries. The Regional Plan considers natural resources as a major determinant of the carrying capacity of the planning area. For example, vernal pool wetlands were found to severely limit the carrying capacity of lands to the

north of Eagle Point, around White City, and north of Central Point. In the area north of Central Point, the vernal pool areas about the Upton Slough, further limiting the carrying capacity of that area. Preservation of open space between cities in the planning area was also emphasized in the coordinated planning process as a strategy for preserving the separate identity of individual communities. This resulted in the use of Community Buffer Areas in the Urban Reserve Selection process as outlined in Chapter 1 of the Regional Plan and as illustrated in Appendix V (Volume 3) of the Regional Plan. Scenic trails and corridors are also important as a link between distinct communities and have the added benefit of promoting exercise as a public health matter.

In conclusion, although Goal 5 is not directly applicable to the adoption of the Regional Plan, the plan embraces preservation of Goal 5 resources for present and future generations and is thereby concluded to be consistent with the requirements of Goal 5.

- 4.5.6** Goal 6: Air, Water and Land Resources Quality. The goal is to "To maintain and improve the quality of the air, water and land resources of the state. Goal 6 requires that all waste and process discharges from future development when combined with discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.

There is no LCDC interpretive rule for Goal 6. The Goal is not directly applicable to adoption of the Regional Plan because the plan does not authorize development in the present or the future. Rather, it will have the effect of restricting development in areas designated as Urban Reserves in order to preserve the future urban suitability of Urban Reserve lands. At the time urban growth boundary amendments occur and the comprehensive plan and zoning maps are amended to authorize new uses, Goal 6 will apply.

The Plan also provides regional standards for buffering and separation of land uses at the rural/urban interfaces to avoid conflicting requirements and impacts upon the air, water and land resources. Collaboration involved in the Regional Plan included the Land Conservation and Development Commission (LCDC), the Department of Land Conservation and Development (DLCDC), the Oregon Department of Transportation (ODOT), the Oregon Department of Housing and Community Services (ODHCS), the Oregon Economic and Community Development Department (OECDD), the Oregon Department of Environmental Quality (ODEQ), the Oregon Department of Agriculture (ODA), the Rogue Valley Metropolitan Planning Organization (RVMPO), Rogue Valley Sewer Services (RVSS), the Medford Water Commission (MWC), each of the participating cities, and Jackson County.

Adoption of a long range regional plan will provide all the affected communities and agencies a better understanding of where urban growth is likely to be directed in order that facilities, policies, and strategies may be prepared appropriately to provide for a future doubling of the region's urban population. Through the collaborative process, it was found that the regional sewerage transmission and treatment facilities managed by RVSS and the City of Medford are feasibly capable of providing for a doubling of the population. Additionally, adoption of a long term regional growth plan will also allow the local jurisdictions to better coordinate efforts to control pollution and impacts to the region's land, air, and water resources. The participant cities will ensure that overall residential density will be increased as urban growth boundaries are expanded, and will promote nodal development to assist in mitigating air quality impacts through reduction of vehicle miles traveled and mitigating water quality impacts by reducing the ratio of impermeable area to open space.

It is therefore concluded that adoption of the Regional Plan is compliant with Goal 6 and will serve to facilitate a coordinated regional approach to addressing Goal 6 as

growth boundaries amendments are needed in the future.

- 4.5.7** Goal 7: Areas Subject to Natural Hazards. The goal is to protect people and property from natural hazards. The goal requires local governments to adopt comprehensive plans to reduce risk to people and property from natural hazards. Natural hazards for the purposes of the goal applicable to the planning area are floods, landslides, earthquakes, and wildfires.

Jackson County has adopted a Natural Hazards Element as Chapter 17 of its comprehensive plan which addresses wildfire, stream flooding, stream erosion and deposition, high groundwater and ponding, slope erosion, mass land movement, and expansive soils. The Regional Plan includes comprehensive GIS based mapping of the planning area. Areas severely limited by natural features or hazards were identified and considered to determine whether the areas would or would not be suitable to accommodate future urban land needed and to ascertain effective buildable area available. Each of the areas selected for Urban Reserve designation was found to be suitable for urban uses in general or, as indicated in Chapter 4 of the Plan, for specific urban uses such as a park or greenway. As urban growth boundaries are expanded, cities will determine more specific Goal 7 measures appropriate for each area. While the lands remain rural as Urban Reserves, emergency service providers will be identified in the applicable Urban Reserve management agreements. Development will otherwise be subject to the existing acknowledged natural hazard mitigation measures of the Jackson County Comprehensive Plan and its implementing ordinances. It is concluded that the Regional Plan complies with Goal 7.

It is therefore concluded that adoption of the Regional Plan is compliant with Goal 7 and will serve to facilitate a coordinated regional approach to addressing Goal 7 as growth boundaries amendments are needed in the future.

- 4.5.8** Goal 8: Recreational Needs. The goal is to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts. The goal establishes that the requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities. The planning must be in coordination with private enterprise, in appropriate proportions, and in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans are required under the goal to be coordinated with local and regional recreational needs and plans.

The goal also establishes that comprehensive plans may provide for the siting of destination resorts on rural lands subject to the provisions of state law, including ORS 197.435 to 197.467, and other Statewide Planning Goals, and without an exception to Goals 3, 4, 11, and 14. Jackson County has an adopted and acknowledged eligible lands map for siting of destination resorts, as well as implementing regulation. There are no lands eligible for siting of large destination resorts within proximity of existing urban growth boundaries. However, there are lands proximate to urban growth boundaries of participating cities that are shown to be eligible for small destination resort permitting. Jackson County development standards for resort permitting are set forth at LDO 6.3.8. LDO 6.3.8(K)(2)(i) requires that a proposed resort comply with any applicable Overlay in Chapter 7 of the ordinance. Chapter 7 includes urban overlays at LDO 7.3.1 (Areas of Mutual Planning Concern and Urban Growth Boundaries) and 7.3.3 (Urban Fringe). These sections are to be amended through this process to recognize the designation of Urban Reserve Areas. Also, LDO 6.3.8(K)(2)(p) requires that a proposed resort comply with any urban growth boundary agreement or urban growth management agreement that has been jointly adopted by the governing bodies of the affected city and the County. Consequently,

destination resort permitting would be subject to the terms of a jointly adopted Urban Reserve Management Agreement which would ensure that any affected Urban Reserve areas would not be developed in a manner that would interfere with future urbanization needs. Conversely, the Regional Plan would not have the effect of proscribing appropriate Goal 8 destination resort development. Accordingly, it is concluded that the Regional Plan is consistent with the acknowledged Goal 8 program for destination resorts in Jackson County.

Regarding other recreation needs, the Regional Plan identifies generalized land need for recreation/park use for each participating city as set forth in Chapter 4, and addresses the need for intercity recreational trails and open space by requiring these elements to be shown on the Conceptual Transportation Plans which are required to be submitted at the time of a UGB amendment. The plan identifies lands that are valued by the region as open space for environmental, aesthetic, cultural, and recreational needs. Other specific measures in the Regional Plan are the designation of City of Medford owned Prescott Park and Chrissy Park as Urban Reserves restricted to park use, analyses of the Bear Creek Greenway segments within candidate growth areas to determine appropriateness for Urban Reserve inclusion, recommendations for agricultural buffering areas to function also as open space for recreation, and location of and need for private recreation areas.

Therefore, it is concluded that the Regional Plan provides for the long range recreational needs of the region in a manner consistent and in compliance with Goal 8.

4.5.9 Goal 9: Economic Development. The goal is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. The goal requires that comprehensive plans and policies contribute to a stable and healthy economy in all regions of the state. Plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base, materials and energy availability and cost, labor market factors, educational and technical training programs, availability of key public facilities, necessary support facilities, current market forces, location relative to markets, availability of renewable and non-renewable resources, availability of land, and pollution control requirements. The goal outlines specific requirements for comprehensive plans for urban areas (i.e., areas within an urban growth boundary).

LCDC's administrative rule at OAR Chapter 660, Division 9 directs cities to coordinate with counties to adopt Goal 9 compliant plans for the respective urban areas. The planning horizon of the Regional Plan extends well beyond that for the growth boundary areas of the participating cities. Planning for long range employment land needs is appropriately more generalized than that required for urban area planning inside urban growth boundaries. Chapter 2 of the Regional Plan explains the coordinated population allocation, employment growth projections, and the associated land needs for housing and economic development over the long-range planning period. The techniques employed to derive long range land needs are also explained in detail therein.

A Regional Economic Opportunities Analysis (EOA) was prepared for and is included in the Regional Plan. Adopted and acknowledged economic elements of each city's comprehensive plans were also analyzed to establish that the Regional EOA does not conflict with the adopted comprehensive plans. In recognition that employment conditions and opportunities are dynamic phenomena that may change over the long term, and that the planning horizon for the project is for the very long term, the Regional Plan does not allocate all the projected employment need to specific participants.

The Regional Plan does provide flexibility by allowing minor and major amendments to the plan to address new employment opportunities that may arise. Chapter 4 of the Regional Plan establishes the generalized ratio of employment to overall land need by city in the suitability studies for each Urban Reserve area. Areas found to have very strong comparative advantages to accommodate long range regional employment land needs, such as the Tolo Area and the South Valley Employment Center, are reserved primarily for the identified employment land uses. Urban Reserve areas with public facility and service limitations appropriate to certain employment uses but otherwise inappropriate for other urban uses, such as the area to the west of Highway 62 adjacent to Eagle Point, are also specifically restricted to the identified uses. The Regional Plan will reserve an adequate long range employment land base in suitable locations for a variety of commercial, industrial, and institutional uses, and will protect areas found to have significant comparative advantages for regional employment in a manner that will facilitate Goal 9 compliance as participating cities grow over the long range planning horizon.

Therefore, it is concluded that the Regional Plan complies with Goal 9.

- 4.5.10** Goal 10: Housing. The goal is to provide for the housing needs of citizens of the state. Planning for long range land need for housing is appropriately more generalized than that required for planning inside urban growth boundaries. Chapter 2 of the Regional Plan explains the coordinated population allocation, employment growth projections, and the associated land needs for housing and economic development over the long-range planning period. The techniques employed to derive long range land needs are also explained in detail therein. The Bear Creek Valley Housing Needs Analysis was prepared for and is included in the Regional Plan. Adopted and acknowledged housing elements of each city's comprehensive plans were also analyzed to establish that the Regional Plan does not conflict with the adopted comprehensive plans.

Because the Regional Plan addresses the situation of a doubling of the region's urban population, shorter term cyclical peaks and troughs in demand are normalized over the long range planning period. Chapter 2 of the Plan explains in detail the residential land need assumptions for the region by city, factors that would affect the estimates, and how the Plan may be revised over time as cities update comprehensive plans for their urban areas with more detailed studies. In Chapters 3 and 4 of the Regional Plan, existing land supply is related to the gross land need estimates established in Chapter 2. Urban Reserves, as explained in Chapter 3, were then designated after studying surrounding lands for suitability and priority to accommodate the identified land need. The Regional Plan establishes monitoring and implementation measures in Chapter 5 to ensure that long range land needs and regional objectives are met. Accordingly, it is concluded that the Regional Plan reserves an adequate and coordinated supply of land to accommodate a projected long range doubling of the Region's urban population – and is consistent with Goal 10. As the participating cities expand urban growth boundaries over the long range planning horizon, the amount of land to be justified will be based on the more specific and rigorous studies and analyses required for urban growth boundary amendments related to a twenty-year land need and the commitment to increased residential densities included in the Regional Plan. Urban Reserves resulting from the Regional Planning process will ensure that suitable land is available in appropriate locations as the cities grow.

Therefore, it is concluded that the Regional Plan provides for the long range housing needs of the region in a manner consistent and in compliance with Goal 10.

- 4.5.11** Goal 11: Public Facilities and Services. The goal is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Pursuant to the Goal, urban and rural

development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. The Jackson County Comprehensive Plan's Public Facilities and Services Element (Chapter 19) incorporates this concept as Policy 1 in the element, which is not amended by the Regional Plan. Goal 11 further requires that cities or counties shall develop and adopt a public facilities plan for areas within an urban growth boundary containing a population greater than 2,500 persons, and also that counties shall develop and adopt community public facility plans for certain unincorporated communities outside urban growth boundaries as specified by Commission rules.

The Regional Plan does not establish or amend existing urban growth boundaries, nor does it establish or amend any adopted unincorporated community plan adopted pursuant to LCDC's Unincorporated Communities Rule (OAR Chapter 660, Division 22). Under the Goal, local governments shall not allow the establishment or extension of sewer systems outside urban growth boundaries or unincorporated community boundaries and are generally limited from allowing public sewer service to rural lands except as indicated in the Goal and the implementing LCDC rules (OAR 660-011-0060) or by exception taken in accordance with ORS 197.180 and Goal 2. Jackson County's comprehensive plan policies in the Public Facilities and Services Element requires the same, and the implementing Land Development Ordinance specifies acknowledged procedures for consideration of public sewer service system establishment or extension to rural lands (Chapter 3).

The Regional Plan does not amend any provisions of the Jackson County Comprehensive Plan or its implementing ordinances related to sewer service. Guidelines included for Goal 11 address Planning and Implementation of the Goal. The Regional Plan includes an analysis of all candidate Urban Reserve areas that evaluates general suitability to accommodate identified long term urban needs in relation to the Goal 14 location factors and the growth policies of the region.

Capacity of the regional sewer treatment and transmission facilities, public facility and service interties between jurisdictions, and transitional agreements with regard to Urban Reserve areas were considered in the Regional Plan and are implemented through adoption of the Regional Plan, the Urban Reserve Management Agreements, the Participant's Agreement, and mapping amendments designating the Urban Reserves on affected comprehensive plan and zoning maps. Accordingly, it is concluded that the Regional Plan is consistent with the Planning and Implementation Guidelines of Goal 11 and with Goal 11 on the whole.

- 4.5.12** Goal 12: Transportation. The goal is to provide and encourage a safe, convenient and economic transportation system. The Goal outlines required elements to be included in a transportation plan, defines terms used in the goal, and provides Guidelines for Planning and Implementation. LCDC's Transportation Planning Rule (OAR Chapter 660, Division 12) more extensively addresses the requirements for transportation planning, coordination, required elements, consideration of needs, evaluation and selection of transportation alternatives, financing, implementation, project development, timing for adoption and updates, plan and regulation amendments, transportation improvement on rural lands, and exceptions thereto. Jackson County has an adopted and acknowledged transportation system plan that anticipates the adoption of the Greater Bear Creek Valley Regional Plan. At Jackson County Transportation System Plan (JCTSP) 2.4 (Ongoing Planning Processes), page 14 (Ordinance 2005-3):

"The broadest and largest of the ongoing planning projects is Regional Problem Solving (RPS). The County has been participating in RPS for several years. The RPS process is seeking to take advantage of a statute that provides for some regional flexibility in application of the State of Oregon

land use rules, provided the plan will meet the Statewide Planning Goals and all statutory requirements. Much of the process to date has focused on city growth and identifying future urbanizable growth areas. The planning horizon for RPS extends far beyond the planning horizon of this TSP. Some of the growth proposals that have been considered in RPS could have significant transportation impacts at full development, but these impacts would generally be at or beyond the planning horizon of the TSP. The Jackson County TSP includes a policy that would allow for longterm preservation of transportation corridors. This policy may be helpful in addressing transportation issues resulting from RPS. If the land-use component of RPS is completed and the process is extended to identify critical future transportation system corridors, then at least one and possibly several updates to the Jackson County TSP may be required."

Additionally, JCTSP Policy 4.3.1-E establishes that:

"Regional planning projects intended to identify future urban growth boundary expansion areas, such as the on-going Regional Problem Solving (RPS) process, must include an appropriate transportation planning component. Strategies: a. UGB expansions into Urban Reserve areas should not create transportation problems that cannot be adequately addressed, given reasonable transportation funding expectations. b. Where UGB expansions are proposed into an Urban Reserve Area developed through a regional planning project, the proposed expansion should include adoption of a refinement plan to be added to the applicable city (or cities) Transportation System Plan at the final proceeding approving the urban growth boundary expansion."

ODOT's Transportation Planning Analysis Unit (TPAU) produced a report which is included at Appendix VI of the Regional Plan. The report analyzed various land use and transportation scenarios to determine potential impacts on the regional transportation network as a result of development within the proposed Urban Reserve Areas. The analysis concluded that the nodal development land use scenario would have the least effect on congestion levels. As such, the participants have agreed to a Performance Indicator (Chapter 5 of the Regional Plan) to develop the Urban Reserves utilizing mixed-use/pedestrian friendly (nodal) form.

Chapter 2 of the Regional Plan also provides for and explains the strategies for greater coordination with the Metropolitan Planning Organization (MPO). The strategy states that the region will need an improved regional transportation network to avoid state facilities serving a more disproportionate local arterial function. The strategy identifies four candidate connector roads outside of the proposed urban areas that would serve as transportation facilities. The list, which is not exhaustive, includes Hanley Road, South Stage Road, Foothills/North Phoenix Road, and McLaughlin Road. The MPO is to extend the study and develop a prioritized list of long-term regional arterial improvements to serve the Region's needs. Further study under the strategy will determine if Goal exceptions will be required. The strategy also provides that the MPO will develop plans for least cost right-of-way acquisition.

Chapter 4 of the Regional Plan contains the background findings for each participating city's evaluation of candidate growth areas. Chapter 5 of the Regional Plan commits the participating cities to develop a Conceptual Transportation Plan prior to an Urban Growth Boundary amendment proposal. The Conceptual Transportation Plan shall identify a general network of regionally significant arterials under local jurisdiction, transit corridors, bike and pedestrian paths, and associated projects to provide mobility throughout the Region (including intracity and intercity, if applicable) in order to cost-effectively protect these transportation corridors. Furthermore, Chapter 5 requires the cities to collaborate with the MPO to: prepare

the Conceptual Transportation Plans; designate and protect the transportation infrastructure required in the Conceptual Transportation Plans identified in Section 2.7 to ensure adequate transportation connectivity, multimodal use, and minimize right of way costs; plan and coordinate the regionally significant transportation strategies critical to the success of the adopted Regional Plan including the development of mechanisms to preserve rights-of-way for the transportation infrastructure identified in the Conceptual Transportation Plans; and establish a means of providing supplemental transportation funding to mitigate impacts arising from future growth.

The discussion at JCTSP 2.4 related to ongoing planning processes should be considered by the cities when preparing their Conceptual Transportation Plans:

"Often, the 'local' county road network becomes the higher order network when an exception area is taken into a UGB and developed at urban densities. What is a local road from the County's perspective may be a future collector street from the City's perspective. The quality of the local road network in these areas may affect the attractiveness of the exception area for future urbanization. Cities that have concerns about street connections in exception areas outside their UGB's should look at the potential for additional development under the current County zoning. If the existing zoning allows development that could jeopardize a critical road connection, then the City may want to approach the County about developing a local road network plan for the area to preserve critical future road connections."

The Regional Plan in these ways also comports with the following policies of the JCTSP:

"4.2.1-M. Jackson County establishes Long-Term Potential (LTP) Comprehensive Plan corridor areas where planning for future road connections beyond the planning horizon of the TSP are probable (see Figure 5-7). Strategies: a. Review LTP overlay designations at least once every ten years to determine whether protection of the corridor is still warranted based on an analysis that determines the corridor is still a probable location for a future road connection. b. If a road is planned at a future time within a LTP corridor, then the LTP corridor designation will be removed. The presence of an LTP corridor designation provides no 'special status' for planning a transportation improvement, such as the need for exceptions to the Statewide Planning Goals."

It is concluded that the Regional Plan will function to further the implementation of policies already established in the acknowledged Jackson County Transportation System Plan, and will provide for ongoing coordination and updates of collective transportations plans of the MPO, participating cities, Jackson County, and the State of Oregon in a manner consistent with Statewide Planning Goal 12. Additionally, because of the aforementioned reasons and the fact that the Regional Plan does not affect the uses allowed on land proposed as Urban Reserve Areas, it is concluded that the Regional Plan complies with Statewide Planning Goal 12.

- 4.5.13** Goal 13: Energy Conservation. The goal is to conserve energy. Pursuant to Goal 13, land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The goal includes Guidelines for Planning and Implementation. LCDC has not enacted interpretive rules directly related to Goal 13. However, the Division 21 Urban Reserve Rule can reasonably be construed to incorporate and implement the goal in requiring that cities and counties shall first study lands adjacent to, or nearby, the urban growth boundary for suitability for inclusion within Urban Reserves. It also requires a balancing of the Goal 14 location factors which include consideration of

energy consequences. The rule works in tandem with LCDC rules and statute relating to urban growth boundary amendments to ensure that urban areas are planned in an efficient manner which promote compact urban land form. The Regional Plan supports the goal of conserving energy by concentrating development in areas that are readily served by existing public facilities and services and near existing urban growth boundaries, and in providing a development pattern that has the potential to reduce the transportation-related per capita use of energy. The Regional Plan provides for a significant increase in overall urban density to accommodate a doubling of the regional urban population. Additionally, through the Regional Plan, the participating cities have committed to a nodal form of development which has the potential to significantly lessen transportation needs. This will be demonstrated via Conceptual Land Use Plans and Conceptual Transportation Plans per Chapter 5 of the Regional Plan.

The Regional Plan does not affect any identified energy resource in the region. Accordingly, it is concluded that the Regional Plan complies on the whole with and will serve to further promote Statewide Planning Goal 13.

- 4.5.14** Goal 14: Urbanization. The goal is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The goal requires that urban growth boundaries be established and maintained by cities, counties, and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land.

Urban Reserves designated in the Regional Plan will implement and further Goal 14 with regard to any future establishment or change of urban growth boundaries in the region. Establishment or amendment of urban growth boundaries is required to be a cooperative process among cities and counties. The Regional Plan functions to coordinate long-term urban growth in a regional context as a method to achieve the Goal. The Regional Plan considers the land need requirements over a period longer than the twenty years required by Goal 14 for urban growth boundaries, but in a manner consistent with the Division 21 Urban Reserve Rule by providing an adequate base to accommodate an additional ten to thirty years beyond the twenty year urban growth boundary need.

Long term land demand is analyzed in detail at Chapter 2 of the Regional Plan. The location of Urban Reserves designated in the Regional Plan results from a coordinated effort amongst the participant jurisdictions in consideration of the Goal 14 location factors, the growth policies of the region, and the provisions and priorities of the Division 21 Urban Reserve Rule. Chapter 4 of the Greater Bear Creek Valley Regional Plan includes a detailed analysis of the study areas, urban suitability determinations, and the assignment inclusion priorities consistent with the Urban Reserve Rule methodology.

Future urbanizable land will be reserved pursuant to the Regional Plan, the Participants' Agreement, and the URMA's to maintain the potential for planned urban development until the need for additional urban land is justified through the growth boundary amendment process and then until appropriate public facilities and services are available or planned. Rural land under Jackson County's jurisdiction will continue to be maintained as rural land where located outside urban growth boundaries whether inside or outside of designated Urban Reserve areas, in accordance with its acknowledged comprehensive plan.

The only designated unincorporated community in the Regional Boundary area is White City, for which an unincorporated urban community plan has previously been acknowledged. The White City Urban Unincorporated Community included

exceptions to Goal 14 as physically developed and irrevocably committed to urban development. The Regional Plan reflects the planned population growth and development capacity consistent with the adopted community plan and the Urban Lands Element of the Jackson County Comprehensive Plan.

In providing for an orderly transition from rural to urban uses in the long-term for projected population, regional agricultural buffering standards included in the Regional Plan will be adopted by the participating cities and Jackson County to avoid the negative impacts that have previously resulted at urban growth boundary interfaces with agricultural land.

It is therefore concluded that the Regional Plan complies overall with Goal 14.

4.5.15 Goals 15 through 19 do not apply to Jackson County.

SECTION 5. SUMMARY CONCLUSIONS

Based on the evidence and arguments included in the record, the Board of Commissioners concludes that:

5.1 Proper public notice was given and public hearings were conducted in accordance with State law and acknowledged local regulations, during which members of the public were provided opportunities to present evidence and argument.

5.2 The amendments proposed through Planning File LRP 2009-00010 are in compliance with and further the Jackson County Comprehensive Plan by creating a long range plan for regional growth in the Bear Creek Valley and by designating Urban Reserves to protect lands that are suitable for future urbanization from uses and development that may be incompatible with future urban land uses.

5.3 Adoption of the Land Development Ordinance text amendment and Comprehensive Plan Map and Zoning Map amendments will ensure the Jackson County Plan Maps and Zoning Maps depict the Urban Reserves established by the planning action in Planning File LRP 2009-00010 consistent with the proposed Plan text amendments.

SECTION 6. DECISION:

By the signatures below, the Jackson County Board of Commissioners hereby adopt this ordinance to adopt the Regional Plan Element as a new element of the Jackson County Comprehensive Plan; amendment to the Land Development Ordinance Sections 7.3.1 and 7.3.3 and Official Comprehensive Plan and Zoning Maps to designate the Regional Plan Boundary and Urban Reserve Areas; Urban Reserve Management Agreements between Jackson County and the cities of Central Point, Eagle Point, Medford, Phoenix, and Talent; and amendment to the Population Allocations of Rural Unincorporated Jackson County and the City of Ashland in the Population Element of the Jackson County Comprehensive Plan.

APPROVED this ____ day of _____, 2011, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Dennis C.W. Smith, Chair

Don Skundrick, Commissioner

John Rachor, Commissioner

APPROVED AS TO FORM:

ATTEST:

County Counsel

By: Recording Secretary

The Board of County Commissioners' Ordinance is the final local decision on this item. To be effectuated however, the ordinance must be submitted to the State of Oregon Department of Land Conservation and Development pursuant to Oregon Administrative Rule Chapter 660, Division 25, Section 175. Information on filing an objection with the Department of Land Conservation and Development can be found in Oregon Administrative Rule Chapter 660, Division 25, Section 140.

Exhibit F of Ordinance No. _____, and
Appendix 3 of Phoenix Regional Plan Element

Urban Reserve Management Agreement

**AGREEMENT BETWEEN THE CITY OF PHOENIX (CITY), OREGON
AND JACKSON COUNTY (COUNTY), OREGON
FOR THE JOINT MANAGEMENT OF THE PHOENIX URBAN RESERVE**

WHEREAS under ORS 190.003 to 190.030, and 197.175, et seq. City and County are authorized to enter into intergovernmental agreements and are required to prepare and adopt Comprehensive Plans consistent with Statewide Planning Goals; and

WHEREAS City and County have previously entered into an intergovernmental agreement setting forth their rights and responsibilities within the Urban Growth Boundary (UGB) and outside the incorporated City boundaries and this Agreement remains in full force and effect; and

WHEREAS under OAR 660-021-0020, City and County are authorized to establish Urban Reserves and City and County have adopted an Urban Reserve as well as plan policies and land use regulations to guide the management of this area pursuant to OAR 660-021-0020; and

WHEREAS City and County recognize the importance of providing an orderly transition of urban services from County to City jurisdiction and administration as the Urban Reserve transitions from a rural to an urban character; and

WHEREAS ORS 190-003, et seq. requires that an intergovernmental agreement relating to the performance of functions or activities by one unit of local government for another shall be adopted and shall specify the responsibilities between the parties;

NOW, THEREFORE, City and County agree as follows:

1. Definitions

BOC: Jackson County Board of Commissioners.

Comprehensive Plan: State-acknowledged comprehensive plan adopted by City or County.

Council: City of PHOENIX City Council.

LDO: Jackson County's Land Development Ordinance.

Nonresource Land: Land that *is not* subject to the statewide Goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d).

Planning Services: Legislative activities, such as adoption and amendment of comprehensive plan text and maps, adoption and amendment of land use regulations, and quasi-judicial processing of land use actions.

Resource Land: Land that is subject to the statewide Goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d).

Urban Growth Boundary (UGB): The boundary separating urban and urbanizable lands in and adjacent to City from rural lands under County jurisdiction.

Urban Growth Boundary Management Agreement (UGBMA): The current agreement between County and City concerning the management of the lands within City's urban growth boundary. Such agreements may be alternatively referred to as "Urban Growth Management Agreements" (UGMAs), "Urban Growth Boundary Agreements" (UGBAs), "Urban Area Management Agreements" (UAMAs) and "Urban Growth Boundary and Policy Agreements" (UGBPAs).

Urban Reserve (UR): Lands outside of a UGB identified as highest priority (per ORS 197.298) for inclusion in the UGB when additional urbanizable land is needed in accordance with the requirements of Statewide Planning Goal 14.

Urban Facilities and Services: Basic facilities that support urban development in accordance with a Comprehensive Plan and that are primarily planned for by cities but also may be provided by counties or districts. Urban facilities and services include, but are not limited to: fire protection, sanitary facilities, potable water delivery, storm drainage facilities, streets and roads (including bike lanes and sidewalks), planning, zoning and subdivision control, health services, parks and recreation facilities and services, transportation and community governmental services.

2. Intent and Purpose of Agreement

The intent and purpose of this Agreement is for City and County to:

- A. Enhance long-range planning in the Urban Reserve.
- B. Maintain and improve coordination and communication between City and County.
- C. Develop consistent policies and procedures for managing urban growth and development within the Urban Reserve.
- D. Minimize impacts to property owners, local governments and service providers related to the transition of property from within the Urban Reserve to within the Urban Growth Boundary.

3. Urban Reserve Planning and Zoning

- A. OAR 660-021-0040(2) requires that development and land divisions in exception areas and on nonresource lands must not hinder the efficient transition to urban land uses and the orderly and efficient provision of urban services. In accordance with this and other requirements in State law, the Jackson County Comprehensive Plan and Land

Development Ordinance will specify an appropriate minimum parcel size for new land divisions in the UR and the following provision will apply:

Prior to approval of any new development, property owners must sign a deed declaration acknowledging that existing or proposed development on their property may be impacted by future urbanization, including the installation of public utilities and streets.

- B. Per OAR 660-021-0040(3), for exception areas and nonresource land in the UR, zone amendments allowing more intensive uses, including higher residential density, than permitted by acknowledged zoning at the time of execution of this Agreement shall not be permitted. This regulation shall remain in effect until such time as the land is annexed into the City.
- C. Per OAR 660-021-0040(4), resource land that is included in the UR shall continue to be planned and zoned under the requirements of applicable Statewide Planning Goals.

4. Process for Exercising Responsibilities in the Urban Reserve

- A. Per OAR 660-021-0050(1), unless otherwise agreed to, designation of the local government responsible for building code administration, enforcement of land use ordinances, and land use regulation in the Urban Reserve shall be:

(i) *Prior to inclusion within the UGB:* County

(ii) *After inclusion within the UGB:* Per current agreement (e.g., UGBMA)

(iii) *After annexation into the City:* City

- B. Per OAR 660-021-0050(2), designation of responsibility for the current and future provision of sewer, water, fire protection, parks and recreation, road maintenance and improvements, and stormwater facilities within the UR are described below and shown on the map attached hereto and incorporated herein as "Exhibit 1."
- C. Per OAR 660-021-0050(3), the terms and conditions under which responsibility for the provision of urban facilities and services will be transferred or expanded in the UR are described in Section 5, below.
- D. Per OAR 660-021-0050(4), and to ensure involvement by affected local governments and special districts, procedures for notification and review of land use actions in the UR to ensure involvement by affected local governments and special districts are as follows:
 - (i) All land use actions shall be processed by County. After receiving an application or developing a proposal, County will request comments from City and other affected local governments and special districts concerning the requested land use action. County will provide these parties with 45 days notice before the first hearing of any proposed

County Comprehensive Plan, Comprehensive Plan map, zoning map or zoning regulation amendment in the Urban Reserve.

- (ii) Upon request for comments on a land use action in the UR, City and any other affected local governments and special districts will have an opportunity to recommend approval, recommend approval with conditions, or recommend denial of the land use action. In consideration of City's comments, County will recognize that City has a unique interest in ensuring the efficient transition of the UR area from rural to urban land uses.
- (iii) County staff will incorporate any comments received into the staff report and present them to the initial and final hearings body. Additional comments by City or other affected local governments, or special districts, concerning the land use action will be heard and considered as part of County's land use hearing process.

5. Transition Policies Relating to Service Responsibility in the Urban Reserve

- A. **Sanitary Sewer Service.** There will be no provision of these services in the UR until City and/or Rogue Valley Sewer (RVS) services are available consistent with the provisions of Statewide Planning Goal 11, its implementing regulations, and the regulations of the respective sanitary sewer service provider. Subsequent to annexation, City may require hook-up, per City standards, to sanitary sewer services. Nothing in this provision shall limit the ability of individuals to provide individual services, under provisions of applicable State and local law(s), on their own private property within the Urban Reserve. The attached map (Exhibit 1) depicts City's UGB and city limits, within which sanitary sewer service is the responsibility of City and/or RVS. County has no sanitary sewer service responsibilities.
- B. **Potable Water Service.** There will be no public provision of these services in the UR until urban services are available consistent with the provisions of Statewide Planning Goal 11 and the regulations of the respective public water provider. City shall be the sole and only public provider of water, except for existing water districts. Nothing in this provision shall limit the ability of individuals to provide individual services, under provisions of applicable State and local law(s), on their own private property within the Urban Reserve. The attached map (Exhibit 1) depicts City's UGB and city limits, within which potable water service is the responsibility of City. County has no potable water service responsibilities.
- C. **Fire Protection.** Jackson County Fire Protection Districts #2 and #5 have responsibility for fire protection services within the UR, UGB and City's limits. The attached map (Exhibit 1) depicts the boundaries described above.
- D. **Parks and Recreation.** County provides parks and recreation services outside of City's limits, while City provides these services within City's limits.
- E. **Road Maintenance and Improvements.**

- (i) **County Roads.** County maintains county roads within the UR. County will retain jurisdiction and be responsible for the continued maintenance of these road(s) until annexation by City. When City's UGB is expanded into the URA, County will require (e.g., through a condition of approval of UGB amendment) that City assume jurisdiction over the county roads within the proposed UGB at the time of annexation into City regardless of the design standard used to construct the road(s) and regardless of when and how the road(s) became county roads. The transfer shall occur without compensation and City shall not impose other conditions that might otherwise be allowed under ORS 373.270(6). County shall ensure the pavement condition of the road(s) is in good or better condition at the time of the transfer as determined by county's Pavement Management Grading System.

When a proposed UGB amendment will result in a significant impact to a county road(s) already within City's limits, or existing UGB, such that the proposed amendment depends on said county road(s) for proper traffic circulation, then a nexus is found to exist between the proposed UGB expansion and said county road(s). Where such a nexus exists, the county may require, as a condition of approval, the transfer of all, or portions of, said county road(s) within the existing UGB or City's limits at the time of annexation, regardless of the design standards to which the road is constructed. This transfer shall occur without compensation and shall not be subject to other conditions that might otherwise be allowed under ORS 373.270(6). County shall ensure the pavement condition of said road(s) is in good or better condition at the time of the transfer as determined by county's Pavement Management Grading System. The parties deem the following roads within City's UGB or City's limits to have such a nexus:

- Houston Road, Colver Road to 290' West of Coral Circle

For county roads within City's limits or UGB not listed above, City shall not be required to assume jurisdiction as part of this Agreement.

- (ii) **State Highways.** The Oregon Department of Transportation (ODOT) maintains state highways within the UR. ODOT retains jurisdiction and maintenance responsibilities on all state highways in the UR after inclusion within City's UGB and after annexation by City except where jurisdiction is transferred to City or County by separate agreement.

The attached map (Exhibit 1) depicts roads within the UR where, if the road is publicly-maintained, either County or ODOT has responsibility for road maintenance and improvements. Upon annexation, City will assume jurisdiction along with road maintenance and improvement responsibilities over the entire right-of-way of said road(s) currently maintained by County within the annexation area.

- F. **Stormwater Management.** County provides limited, if any, public stormwater management services within the UR. City provides stormwater management services within the City's limits. Transition of public stormwater management responsibilities from County to City will occur upon annexation by City. The attached map (Exhibit 1)

depicts the UR wherein County has responsibility for public stormwater management services until annexation by City.

- G. *Special Districts.* City must agree to the formation of any special district within the UR prior to the approval of the formation of the district by County. This provision shall not apply to County-wide service districts formed under ORS Chapter 451.
- H. *Service Expansion Plans.* As the future provider of water, sewer, parks and recreation, road maintenance and improvement, and stormwater management services in the UR, City shall prepare and update service expansion plans and these plans shall be consistent with the UGBMA between City and County. These plans shall provide a basis for the extension of services within the UGB and shall be referred to County for comment.

6. Review, Amendment and Termination of this Agreement

- A. This Agreement may be reviewed and amended at any time by mutual consent of both parties, after public hearings by the Council and the Board of Commissioners.
- B. Any modifications to this Agreement will be consistent with City and County comprehensive plans and state law.
- C. Staff from City and County will attempt to informally resolve any disputes regarding the terms, conditions, or meaning of this Agreement. For any disputes not resolved through this informal process, the Council and the BOC will meet jointly in an attempt to resolve those disputes. Either party may request the services of a mediator to resolve any dispute.
- D. This Agreement may be terminated by either party subsequent to dissolution of the Urban Reserve. Such termination shall proceed through a properly noticed public hearing process.

JACKSON COUNTY BOARD OF COMMISSIONERS

CITY OF PHOENIX CITY
COUNCIL

Dennis C. W. Smith, Commissioner

Carlos DeBritto
Carlos DeBritto, Mayor

John Rachor, Commissioner

Bruce Sophie
Bruce Sophie, Councilmember

Don Skundrick, Chair

Carolyn Bartell
Carolyn Bartell, Councilmember

Karen Jones
Karen Jones, Councilmember

APPROVED AS TO LEGAL SUFFICIENCY:

Diana Nelson
Diana Nelson, Councilmember

County Counsel

William Moore
William Moore, Councilmember

[Signature]
City Attorney

Jeff Bellah
Jeff Bellah, Councilmember