

**TIME:** 1:30 PM      **LOCATION:** COURTHOUSE AUDITORIUM, 10 S OAKDALE, MEDFORD, OR.



**JACKSON  
COUNTY**  
*Oregon*

# MEMO

## Development Services Comprehensive Planning

Charles Bennett  
*Planner III*

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Medford, OR 97501  
Phone: (541) 774-6115  
Fax: (541) 774-6791  
bennetch@jacksoncounty.org

**To:** Jackson County Board of Commissioners  
**From:** Charles Bennett, Planner III  
**Subject:** November 15, 2023 Board Hearing, File: 439-23-00001-LRP  
**Date:** November 1, 2023

Attached is a Planning Commission recommendation of denial for a Comprehensive Plan Map and Zoning Map Amendment to change Comprehensive Plan Map designation from Agricultural Land to Aggregate Resource Land and the Zoning Map Designation from Exclusive Farm Use (EFU) to Aggregate Removal (AR) and add a portion of the property (435 acres) to the Goal 5 Inventory of Significant Aggregate Resource Sites on a 1,373 Acre Tract.

A public hearing before the Jackson County Board of Commissioners is scheduled for November 15, 2023 at 1:30 p.m. in the Jackson County Auditorium for a first evidentiary hearing on this proposal.

Key issues regarding the proposed amendment include:

- ☐ Determining the conflicts with residences and Deer and Elk Goal 5 protected resource
- ☐ Determining if the conflicts can be mitigated with conditions
- ☐ Determining if conflicts cannot be mitigated is there an Economic, Social, Environmental, & Energy (ESEE) Analysis

The Jackson County Planning Commission (JCPC) held a public hearing on September 28, 2023 and October 12, 2023 to receive public testimony and deliberate on this proposal. After considering the evidence and testimony submitted, the JCPC found that the proposal should be denied in a 3/2 split vote. A key difference between the original aggregate approval and this amendment is that the previous approval included mitigation measures for the Deer and Elk Goal 5 protected resource. At the time of writing the staff report and at both Planning Commission Hearings, no mitigation measures for the conflicts between the expanded Aggregate use and Deer and Elk Goal 5 protected resource were adequately addressed. The JCPC's Recommendation for denial is included in the attached materials for your review.

If the Board does not concur with the JCPC's recommendation, an ordinance approving the proposal will be drafted for the Board's signature and approval. If the Board determines that the proposal should be denied, an order denying the proposal will be drafted for the Board's signature and approval.

Please call me at 774-6115 or by email at [bennetch@jacksoncounty.org](mailto:bennetch@jacksoncounty.org) if you have any questions.

Board of County Commissioners

File No. 439-23-00001-LRP Exhibit # 1

Offered by: Staff

Date: 11-1-2023 Received by: PC

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

ORDINANCE NO. 91-1

AN ORDINANCE AMENDING THE JACKSON COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT ORDINANCE TO PROVIDE FOR THE PROTECTION OF SCENIC, HISTORIC AND NATURAL RESOURCES; AND REPLACE THE "GOAL 5 RESOURCES BACKGROUND DOCUMENT IN SUPPORT OF THE NATURAL AND HISTORIC RESOURCES ELEMENT," AS REVISED ON APRIL 11, 1983, WITH THE "GOAL 5 RESOURCES BACKGROUND DOCUMENT 1990; OPEN SPACES, SCENIC AND NATURAL AREAS, HISTORIC RESOURCES." (FILE #88-3-OA)

**RECITALS:**

- 1) The State of Oregon, through the Land Conservation and Development Commission (LCDC) recognizes the value and importance of scenic, historic and natural resources to maintaining the State's livability and economy.
- 2) The LCDC, through Statewide Planning Goal 5, requires that the County develop and adopt programs that would ensure open space, protect scenic and historic areas and natural resources, and promote a healthy and visually attractive environment in harmony with the natural landscape character. Goal 5 specifically requires an inventory of the location, quality, and quantity of scenic, historic and natural resources.
- 3) The Jackson County Planning Commission has reviewed amendments to the Comprehensive Plan and Land Development Ordinance to implement the Goal 5 amendments and has recommended Board adoption of said amendments which will enable the County to attain compliance with Statewide Planning Goal 5 and Oregon Administrative Rules (OAR) Chapter 660, Division 16.
- 4) LCDC has been given notice of the proposed amendments consistent with Oregon Administrative Rules. Affected agencies and citizen advisory committees have been notified of the proposed amendments consistent with Land Development Ordinance requirements.

Now, therefore,

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

1-ORDINANCE; File 88-3-OA  
Date Typed: 12/10/90  
[ord88-3.0a:BOC2]

**SECTION 1. FINDINGS**

- 1.1 The Board of Commissioners finds that it has conducted properly advertised public hearings for the purpose of considering amendments to the Comprehensive Plan and Land Development Ordinance. It further finds that it has received and considered the Planning Commission's recommendation, public testimony, comments from citizen's advisory committees, and affected agencies.
- 1.2 The Board has reviewed amendments to portions of the Comprehensive Plan and Land Development Ordinance as set forth in Exhibit A, and finds that the proposed amendments as set forth therein do conform to the requirements of Statewide Planning Goals, and Oregon Administrative Rules pertaining to scenic, historic and natural resources. It further finds that maps amending the Comprehensive Plan attached hereto as Exhibits B, C, D, and E likewise are in conformance with Statewide Planning Goals.
- 1.3 The Board has reviewed Exhibit F, the "Goal 5 Background Document 1990; Open Space, Scenic and Natural Areas, and Historic Resources" as a replacement of the "Goal 5 Resources Background document in Support of the Natural and Historic Resources Element", as revised on April 11, 1983, and has found that Exhibit F is in conformance with the Statewide Planning Goals and Oregon Administrative Rules, Chapter 660, Division 16.
- 1.4 The Board further finds that it has received and reviewed the amendments at properly advertised public hearings and has given due consideration to the testimony received on this legislative amendment to the Comprehensive Plan and Land Development Ordinance.

**SECTION 2. DECISION**

- 2.1 The Board hereby adopts the attached Exhibit A as amendments to the Jackson County Comprehensive Plan and Land Development Ordinance and replaces the "Goal 5 Resources Background Document in Support of the Natural and Historic Resources Element," as revised on April 11, 1983, with the "Goal 5 Resources Background Document 1990; Open Space, Scenic and Natural Areas, and Historic Resources."
- 2.2 The Board hereby adopts the attached Exhibit B entitled "Black-tailed Deer and Roosevelt Elk Winter Range Units"; Exhibit C entitled "Selected Goal 5 Water Resources"; Exhibit D entitled "Outstanding Scenic Resources and Recreation Trails"; and Exhibit E entitled "Selected Goal 5 Resources: Nongame Species Inventory and Natural Areas Inventory" as amendments to the Jackson County Comprehensive Plan to identify selected Goal 5 resources for their protection.
- 2.3 The Board hereby adopts the attached Exhibit F entitled "Goal 5 Background Document 1990; Open Space, Scenic and Natural Areas, and Historic Resources", as amended by the revisions contained in Exhibit A.

3-ORDINANCE; File 88-3-0A

Adoption of Exhibit F shall serve as a replacement of the "Goal 5 Resources Background Document in Support of the Natural and Historic Resources Element", as revised on April 11, 1983.

**SECTION 3. ENACTMENT**

Except as to those sections expressly added or amended herein, and those sections impliedly repealed by such additions or amendments, all other sections of the Jackson County Comprehensive Plan and Land Development Ordinance shall remain in full force and effect as originally adopted and enacted or subsequently amended.

APPROVED this 2nd day of January, 1991, at Medford, Oregon.

**JACKSON COUNTY BOARD OF COMMISSIONERS**

  
Sue Kupillas, Chair

APPROVED AS TO FORM:

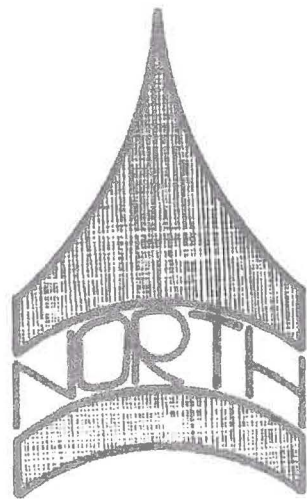
  
County Counsel

ATTEST:

  
By: Recording Secretary


151

# ore



scale in miles

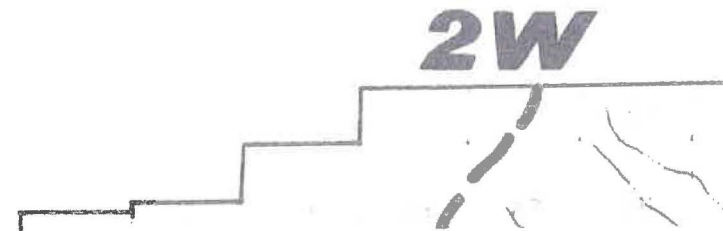
DRAWN BY  
CONI FLOREY

  
CHAIRMAN  
ADOPTED BY ORDINANCE NO. 91-1  
DATE 1-2-91

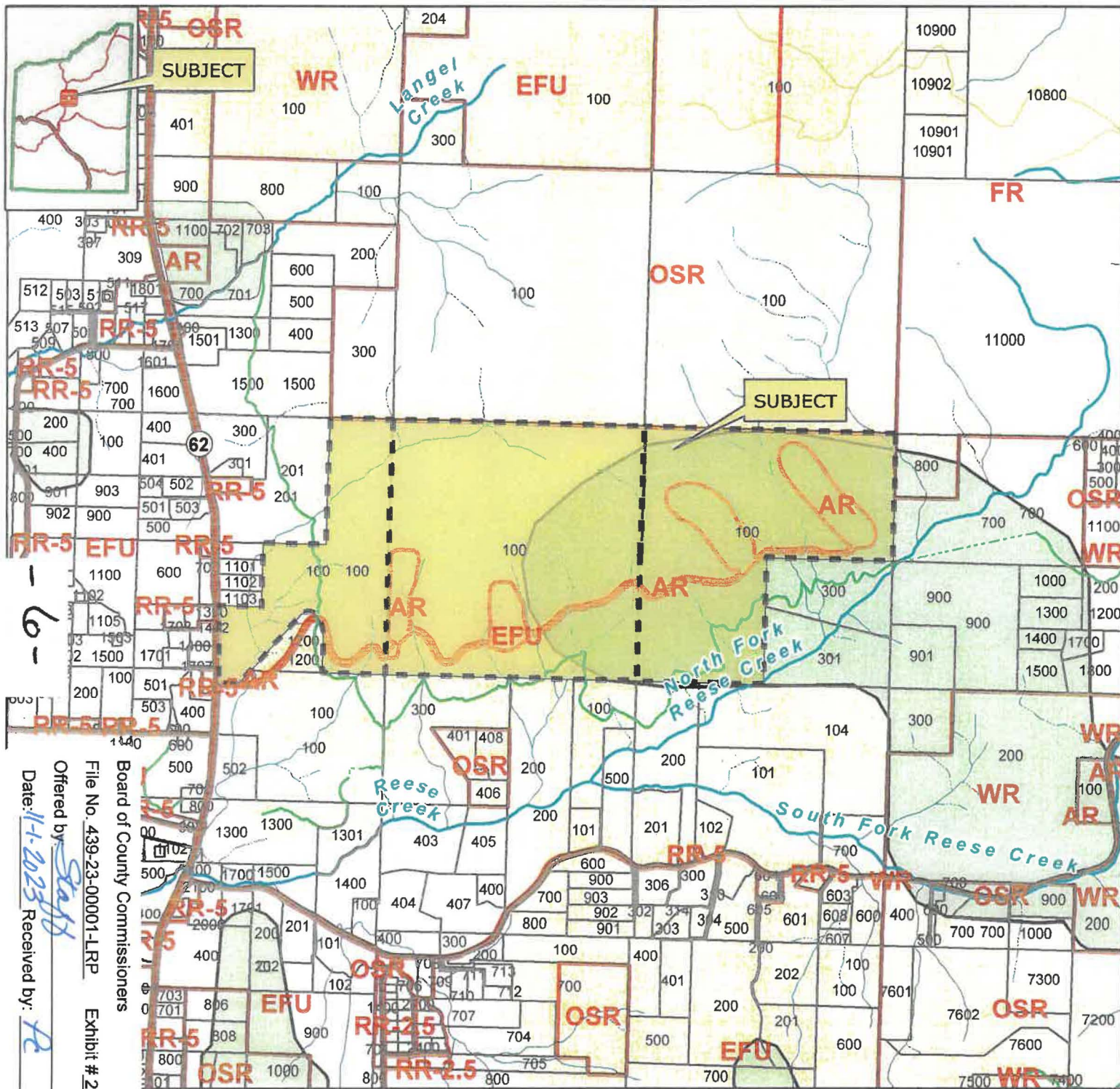
## BLACKTAILED DEER AND WINTER RANGE

SOURCE: OREGON DEPARTMENT OF FISH AND WILD

2W







## Development Services

### ZONING

#### APPLICANT:

FREEL & ASSOCIATES  
 35-1W-01 TL 100  
 35-1W-02 TL 100  
 35-1W-03 TL 100  
 439-23-00001-LRP

#### Legend

- County Zoning - Outline
- Applegate, Rogue, Bear Creek
- Rivers and Major Streams
- Named Streams
- Minor Streams
- Intermittent Streams
- Underground Streams
- Canals
- Canals - Tunnels / Siphons
- Rivers
- [1:160] Very Sensitive
- [1:40] Sensitive
- Existing
- Aggregate Impact Areas



0 1,600 3,200  
 Feet

1 inch = 2,800 feet

This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

Plot date: 01/10/2023; Planning Maps; bergent

Board of County Commissioners  
 File No. 439-23-00001-LRP Exhibit # 2.  
 Offered by: *Staff*  
 Date: *11-1-2023* Received by: *FE*





**CRITERIA FOR A COMPREHENSIVE PLAN MAP AND ZONING MAP AMENDMENT TO  
CHANGE COMPREHENSIVE PLAN MAP FROM AGRICULTURAL LAND TO AGGREGATE  
RESOURCE LAND AND THE ZONING MAP FROM EXCLUSIVE FARM USE(EFU) TO  
AGGREGATE REMOVAL(AR), AND ADD A PORTION OF THE PROPERTY TO THE  
COUNTY'S GOAL 5 INVENTORY OF SIGNIFICANT AGGREGATE RESOURCE SITES**

**FILE: 439-23-00001-LRP**

**Statewide Planning Goals:** Goal 1, Citizen Involvement; Goal 2, Land Use Planning (Part II(c)); Goal 3, Agricultural Lands; Goal 4, Forest Lands; Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces; Goal 6, Air, Water, Land Resources Quality; Goal 7, Areas Subject to Natural Disasters and Hazards; Goal 8, Recreational Needs; Goal 9, Economic Development; Goal 10, Housing; Goal 11, Public Facilities and Services; Goal 12, Transportation; Goal 13, Energy Conservation; and Goal 14, Urbanization

**Oregon Administrative Rules:** OAR 660-023-0030, OAR 660-023-0040, OAR 660-023-0050, OAR 660-023-0180, OAR-660-012-0060, OAR 660-016-0030

**Jackson County Comprehensive Plan:**

Map Designations Element, Aggregate Resource Land; Aggregate and Mineral Resources Element, Policies 1, 2 & 3; Transportation System Plan

**Jackson County Land Development Ordinance:** Sections; 3.1.4(B)(2), 3.7.3(C), 10.2.1.

**User's Guide (See JCLDO 2.6.3(A)):** Section 2.6



**BEFORE THE JACKSON COUNTY PLANNING COMMISSION  
STATE OF OREGON, COUNTY OF JACKSON**

IN THE MATTER OF A COMPREHENSIVE PLAN )  
MAP AND ZONING MAP AMENDMENT TO CHANGE )  
COMPREHENSIVE PLAN MAP DESIGNATION FROM )  
AGRICULTURAL LAND TO AGGREGATE )  
RESOURCE LAND AND THE ZONING MAP )  
DESIGNATION FROM EXCLUSIVE FARM USE (EFU) )  
TO AGGREGATE REMOVAL (AR), AND ADD A )  
PORTION OF THE PROPERTY (435 ACRES) TO THE )  
COUNTY'S GOAL 5 INVENTORY OF SIGNIFICANT )  
AGGREGATE RESOURCE SITES ON A 1,373 ACRE )  
TRACT DESCRIBED AS TOWNSHIP 35 SOUTH,  
RANGE 1 WEST, SECTION 01, 02 & 03 TAX LOT 100,  
100 & 100, OWNER, FREEL & ASSOCIATES.  
FILE: 439-23-00001-LRP.

**RECOMMENDATION  
FOR DENIAL**

**RECITALS:**

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan (JCCP), Jackson County Land Development Ordinance (JCLDO), and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).

**PROCEDURAL FINDINGS:**

1. On January 10, 2023 an application for a minor comprehensive plan map and zoning map amendment was submitted by O'Connor Law, the agent for Applicant. The application was determined to be complete on July 10, 2023.
2. A notice of the proposed amendment was provided to DLCD on August 23, 2023, 36 days prior to a first evidentiary hearing. A notice was published on Wednesday, September 13, 2023 in the Rogue River Press that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday, September 28, 2023 at 9:00 a.m. in the Auditorium of the Jackson County Offices, 10 South Oakdale, Medford, Oregon.
3. A first evidentiary public hearing was held on September 28, 2023 before the Jackson County Planning Commission in the Auditorium of the Jackson County Offices. Following testimony, arguments and evidence regarding the application, the Planning Commission continued the public hearing to October 12, 2023. The hearing was left open for written and oral testimony.
4. The continued public hearing was held on October 12, 2023. Following testimony, arguments and evidence regarding this application, the Planning Commission closed the public hearing to written and oral testimony, and the Planning Commission deliberated to a decision.
5. Now, therefore,

Jackson County Planning Commission Recommendation  
Freel & Associates LLC

Board of County Commissioners

File No. 439-23-00001-LRP Exhibit # 5.

Offered by: Staff

Date: 11-1-2023 Received by: PC

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The Jackson County Planning Commission finds, concludes, and RECOMMENDS as follows:

## **SECTION 1. FINDINGS OF FACT:**

Based upon the evidence and arguments presented, the Planning Commission makes the following findings of fact with respect to this application:

- 1.1 The Planning Commission finds that proper legal notice was sent to affected agencies and property owners on September 13, 2023. Legal notice was published in the Wednesday, September 13, 2023 edition of the Rogue River Press.
- 1.2 The Planning Commission finds that a Staff Report was prepared for the initial public hearing addressing the criteria.
- 1.3 The Planning Commission finds that a public hearing was held to consider the evidence on these matters on September 28, 2023 and October 12, 2023.

## **SECTION 2. LEGAL FINDINGS:**

- 2.1 To recommend approval of a minor map amendment, the Planning Commission must find that the amendment is in conformance with Section 3.7 of the Jackson County Land Development Ordinance along with applicable Oregon Revised Statutes, Oregon Administrative Rules and Jackson County Comprehensive Plan policies.
- 2.2 The Planning Commission adopts the findings in the Staff Report JCPC Record, Pgs.17-47 attached hereto as Exhibit 1 and deliberations by the Planning Commission as a basis for this recommendation. These findings demonstrate that the application is not in compliance with the Jackson County Land Development Ordinance, Oregon Revised Statutes, Oregon Administrative Rules and the Jackson County Comprehensive Plan.
- 2.3 The Planning Commission also adopts the evidence and testimony submitted at the hearings as a basis for this recommendation. These findings demonstrate that the application is not in compliance with the Jackson County Land Development Ordinance, Oregon Revised Statutes, Oregon Administrative Rules and the Jackson County Comprehensive Plan.
- 2.4 The deliberations held on October 12, 2023 resulted in a split vote (3/2) to recommend denial of the application.

## **SECTION 3. CONCLUSIONS:**

Based on the evidence and arguments included in the record, the Planning Commission concludes that the proposed amendment to the Jackson County Comprehensive Plan Map and Zoning Map is not in compliance with the applicable provisions of the Jackson County Land Development Ordinance, Oregon Revised Statutes, Oregon Administrative Rules and Jackson County Comprehensive Plan.

#### **SECTION 4. RECOMMENDATION:**

The Jackson County Planning Commission hereby recommends that the Board of Commissioners deny file 439-23-00001-LRP.

This recommendation for DENIAL adopted this 12th day of October, 2023, at Medford, Oregon.

JACKSON COUNTY PLANNING COMMISSION

 (Y)  
Tom Lavagnino, Chair

 NO  
Brad Bennington, Vice Chair  
*applicant has not yet see applicant's criteria.*

 (Y)  
Richard B. Thierolf, Commissioner

 (Y)  
Jon Elliott, Commissioner

 No  
Sarah Wallan Daley, Commissioner

ATTEST:

  
Ted Zuk, Development Services Director

**EXHIBIT 1**



**JACKSON  
COUNTY**  
Oregon

**JACKSON COUNTY  
DEVELOPMENT SERVICES**  
COMPREHENSIVE PLAN MAP & ZONING MAP AMENDMENT  
& GOAL 5 INVENTORY LIST OF SIGNIFICANT AGGREGATE  
RESOURCE SITES  
STAFF REPORT

**OWNER:** Freel & Associates LLC  
17450 Delta Water Road Suite 102-309  
Medford OR 97504

**FILE:** 439-23-00001-LRP

**AGENT:** O'Connor Law LLC  
670 G St, Suite B  
Jacksonville OR 97530

**LEGAL DESCRIPTION:** Township: 35 South Range: 1 West Section: 01, 02 & 03 Taxlot: 100, 100 & 100

**PROPOSAL:** Comprehensive Plan Map and Zoning Map amendment to change Comprehensive Plan Map designation from Agricultural Land to Aggregate Resource Land and the Zoning Map designation from Exclusive Farm Use (EFU) to Aggregate Removal (AR), and add a portion of the property (435 acres) to the County's Goal 5 inventory of Significant Aggregate Resource Sites.

**SUBJECT PROPERTY ADDRESS:** 16568 Hwy 62

**BACKGROUND:** In 1995, File 1995-4-CPA began the process of adding portions of the subject property to the inventory of significant aggregate resource sites and rezoning the property to Aggregate Removal (AR). However, after a series of appeals the application was remanded to the County. On June 7, 2006, through Board Ordinance No. 2006-7, the Board of Commissioners approved the amendment to change the comprehensive plan map designation and the zoning map on portions of the subject property. The Applicant has been mining the site since 2013 through site plan review approval file #SIT2012-00008. The mining operation expanded beyond the current AR zone and is included in this amendment to extend the AR zone.

**I. FACTS:**

- 1) **Access:** The subject property has direct access off of Hwy 62.
- 2) **Acreage:** 1,373 acres with approximately 435 acres subject to the Map changes.
- 3) **Assessment:** Property Class 551, Receiving Farm Deferral
- 4) **Lot Legality:** Tax lot 35-1w-03-100 was reviewed and approved as Parcel 1 while tax lots 35-1w-01-100 & 35-1w-02-100 were reviewed and approved as Parcel 2 in partition file # (439) SUB2009-00038 as shown on Plat #P-13-2011.
- 5) **Fire Protection:** The subject property is not in a Fire District.



- 6) **Land Use:** The subject parcel is developed with an existing aggregate mine and accessory structures.
- 7) **Current Parcel Zoning:** Split zoned EFU and AR (subject lands zoned EFU)
- 8) **Zoning:**  
North: Exclusive Farm Use (EFU)  
South: Exclusive Farm Use (EFU)  
East: Exclusive Farm Use (EFU)  
West: Exclusive Farm Use (EFU) & Rural Residential-5
- 9) **Wetlands:** The property has mapped wetlands, streams and an irrigation canal.
- 10) **Areas of Special Concern:** Deer & Elk Habitat/ASC 90-1.
- 11) **Affected Agency and Property Owner Notification:** Affected agencies and property owners within ½ mile of the subject property were notified of the proposed amendment. Comments received are included in the record.

**II. APPROVAL CRITERIA:** In order to approve an amendment to the Jackson County Comprehensive Plan, the County must find:

- 1) Compliance with applicable Statewide Planning Goals 1 through 14;
- 2) Compliance with Oregon Administrative Rules: OAR 660-023-0030, OAR 660-023-0040, OAR 660-023-0050, OAR 660-023-0180, OAR 660-012-0060 and OAR 660-016-0030;
- 3) Compliance with the following elements of the Jackson County Comprehensive Plan: Map Designations Element-Aggregate Resource Land, Aggregate and Mineral Resources Element- Policies 1, 2 & 3, and Transportation System Plan; and
- 4) Compliance with the Jackson County Land Development Ordinance (JCLDO): Sections 3.1.4(B)(2), 3.2.4, 3.7.3(C), 10.2.1, and Section 2.6 of the Jackson County Users Guide.

**III. COMPLIANCE WITH THE STATEWIDE PLANNING GOALS:**

**Goal 1, Citizen Involvement:** Goal 1 is to develop a citizen involvement program that insures the opportunity for citizens to be in all phases of the planning process.

**Goal 2, Land Use Planning:** Goal 2 is to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. Goal 2 also provides an exceptions process in Part II.

**Goal 3, Agricultural Lands:** Goal 3 is to preserve and maintain agricultural lands.

**Goal 4, Forest Lands:** Goal 4 is to conserve forest lands.

**Goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces:** Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces.

**Goal 6, Air, Water and Land Resources Quality:** The goal is to maintain and improve the quality of the air, water and land resources of the state.

**Goal 7, Areas Subject to Natural Hazards:** The goal is to protect people and property from natural hazards.

**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.

**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.

**Goal 10, Housing:** The goal is to provide for the housing needs of the citizens of the state.

**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.

**Goal 12, Transportation:** The goal is to provide and encourage a safe, convenient and economic transportation system.

**Goal 13, Energy Conservation:** The goal is to conserve energy.

**Goal 14, Urbanization:** The goal is to provide for an orderly and efficient transition from rural to urban land use.

**FINDING:** Staff adopts Applicant's findings with regards to compliance with the Statewide Planning Goals 1-14 as identified in the Applicant's Supplemental Findings Exhibit "A" pages 1-11 except for the incomplete findings concerning Goal 5. The Deer and Elk Winter Range Overlay is a Goal 5 protected natural resource. Oregon Department of Fish and Wildlife (ODFW) as the leading local authority responsible for deer and elk habitat protection have recommended denial of the application. Sufficient Goal 5 findings remain outstanding. Conflicts between both Goal 5 resources (Deer and Elk Habitat and Aggregate) are further addressed in subsequent portions of this report.

**IV. Oregon Administrative Rule (OAR) 660, Division 23: Procedures and Requirements for complying with Goal 5.**

**660-023-0030**

**Inventory Process**

(1) Inventories provide the information necessary to locate and evaluate resources and develop programs to protect such resources. The purpose of the inventory process is to compile or

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*update a list of significant Goal 5 resources in a jurisdiction. This rule divides the inventory process into four steps. However, all four steps are not necessarily applicable, depending on the type of Goal 5 resource and the scope of a particular PAPA or periodic review work task. For example, when proceeding under a quasi-judicial PAPA for a particular site, the initial inventory step in section (2) of this rule is not applicable in that a local government may rely on information submitted by applicants and other participants in the local process. The inventory process may be followed for a single site, for sites in a particular geographical area, or for the entire jurisdiction or urban growth boundary (UGB), and a single inventory process may be followed for multiple resource categories that are being considered simultaneously. The standard Goal 5 inventory process consists of the following steps, which are set out in detail in sections (2) through (5) of this rule and further explained in sections (6) and (7) of this rule:*

- (a) Collect information about Goal 5 resource sites;*
- (b) Determine the adequacy of the information;*
- (c) Determine the significance of resource sites; and*
- (d) Adopt a list of significant resource sites.*

**FINDING:** Staff and the applicant acknowledge the above information. The proposal is for quasi-judicial PAPA at a single site.

*(2) Collect information about Goal 5 resource sites: The inventory process begins with the collection of existing and available information, including inventories, surveys, and other applicable data about potential Goal 5 resource sites. If a PAPA or periodic review work task pertains to certain specified sites, the local government is not required to collect information regarding other resource sites in the jurisdiction. When collecting information about potential Goal 5 sites, local governments shall, at a minimum:*

- (a) Notify state and federal resource management agencies and request current resource information; and*
- (b) Consider other information submitted in the local process.*

**FINDING:** State and federal resource management agencies were notified as evidenced in the record. The proposal is for a quasi-judicial PAPA at a single site. This section is not applicable.

*(3) Determine the adequacy of the information: In order to conduct the Goal 5 process, information about each potential site must be adequate. A local government may determine that the information about a site is inadequate to complete the Goal 5 process based on the criteria in this section. This determination shall be clearly indicated in the record of proceedings. The issue of adequacy may be raised by the department or objectors, but final determination is made by the commission or the Land Use Board of Appeals, as provided by law. When local governments determine that information about a site is inadequate, they shall not proceed with the Goal 5 process for such sites unless adequate information is obtained, and they shall not regulate land uses in order to protect such sites. The information about a particular Goal 5 resource site shall be deemed adequate if it provides the location, quality and quantity of the resource, as follows:*

*(a) Information about location shall include a description or map of the resource area for each site. The information must be sufficient to determine whether a resource exists on a particular site. However, a precise location of the resource for a particular site, such as would be required for building permits, is not necessary at this stage in the process.*

**FINDING:** The Applicant addresses the adequacy of the proposed site in more detail in other sections of the Applicant's supplemental findings as stated on pages 13 & 14. The Applicant submitted maps depicting the 435 acre aggregate resource area.

*(b) Information on quality shall indicate a resource site's value relative to other known examples of the same resource. While a regional comparison is recommended, a comparison with resource sites within the jurisdiction itself is sufficient unless there are no other local examples of the resource. Local governments shall consider any determinations about resource quality provided in available state or federal inventories.*

**FINDING:** Staff agrees that the resource material is of high quality and adopts herein the Applicant's supplemental findings stated on page 14 and as evidenced as Applicant's "Exhibit D (July 9<sup>th</sup> findings) & Exhibit G".

*(c) Information on quantity shall include an estimate of the relative abundance or scarcity of the resource.*

**FINDING:** The Applicant has provided an estimate of the quantity of the aggregate resource within the subject 435 acres which is more than 500,000 tons as evidenced as Applicant's "Exhibit D (July 9<sup>th</sup> findings) & Exhibit G".

*(4) Determine the significance of resource sites: For sites where information is adequate, local governments shall determine whether the site is significant. This determination shall be adequate if based on the criteria in subsections (a) through (c) of this section, unless challenged by the department, objectors, or the commission based upon contradictory information. The determination of significance shall be based on:*

*(a) The quality, quantity, and location information;*

*(b) Supplemental or superseding significance criteria set out in OAR 660-023-0090 through 660-023-0230; and*

*(c) Any additional criteria adopted by the local government, provided these criteria do not conflict with the requirements of OAR 660-023-0090 through 660-023-0230.*

**FINDING:** Staff accepts that the Applicant has provided quality, quantity, and locational information in the record which clearly demonstrates the significance of the aggregate resource site consistent with OAR 660-023-0180(2)(b) which supersedes this section.

*(5) Adopt a list of significant resource sites: When a local government determines that a particular resource site is significant, the local government shall include the site on a list of significant Goal 5 resources adopted as a part of the comprehensive plan or as a land*



*use regulation. Local governments shall complete the Goal 5 process for all sites included on the resource list except as provided in OAR 660-023-0200(7) for historic resources, and OAR 660-023-0220(3) for open space acquisition areas.*

**FINDING:** Staff and the Applicant acknowledge the above information. If Jackson County determines that the subject site is significant, it shall include the site on the list of significant Goal 5 resources maintained by Jackson County in the Comprehensive Plan.

*(6) Local governments may determine that a particular resource site is not significant, provided they maintain a record of that determination. Local governments shall not proceed with the Goal 5 process for such sites and shall not regulate land uses in order to protect such sites under Goal 5.*

**FINDING:** Staff accepts the Applicant's findings related to criteria in OAR 660-023-0030(4) and OAR 660-023-0180(2)(b) which support the conclusion that the site is significant.

*(7) Local governments may adopt limited interim protection measures for those sites that are determined to be significant, provided:*

*(a) The measures are determined to be necessary because existing development regulations are inadequate to prevent irrevocable harm to the resources on the site during the time necessary to complete the ESEE process and adopt a permanent program to achieve Goal 5; and*

*(b) The measures shall remain effective only for 120 days from the date they are adopted, or until adoption of a program to achieve Goal 5, whichever occurs first.*

**FINDING:** Staff does not recommend further interim protection measures beyond established development regulations.

#### **660-023-0040**

##### ***ESEE Decision Process***

*(1) Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. This rule describes four steps to be followed in conducting an ESEE analysis, as set out in detail in sections (2) through (5) of this rule. Local governments are not required to follow these steps sequentially, and some steps anticipate a return to a previous step. However, findings shall demonstrate that requirements under each of the steps have been met, regardless of the sequence followed by the local government. The ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected. The steps in the standard ESEE process are as follows:*

*(a) Identify conflicting uses;*

*(b) Determine the impact area;*

*(c) Analyze the ESEE consequences; and*

*(d) Develop a program to achieve Goal 5.*

**FINDING:** Staff and the Applicant acknowledge the above information. The above listed ESEE steps are addressed in detail in the record (Applicant's findings on pgs. 50-54).

*(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:*

*(a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)*

**FINDING:** The identified conflicting uses include farms and residences (Applicant's Appendix "A") and the Applicant has submitted an ESEE analysis (pgs. 50-54).

*(b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1)).*

**FINDING:** An ESEE analysis is included as part of this application (pgs. 50-54). On 9/11/23 the applicant also submitted the previous Ordinances and staff report (Exhibits C, D & E).

*(3) Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.*

**FINDING:** OAR 660-023-0180(5)(a) limits the aggregate impact area to 1,500 feet unless "factual information indicates significant potential conflicts beyond this distance". No additional information indicates potential conflicts to the aggregate resource beyond the minimum impact area. The Applicant finds, and staff concurs, that using an impact area of 1,500 feet from the proposed aggregate site is appropriate for this site.

*(4) Analyze the ESEE consequences. Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single*

*analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.*

**FINDING:** Per OAR 660-023-0180(2)(b) "Local governments shall apply the criteria in section (3) or (4) of this rule, whichever is applicable, rather than OAR 660-023-0030(4), in determining whether an aggregate resource site is significant". OAR 660-023-0180 Sections (2)(b) and (3) are addressed subsequently in the record (pgs. 19, 23-25).

*(5) Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:*

*(a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.*

*(b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.*

*(c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.*

**FINDING:** Both the aggregate resource site and the conflicting uses are important compared to each other. Applicant's findings on page 20 and the conclusion in the ESEE analysis (page 54) suggests a determination identified in (5)(c) above, however, the Applicant also recognizes and staff concurs that based on existing regulations found in Section 7.1.3 & 8.5.3(F) of the JCLDO a determination of (5)(b) which recognizes that conflicting uses are narrowly limited is appropriate.

660-023-0050

Programs to Achieve Goal 5

- (1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).

**FINDING:** With the inclusion of the approximately 435 acre expansion site into the existing Aggregate Removal Zoning District, the established comprehensive plan provisions and land use regulations will adequately provide for the protection of the Goal 5 aggregate resource and the surrounding conflicting uses identified in the ESEE analysis found in this application consistent with OAR 660-023-0040-(5)(b).

- (2) *When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:*
  - (a) *It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;*
  - (b) *It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or*
  - (c) *It is a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance. Different performance standards may be needed for different resource sites. If performance standards are adopted, the local government shall at the same time adopt a process for their application (such as a conditional use, or design review ordinance provision).*

**FINDING:** As established in the 2004 Land Development Ordinance, Section 7.1.3 & 8.5.3(F) provide for a clear and objective standard for mitigating conflicting uses between residences and the aggregate resource site.

- (3) *In addition to the clear and objective regulations required by section (2) of this rule, except for aggregate resources, local governments may adopt an alternative approval process that includes land use regulations that are not clear and objective (such as a planned unit development ordinance with discretionary performance standards), provided such regulations:*
  - (a) *Specify that landowners have the choice of proceeding under either the clear and objective approval process or the alternative regulations; and*

- (b) *Require a level of protection for the resource that meets or exceeds the intended level determined under OAR 660-023-0040(5) and 660-023-0050(1).*

**FINDING:** The application is an aggregate resource, this criterion does not apply.

**660-023-0180**

***Mineral and Aggregate Resources***

*(2) Local governments are not required to amend acknowledged inventories or plans with regard to mineral and aggregate resources except in response to an application for a post acknowledgement plan amendment (PAPA) or at periodic review as specified in section (9) of this rule. The requirements of this rule modify, supplement, or supersede the requirements of the standard Goal 5 process in OAR 660-023-0030 through 660-023-0050, as follows:*

*(a) A local government may inventory mineral and aggregate resources throughout its jurisdiction, or in a portion of its jurisdiction. When a local government conducts an inventory of mineral and aggregate sites in all or a portion of its jurisdiction, it shall follow the requirements of OAR 660-023-0030 except as modified by subsection (b) of this section with respect to aggregate sites. When a local government is following the inventory process for a mineral or aggregate resource site under a PAPA, it shall follow the applicable requirements of OAR 660-023-0030, except where those requirements are expanded or superseded for aggregate resources as provided in subsections (b) through (d) of this section and sections (3), (4) and (8) of this rule;*

**FINDING:** The subject 435 acre site complies with section (3)(a) of OAR 660-023-0180. Therefore, OAR 660-023-030 is superseded through subsection (b) and section (3) of this rule to determine aggregate resource significance.

*(b) Local governments shall apply the criteria in section (3) or (4) of this rule, whichever is applicable, rather than OAR 660-023-0030(4), in determining whether an aggregate resource site is significant;*

**FINDING:** The criteria in subsection (3) of this rule is specifically applicable to this amendment in determining whether the proposed expansion aggregate resource site is significant. Subsection (4) is not applicable.

*(c) Local governments shall follow the requirements of section (5) or (6) of this rule, whichever is applicable, in deciding whether to authorize the mining of a significant aggregate resource site, and OAR 660-023-0040 through 660-023-0050 in deciding whether to authorize mining of a significant mineral resource; and*

**FINDING:** The criteria in subsection (5) and OAR 660-023-0040 through 660-0123-0050 are applicable, which are specifically addressed in each of their referenced subsections.

*(d) For significant mineral and aggregate sites where mining is allowed, except for aggregate sites that have been determined to be significant under section (4) of this rule, local governments shall decide on a program to protect the site from new off-site conflicting uses by following the standard ESEE process in OAR 660-023-0040 and 660-023-0050 with regard to such uses.*

**FINDING:** The site is significant under subsection (3) of this rule and will follow the standard process under OAR 660-023-0040 and 660-023-0050 which is addressed in each of their referenced subsections.

*(3) An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:*

*(a) A representative set of samples of aggregate material in the deposit on the site meets applicable Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or more than 500,000 tons outside the Willamette Valley;*

**FINDING:** The estimated amount of aggregate material on the approximately 435 acre site is more than 500,000 tons. The applicant submitted into the record representative site sample reports indicating that the samples meet ODOT's specification as evidenced as "Applicant's Exhibit D (July 9th findings) & Exhibit G".

*(b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or*

**FINDING:** This criterion is not applicable.

*(c) The aggregate site was on an inventory of significant aggregate sites in an acknowledged plan on September 1, 1996.*

**FINDING:** Although an application was submitted in 1995, it was not finally adopted by the Jackson County Board of Commissioners until 2006. This criterion is not applicable.

*(d) Notwithstanding subsections (a) and (b) of this section, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996, had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either paragraphs (A) or (B) of this subsection apply:*

*(A) More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on June 11, 2004; or*

**FINDING:** The subject area is comprised of Class IV non-prime farm soils.



*(B) More than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil, on NRCS maps available on June 11, 2004, unless the average thickness of the aggregate layer within the mining area exceeds:*

*(i) 60 feet in Washington, Multnomah, Marion, Columbia, and Lane counties;*

*(ii) 25 feet in Polk, Yamhill, and Clackamas counties; or*

*(iii) 17 feet in Linn and Benton counties.*

**FINDING:** The subject area is comprised of Class IV non-prime farm soils in Jackson County.

*(4) Notwithstanding section (3) of this rule, a local government may also determine that an aggregate resource site on farmland is significant if subsections (a) and (b) of this section apply or if subsection (c) of this section applies:*

*(a) The quantity of material proposed to be mined from the site is estimated to be 2,000,000 tons of aggregate material or less for a site in the Willamette Valley, or 500,000 tons or less for a site outside the Willamette Valley; and*

**FINDING:** The estimated quantity of material for the site and the adjacent AR is greater than 500,000 tons. Subsection (4) is not applicable.

*(b) Not more than 35 percent of the proposed mining area consists of soil*

*(A) Classified as Class I on Natural Resource and Conservation Service (NRCS) maps available on June 11, 2004; or*

*(B) Classified as Class II, or of a combination of Class II and Class I or Unique soil, on NRCS maps on June 11, 2004, unless the average thickness of the aggregate layer within the mining area exceeds the amounts specified in paragraph (B) of subsection (3)(d) of this rule; or*

**FINDING:** Subsection (4) is not applicable.

*(c) A local land use permit that allows mining on the site was issued prior to April 3, 2003, and the permit is in effect at the time of the significance determination.*

**FINDING:** A local land use permit was not issued prior to 2003 and this criterion is not applicable.

*(5) For significant mineral and aggregate sites, local governments shall decide whether mining is permitted. For a PAPA application involving an aggregate site determined to be significant under section (3) of this rule, the process for this decision is set out in subsections (a) through (g) of this section. A local government must complete the process within 180 days after receipt of a complete application that is consistent with section (8) of this rule, or by the earliest date after 180 days allowed by local charter.*



**FINDING:** Staff and the Applicant acknowledge the above information. Jackson County must complete this process within 180 days after receipt of a complete application. The application was deemed complete on July 10, 2023.

*(a) The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site and shall not include the existing aggregate site.*

**FINDING:** The Applicant believes, and staff concurs that the impact area be limited to the 1,500 feet stated above. This impact area will be measured from the perimeter of the expansion area.

*(b) The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, "approved land uses" are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:*

*(A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges;*

**FINDING:** The applicant has identified 11 residential uses within the 1,500 foot impact area as detailed on pages 27-28 of the Applicant's findings as well as in the Applicant's "Appendix A". A portion of the subject parcel is zoned AR and has an existing aggregate site which has been active since 2013. Conflicts due to noise, dust, or other discharges are likely to continue and the Applicant states are mitigated by the existing and ongoing conditions from the original approvals (95-4-CPM-RM1 and SIT2012-00008). The Applicant proposes to continue to phase each new site so that no greater adverse impacts or activity occurs more than under existing circumstances. Multiple public comments conflict with these findings.

*(B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;*

**FINDING:** The current proposal is an expansion area mostly east of an existing aggregate area, but no change to the access is proposed. The Applicant submitted a Southern Oregon Transportation Engineering, LLC memorandum in the additional submittal dated August 22, 2023 discussing the use of the subject area for mining and the nominal effects on existing transportation facilities. The engineer, Kim Parducci, stated the expansion will not result in any new vehicle trips. ODOT recommends the existing access to Hwy 62 be swept once a month or as needed to ensure no aggregate accumulates on the State Highway. Based upon the evidence in the record (pages 29-30, Exhibit H and the engineer's memorandum), the Applicant believes and staff concurs that there are no additional impacts to local or state roads as there will be no increase in traffic to the processing site.

*(C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments as specified under OAR chapter 660, division 013;*

*(D) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated;*

*(E) Conflicts with agricultural practices; and*

*(F) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780;*

**FINDING:** C) There are no conflicts with existing public airports due to bird attractants. D) Per statements submitted 9/12/23 by ODFW, there are significant conflicts between the Deer and Elk Habitat Overlay (ASC 90-1) which is Goal 5 protected and the proposed aggregate expansion. At time of the writing of the staff report no mitigation measures have been proposed. E) A substantial portion of the proposed aggregate area is more than 200' from property lines which buffers potential conflicts with agricultural practices. F) No additional conflicts identified.

*(c) The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize conflicts to agricultural practices, the requirements of ORS 215.296 shall be followed rather than the requirements of this section. If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.*

**FINDING:** Staff accepts the Applicant's findings on pages 31 & 32 of the application and conditions of approval found on pages 3-10 of the Applicant's supplemental findings dated 9/11/23 which provide reasonable and practicable measures that will minimize noise and dust impacts to residential/agricultural uses within the impact area should this application be approved. The previous approval for the existing aggregate resource has conditions that minimize conflicts with the Deer and Elk overlay including seasonal closures, however at time of writing of this staff report, no recent

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mitigating conditions related to the proposed expansion and deer and elk have been proposed by ODFW.

*(d) The local government shall determine any significant conflicts identified under the requirements of subsection (c) of this section that cannot be minimized. Based on these conflicts only, local government shall determine the ESEE consequences of either allowing, limiting, or not allowing mining at the site. Local governments shall reach this decision by weighing these ESEE consequences, with consideration of the following:*

*(A) The degree of adverse effect on existing land uses within the impact area;*

*(B) Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and*

*(C) The probable duration of the mining operation and the proposed post-mining use of the site.*

**FINDING:** An ESEE analysis is not required if significant conflicts including the loss of deer and elk habitat can be mitigated with conditions. At time of writing this staff report no mitigating conditions for loss of habitat have been proposed by ODFW.

*(e) Where mining is allowed, the plan and implementing ordinances shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective. Additional land use review (e.g., site plan review), if required by the local government, shall not exceed the minimum review necessary to assure compliance with these requirements and shall not provide opportunities to deny mining for reasons unrelated to these requirements, or to attach additional approval requirements, except with regard to mining or processing activities:*

*(A) For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;*

*(B) Not requested in the PAPA application; or*

*(C) For which a significant change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.*

**FINDING:** With the rezoning of approximately 435 acres of additional area to AR, the mining activity shall be reviewed for compliance with the operating standards found in Section 4.4.8 of the 2004 LDO as additional area beyond the approval identified in File No. SIT2012-00008 is sought.

*(f) Where mining is allowed, the local government shall determine the post-mining use and provide for this use in the comprehensive plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, local governments shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or*

*215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. Local governments shall coordinate with DOGAMI regarding the regulation and reclamation of mineral and aggregate sites, except where exempt under ORS 517.780.*

**FINDING:** The Applicant does not indicate the post-mining use. Following cessation of aggregate operations and reclamation, the property will be appropriately rezoned consistent with the Map Designations Element of the Comprehensive Plan. The subject area is comprised entirely of Class IV non-prime farm soils. The Applicant will coordinate with DOGAMI regarding the regulation and reclamation of this site.

*(6) For an aggregate site on farmland that is determined to be significant under section (4) of this rule, the requirements of section (5) of this rule are not applicable, except for subsection (5)(f), and the requirements of OAR 660-023-0040 through 660-023-0050 are not applicable. Instead, local governments shall decide whether mining is permitted by applying subsections (a) through (d) of this section:*

*(a) The proposed aggregate mine shall satisfy discretionary conditional use permit approval standards adopted by the local government pursuant to applicable requirements of ORS 215.213(2) or 215.283(2), and the requirements of ORS 215.296 and 215.402 through 215.416;*

**FINDING:** The proposal is not for an aggregate site on farmland that is determined to be significant under section (4). Section (6) is not applicable.

*(b) The local government shall determine the post-mining use in accordance with subsection (5)(f) of this rule;*

**FINDING:** The proposal is not for an aggregate site on farmland that is determined to be significant under section (4). Section (6) is not applicable.

*(c) The local government shall issue a permit for mining aggregate only for a site included on an inventory of significant aggregate sites in the comprehensive plan in accordance with ORS 215.298(2); and*

**FINDING:** The proposal is not for an aggregate site on farmland that is determined to be significant under section (4). Section (6) is not applicable.

*(d) The conditional use permit shall not allow mining of more than the maximum amount of aggregate material specified under subsection (4)(a) of this rule.*

**FINDING:** The proposal is not for an aggregate site on farmland that is determined to be significant under section (4). Section (6) is not applicable.

*(7) Except for aggregate resource sites determined to be significant under section (4) of this rule, local governments shall follow the standard ESEE process in OAR 660-023-0040 and 660-023-0050 to determine whether to allow, limit, or prevent new conflicting uses within the impact area of a significant mineral and aggregate site. (This requirement does not apply if, under section (5) of this rule, the local government decides that mining will not be authorized at the site.)*

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**FINDING:** The ESEE process in OAR 660-023-0040 and -0050 and determinations are addressed in their respective subsections above.

*(8) In order to determine whether information in a PAPA submittal concerning an aggregate site is adequate, local government shall follow the requirements of this section rather than OAR 660-023-0030(3). An application for approval of an aggregate site following sections (4) and (6) of this rule shall be adequate if it provides sufficient information to determine whether the requirements in those sections are satisfied. An application for a PAPA concerning a significant aggregate site following sections (3) and (5) of this rule shall be adequate if it includes:*

*(a) Information regarding quantity, quality, and location sufficient to determine whether the standards and conditions in section (3) of this rule are satisfied;*

*(b) A conceptual site reclamation plan;  
(NOTE: Final approval of reclamation plans resides with DOGAMI rather than local governments, except as provided in ORS 517.780)*

*(c) A traffic impact assessment within one mile of the entrance to the mining area pursuant to section (5)(b)(B) of this rule;*

*(d) Proposals to minimize any conflicts with existing uses preliminarily identified by the applicant within a 1,500 foot impact area; and*

*(e) A site plan indicating the location, hours of operation, and other pertinent information for all proposed mining and associated uses.*

**FINDING:** The Applicant has provided information under subsections (3) and (5) of this rule. a) Information regarding quantity, quality and location has been met as previously stated. b) A conceptual site reclamation plan has previously been submitted to DOGAMI. A revised reclamation plan at time of operational changes will be a condition of an approval. c) A traffic impact assessment is addressed below. d) Conflicts with existing uses will be minimized by applying Sections 7.1.3 and 8.5.3(F) of the 2004 LDO. A 1500 foot impact area surrounding the revised Aggregate Removal district can be added to the zoning map. e) File No. SIT2012-00008 addresses current location, hours of operation and other operating parameters, however future alterations shall be subject to Section 4.4.8 of the 2004 LDO.

*(9) Local governments shall amend the comprehensive plan and land use regulations to include procedures and requirements consistent with this rule for the consideration of PAPAs concerning aggregate resources. Until such local regulations are adopted, the procedures and requirements of this rule shall be directly applied to local government consideration of a PAPA concerning mining authorization, unless the local plan contains specific criteria regarding the consideration of a PAPA proposing to add a site to the list of significant aggregate sites, provided:*

*(a) Such regulations were acknowledged subsequent to 1989; and:*

*(b) Such regulations shall be amended to conform to the requirements of this rule at the next scheduled periodic review after September 1, 1996, except as*



*provided under OAR660-023-0250(7).*

**FINDING:** OAR 660, Division 23 is addressed through the County's adopted and acknowledged Comprehensive Plan Map Designation Element, Aggregate and Mineral Resources Element, and the Land Development Ordinance.

**V. Oregon Administrative Rules (OAR) 660, Division 12: Transportation Planning:**

**FINDING:** Applicant has submitted a Traffic Impact Analysis from Southern Oregon Transportation Engineering, LLC (supplemental findings dated 8/22/23) which did not identify a net increase in trips nor did ODOT indicate any further mitigation requirements other than sweeping "the access at OR 62 once a month or as needed to ensure no aggregate accumulates on the State Highway." As such, staff recommends the sweeping as a condition if approved.

**VI. Oregon Administrative Rules (OAR) 660, Division 16: Requirements and application procedures for complying with statewide Goal 5**

**660-016-0030**

***Mineral and Aggregate Resources***

*(1) When planning for and regulating the development of aggregate resources, local governments shall address ORS 517.750 to 517.900 and OAR chapter 632, divisions 1 and 30.*

*(2) Local governments shall coordinate with the State Department of Geology and Mineral Industries to ensure that requirements for the reclamation of surface mines are incorporated into programs to achieve the Goal developed in accordance with OAR 660-016-0010.*

*(3) Local governments shall establish procedures designed to ensure that comprehensive plan provisions, land use regulations, and land use permits necessary to authorize mineral and aggregate development are coordinated with the State Department of Geology and Mineral Industries. Local governments shall amend comprehensive plans and land use regulations, as necessary, no later than January 1, 1993*

**FINDING:** The County recognizes the importance of coordination with the Department of Geology and Mineral Industries (DOGAMI) which is why notice was sent to the agency and is reflected in the County's comprehensive plan and land use regulations.

**VII. COMPLIANCE WITH JACKSON COUNTY COMPREHENSIVE PLAN**

**MAP DESIGNATIONS ELEMENT: AGGREGATE RESOURCE LAND**

3) Map Designation Criteria:

A) *Significance Determination. An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource is consistent with OAR 660-023-*

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0180. The threshold for site significance is a quantity of more than 500,000 tons of aggregate material that meets applicable Oregon Department of Transportation (ODOT) specifications for base rock, unless the site is on farmland. Farmland sites are further qualified by the Rule (see 660-023-0180(4)). Smaller sized EFU sites (less than 500,000 tons) have no quality specification requirement. The following evidence will be submitted to demonstrate significance:

i) A map and other written documentation sufficient to accurately identify the location and perimeter of the mineral or aggregate resource; and

ii) Evidence that a representative set of samples meets applicable ODOT specifications for base rock for air degradation, abrasion and soundness. and

iii) Information demonstrating the quantity of the resource deposit as determined by exploratory test data or other calculation compiled and attested to by a certified, licensed or registered geology professional, or other qualified person.

iv) If EFU zoning is present, soils information for the extraction area is necessary to determine the percent of prime or unique farm soils.

**FINDING:** The Applicant has provided an estimate of the quantity of the aggregate resource within the subject 435 acres which is more than 500,000 tons as evidenced as Applicant's "Exhibit G" and "Exhibit D" (July 9th findings). The Applicant has submitted documentation from ODOT showing the aggregate meets ODOT specifications for base rock for air degradation, abrasion and soundness as Applicant's "Exhibit D" (July 9th findings). A map has been submitted documenting the location and perimeter of the aggregate resource. Based upon the most recent NRCS data the subject area is not prime or unique farm soils.

B) *Identify Impact Area. For each site determined to be significant, the Impact Area shall be identified and mapped. The Impact Area shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance.*

**FINDING:** Section (5) of the rule requires the identification of the Impact Area and the Applicant finds and staff concurs that an Impact Area of 1,500 feet is appropriate. No additional information indicates potential conflicts to the aggregate resource beyond the minimum impact area.

C) *Conflicting Uses. "Conflicting use" is a use or activity that is subject to land use regulations and that would interfere with, or be adversely affected by, mining or processing activities at a significant mineral or aggregate resource site (as specified in subsection (5)(b) and section (7) of OAR 660-023-0180)*

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*The local government shall determine existing or approved land uses*



*within the impact area that will be adversely affected by proposed mining operation and shall specify the predicted conflicts. For purposes of this section, "approved land uses" are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:*

*i) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges;*

*ii) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;*

*iii) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments as specified under OAR Chapter 660, Division 013;*

*iv) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated;*

*v) Conflicts with agricultural practices; and*

*vi) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780;*

**FINDING:** This section mirrors the standards of OAR 660-023-0180(5)(b(A-F) and are addressed above (pages 13 &14 of the staff report).

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- D) *Analysis of Conflicting Uses. For each site determined to be significant, the economic, social, environmental and energy (ESEE) consequences of conflicting uses shall be analyzed in accordance with the Goal 5 process (OAR 660-023-040(5)(c)). If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and the ESEE consequences analysis is not required.*

*For any significant conflicts that cannot be minimized, the analysis will address the ESEE consequences of:*

- i) Allowing a conflicting use*
- ii) Limiting a conflicting use*
- iii) Prohibiting a conflicting use*

**FINDING:** This section is similar to the standards of OAR 660-023-0040(5). Applicant's findings on page 20 and the conclusion in the ESEE analysis (page 54) suggests a determination identified in "i" above, however the Applicant also recognizes and staff concurs that based on existing regulations found in Section 7.1.3 & 8.5.3(F) of the JCLDO a determination of "ii" which recognizes that conflicting uses are narrowly limited is appropriate.

- E) Decision on Program to Provide Goal 5 Protection. The decision to allow, limit, or prohibit identified conflicting uses at significant resource sites shall be based upon and supported by the ESEE analysis. The County shall make one of the following determinations:*
- i) The significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.*
  - ii) The resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.*
  - iii) The conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided.*

**FINDING:** Both the aggregate resource site and the conflicting uses are important compared to each other. Applicant's findings on page 20 and the conclusion in the ESEE analysis (page 54) suggests a determination identified in "iii", however the Applicant also recognizes and staff concurs that based on existing regulations found in Section 7.1.3 & 8.5.3(F) of the JCLDO a determination of "ii" which recognizes that conflicting uses are narrowly limited is appropriate.

- 4) *Establishment of Zoning District and Aggregate Use:*

*The Aggregate Removal (AR) zoning district will be applied when an aggregate site plan consistent with the requirements of OAR 660-023-0180(8) and LDO Section 3.2.4 has been approved by the County. The site plan will be adopted by ordinance concurrent with the Post*

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*Acknowledgment Plan Amendment and zone change application. The approving ordinance will serve as the development ordinance for land uses on the subject property. After establishment of the zoning district the use is subject to the operating standards of the Land Development Ordinance for Mineral, Aggregate, Oil and Gas Uses (LDO Section 4.4.8). These standards apply to issuance of AR use permits. Aggregate review includes: DOGAMI and DEQ permits and oversight, reclamation plan approval, public access road standards, on site road and dust treatment, blasting notice, insurance, setbacks, floodplain overlay check, screening and buffering, and hours of operation.*

**FINDING:** OAR 660-023-0180(8) is addressed above (page 17 of the staff report). File No. SIT2012-00008 addresses current location, hours of operation and other operating parameters, however future alterations shall be subject to Section 4.4.8 of the 2004 LDO. LDO Section 3.2.4 is addressed below.

**AGGREGATE AND MINERAL RESOURCES ELEMENT:**

- A) *Policy 1: The County shall protect Significant Mineral and Aggregate Resources consistent with Statewide Planning Goal 5 and the process for complying with the goal specified in Oregon Administrative Rules Chapter 660, Division 23.*

**FINDING:** This application designating the subject lands as a significant aggregate resource per OAR 660, Division 23, will protect this aggregate resource.

- B) *Policy 2: The County shall protect and conserve aggregate resources, reduce conflicts between aggregate operations and adjacent land uses, and ensure that aggregate resources are available for current and future use.*

**FINDING:** The Applicant acknowledges the above information. Current provisions of the LDO, this application process with an established impact area as well as site approval conditions will serve to reduce conflicts between aggregate operations and adjacent land uses.

There is an Implementation Strategy included in Policy 2 which is included as a criterion, strategy G, which states:

- G) *The PAPA process to identify a significant aggregate and mineral resource site, and to file requisite documentation regarding all pertinent uses, will include a demonstrated effort to consult with adjacent property owners. This includes residents, businesses or other resource owners within the proposed impact area. The intent of the consultation is to consider the operational plan for a new aggregate mining site. PAPA applications will document the consultation effort and outcome, even if there is no agreement among the parties on a site plan, operational characteristics, or a reclamation plan.*

A consultation opportunity notice was sent by mail to property owners listed as "Exhibit A" in the Applicant's supplemental findings dated 9/11/23. The letter sent and meeting sign in sheet are "Exhibits B and C" in the Applicant's supplemental findings dated 7/9/23.

- C) *Policy 3: Minerals are recognized as a non-renewable and necessary resource that must be protected from incompatible development and be available for mining consistent with the Goal 5 procedures of OAR 660-023-0000.*

**FINDING:** The Applicant acknowledges the above information. The proposal is for aggregate operations not minerals.

## JACKSON COUNTY TRANSPORTATION SYSTEM PLAN ELEMENT

**FINDING:** The Jackson County Transportation System Plan Element is codified and implemented for Type 4 application reviews through the Jackson County Land Development Ordinance Section 3.1.4(B)(2). The application is consistent this element as addressed below.

### VIII. COMPLIANCE WITH JACKSON COUNTY LAND DEVELOPMENT ORDINANCE

#### 3.1.4(B) Approval Criteria

**FINDING:** The proposal is subject to a site development plan per Map Designation criteria in the Comprehensive Plan which is a Type 4 procedure.

**3.1.4 (B)(1):** establishes the approval criteria for Type 3 and Type 4 Land Use Permits:

- a) *The proposed use will cause no significant adverse impact on existing or approved adjacent uses in terms of scale, site design, and operating characteristics (e.g., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts). In cases where there is a finding of overriding public interest, this criterion may be deemed met when significant incompatibility resulting from the use will be mitigated or offset to the maximum extent practicable;*

**FINDING:** Staff accepts the Applicant's findings on pages 31 & 32 of the application and conditions of approval found on pages 3-10 of the Applicant's supplemental findings dated 9/11/23 which provide reasonable and practicable measures that will minimize noise and dust impacts to residential/agricultural uses within the impact area should this application be approved.

- b) *Adequate public facilities (e.g., transportation) are available or can be made available to serve the proposed use;*

**FINDING:** Applicant has submitted a Traffic Impact Analysis from Southern Oregon Transportation Engineering, LLC (supplemental findings dated 8/22/23) which did not identify a net increase in trips nor did ODOT indicate any further mitigation requirements other than sweeping "the access at OR 62 once a month or as needed to ensure no aggregate accumulates on the State Highway." As such, staff recommends the sweeping as a condition if approved.

- c) *The proposed use is not a conflicting use certified in an adopted Goal 5 ESEE applicable to the parcel, or if an identified conflicting use, one that can be mitigated to substantially reduce or eliminate impacts;*

**FINDING:** The proposed use is not a conflicting use certified in an adopted Goal 5 ESEE. However, per statements submitted 9/12/23 by ODFW, there are significant conflicts between the Deer and Elk Habitat Overlay (ASC 90-1) which is Goal 5 protected, and the proposed aggregate expansion. The previous approval for the existing aggregate resource has conditions that minimize conflicts with the Deer and Elk overlay, however at time of writing of this staff report, no recent mitigating conditions related to the proposed expansion and deer and elk have been proposed.

- d) *The applicant has identified and can demonstrate due diligence in pursuing all Federal, State, and local permits required for development of the property; and*

**FINDING:** The applicant has and will obtain all necessary permits required for development. The applicant has a road approach permit from ODOT and an approval from DOGAMI.

- e) On land outside urban growth boundaries and urban unincorporated communities, the proposed use will either provide primarily for the needs of rural residents and therefore requires a rural setting in order to function properly, or else the nature of the use (e.g., an aggregate operation) requires a rural setting, even though the use may not provide primarily for the needs of rural residents. Schools however are not subject to this criterion.

**FINDING:** The subject property is located outside any urban growth boundary. The proposal is for an aggregate operation which as stated above requires a rural setting.

#### 3.1.4 (B)(2): Transportation

**FINDING:** Applicant has submitted a Traffic Impact Analysis from Southern Oregon Transportation Engineering, LLC (supplemental findings dated 8/22/23) which did not identify a net increase in trips nor did ODOT indicate any further mitigation requirements other than sweeping "the access at OR 62 once a month or as needed to ensure no aggregate accumulates on the State Highway." As such, staff recommends the sweeping as a condition if approved.

#### 3.1.4 (B)(3) & Section 4.2.3: Approval criteria in Exclusive farm zones

**FINDING:** A substantial portion of the proposed aggregate area is more than 200' from property lines which buffers potential conflicts with agricultural practices. Staff accepts the Applicant's findings on pages 31 & 32 of the application and conditions of approval found on pages 3-10 of the Applicant's supplemental findings dated 9/11/23 which provide reasonable and practicable measures that will minimize noise and dust impacts to residential/agricultural uses within the impact area should this application be approved.

#### 3.2.4 Approval Criteria

*A site development plan reviewed under a Type 2-4 procedure may only be approved if affirmative findings can be made for all the criteria set forth below. The County will require adherence to sound planning principles, while allowing for design flexibility in the administration of these criteria:*

**FINDING:** The proposal is subject to a site development plan per Map Designation criteria in the Comprehensive Plan which is a Type 4 procedure.

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- A) *The site development plan fully complies, or in the case of a lawful nonconformity complies to the maximum extent feasible, with all applicable requirements of this Ordinance, including the general development regulations of Chapters 8 and 9 and the dedications and improvement requirements of Chapter 10;*

**FINDING:** The Applicant states that file No. SIT2012-00008 complies with the JCLDO, including general development regulations in Chapters 8 and 9 applicable to aggregate extraction.

- B) *On properties that are not zoned for farm or forest use, the site development plan adequately protects other property from the potential adverse effects of nonresidential uses;*

**FINDING:** The Applicant has submitted evidence regarding mitigation of potential adverse effects of the aggregate extraction on page 2 of the Applicant's supplemental findings dated 9/14/23.

- C) *The site design promotes a proper relationship between existing and proposed streets and highways within the vicinity in order to assure the safety and convenience of pedestrian and vehicular traffic; to ensure efficient traffic flow and control; to ensure easy access in cases of fire, catastrophe, and emergency; and so as not to create or contribute to undue traffic congestion on abutting public streets. An assessment of traffic impacts and identification of traffic impact mitigation measures may be required to demonstrate compliance with this criterion;*

**FINDING:** The Applicant has submitted a traffic analysis determining the proposed expansion site will not affect traffic on Hwy 62.

- D) *The property owner and applicant have agreed to record in the County Clerk's Office a deferred improvement agreement against the property for any future public road improvements that will be required as a result of the proposed development. Deferral of frontage improvements will be required under the following circumstances: (1) the land served by an existing road is zoned for more intensive development; and (2) only a minor part of potential traffic on the road would be generated by the proposed development. In both cases it will be necessary to obtain a binding commitment to make needed road improvements when warranted;*

**FINDING:** The Applicant finds and staff concurs that a deferred improvement agreement is not needed for the aggregate extraction because the road is currently used to transport material and no public road improvements are needed.

- E) *The site is served by sewer or septic, water, fire protection and access sufficient to meet the needs for the use as determined by local service providers.*

**FINDING:** The Applicant finds the aggregate extraction operations already in place are serviced by sufficient utilities and meet the needs for the use as determined in approved file No. SIT2012-00008.

- F) *The development promotes a design that maintains pre-development flow rates (based on a 10-year, 24-hour rainfall level of 3.0 inches), reducing the impacts on the quality of surface and groundwater. To ensure that pre-development flows are maintained, planters, swales, or other vegetated surfaces or mechanical facilities are required to naturally control the flow at the point of discharge. Stormwater*



*facilities shall be sufficient to maintain peak flow rates at their pre-development levels. An assessment, prepared by an Oregon registered professional Engineer, certifying that the stormwater management system proposed is in compliance with this section shall be submitted as part of the application. A Final design of the stormwater management system prepared by an Oregon registered professional Engineer shall be submitted prior to the authorization of building permits.*

*Development within the Rogue Valley Sewer Services (RVS) Phase II boundary or those that require an approved Stormwater Pollution Control Plan and NPDES permit are subject to Section 8.8 of this Ordinance.*

**FINDING:** The Stormwater facility exists pursuant SIT2012-00008 and is managed through DOGAMI for the Oregon DEQ.

### **3.7.3(C) Minor Comprehensive Plan Map or Zoning Map Amendments (Quasi-Judicial)**

*All proposed minor map amendments will be reviewed for compliance with the criteria set forth below and with all other applicable provisions of this Ordinance and the Comprehensive Plan<sup>12</sup>.*

**FINDING:** The footnote (12) states "These criteria are superseded in Aggregate Resource plan and zone amendments by OAR 660-023- 0180. The applicable criteria in aggregate amendment cases is found in the Map Designation Element of the Comprehensive Plan, other elements of this Plan, and in other sections of this LDO." This application is a Comprehensive Plan Map and Zoning Map amendment for an Aggregate Resource plan. Section 3.7.3(C) is not applicable.

## **IX. JACKSON COUNTY USERS GUIDE**

### **2.6 Mining and Aggregate Removal:**

*In addition to the general application requirements, an application for mining or aggregate removal permits or Post-Acknowledgment Plan Amendments (PAPA), must include the following:*

- A) *A site plan of the entire property, showing proposed areas where excavation, stockpiling, processing, and equipment staging will occur, all existing and proposed roadways within and bordering the property, the location and width of any proposed berms and the width and location of any areas where vegetation will be retained or planted to provide screening.*

**FINDING:** A site plan has been submitted into the record showing the area of proposed expansion. SIT2012-00008 reviewed for the existing stockpiling, processing, equipment etc. remains in effect until site development modifications are proposed.

- B) *A map of the surrounding area, showing all abutting properties and the location of any dwellings that are within 1,500 feet of processing and excavation sites and haul roads.*



**FINDING:** A map of the properties with dwellings within 1,500 feet of the mining site has been submitted with the application.

- C) *A written description of the access to and from the site, indicating the route that will be used by trucks, whether the roads are paved, the width and general condition of the roadbed and whether the applicant will provide any improvements such as turn lanes.*

**FINDING:** Access to the proposed site is from Hwy 62. The first 600' of the access road is paved. The access is functioning consistently as reviewed in SIT2012-00008.

- D) *An estimate of the number of tons of material that will be removed from the site annually, the estimated number of years the site will be mined, the maximum anticipated number of loaded trucks that will leave the site daily, and whether single or double trucks will be used.*

**FINDING:** The two geologist reports in the record indicate more than 1.5 million cubic yards of material available and the traffic analysis in the record indicates a maximum 40 trips leaving the site daily. The applicant has not stated whether single or double trucks will be used.

- E) *A written statement from the County Roads Division and/or ODOT verifying that the public roads that will be used by haul trucks have adequate capacity and are, or will be, improved to a standard that will accommodate the maximum potential level of use created by the operation. If road improvements are required by either agency, a time frame for making the improvements must be provided by the applicant.*

**FINDING:** ODOT comments request a sweeping schedule for the access at Hwy 62. SIT2012-00008 has existing conditions related to road improvements safety and maintenance.

- F) *The proposed days and hours of operation for each component of the operation, i.e., the days and hours site excavation will occur, days and hours processing will occur, and days and hours trucks will be entering and/or leaving the site.*

**FINDING:** The Applicant will adhere to the operating hours identified in SIT2012-00008 which are the current operation hours of the existing mining operation.

- G) *A copy of any state or federal permits that have been obtained, such as from DSL, DEQ and DOGAMI.*

**FINDING:** The Applicant has required permits for the aggregate extraction on the subject site and are submitted to the record. Water quality and storm water permits are issued through DOGAMI as part of their operating permit.

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H) *A copy of the DOGAMI-approved site reclamation. If the reclamation plan has not yet been approved by DOGAMI, a draft plan must be submitted showing the proposed post-mining use of the site.*

**FINDING:** The Applicant has not obtained a DOGAMI approved site reclamation plan for the expansion site, however the Applicant has a site reclamation plan for the area reviewed under SIT2012-00008.

- l) *Aggregate Resource Post-Acknowledgement Plan Amendments (PAPAs) are subject to OAR 660-23-0180. The following provide the additional details and guidelines recognized by the County to expedite processing of these applications within the framework of the applicable State Rule, and should not be construed as additional criteria:*

- 1) *A pre-application conference is required for all plan amendments. The pre-application conference should present the initial impact area, a minimum of 1,500' distance from the mining extraction area for purposes of identifying conflicting uses. Once the application is submitted, staff will determine the impact area based on the OAR 660-023-0180 (5)(a). the impact area may extend further than 1,500 when based on factual information indicating significant potential conflicts. When additional information is required for the impact area, the application will be considered incomplete until the information is provided (see below).*

**FINDING:** The Applicant finds an impact area of 1,500 feet is appropriate for this site. No additional information indicates potential conflicts to the aggregate resource beyond the minimum impact area.

- 2) *Site significance information regarding quantity, quality, and location:*
- a) *A representative set of samples of the aggregate over the entire mine extraction area(s)*

**FINDING:** The Applicant has submitted a determination from ODOT determining the site sample meets the base rock specification for air degradation, abrasion, and soundness.

- b) *An estimate of the quantity on site, in tons, of processed commodity that would meet the ODOT specifications*

**FINDING:** Approximately 1.5 million tons of material exists.

- c) *Proof of the quality of the aggregate, a set of samples meeting the required ODOT test specifications.*

**FINDING:** The Applicant has submitted a determination from ODOT determining the site sample meets the base rock specification for air degradation, abrasion, and soundness

- 3) *The application will address OAR 660-023-0180(5)(b), providing information on existing and approved uses in the impact area, predicted conflicts with these uses and proposed measures to minimize these conflicts. The information shall be sufficient to inform the County's findings, pursuant to OAR 660-023-0180(5)(c), regarding the need for and scope of an analysis on the economic, social, environmental and energy consequences (ESEE consequences) of allowing, limiting, or not allowing mining.*

**FINDING:** The Applicant has submitted findings regarding OAR's 660-023-00180(5)(b & c). Regarding 5(c), the Applicant believes reasonable and practical measures are occurring and proposed to minimize

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all identified conflicts under subsection (5)(b) and mining should be allowed. The Applicant has submitted the ESEE analysis.

- 4) *Potential conflicts to be considered and addressed in the application, based on the requirements of OAR 660-023-0180(5)(b) include:*

- a) *Noise*

**FINDING:** A noise study is attached as "Exhibit P" in the Applicant's findings. Conflicts due to noise, are likely to continue and the Applicant states are mitigated by the existing and ongoing conditions from the original approvals (95-4-CPM-RM1 and SIT2012-00008). The Applicant proposes to continue to phase each new site so that no greater adverse impacts or activity occurs more than under existing circumstances. Multiple public comments conflict with these findings.

- b) *Dust; a plan detailing dust mitigation is recommended where habitable structures exist within the impact area. or sensitive outdoor uses exist such as recreation or agriculture; a noise study is recommended where noise sensitive uses exist*

**FINDING:** A staff memo related to dust is attached as "Exhibit Q" in the Applicant's findings. Conflicts due to dust are likely to continue and the Applicant states are mitigated by the existing and ongoing conditions from the original approvals (95-4-CPM-RM1 and SIT2012-00008). The Applicant proposes to continue to phase each new site so that no greater adverse impacts or activity occurs more than under existing circumstances. Multiple public comments conflict with these findings.

- c) *Other discharges, such as from water management, extraction or processing methods; studies describing the specific discharge impacts and mitigation measures is recommended*

**FINDING:** Conflicts with other discharges (although other discharges have not been identified) are likely to continue and the Applicant states are mitigated by the existing and ongoing conditions from the original approvals (95-4-CPM-RM1 and SIT2012-00008). The Applicant proposes to continue to phase each new site so that no greater adverse impacts or activity occurs more than under existing circumstances. Multiple public comments conflict with these findings.

- d) *Road impacts used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial. A Transportation Impact Study (TIS) will be required for all applications. Scoping of the TIS with relevant agencies in a pre-application conference is suggested*

**FINDING:** Applicant has submitted a Traffic Impact Analysis from Southern Oregon Transportation Engineering, LLC (supplemental findings dated 8/22/23) which did not identify a net increase in trips nor did ODOT indicate any further mitigation requirements other than sweeping "the access at OR 62 once a month or as needed to ensure no aggregate accumulates on the State Highway." As such, staff recommends the sweeping as a condition if approved.

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- e) *Conflicts with existing public airports due to bird attractants from open water ponds*

**FINDING:** The subject parcel is not within an airport overlay.

f) *Conflicts with agricultural practices*

**FINDING:** A substantial portion of the proposed aggregate area is more than 200' from property lines which buffers potential conflicts with agricultural practices. Staff accepts the Applicant's findings on pages 31 & 32 of the application and conditions of approval found on pages 3-10 of the Applicant's supplemental findings dated 9/11/23 which provide reasonable and practicable measures that will minimize noise and dust impacts to residential/agricultural uses within the impact area should this application be approved.

g) *Conflicts with other Goal 5 resource sites within the impact area that are part of the County's Areas of Special Concern or otherwise listed in the County's acknowledged Goal 5 Resources Background Document (1990).*

**FINDING:** Per statements submitted 9/12/23 by ODFW, there are significant conflicts between the Deer and Elk Habitat Overlay (ASC 90-1) which is Goal 5 protected and the proposed aggregate expansion. At time of the writing of the staff report no mitigation measures have been proposed.

5) *If the information provided above does not lead to the reasonable conclusion that all identified conflicts can be minimized, the application shall include additional information on the ESEE consequences of allowing, limiting, or not allowing mining. The information shall be sufficient to inform the County's findings required under OAR 660-023-0180(5)(d). The ESEE analysis need only be based on identified conflicts that cannot be minimized.*

**FINDING:** An ESEE analysis is not required if significant conflicts including the loss of deer and elk habitat can be mitigated with conditions.

J) *The Comprehensive Plan, Aggregate and Mineral Resources Element, Policy 2, includes an implementation strategy that aggregate plan amendments will make a demonstrated effort to meet with neighboring property owners and consult on plans for the use (site plan, operations, mitigation measures, reclamation plan). Documenting the following would address this policy objective:*

- 1) *A list of property owners contacted*
- 2) *A signed list of property owners attending an informational meeting*
- 3) *The mining proposal presented*
- 4) *Input received from neighboring property owners*
- 5) *Any changes or outcomes affecting the mining proposal*

**FINDING:** The Applicant, through their Agent, has contacted neighboring property owners by mail regarding the proposed aggregate operations and held a meeting. The letter sent to

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property owners including a site plan and the list of property owners contacted is included with this application (Applicant's supplemental findings dated 7/9/23 & 8/22/23).

K) *In addition to the above requirements of sub 'I' and 'J', the Jackson County Planning Commission recognizes the importance of the following information to assess the change to Aggregate Removal uses and asks PAPA applicants to provide the following where relevant:*

- 1) *A boundary survey of the entire property as well as the mine extraction area;*
- 2) *A topographic survey of the property*
- 3) *Soils information for any mining extraction area on EFU land by an ARCPAC certified soil scientist;*
- 4) *All pertinent information for all proposed mining and associated uses, which include primary and accessory operations that will be performed on site:*
  - a) *Excavation extent, depth, and means of extraction*
  - b) *Extraction equipment*
  - c) *Processing equipment and location*
  - d) *Loading and hauling equipment and location*
  - e) *Equipment storage and repair areas*
  - f) *Offices and other buildings*
  - g) *Scales*
  - h) *Stockpiles of any type*
  - i) *Roadway circulation system, internal and external*
  - j) *Berms, screening and buffering improvements*
  - k) *Wells, water sources, settlement pond*

**FINDING:** The majority of the listed information relevant to this PAPA has been submitted for this application and is found in SIT2012-00008. A survey has been submitted as "Exhibit E". A soils Map is provided as "Exhibit I".

L) *Aggregate Application Flow Charts (on the following pages) are provided to assist in understanding aggregate application options: 1) Plan Amendment (PAPA), 2.) Conditional Use Permit, and 3) EFU Lands. These charts are illustrative only.*

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*They show key criteria and steps in addressing aggregate applications depending if it is a Plan Amendment, a CUP, or involves EFU lands.*

**FINDING:** This application follows this Goal 5 process for a PAPA for aggregate sites having greater than 500,000 tons of material.

**X. RECOMMENDATION:**

Staff finds the evidence and argument submitted by the Applicant at time of this report does not support approval of an amendment of the Comprehensive Plan Map and Zoning Map to convert approximately 435 acres of EFU zoned land to AR zoned land on a portion of the subject property and to add the area to the Goal 5 Inventory List of Significant Aggregate Resource Sites and recommends denial of the application. Should the Planning Commission agree with staff's recommendation, a Recommendation of Denial will be forwarded to the Board of Commissioners for their consideration.

**JACKSON COUNTY PLANNING STAFF**

  
By: Charles Bennett, Planner III  
Date: 9/19/23

# JACKSON COUNTY PLANNING COMMISSION

## PUBLIC MEETING

September 28, 2023

### MINUTES

MEMBERS PRESENT: Brad Bennington  
Richard Thierolf Jr.  
Jon Elliott  
Sarah Wallan Daley

MEMBERS EXCUSED: Tom Lavagnino

GUESTS PRESENT: Daniel O'Connor, O'Connor Law  
Garrett West, O'Connor Law  
Dave Freel  
Dan Ethridge, ODF&W & 2 guests  
David & Janice Depiero

STAFF PRESENT: Ted Zuk, Director  
Shandell Clark, Planning Manager  
Charles Bennett, Planner  
Patricia Campbell, Administrative Specialist  
Holly Carothers, Administrative Specialist  
Pete Philbrick, County Counsel

The meeting was called to order by Vice-Chair Brad Bennington at 9:08 a.m. The roll was called.

### APPROVAL OF MINUTES:

A motion was made by Commissioner Jon Elliott and seconded by Commissioner Sarah Wallen Daley to approve as amended the June 29, July 13 and July 27, 2023 meeting minutes. Vote was as follows:

Yes

No

Abstain

Absent

Tom Lavagnino

Brad Bennington  
Richard Thierolf Jr.  
Jon Elliott  
Sarah Wallan Daley

Board of County Commissioners

File No. 439-23-00001-LRP Exhibit #6

Offered by: Staff

Date: 11-1-2023 Received by: R

Commission Bennington provided the admonishment. Commission Thierolf stated he has represented the Freels 20 + years ago, no other ex-parte contact or conflicts of interest was reported.

## **NEW BUSINESS:**

**Public Hearing** – Consideration of an application for a Comprehensive Plan Map Change from Agricultural Land to Aggregate Resource Land and the Zoning Map Change from Exclusive Farm Use (EFU) to Aggregate Removal (AR), and add a portion of the property to the County's Goal 5 inventory of Significant Aggregate Resource Sites, and located at 16568 Highway 62, Eagle Point, OR. The property is further described as Township 35 South, Range 1 West, Section 01, 02 and 03 Tax Lots 100. The application was submitted by Freels & Associates through their agent Garret West, O'Connor Law Group. File No. 439-23-00001-LRP.

Charles Bennett, Planner – Provided a PowerPoint presentation on:

- Site History
- Criteria
  - Statewide Planning Goals 1-14
  - OAR 660-023-0030, 660-023-0040, 660-023-0050, 660-023-0180, 660-012-0060, 660-016-0030
  - JA Co Comp. Plan – Aggregate & Mineral Element Policies 1, 2 & 3, Map Designation Element Aggregate Resource Land and Transportation System Plan.
  - JA CO Land Development Ordinance Sections 3.1.4 (B)(2), 4.2.3, 3.2.4, 3.7.3(C), 10.2.1
  - JA CO Users Guide Section 2.6
- Comprehensive Plan Map and Zone Change – 2012 Site Plan
- Proposed Site Plan with Aggregate Resource Boundaries
- Conflicts with Goal 5 Protected Use
- Staff Recommendation

Questions from the Commissioners followed on:

- 2000's Hearings, 1990's Planning Commission hearings
- Confirmed mining use on site
- Mining is occurring outside the approval area – No Code violation
- DLCD Exhibit #38 standing/opinion – discussion followed
- Page 340 of the record – Remand Record, Archeology studies of sites A & C

Public Hearing is opened at 9:35 AM.

Dan O'Connor and Garrett West, O'Connor Law, 670 G Street Ste. B, Jacksonville, Agent – Provided history and a PowerPoint presentation on:

- Site Map – County location

- Brief History – Pit locations outside the zoning approvals, access road outside of the AR zone, misalignment in the extraction map
- 40 acre mining site cap including equipment storage, one site open at a time
- Current Issues
- Proposal – Level of operation will remain the same
- Proposed Conditions of Approval – County's Inventory
- ODF&W comments/concerns and mitigation
- Zoning Proposal
- Current Application Timeline
- Consequences of not Zoning "AR"
- Deer & Elk Winter Range Map
- JACO Goal 5 Background Document – Conflicting Uses, Aggregate is only a conflicting use for "Fish" resource, not Black Tail deer

Questions from the Commissioners followed on:

- Pit may be 500 feet from the approved site
- Road doesn't match the approved road approval location
- The whole proposed 400+ acres will be mined in 40 acre pits at one time – each 40 acres should last 30 years each
- Confirmed 1 – 40 acre pit at a time across the 400+ acre proposal
- Binding to new owners unless they go through the process again
- Zoning and development around the property
- High quality rock? Good resource for construction, roads etc., cost effective and meets and exceeds ODOT standards
- Delivery area for this rock is 18 miles or it becomes too expensive to transport
- Has direct access to Hwy 62

Garrett West, O'Connor Law – The 435 acres includes the existing approved locations, only 324 acres are being added. The mining outside the approved area was approved by DOGMI and Jackson County and discussed the following:

- Address DLCD letter of 9/27/2023
- Road realignment and the effects
- Life of the pits
- Location to population centers – Growth is will be in the northern part of the county and within the delivery area of the mine site

Questions from the commissioners:

- DLCD Letter impact mitigation – ODF&W's opposition, referenced the timeline slide. Reclamation discussed. DOGMI & County's conditions of approval will address a plan of reclamation
- Future use other than a zone change



- Page 63 of the record – New mining isn't being applied for in this application
- Zoning reverting back as mining concludes at a pit and reclamation has occurred
- DOGMI concerns
- ODW&F's participation in the process
- Topography of the property
- Mine is operating with approval by JA County & DOGMI
- Two-step process – Zone change then approval for the mining site
- Population density and siting in low population density areas

Dave Freel, 580 Powder Horn, Jacksonville – Answered questions from prior testimony on the history and approvals. Explained the location of the first site and the haul road. Original bubbles were a best guess location. Geologist testing moved the location that was approved through a Site Plan Approval by DOGMI and JA County. Spoke on costs, transportation, blasting, crushing, sizing, dust abatement, reclamation

Questions from Commissioner:

- When was the Zoning error discovered – 2021 after running for 10 years
- Bubbles, actual mining locations, Zoning changes, conditions and processes discussed
- Zoning could be expanded in the future to over the 435 acres
- ODF&W concerns
- Blasting notification areas
- Page 340 of the record – No Areological studies were done
- Future Areological studies – Will comply with any conditions of approval
- Flexibility to locate the resource and mine the location – Current site is 20 acres

Dan Ethridge, ODF&W, 1495 E Gregory Rd, Central Point – Spoke on Goal 5 and the protection of Deer & Elk Winter Range. Showed a map of the Winter Range and migration of collared deer. Questions followed on:

- Zone Change vs. mitigation.
- Habitat loss, noise disturbance - Category II Habitat
- Conditions
- Site Plan Review, Type 1 application does give notice to property owners or agencies
- How to balance the two Goal 5 Resources – Sensitive Winter Range area
- Continuation of the hearing discussed

Commissioner Bennington questioned Mr. Ethridge on the reasoning why ODF&W is just now coming forward with there concerns. Why was there no participation until now? Commissioner Daley asked how can there be balance between the two resources when the Governor want the increase housing builds to help homelessness.

Also questioning:

- Deer migration – Number of Black Tail Deer living within 1 mile range. Population is uncountable in Western Oregon due to vegetation coverage.

David Depiero, 17525 Highway 62, Eagle Point – Questioned the process for hearings and the lack of time to prepare for testimony. Deer population has changed, and they haven't seen elk since moving to the area. Asked why there has been no concerns for the Reese Creek? The application to rezone is an over reach. Applicant should locate the next mining site then evaluate for these balance concerns.

**A motion was made by Commission Jon Elliott and seconded by Commissioner Richard Thierolf to continue the public hearing to October 12, 2023 at 9:00 AM.**

**Discussion and clarification from County Counsel was given on statutory requirements.**

**Vote was as follows:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Brad Bennington Richard Thierolf Jr. Jon Elliott Sarah Wallan Daley			Tom Lavagnino

The next regular meeting is scheduled for Thursday, October 12, 2023 at 9:00 a.m;

There being no further business, the meeting was adjourned at 1:04 p.m.

Respectfully submitted,

---

Patricia A. Campbell, Administrative Specialist

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
JACKSON COUNTY PLANNING COMMISSION

---

Brad Bennington, Vice-Chair

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When you place your order, please indicate that you need a CD of a Jackson County Planning Commission Public Hearing, the date of the public hearing, the file number that relates to the public hearing, your name and your daytime telephone number. You will be notified when the CD is ready to pick up at the Zoning Counter in Room 100 of the County Offices, 10 South Oakdale. It will be your responsibility to pay for the CD when it is picked up.

# JACKSON COUNTY PLANNING COMMISSION

## PUBLIC MEETING

October 12, 2023

### MINUTES

MEMBERS PRESENT: Tom Lavagnino  
Brad Bennington  
Richard Thierolf Jr.  
Jon Elliott  
Sarah Wallan Daley

GUESTS PRESENT: Daniel O'Connor, O'Connor Law  
Garrett West, O'Connor Law  
Dave Freel  
Dan Ethridge and Ryan Battleson, ODF&W  
David & Janice Depiero  
Ralph Nelson

STAFF PRESENT: Shandell Clark, Planning Manager  
Charles Bennett, Planner  
Holly Carothers, Administrative Specialist  
Pete Philbrick, County Counsel

The meeting was called to order by Tom Lavagnino, Chair at 9:04 a.m. The roll was called at 9:05.

Continued Public Hearing is opened at 9:05 AM for new testimony.

Commissioner Lavagnino provided the admonishment. No ex-parte contact or conflicts of interest were reported.

Dan O'Connor, 670 G Street, Jacksonville, clarified he already presented at original hearing and only has a rebuttal today. Charles Bennett, Planner, Spoke about receiving Commissioner Thierolf's email and his brief presentation.

### NEW BUSINESS:

**Public Hearing** – Consideration of an application for a Comprehensive Plan Map Change from Agricultural Land to Aggregate Resource Land and the Zoning Map Change from Exclusive Farm Use (EFU) to Aggregate Removal (AR), and add a portion of the property to the County's Goal 5 inventory of Significant Aggregate Resource Sites, and located at 16568 Highway 62, Eagle Point, OR. The property is further described as Township 35 South, Range 1 West, Section 01, 02 and

Board of County Commissioners

File No. 439-23-00001-LRP Exhibit # 7.

Offered by: Staff

Date: 11-1-2023 Received by: PC

03 Tax Lots 100. The application was submitted by Freel & Associates through their agent Garret West, O'Connor Law Group. File No. 439-23-00001-LRP.

Charles Bennett, Planner – Provided a PowerPoint presentation on:

- Point of Consideration
- Conditions

Questions from the Commissioners followed on Zone change.

Janice Depiero, 17525 Hwy 62, Eagle Point, testified on denial of zone change.

- Spoke on noise study from 2005 (pages 158-178) not being valid and outdated
- Pointed out responses given today were based on zoning AR, not proposed addition
- Air quality concerns from residue being airborne from rock crushing of siliceous.

David Depiero, 17525 Hwy 62, Eagle Point, testified on denial of zone change.

- Concerned about run off of mining into Reese Creek
- Health of herd of deer and diminishing over time

Ralph Nelson, 833 White Oak Avenue, Central Point. Testified on denial of zone change.

- Concerned on Type 1 vs. Type 2 applications and not being notified of Type 1.
- Concerned that Dan O'Connor represented Ram-Sey-Road, LLC and Freel Ranch in the past.

Questions from Commissioners followed and Charles Bennett, Planner, responded:

- Current application is Type 4, but if approved it would be a Type 1 going forward which does not require notice to neighbors.
- Spoke of Bunn Ranch appeal and withdrawn, that was mentioned. Tax lots 900/901.
- Aggregate Resource is a Type 1 application, no notice required.
- Conditions of approval overview – discussion followed.

Dan Etheridge, ODF&W, 1495 E Gregory, Central Point. Testified on denial of zone change.

- Concerned about no controlled burning, which was one of the conditions of approval.
- Requesting conservation easement.
- Goal 5 needs to be addressed per application.



- Mitigation plan needs to be implemented

Discussion followed on:

- Winter range concern, limited habitat, lack of data submitted by ODF&W.
- Exhibit 45 email clarification. The reclaiming process is not mitigation process.
- Reese Creek drainage
- Winter range and mitigation, loss of habitat is irreplaceable. Long term concerns if approved.

Ryan Battleon, ODF&W, 1395 E Gregory, Central Point. Spoke on habitat and they are open to mitigation.

- Lack of burning not done my Freel Ranch per conditions of approval
- Impact to habitat during mining timeframe, which can be 50+ years
- Conservation easement vs. deed restriction
- Discussion followed: 435 acres being developed, but 40 acre increments
- Habitat on landscape. Habitat is category type two.

Dan O'Connor, 670 G Street, Jacksonville. Rebuttal from previous hearing.

- Clarified only 40-acre increments will being mined
- ODF&W discussion with O'Connor Law
- Clarified they are open for any mitigation, but not agreeing to conservation easement
- Big Butte Creek unit overlay, Reese Creek drainage boundary, not included
- Ram-Sey-Road involvement

Discussion followed:

- Goal 5 document control
- Conservation Easement process does not seem probable
- Cross hatch clarification
- Enforcing conditions stated in application

Dave Freel, 17450 Delta Waters Road, Medford, spoke on behalf of mitigation.

- Addressed the control burn and juvenile hunts that were in conditions.
- 1100 acres out of 1350 acres were burned in Obenchain.
- Knife River and Eugene Sand and Gravel charging three times more than Freel
- Core drilling process and monitoring process
- Open 10 years and made 74K trips in/out quarry, only one neighbor attended hearing

Garrett West, 670 G St, Jacksonville. Proposing condition of approval.

Archeological Inadvertent Discovery Plan and example

Discussion followed:

- Concerns of LUBA
- Benefits to continue hearing
- Goal 5 protected resource
- Lack of mitigation
- Discrepancies in Jackson County Deer & Elk Habitat Map and O'Connor's submitted map from civil engineer.
- Discussion on continuing hearing, pros and cons

Dan O'Connor is not open to continuance and ODF&W requested a continued hearing.

**A motion was made by Commissioner Thierolf and seconded by Commissioner Elliott to admit exhibits 1 through 56 into the record. Vote was as follows:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Tom Lavagnino			
Brad Bennington			
Richard Thierolf Jr.			
Jon Elliott			
Sarah Wallan Daley			

A motion was made by Commission Jon Elliott and seconded by Commissioner Richard Thierolf to close the public hearing at 12:27 PM.

**A motion was made by Commissioner Bennington and seconded by Commissioner to approve the Recommendation for Approval.** "Based on the evidence and testimony, I move that the Jackson County Planning Commission request planning staff to prepare a recommendation for denial to the Jackson County Board of Commissioners for planning file 439-23-00001-LRP adopting a change to the comprehensive plan map designation from Agricultural Land to Aggregate Resource Land and Zoning Map designation from Exclusive Farm Use (EFU) to Aggregate Removal (AR) and add a portion of the property (435 acres) to the County's Goal 5 inventory of Significant Aggregate Resource Sites." **Vote was as follows:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Tom Lavagnino			
	Brad Bennington		
Richard Thierolf Jr.			
Jon Elliott			
	Sarah Wallan Daley		

**BUSINESS FROM THE BOARD OF COMMISSIONERS:**

**BUSINESS FROM COMMISSION MEMBERS:**

**BUSINESS FROM THE PLANNING DIVISION:**

The next regular meeting is scheduled for Thursday, December 14, 2023 at 9:00 a.m;

There being no further business, the meeting was adjourned at 12:33 pm.

Respectfully submitted,

---

Holly M. Carothers, Administrative Specialist

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
JACKSON COUNTY PLANNING COMMISSION

---

Tom Lavagnino, Chair

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When you place your order, please indicate that you need a CD of a Jackson County Planning Commission Public Hearing, the date of the public hearing, the file number that relates to the public hearing, your name and your daytime telephone number. You will be notified when the CD is ready to pick up at the Zoning Counter in Room 100 of the County Offices, 10 South Oakdale. It will be your responsibility to pay for the CD when it is picked up.

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September 13, 2023

## AFFIDAVIT OF PUBLICATION

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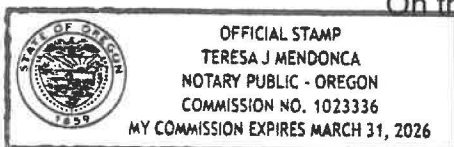
County of Jackson

I, Teresa L. Pearson, being first duly sworn, depose and say that I am publisher of the *Rogue River Press*, a newspaper of general circulation published at 8991 Rogue River Highway, Rogue River, OR, in the aforesaid county and state; that I know from my personal knowledge that an **Notice of Public Hearing Legal Notice: Consideration of an application for a Comprehensive Plan Map Change from Agricultural Land to Aggregate Resource Land and the Zoning Map Change from Exclusive Farm Use (EFU) to Aggregate Removal (AR), and add a portion of the property to the County's Goal 5 inventory of Significant Aggregate Resource Sites, and located at 16568 Highway 62, Eagle Point, OR; File No. 439-23-00001-LRP**, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for **one (1) time(s) for Jackson County Development Services**, in the issue(s) of: **September 13, 2023**.

Subscribed and sworn to me by \_\_\_\_\_

Teresa L. Pearson, Publisher, Rogue River Press

On this 13<sup>th</sup> day of September, 2023



teresa j mendonca

Notary Public of Oregon

My commission expires 31<sup>st</sup> day of March, 2026

1996, 1998, 1999, 2000, 2001, & 2005 Winner of Elmo Smith Award For General Excellence

Board of County Commissioners

File No. 439-23-00001-LRP Exhibit # 8

Offered by: [Signature]

Date: 11-1-2023 Received by: [Signature]



**From:** Dan O'Connor <dano@pacifiland.law>  
**Sent:** Saturday, October 14, 2023 11:44 AM  
**To:** ETHRIDGE Dan D \* ODFW <Dan.D.ETHRIDGE@odfw.oregon.gov>; VAUGHAN Joy R \* ODFW <Joy.R.VAUGHAN@odfw.oregon.gov>; VARGAS Mathew T \* ODFW <mathew.t.vargas@odfw.oregon.gov>  
**Cc:** Kathy Czichas <kathy@pacifiland.law>; C. David Freel <cdfreel@earthlink.net>; Garrett West <west@pacifiland.law>; bennetch@jacksoncounty.org  
**Subject:** Freel & Associates: File No. 439-23-00001-LRP

Good morning Dan.

I apologize for the Saturday morning email but I simply ran out of time yesterday. Also, I want to apologize concerning the misunderstanding between us and ODFW as to next steps based on our conference call. Notwithstanding the foregoing, I appreciate ODFW's willingness to consider reasonable mitigation options. Dave Freel and myself extensively discussed potential mitigation options subsequent to the latest hearing and want to propose the following:

1. Reclamation Demonstration Project. For the reclamation of each pit site, we will remove and maintain a stockpile of the topsoil during the lifespan of each specific pit. As to the reclamation of the pit floor, the stockpiled topsoil will be terraformed in consultation with a botanist and wildlife biologist and the area will be replanted with plant species designed to be ideal winter range habitat. Benches must be established in the pit wall as part of the DOGAMI reclamation process. We propose to enhance these "benches" to develop beneficial raptor habitat. As part of this proposed wildlife oriented reclamation process, the hired botanist and wildlife biologist will consult with ODFW as part of the reclamation process.
2. Off-Site Mitigation Payment. Prior to the opening of any new pit on the subject property the owner must go through the Jackson County Site Plan Review process, which establishes the exact boundary of the area to be disturbed. We propose that a payment be made to ODFW in the amount of \$1,000.00 (in today's dollar value) per disturbed acre as a condition of approval for each Site Plan Review approval. In other words, a payment of \$40,000.00 (as adjusted for inflation) would be paid to ODFW in the event a new 40-acre pit area (this includes the actual pit area and surrounding disturbed areas) was approved pursuant to the Site Plan Review process. This requirement would apply to each new pit area. The purpose of these payments is to fund ODFW winter range enhancement projects in locations deemed most appropriate by ODFW.
3. Existing Stipulated Seasonal Restrictions. We will continue to abide by the existing seasonal operation restrictions previously negotiated with ODFW.

Please let us know your thoughts on the foregoing. Also, we will gladly consider any reasonable mitigation measures which you may want to propose.

Thank you for your attention to this matter and have a nice weekend.

Dan

**Dan O'Connor**  
Attorney  
670 G Street, Suite B  
Jacksonville, OR 97530  
Office: 541-702-5350



Office Hours: M-Th 8:30am – 5pm Closed noon to 1pm

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Board of County Commissioners

File No. 439-23-00001-LRP Exhibit # 9

Offered by Stacy

Date: 11-1-2023 Received by: R

- 58 -

**From:** VARGAS Mathew T \* ODFW <mathew.t.vargas@odfw.oregon.gov>  
**Sent:** Tuesday, October 17, 2023 9:29 AM  
**To:** Dan O'Connor <dano@pacificland.law>; ETHRIDGE Dan D \* ODFW <Dan.D.ETHRIDGE@odfw.oregon.gov>; VAUGHAN Joy R \* ODFW <Joy.R.VAUGHAN@odfw.oregon.gov>  
**Cc:** Kathy Czichas <kathy@pacificland.law>; C. David Freel <cdfreel@earthlink.net>; Garrett West <west@pacificland.law>; bennetch@jacksoncounty.org  
**Subject:** RE: Freel & Associates: File No. 439-23-00001-LRP

Dan,

Thank you for reaching out. We will be having an internal meeting with various ODFW staff members first thing next week to discuss these and other potential mitigation options for this application with the county. If we have some ideas that we believe meet our habitat mitigation policy of *no net loss of habitat quantity or quality and to provide a net benefit of habitat quantity or quality*, we will reach back out to you.

Outlined below are some of our initial thoughts on your three proposed measures:

Reclamation Demonstration Project- While reclamation is already required by DOGAMI, we also see it as an important step to partially restoring habitat impacted by mining activities, however it cannot be considered adequate mitigation due to the temporal loss of the habitat as well as the inability to restore the habitat to the same quality as it was before the disturbance of mining activities.

Off-Site Mitigation Payment- ODFW is currently not equipped for a payment to provide options such as this.

Seasonal Restrictions- While seasonal restrictions can be beneficial to wildlife it should be used in conjunction with other measures as it is not mitigation but rather minimization.

We would still request a conservation easement be considered, as we believe that it provides the best protections through time and transfer of ownerships. If that is not possible, mitigation at this scale can be extremely difficult and we encourage you and your client to reduce the requested size of the piece you want to rezone to a more manageable scale. We will have more definitive answers for you after our internal meeting next week.

Thanks again.

**Mathew Vargas**

Rogue District Wildlife Biologist  
Oregon Dept of Fish & Wildlife  
1495 E. Gregory Rd, Central Point OR 97502  
Office: 541-857-2407  
Cell: 541-630-3889  
[mathew.t.vargas@odfw.oregon.gov](mailto:mathew.t.vargas@odfw.oregon.gov)

Board of County Commissioners

File No. 439-23-00001-LRP Exhibit # 10

Offered by: Staff

Date: 11-1-2023 Received by: PC

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**From:** VARGAS Mathew T \* ODFW <[mathew.t.vargas@odfw.oregon.gov](mailto:mathew.t.vargas@odfw.oregon.gov)>  
**Sent:** Wednesday, October 25, 2023 5:14 PM  
**To:** Dan O'Connor <[dano@pacificland.law](mailto:dano@pacificland.law)>; ETHRIDGE Dan D \* ODFW <[Dan.D.ETHRIDGE@odfw.oregon.gov](mailto:Dan.D.ETHRIDGE@odfw.oregon.gov)>; VAUGHAN Joy R \* ODFW <[Joy.R.VAUGHAN@odfw.oregon.gov](mailto:Joy.R.VAUGHAN@odfw.oregon.gov)>  
**Cc:** Kathy Czichas <[kathy@pacificland.law](mailto:kathy@pacificland.law)>; C. David Freel <[cdfreel@earthlink.net](mailto:cdfreel@earthlink.net)>; Garrett West <[west@pacificland.law](mailto:west@pacificland.law)>; [bennetch@jacksoncounty.org](mailto:bennetch@jacksoncounty.org)  
**Subject:** RE: Freel & Associates: File No. 439-23-00001-LRP

Dan,

As this is classified as especially sensitive deer and elk winter range our primary recommendation would be avoidance. If the rezoning was to occur at this magnitude the only feasible mitigation option would be to establish a conservation easement of adequate size. If you and your client are not willing to establish a conservation easement, we would need you to reduce the amount of acreage you are requesting gets rezoned to 40 acres so you can effectively mitigate for the loss of habitat through other means.

We would be happy to discuss the details of these options with you over a conference call. I am available anytime this Friday (10/27) afternoon, otherwise I will not be returning to the office until the week of November 6<sup>th</sup> and we can set something up then. If you would like to meet next week while I am out, you can set up a time with Dan Ethridge.

Thanks

**Mathew Vargas**

Rogue District Wildlife Biologist  
Oregon Dept of Fish & Wildlife  
1495 E. Gregory Rd, Central Point OR 97502  
Office: 541-857-2407  
Cell: 541-630-3889  
[mathew.t.vargas@odfw.oregon.gov](mailto:mathew.t.vargas@odfw.oregon.gov)

**From:** Dan O'Connor <[dano@pacificland.law](mailto:dano@pacificland.law)>  
**Sent:** Wednesday, October 25, 2023 2:27 PM  
**To:** VARGAS Mathew T \* ODFW <[mathew.t.vargas@odfw.oregon.gov](mailto:mathew.t.vargas@odfw.oregon.gov)>; ETHRIDGE Dan D \* ODFW <[Dan.D.ETHRIDGE@odfw.oregon.gov](mailto:Dan.D.ETHRIDGE@odfw.oregon.gov)>; VAUGHAN Joy R \* ODFW <[Joy.R.VAUGHAN@odfw.oregon.gov](mailto:Joy.R.VAUGHAN@odfw.oregon.gov)>  
**Cc:** Kathy Czichas <[kathy@pacificland.law](mailto:kathy@pacificland.law)>; C. David Freel <[cdfreel@earthlink.net](mailto:cdfreel@earthlink.net)>; Garrett West <[west@pacificland.law](mailto:west@pacificland.law)>; [bennetch@jacksoncounty.org](mailto:bennetch@jacksoncounty.org)  
**Subject:** RE: Freel & Associates: File No. 439-23-00001-LRP

Good afternoon Mathew.

I hope you are well. I just wanted to follow up to make sure we are on the same page. We are ready and willing to discuss potential mitigation proposals from ODFW. Please just let me know if you want me to schedule a conference call with the group and we will act promptly.

Thank you and have a nice day.

Dan

**Dan O'Connor**

Attorney  
670 G Street, Suite B  
Jacksonville, OR 97530  
Office: 541-702-5350



**O'CONNOR LAW** LLC

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Board of County Commissioners

File No. 439-23-00001-LRP Exhibit # 11

Offered by: Staff

Date: 11-1-2023 Received by: PC

Office Hours: M-Th 8:30am – 5pm Closed noon to 1pm



**From:** Dan O'Connor <[dano@pacificland.law](mailto:dano@pacificland.law)>  
**Sent:** Monday, October 30, 2023 2:20 PM  
**To:** VARGAS Mathew T \* ODFW <[mathew.t.vargas@odfw.oregon.gov](mailto:mathew.t.vargas@odfw.oregon.gov)>; ETHRIDGE Dan D \* ODFW <[Dan.D.ETHRIDGE@odfw.oregon.gov](mailto:Dan.D.ETHRIDGE@odfw.oregon.gov)>; VAUGHAN Joy R \* ODFW <[Joy.R.VAUGHAN@odfw.oregon.gov](mailto:Joy.R.VAUGHAN@odfw.oregon.gov)>  
**Cc:** Kathy Czichas <[kathy@pacificland.law](mailto:kathy@pacificland.law)>; C. David Freel <[cdfreel@earthlink.net](mailto:cdfreel@earthlink.net)>; Garrett West <[west@pacificland.law](mailto:west@pacificland.law)>; Charles Bennett <[BennetCH@jacksoncountyor.gov](mailto:BennetCH@jacksoncountyor.gov)>  
**Subject:** EXT: RE: Freel & Associates: File No. 439-23-00001-LRP

Good afternoon Mathew.

I will have Kathy schedule a conference call for the week of November 6<sup>th</sup>.

As explained by the Planning Commission Chair, who was the former Board Chair for the Southern Oregon Land Conservancy, a conservation easement is just not an option for this property.

Have a nice day.

Dan

**Dan O'Connor**  
Attorney

670 G Street, Suite B  
Jacksonville, OR 97530  
Office: 541-702-5350



**O'CONNOR LAW** | LLC

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Board of County Commissioners

File No. 439-23-00001-LRP Exhibit # 12

Offered by Staff

Date: 11-1-2023 Received by: PC

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NOTARY PAGE

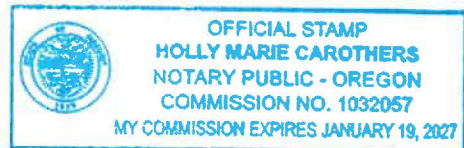
STATE OF OREGON     )  
                                      )  
COUNTY OF JACKSON )

I, Patricia A. Campbell, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of public hearing described in the attached notice of hearing by mailing a copy thereof by regular mail (or delivered to county offices) to each of the following named persons at their respective last known addresses, to wit: (as attached)

Each of said copies of the notice was enclosed in a sealed envelope addressed to the persons at the addresses above set forth, with postage thereon fully prepaid and was deposited in the post office at Medford, Oregon, on October 25, 2023, a day at least 20 days prior to the date of hearing set forth in said notice.

Patricia A. Campbell  
Signature

Personally appeared before me this 25<sup>th</sup> day of October, 2023, the above named, Patricia A. Campbell, who acknowledged the foregoing affidavit to be her voluntary act and deed.



Holly Marie Carothers  
Notary Public for Oregon  
My Commission Expires: January 19, 2027

NOTICE OF PUBLIC HEARING SENT TO: APPLICANT, AGENT, AFFECTED AGENCIES & PROPERTY OWNERS AS DESCRIBED IN 2004 LDO SECTION 2.7.5 (B)(2)(d) AND MEDIA.

NAME: FREEL & ASSOC. LLC

FILE NO: 439-23-00001-LRP

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Board of County Commissioners  
File No. 439-23-00001-LRP Exhibit # 13  
Offered by: Staff  
Date: 11-1-2023 Received by: PC





## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the Jackson County Board of Commissioners will hold a public hearing on **Wednesday, November 15, at 1:30 p.m.** in the Jackson County Courthouse Auditorium and by audio/videoconference\*. The purpose of the public hearing will be:

Consideration of a Jackson County Planning Commission Recommendation of Denial for a Comprehensive Plan Map Change from Agricultural Land to Aggregate Resource Land and the Zoning Map Change from Exclusive Farm Use (EFU) to Aggregate Removal (AR), and add a portion of the property to the County's Goal 5 inventory of Significant Aggregate Resource Sites, and located at 16568 Highway 62, Eagle Point, OR. The property is further described as Township 35 South, Range 1 West, Section 01, 02 and 03 Tax Lots 100. The criteria for reviewing this application are attached. The application was submitted by Freel & Associates through their agent O'Connor Law Group. File No. 439-23-00001-LRP.

Oregon law and Section 2.7.6(E)(6) of the 2004 Jackson County Land Development Ordinance state that testimony, arguments, and evidence must be directed toward the approval criteria, or other criteria in the Ordinance which the person believes apply to the application. Failure to raise an issue at the hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue. A copy of the rules (Land Development Ordinance Section 2.8) governing conduct of the hearing and submission of evidence and testimony at the hearing may be inspected at the Planning Department at no cost any time prior to the hearing and can be provided at reasonable cost.

**A SIGN UP SHEET WILL BE PROVIDED AT THE HEARING AND WHEN YOUR NAME IS CALLED YOU MAY GIVE YOUR ORAL TESTIMONY. ORAL TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON. ADDITIONAL TESTIMONY (BEYOND THE FIVE MINUTE LIMIT) MAY BE SUBMITTED IN WRITING.**

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria is available for inspection at no cost and will be provided at reasonable cost, if requested or viewed online at [https://www.jacksoncountyor.gov/departments/development\\_services/planning/open\\_planning\\_projects\\_documents.php#outer-2107](https://www.jacksoncountyor.gov/departments/development_services/planning/open_planning_projects_documents.php#outer-2107). A copy of the record will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. Failure to specify which ordinance criteria an objection is based on also precludes your right of appeal to LUBA on that criterion. Additional information is available by contacting **Charles Bennett** at Development Services, Room 100, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 541-774-6115.

Colleen Roberts, Chair  
JACKSON COUNTY BOARD OF COMMISSIONERS

***If an accommodation, auxiliary aid, or service is needed to participate in a County meeting, please contact the Human Resources Office at [hr@jacksoncountyor.org](mailto:hr@jacksoncountyor.org) or 541-774-6036 or TTY/TDD 711 or 800 735-2900. Requests made at least 48 hours prior to the meeting, preferably in writing, will assist County staff in providing the accommodation.***

\*This meeting is being held in the Courthouse Auditorium and by audio/videoconference. You can watch the meeting on RVTV Cable Channel 181, which is also streamed live via the County website at <https://jacksoncountyor.org/County/Video-TV>. This meeting may also be viewed by going to <https://jacksoncountyor.zoom.us/j/89523141457>, or may be listened to on the phone by calling 253-215-8782 and entering Meeting ID No. 895 2314 1457.

Attachments: Zoning Map, Site Plan, Criteria

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APPLICANT:  
FREEL & ASSOCIATES  
35-1W-01 TL 100  
35-1W-02 TL 100.  
35-1W-03 TL 100  
439-23-00001-LRP

- County Zoning - Outline
- Applegate, Rogue, Bear Creek
- Rivers and Major Streams
- Named Streams
  - Minor Streams
  - Intermittent Streams
  - Underground Streams
- Canals
  - Canals - Tunnels / Siphons
- Rivers
- [1:160] Very Sensitive
- [1:40] Sensitive
- Existing
- Aggregate Impact Areas



1 inch = 2,800 feet

This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

Plot date: 01/10/2023; Planning Maps: bargoerall



LOCATED IN SECTIONS 1, 2 & 3  
TOWNSHIP 35 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,  
JACKSON COUNTY, OREGON

PROPOSED SITE PLAN - W/ PROPOSED AGGREGATE RESOURCE (AR) BOUNDARY  
FREEL RANCH QUARRY

**SITE DATA**  
TOTAL SITE AREA = 1,373 ACRES (3 TAX LOTS)  
DOGAMI PERMIT BOUNDARY AREA = 1,335 ACRES  
CURRENT AIR ZONING BOUNDARY AREA = 1,335 ACRES  
PROPOSED AIR ZONING BOUNDARY AREA = 435 ACRES

(2016 & 2015 AERIAL DATA PROJECTED ON TO NAADS (2012))  
OREGON GRANTS PASS-AS-LAND ZONE HORIZONTAL  
CONTOUR, 100' DIA & MAJOR VERTICAL DATA  
ISOTHERM 84, 2000 84 PHOTO PROJECTED ON TO NAADS  
(2012) OREGON GRANTS PASS-AS-LAND ZONE HORIZONTAL  
CONTOUR, 100' DIA & MAJOR VERTICAL DATA

TAX LOT MAPS: 35 T1W4, 35 T1W5 & 35 T1W6

**LEGEND**  
PROPERTY LINE  
DOGAMI PERMIT BOUNDARY  
**CONTOURS**  
MAJOR CONTOUR: 100' DIA  
MINOR CONTOUR: 100' DIA  
DOGAMI PERMIT BOUNDARY  
DOGAMI PERMIT BOUNDARY  
DOGAMI PERMIT BOUNDARY

**GENERAL NOTES**

1. The properties indicated on this plan are approximate only. The permittees are included for general planning purposes only. The client shall obtain a formal land address for delineation of actual property boundaries.

0 100' 200'

**DOGAMI-MLR INFORMATION**  
PERMIT NUMBER: 15-015  
SITE NAME: FREEL RANCH QUARRY  
PERMIT HOLDER: WHEATSTONE ENGINEERING, INC.  
17000 N. WHEATSTONE ROAD, SUITE 100  
CLATSOP, OR 97131  
PERMIT HOLDER SIGNATURE:

**DRAWN: mof**  
DATE: 03/04/22



**WHEATSTONE ENGINEERING, INC.**  
PROPOSED SITE PLAN - W/ PROPOSED AIR BOUNDARY-FREEL RANCH QUARRY  
**FREEL AND ASSOCIATES, LLC**  
JACKSON COUNTY, OREGON

DATE: 12/21/22  
SHEET NO. 2 OF 2

SUBMITTED BY APPLICANT

**CRITERIA FOR A COMPREHENSIVE PLAN MAP AND ZONING MAP AMENDMENT TO  
CHANGE COMPREHENSIVE PLAN MAP FROM AGRICULTURAL LAND TO AGGREGATE  
RESOURCE LAND AND THE ZONING MAP FROM EXCLUSIVE FARM USE(EFU) TO  
AGGREGATE REMOVAL(AR), AND ADD A PORTION OF THE PROPERTY TO THE  
COUNTY'S GOAL 5 INVENTORY OF SIGNIFICANT AGGREGATE RESOURCE SITES**

**FILE: 439-23-00001-LRP**

**Statewide Planning Goals:** Goal 1, Citizen Involvement; Goal 2, Land Use Planning (Part II(c)); Goal 3, Agricultural Lands; Goal 4, Forest Lands; Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces; Goal 6, Air, Water, Land Resources Quality; Goal 7, Areas Subject to Natural Disasters and Hazards; Goal 8, Recreational Needs; Goal 9, Economic Development; Goal 10, Housing; Goal 11, Public Facilities and Services; Goal 12, Transportation; Goal 13, Energy Conservation; and Goal 14, Urbanization

**Oregon Administrative Rules:** OAR 660-023-0030, OAR 660-023-0040, OAR 660-023-0050, OAR 660-023-0180, OAR-660-012-0060, OAR 660-016-0030

**Jackson County Comprehensive Plan:**

Map Designations Element, Aggregate Resource Land; Aggregate and Mineral Resources Element, Policies 1, 2 & 3; Transportation System Plan

**Jackson County Land Development Ordinance:** Sections; 3.1.4(B)(2), 3.7.3(C), 10.2.1.

**User's Guide (See JCLDO 2.6.3(A)):** Section 2.6

Jackson County Development Services  
10 South Oakdale Ave., Room 100  
Medford, Oregon 97501  
Phone: (541) 774-6900

439-23-00001-LRP

10/25/2023 9:16:41 AM

351W09 200 (3 lots) 439-23-00001-LRP  
ANDERSON RICK TRUSTEE  
374 HAMMEL RD  
EAGLE POINT, OR 97524

351W03 400 439-23-00001-LRP  
BRAUN LEROY F  
PO BOX 605  
EAGLE POINT, OR 97524

351W10 501 439-23-00001-LRP  
DODGE LAURIE D/JEFFREY S  
214 HAMMEL RD  
EAGLE POINT, OR 97524

IP 439-23-00001-LRP  
ATWATER JANET C  
438 CRESCENT ST  
WALLA WALLA, WA 99362

351W10 300 (3 lots) 439-23-00001-LRP  
BREWER JENNIE E/PAUL SCOTT SR  
16571 HIGHWAY 62  
EAGLE POINT, OR 97524

351W11 200 439-23-00001-LRP  
FINCH NANNA LEE TRUSTEE FBO  
1545 BUTTE FALLS HWY  
EAGLE POINT, OR 97524

351W10 503 439-23-00001-LRP  
AYRES GARY L/AYRES CHARLOTTE  
310 HAMMEL RD  
EAGLE POINT, OR 97524

351W11 300 (6 lots) 439-23-00001-LRP  
COLLIER CARSON ET AL  
16550 HWY 62  
EAGLE POINT, OR 97524

351W11 200 439-23-00001-LRP  
FINCH TIMOTHY K  
1551 BUTTE FALLS HWY  
EAGLE POINT, OR 97524

351W03 504 439-23-00001-LRP  
BAAS GARY/KAREN  
17505 HIGHWAY 62  
EAGLE POINT, OR 97524

351W03 401 439-23-00001-LRP  
CRIMMEY JOSHUA ALLEN ET AL  
17645 HIGHWAY 62  
EAGLE POINT, OR 97524

APPLICANT (5 lots) 439-23-00001-LRP  
FREEL & ASSOCIATES LLC ET AL  
C DAVID FREEL  
1750 DELTA WATERS RD SUITE 10  
MEDFORD, OR 97504

IP 439-23-00001-LRP  
BATEMAN PETER M TRUSTEE  
2591 BUTTE FALLS HWY  
EAGLE POINT, OR 97524

IP 439-23-00001-LRP  
CUOZZO ALFRED F  
2561 BUTTE FALLS HWY  
EAGLE POINT, OR 97524

351W03 1706 (2 lots) 439-23-00001-LRP  
GILBERT SHAELYN  
PO BOX 784  
EAGLE POINT, OR 97524

351W12 104 439-23-00001-LRP  
BATEMAN RANCH LLC  
MICHAEL S BATEMAN  
2963 BUTTE FALLS HWY  
EAGLE POINT, OR 97524

351W10 1300 (2 lots) 439-23-00001-LRP  
D ORIO FAMILY TRUST ET AL  
16300 HIGHWAY 62  
EAGLE POINT, OR 97524

351W10 900 439-23-00001-LRP  
GRANGER JAMES S/MARY E  
PO BOX 92  
SHADY COVE, OR 97539

IP (5 lots) 439-23-00001-LRP  
BERGEN DONALD I TRUSTEE ET AL  
2478 ALAMO COUNTRY CIR  
ALAMO, CA 94507

IP 439-23-00001-LRP  
DEPIERO JANICE A/DAVID J  
17525 HWY 62  
EAGLE POINT, OR 97524

351W11 406 439-23-00001-LRP  
GREELEY DALE ALLEN/GREELEY BR  
1401 BUTTE FALLS HWY  
EAGLE POINT, OR 97524

IP 439-23-00001-LRP  
BERGMAN ROCKY CLIFFORD  
17181 HWY 62  
EAGLE POINT, OR 97524

351W03 201 439-23-00001-LRP  
DIB IRREVOCABLE TRUST 11/13/1  
2478 ALAMO COUNTRY CIR  
ALAMO, CA 94507

351W04 1100 439-23-00001-LRP  
GRESSETT SAMUEL L& JODAY A RE  
FRANK DAN ET AL  
453 ROGUE AIR DR  
SHADY COVE, OR 97539

351W03 1700 439-23-00001-LRP  
BOGDANOFF DANIEL/PATTERSON-  
BO  
124 ORCHARD LN  
SHADY COVE, OR 97539

351W10 700 439-23-00001-LRP  
DODENHOFF DALE A  
16301 HIGHWAY 62  
EAGLE POINT, OR 97524

351W12 201 439-23-00001-LRP  
HAAS DUANE L TRUSTEE ET AL  
2265 BUTTE FALLS HWY  
EAGLE POINT, OR 97524

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Jackson County Development Services 10 South Oakdale Ave., Room 100 Medford, Oregon 97501 Phone: (541) 774-6900			439-23-00001-LRP	10/25/2023 9:16:41 AM
351W11 500 (2 lots) 439-23-00001-LRP HADDEN FAMILY TRUST 629 VILLAGE BLVD INCLINE VILLAGE, NV 89451	351W10 400 439-23-00001-LRP KIMICK KEVIN 120 HAMMEL RD EAGLE POINT, OR 97524	351W03 1400 439-23-00001-LRP MARTINEN GREG/MARI 16717 HIGHWAY 62 EAGLE POINT, OR 97524		
351W10 600 (4 lots) 439-23-00001-LRP HAMMEL RD LLC 7420 SW HUNZIKER RD TIGARD, OR 97223	351W11 408 439-23-00001-LRP KING CHERYL A 1407 BUTTE FALLS HWY EAGLE POINT, OR 97524	351W03 301 439-23-00001-LRP MAUCK STEPHEN E/HEATHER 17710 HIGHWAY 62 EAGLE POINT, OR 97524		
351W03 1103 (4 lots) 439-23-00001-LRP HAWKINS MERYL DWAYNE TRUSTEE 17210 HIGHWAY 62 EAGLE POINT, OR 97524	IP 439-23-00001-LRP KING CHERYL ANN 1415 BUTTE FALLS HWY EAGLE POINT, OR 97524	351W04 900 439-23-00001-LRP MC BEE BRETT/BELLE M 1768 HAMMEL RD EAGLE POINT, OR 97524		
IP 439-23-00001-LRP HOLZHAUSER LINDA TRUSTEE ET A 565 TEAKWOOD DR EAGLE POINT, OR 97524	351E06 700 439-23-00001-LRP KOSER ROBERT 711 BENNETT AVE MEDFORD, OR 97504	341W34 1300 439-23-00001-LRP OUR FATHERS RANCH LLC SUMMERS HARRY S 18340 HIGHWAY 62 EAGLE POINT, OR 97524		
351W12 200 439-23-00001-LRP HOUSE KAREN 2299 BUTTE FALLS HWY EAGLE POINT, OR 97524	351W03 600 439-23-00001-LRP LACY JAMES 17135 HIGHWAY 62 EAGLE POINT, OR 97524	351W03 200 439-23-00001-LRP PECK ROBERT O 17630 HIGHWAY 62 EAGLE POINT, OR 97524		
351W03 1707 439-23-00001-LRP HUBER SCOTT/PAMELA L 4804 SEAVIEW AVE CASTRO VALLEY, CA 94546	351W03 900 439-23-00001-LRP LAMBRECHTSSEN BENJAMIN J ET AL PO BOX 3356 CENTRAL POINT, OR 97502	351E06 901 (2 lots) 439-23-00001-LRP RAM-SEA ROGUE LLC ET AL PO BOX 589 GOLD HILL, OR 97525		
351W03 1300 439-23-00001-LRP HUFTILL-BALZER TRUST ET AL 35 GENEVA ST MEDFORD, OR 97504	351W03 1600 (2 lots) 439-23-00001-LRP LEHMAN LUKE 17095 HIGHWAY 62 100 EAGLE POINT, OR 97524	351E06 700 439-23-00001-LRP RIOS BRIGIDA/SAAVEDRA ANTONIO 4755 BUTTE FALLS HWY EAGLE POINT, OR 97524		
IP 439-23-00001-LRP HURLEY JOHN TRUSTEE ET AL 16235 HIGHWAY 62 EAGLE POINT, OR 97524	351W11 101 439-23-00001-LRP LEONARDO HAROLD R/THERESA J 1955 BUTTE FALLS HWY EAGLE POINT, OR 97524	351W04 1106 439-23-00001-LRP ROTAR JOHN J JR TRUSTEE ET AL 1390 HAMMEL RD EAGLE POINT, OR 97524		
351W09 300 439-23-00001-LRP JAMES COY D/DEBORAH A 628 HAMMEL RD EAGLE POINT, OR 97524	351W04 1105 439-23-00001-LRP LONGENDYCK KYLE ET AL 1300 HAMMEL RD EAGLE POINT, OR 97524	351W01 300 439-23-00001-LRP SAGERT JO R PO BOX 589 GOLD HILL, OR 97525		

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Jackson County Development Services 10 South Oakdale Ave., Room 100 Medford, Oregon 97501 Phone: (541) 774-6900		439-23-00001-LRP	10/25/2023 9:16:41 AM
341W34 400 (3 lots) 439-23-00001-LRP SUMMERS HARRY S TRUSTEE ET AL 18340 HWY 62 EAGLE POINT, OR 97524	AA-G01 439-23-00001-LRP MICAH HOROWITZ, DEVELOPMENT REVIEW PLANNER ODOT REGION 3 100 ANTELOPE ROAD WHITE CITY, OR 97503	IP 439-23-00001-LRP RYAN BATTLESON ODF&W 1495 E GREGORY RD CENRAL POINT, OR 97502	
351W03 502 439-23-00001-LRP TATE MEGAN M ET AL 17515 HIGHWAY 62 EAGLE POINT, OR 97524	AGENT 439-23-00001-LRP DANIEL O'CONNOR O'CONNOR LAW GROUP 760 G STREET, STE B JACKSONVILLE, OR 97530	IP 439-23-00001-LRP TYLER DUNGANNON OR HUNTERS ASSOC PO BOX 1706 MEDFORD, OR 97501	
351W04 1503 (2 lots) 439-23-00001-LRP TAYLOR MAX S 1288 HAMMEL RD EAGLE POINT, OR 97524	STAFF 439-23-00001-LRP TED ZUK, DIRECTOR DEVELOPMENT SERVICES		
351W03 500 439-23-00001-LRP TERBECK THOMAS 14790 HIGHWAY 62 EAGLE POINT, OR 97524	STAFF 439-23-00001-LRP CHARLES BENNETT PLANNER		
351E06 800 (4 lots) 439-23-00001-LRP BLM 3040 BIDDLE ROAD MEDFORD, OR 97504	STAFF 439-23-00001-LRP PETE PHILBRICK CO COUNSEL		
351W03 1402 439-23-00001-LRP WARD RONNIE C/KRISTINE L 16739 HIGHWAY 62 EAGLE POINT, OR 97524	BOC 439-23-00001-LRP RICK DYER BOARD OF COMMISSIONERS		
351E06 900 (2 lots) 439-23-00001-LRP WRIGHT DEREK M 4655 BUTTE FALLS HWY # 97524 EAGLE POINT, OR 97524	BOC 439-23-00001-LRP COLLEEN ROBERTS, CHAIR BOARD OF COMMISSIONERS		
AA-F02 439-23-00001-LRP DAN ETHRIDGE OREGON DEPT OF FISH & WILDLIFE 1495 E GREGORY RD CENTRAL POINT, OR 97502	BOC 439-23-00001-LRP DAVE DOTTERRER BOARD OF COMMISSIONERS		
AA-F03 439-23-00001-LRP CARI BUCHNER DOGMI (DEPT OF GEOLOGY) 229 BROADALBIN ST SW ALBANY, OR 97321	IP 439-23-00001-LRP RALPH NELSON 833 WHITE OAK AVE CENRAL POINT, OR 97502		

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Colleen Roberts, Chair  
JACKSON COUNTY BOARD OF COMMISSIONERS

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TO BE PUBLISHED IN THE **WEDNESDAY, NOVEMBER 1, 2023**, EDITION OF THE ROGUE RIVER PRESS.

**BILL TO: Jackson County Development Services, 10 S. Oakdale Ave. Rm 100, Medford, OR 97501**

cc: Legal Notices - (**JACKSON COUNTY DEVELOPMENT SERVICES**)  
Upper Rogue Independent, PO Box 900, Eagle Point OR 97524  
Router - Planning Department  
Public/Legal Notices Board