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January 18, 2012

VIA email: larry.french@state.or.us

Periodic Review Specialist
Department of Land Conservation
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635 Capitol St. NE, Suite 150
Salem, OR 97301

Subject: Department and Commission Review of the Greater Bear Creek Valley Regional Problem Solving (RPS) Plan Adopted by Jackson County November 23, 2011

Thank you for the opportunity to provide these comments for the upcoming Land Conservation and Development Commission (LCDC) review of the Greater Bear Creek Valley Regional Problem Solving (RPS) Plan recently adopted by Jackson County. 1000 Friends of Oregon is a nonprofit, charitable organization dedicated to working with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural and scenic areas. In addition to members throughout the state, we have several hundred members and supporters in Jackson County.

The purpose of this letter is to provide recommendations for modest but crucial changes to the RPS plan that will increase both its regulatory compliance and the likelihood of successful implementation. With the addition of these changes, 1000 Friends of Oregon supports LCDC acknowledgement of the Greater Bear Creek Valley Regional Problem Solving (RPS) Plan as adopted by the Jackson County Board of Commissioners.

1000 Friends Participated Extensively in the Local Process

Because we fully support the project's stated goals, 1000 Friends of Oregon has taken an active interest in the creation of this regional plan. To that end, I attended nearly every meeting of the Policy Committee and the Technical Advisory Committee (TAC), most of the meetings of the Resource Lands Review Committee (RLRC), and the meetings of the Citizen Involvement Committee (PCIC) held since November 2002. I submitted several rounds of written comments¹ and was a frequent participant in discussions at both the TAC and the Policy Committee meetings.

¹ Including: Letter from Greg Holmes to Michael Cavallero, RVCOG, May 5, 2003; Memo from Greg Holmes to the RPS TAC, August 18, 2004; Written Comments submitted by Greg Holmes to the RPS Policy Committee, September 15, 2006; Written Comments submitted by Greg Holmes to the RPS Policy Committee, October 10, 2007.

Over the years I testified in every participating jurisdiction on matters involving this plan. I also attended nearly every one of the more than 30 public hearings and meetings held by the Jackson County Planning Commission and the Jackson County Board of Commissioners during 2010 and 2011. In addition to testifying on numerous occasions during those proceedings, I submitted substantial written material into the record.²

Introduction

1000 Friends of Oregon congratulates Jackson County and all of the remaining participating cities on the progress made to date in the effort to coordinate regionally on growth management and protection of our area's valuable agriculture industry. The Bear Creek Valley is an important region of Oregon for many reasons, and we believe that a coordinated regional planning process presents the region with a unique and valuable opportunity to direct its development in the future.

The plan that was adopted by the County includes many notable and progressive features—some of which should be considered for applicability to other jurisdictions when contemplating urban reserve or urban growth boundary (UGB) creation or expansion. These features include the creation of an Agricultural Task Force, the establishment of regionally consistent agricultural buffering standards, and requirements for coordinated transportation and land-use conceptual plans as a part of the UGB expansion process.³

It is important to note here that *we support the majority of what is in this plan*. Having said that, we believe that some relatively minor changes are necessary to bring aspects of it into regulatory compliance and to increase the likelihood of successful implementation. The comments that follow are offered in the spirit of helping achieve that outcome.

Among the issues that need to be addressed:

- Medford, far and away the largest city in the region, has committed to the lowest densities in the region for buildout of its urban reserve areas;
- Phoenix, the smallest city in the region, has been allocated far more employment land on a per-capita basis than any other city, with no regional plan or policies to guide future employment there;
- The treatment of parkland artificially inflates the land need by hundreds of acres; and
- The definition of “buildable land” used in the plan violates administrative rules, Goal 14, and local regulations, and exacerbates the excess of land in the plan.

Each of these issues is discussed in turn below. Our conclusions and major recommendations are summarized at the end of this letter.

² See the Record filed by Jackson County for this review, Exhibits 55, 85, 89, 110, 128, 129, 140, 210, 225, 248, 281, 290, 316 and 317.

³ These features of the plan are all detailed in Chapter 5.

Issue 1: Medford's Committed Density is Unjustifiably Low⁴

Medford is the largest city in the region. It functions as a center for commercial activity, education and medical services for an area that extends well beyond the plan's boundaries of the "region." More than half the land added to the cities through urban reserves is for Medford. The plan predicts that by the end of the planning horizon the city will have over half of the total of the region's residents—more than all the other cities and the unincorporated parts of the valley combined. It will also continue to function as a regional attractor for commercial activity and services.

If Medford does not function well, the region will not function well. If transit does not work in Medford, it won't work in the region.

Despite its central role in the valley, the plan adopted by the County assumes Medford will develop its urban reserves at the *lowest* proposed density of all the region's cities. At 7.0 du/acre (6.5 for the first half and 7.5 for the second),⁵ the average density in 50 years will barely be that which RVTD states is the minimum for intermediate bus service.⁶ "Intermediate bus service" does not even come close to fully functional transit service. That simply does not make sense from a regional perspective.

This is particularly true when Medford's urban reserves proposals include thousands of acres of land zoned EFU, nearly 500 of which are designated by the RLRC to be part of the commercial agricultural base.

Nationwide demographic trends are showing that the "Baby Boomer" generation and the "Millennials" (those now in their 20s) are showing preferences for smaller dwellings in urban neighborhoods that provide or are closer to the services they need, and that include transportation options including cycling and transit. The Housing Needs Analysis done for this plan indicates that the fastest growing age cohorts for the region over the next 50 years will be those over 65, followed by those 45-64.⁷ With over half of the region's population, Medford offers the opportunity for the most cost-effective higher density development in key transit-served areas. Developing a plan that fails to strive for that outcome over a 50-year period is not justifiable.

This failure also violates applicable regulatory requirements. OAR 660-021-0030(2) requires a demonstration that there are no alternatives that will "require less, or have less effect upon, resource lands." One such option that is commonly used in communities throughout the state is increasing densities and accommodating a larger percentage of growth through infill and redevelopment.

The version of the draft plan that existed at the beginning of the County's Planning Commission hearings asserts that the "high density" targets (7.87 for Medford)⁸ are "reasonable for long range

⁴ This issue was raised in Exhibits 89, 248 and 316 of the record submitted to DLCD by the County.

⁵ See Figure 2.10 of the plan.

⁶ See Exhibit 82.

⁷ See Exhibit 19, p. 568.

⁸ November 2009 draft plan, page 2-10. The "high" and "low" density targets have since been replaced with a two-tiered density commitment that would increase target densities once now and again approximately half way through the planning horizon. See Chapter 2, Section 3.1, of the adopted plan.

urban planning processes and are within accepted ranges for urban residential development expectations.”⁹ Higher density equates to less land needed in urban reserves. By definition, then, increasing average densities to levels like this constitutes “reasonable alternatives that will require less, or have less of an impact upon, resource lands,” and demonstrates a real effort to meet the plan’s goal for the “efficient use of land.” Having the largest city commit to the lowest density, particularly when alternatives exist, does not demonstrate compliance with applicable regulations.¹⁰

Increasing densities will have a significant effect on the amount of urban reserve land that Medford needs, offering an opportunity for the city to reduce the amount of resource lands needed. For example, Medford’s adopted (but not acknowledged) Housing Element states that recent development has occurred at a rate of about 5.61 du/acre.¹¹

Applying the same density increases to Medford as was applied to the other cities in RPS¹² would result in densities of 7.0 for the first increase and 8.1 for the second, for an overall average of 7.53 units per acre. The result is that the amount of “needed” residential land in the urban reserves can be reduced by over 150 acres.¹³

Absent increases to Medford’s density commitments, this plan does not comply with Goals 3 and 14.

Remedy: Require an increase in the committed density of Medford such that Medford is no longer committing to the lowest density in the region.

Issue 2: The Amount of Employment Land Included for Phoenix Greatly Exceeds What Might Be Reasonably Justified for Future UGB Expansions¹⁴

This issue has a general component and a specific component—in the form of the urban reserve area known as PH-2.

General excess of employment land: The justification for the total amount of employment land included in urban reserves in the plan was essentially backed into. First, the number of jobs predicted to come to the region as the population doubles was calculated. Then, the plan assumed the number of jobs that could be accommodated in the existing UGBs and on the “average” acre of urban reserve land designated for employment use.¹⁵ That provided a total number of “needed” acres.

⁹ November 2009 draft plan, p. 2-11.

¹⁰ Although the RPS Statute allows for the possibility of flexibility from some requirements of the Oregon Administrative Rules, no such flexibility has been requested from this portion of the urban reserve rule. It is difficult to conceive of an argument that such flexibility would conform, on the whole, with the purpose of Goals 3 and 14.

¹¹ See p. 1 of Medford’s adopted, but not acknowledged, 2010 Housing Element. (6.8 units per net acre*staff’s conversion factor of .825=5.61 units per gross acre.)

¹² Eagle Point and Central Point committed to 25 percent increases in the first period and 15 percent in the second. The 25 percent increase is consistent with the “safe harbor” in OAR 660-024-0040.

¹³ Note that Medford’s proposed urban reserve areas include more than three times that amount of land that was determined by the RLRC to be part of the commercial agricultural base.

¹⁴ This issue was raised in Exhibits 110, 248 and 298 of the record submitted to DLCD by the County.

¹⁵ The assumed densities used for the plan are listed in Figure 2.13, on page 62 of the record. This includes assumptions for number of employees per acre for industrial (9 to 11), commercial (16 to 18), and government employees (7-9). In addition to these assumptions

In a parallel process, each city determined approximately how many acres of employment land it wanted to provide. Regionally it was concluded that so long as the land provided in the cumulative city proposals did not exceed the total “needed” acres for employment land, there was no excess of land in the plan. As it happens, that was the outcome.¹⁶

This might work if the analysis is confined to only one city: When considering future UGB expansions the city should be able to justify the need for that land. However, in cases involving more than one city, one must also determine whether or not each city’s allocation is plausible.

Despite the fact that it will have less than 1/3 the population of Central Point and less than 1/2 the population of Eagle Point, the plan allocates to Phoenix nearly the same amount of employment land as to those two cities. Thus, Phoenix will add more land for employment on a per capita basis than any other city in the region. The land amount is based on the assumption that employment will grow faster than the population in Phoenix. While this might be an admirable aspiration, nothing in this plan suggests that this employment will, in fact, locate in Phoenix. Nor are there plan policies that direct this employment to Phoenix.

This land amount was partly justified by creation of a “South Valley Employment Center” on the eastern side of the city in the urban reserve area known as PH-5. Much of the current industrial employment in the County is found between north Medford and White City. The idea of this center was to bring a concentration of jobs to the region’s southern end. In addition to the very large area in PH-5, Phoenix already has a large amount of industrial land in its existing UGB to the west, and the plan would add over 100 additional acres of employment land to the west.

Project modeling consistently showed an excess of industrial land in the region as a whole. Project records also show that the PH-5 area has some constraints—most notably in the form of transportation infrastructure deficiencies. Transportation linkages will be critical to the success of this concept: if the development of the South Valley Employment Center depends on raising funds for an over-crossing at South Stage Road (as was made clear during the Planning Commission hearings), or if it is tied into an urban renewal district to help fund upgrades to PH-3¹⁷ or other areas within the region, will development there be competitive with sites already within other UGBs and near services?

being unrealistically low, the model is completely missing another category: office employees. The city of McMinnville—with a population less than half of Medford’s—uses densities of 11 for industrial, 22 for office and 35 for public. http://www.ci.mcminnville.or.us/images/stories/departments/Planning/documents/Mac_EconOppAnalysis_Nov01.pdf (see p. 6-4) Regional hospitals and projects like The Commons in Medford will significantly out-perform even these numbers. The RPS model inflates the land need as compared to these figures. The impact of these assumptions cannot be determined without making other assumptions—but this assumption itself is not justifiable.

¹⁶ It should be noted that every run of the project’s models for employment land showed a regional surplus of industrial land and a deficit of commercial land. The project’s solution to the surplus/deficit problem was to simply combine both industrial and commercial lands into one category called “employment lands” and call the result close enough. Commercial and industrial lands have different site needs and characteristics, and are frequently not interchangeable. Employment outside of the urban areas was treated simply as overflow from the cities, and no analysis was done to determine whether the leftover amount of employment was realistic or appropriate for the County. This approach violates Goal 9 and the Goal 9 rule, which require adequate and appropriate supplies of both industrial and commercial lands for all jurisdictions.

¹⁷ PH-3 is the area between Medford to the north, Phoenix to the south, Interstate 5 to the east and the railroad tracks to the west. It is developed at near urban densities, but is not developed to urban infrastructure standards. During the plan creation process various mechanisms were discussed for raising the funds that will be necessary to bring this area up to standard. One such concept was to create an urban renewal district in PH-3, to be funded through assessments on development occurring in PH-5.

While we support the concept of the “South Valley Employment Center,” we note that this plan contains no policies, nor any plans to create policies, to steer the development of employment facilities to the South Valley Employment Center, or to other areas in Phoenix. Without such policies, it is unlikely that Phoenix will ever be able to justify bringing this much employment land into its UGB, or to support it with the infrastructure necessary to make it work.¹⁸ The existence of this excess land will also take resources that could be used to develop employment land that is already in the UGB on the west side of the train tracks, or in areas easier to access from downtown, including PH-3.

We believe that it is in the *region’s* best interests to include specific policies and commitments in this plan to help achieve the desired outcomes in the South Valley Employment Center. Requirements should be added to Chapter 5 of the draft plan for special planning for this area, including an overlay reserving the land for industrial use, and regional commitments to planning and infrastructure needed to make this development happen. The lack of such policies makes the plan inconsistent with the purposes of Statewide Planning Goal 9 (Economic Development), and deferring these commitments until an unspecified later date may prove detrimental to the city and the region.

PH-2 exacerbates the problem: During their hearings process the Jackson County Board of Commissioners exacerbated the excess of employment land in the Phoenix urban reserves by adding even more land for employment uses. The Board’s addition of area PH-2 was contrary to the request by the Phoenix City Council to remove the land, which the RLRC had previously determined was EFU land that was a part of the region’s agricultural base.

Earlier in the County’s hearings process the Phoenix Planning Commission stated the following in its proposal to remove PH-2:

Remove PH-2 because the property is part of the agricultural land base of the Rogue Valley and employment, industrial and community traffic would significantly impact schools, the residential neighborhoods and the rural county roads;¹⁹

The Phoenix City Council later placed two separate resolutions into the record during the Jackson County hearings, each of which made the request to remove PH-2 from the plan for similar reasons.²⁰ Finally, in December 2010, the City submitted detailed findings, in the form of proposed revisions to the draft plan, concluding that PH-2 “was found to be unsuitable for consideration for inclusion as Urban Reserve.”²¹ The Jackson County Planning Commission removed PH-2 from the plan before forwarding it on to the Board for their hearings.

The Board voted to put PH-2 back into the plan. They did not provide any justification for doing so on the record. The findings of fact and the ordinance do not address the fact that the City has repeatedly asked that the area *not* be included in the plan. They do not demonstrate that adding yet more employment land to Phoenix, or that taking this employment from the unincorporated county, is

¹⁸ At the time of UGB expansion, Phoenix will have to demonstrate a need for land to accommodate the jobs that can be reasonably expected to come in the following 20 years. With no regional plans, policies, or funding in place to steer regional employment to this area or to ensure the necessary infrastructure can be in place, it is unlikely that Phoenix will be able to make such a demonstration.

¹⁹ City of Phoenix Notice of June 21, 2010 Public Hearing, File No. CP10-01, May 25, 2010, page 1.

²⁰ See Phoenix City Council Resolution No. 808, July 19, 2010 (Exhibit 124), and Phoenix City Council Resolution No. 835, September 8, 2011 (Exhibit 267).

²¹ See Exhibit 180, page 2894. The analysis begins on page 2892.

justifiable or reasonable. They also do not refute or otherwise address the findings the city put into the record demonstrating that the area is unsuitable for urban uses, or that inclusion will negatively impact agriculture in the area.

Together these elements of the plan violate Goals 2, 3, 9 and 14

Remedy: Two actions are needed to remedy this situation:

- Remove urban reserve area PH-2 from the plan.
- Require the creation of regional policies that will steer employment to the otherwise excessive employment lands designated for Phoenix—specifically to the “South Valley Employment Center” in the area known as PH-5—and that will facilitate through funding or other regional commitments the development of these employment opportunities.

Issue 3: The Treatment of Parkland Violates Applicable Regulations and Artificially Inflates the Asserted Land Need²²

Both the amount and type of park land included in the plan are issues.

In urban growth boundary expansions, parkland needs are generally subsumed within the residential land needs figure. When determining the appropriate amount of parkland to include in UGBs, administrative rules provide the following guidance:

As a safe harbor during periodic review or other legislative review of the UGB, a local government may estimate that the 20-year land needs for *streets and roads, parks and school facilities will together require an additional amount of land equal to 25 percent of the net buildable acres determined for residential land needs* under section (4) of this rule, and in conformance with the definition of “Net Buildable Acre” as defined in OAR 660-024-0010(6).²³ (emphasis added)

Any amount in excess of 25 percent (for parks *and* roads, streets, and school facilities) must be justified through analysis.

The 1,025 acres of buildable parkland included in the plan is about 28 percent of the 3,660 acres of gross buildable residential land—which already includes roads and streets.²⁴ Applying the gross to net conversion factor of .825 proposed by Jackson County staff²⁵ yields a figure of about 3,021 *net* buildable residential acres. Adding 25 percent to that for streets and roads, schools and parks, yields a total for residential and park land of about 3,776 acres, or about 610 less than the 4,385 acres now

²² This issue was raised in Exhibits 248, 281, and 316 of the record submitted to DLCD by the County.

²³ OAR 660-024-0040(10). OAR 660-024-0010(6) defines “Net Buildable Acre” as “43,560 square feet of residentially designated buildable land *after excluding future rights-of-way for streets and roads.* (emphasis added)

²⁴ Acreages from p. 625 of the record. See also Exhibit 54 of the record, which states that the 3,360 acres is “a gross calculation because it *does not take out acreage for future streets, infrastructure, open space etc.*” (emphasis added) Thus streets, infrastructure, open space, etc., are all already included in this figure.

²⁵ See Exhibit 147 of the record.

proposed.²⁶ Note that this is a conservative figure, as an unknown number of acres for schools appears to be included in the “employment land” needs rather than the residential land needs of the cities.

The plan includes requirements for agricultural buffering—strips of land on the city side of the line where it borders EFU land. We support this requirement, and recognize that it could be used to justify additional open space lands. It needs to be noted, though, that not all urban reserve land will require such buffers (i.e., where it does not abut EFU land, or where natural buffers such as roads, flood plains or steep slopes already separate EFU from urbanizable land). Similarly, not all of the land that will include buffers on the city side of the line will be residential land. (Some will very likely be employment land.) It is also unrealistic to assume that none of this buffer land will be utilized as parks, or that all of this land will be buildable land.²⁷

The plan further overstates the need for parkland by assuming that all 1,025 acres of this park land must be *buildable* land, despite the fact that local parks plans anticipate including *unbuildable* land and many existing regional parks in fact do include unbuildable land.

The plan asserts that there are nearly 1,000 acres of unbuildable land in the proposed urban reserves.²⁸ While features such as slopes, riparian areas, wetlands, utility easements and floodplains might limit possible residential development, these features do not create the same limitations on the use of land for parks. In fact, many of these features are commonly incorporated into parks. (The Bear Creek Greenway and Lithia Park are two prime examples.) Assuming that significant portions of this unbuildable land are not available for parks and then adding over 1,000 acres of buildable lands for parks is unjustifiable. It is also directly contradictory to LUBA’s remand of *Friends of Yamhill County, et al, vs. City of Newberg*,²⁹ wherein LUBA concluded (among other things) that this practice was impermissible.

Finally, this overstatement is exacerbated by Medford’s proposal for Chrissey Park. Prior to the beginning of the County Planning Commission hearings, these lands were considered to be in a separate category for use as a regional park—a convention that we held to. However, for the first time the plan drafts used in the hearings indicate that Medford plans to develop a neighborhood park within Chrissey Park.³⁰ This land is directly adjacent to MD-5, which contains over 300 acres proposed for parkland—a figure that was apparently not adjusted downward when Medford proposed this change in Chrissey Park’s use. This further overstates Medford’s need for parkland as expressed in the “Open Space/Parks” category.

The excess parkland is contrary to local plans and codes, and violates statewide administrative rules. It also violates Goal 14 and its implementing rules in that it artificially inflates the amount of land that appears to be needed for urban reserves and subsequent UGBs. Finally, because there is so much

²⁶ 3,360 (residential) + 1,025 (parks) = 4,385 acres.

²⁷ Assuming a 200 foot wide buffer and a 5,280-foot mile, it would take about 26 acres of land to get a linear mile of buffer—assuming the full mile required a buffer. 400 acres would provide about 16 miles of buffer. Assuming that not one of those acres was used as “park” land, AND assuming all buffer lands had to be buildable land (both unjustifiable assumptions) still yields a surplus of about 500 acres of parkland in the plan.

²⁸ Although not stated, it appears that about 100 of these acres are considered allocated for parks. Also, see Issue 4 below regarding the criteria used to identify unbuildable land.

²⁹ *Friends of Yamhill County, et al, vs. City of Newberg*, LUBA No. 2010-034, November 8, 2010. (Hereinafter “*FYC vs. Newberg*.”)

³⁰ See p 192 of the record. This plan conflicts with the statement, on p. 191, that these lands “do not meet the land needs for traditional urban parkland.”

agricultural land in the urban reserves, any overstatement of need by definition unnecessarily impacts resource land, resulting in a violation of Goal 3.³¹

To avoid unnecessary conflict and delay when the cities begin their UGB analyses, LCDC should make it clear now that full compliance with these local and state regulations is expected at that time.

Remedy: Add a requirement to Chapter 5 of the plan to clarify that, for the purposes of UGB expansions, the Department and the Commission expect that plan assertions regarding amount and type of parkland needed shall be consistent with the requirements of OAR 660-024-0040, and further that they will be consistent with local plans and practice, and with *FYC vs. Newberg*, and not treat unbuildable land as unavailable for park use.³²

Issue 4: The Definition of “Buildable Land” Used in the Plan Violates Applicable State and Local Regulations and Artificially Inflates the Asserted Land Need³³

According to the maps in Volume 3 of the draft plan, lands with slopes “over 22 percent” have apparently been deemed unbuildable.³⁴ They were thus eliminated from the calculations of buildable land needed for housing, employment, and parks and open space.

However, local Comprehensive Plans and Zoning Ordinances set the unbuildable threshold for a steep slope at 25 percent.³⁵ In addition to violating local codes, this analysis also violates OAR 660-008-0005(2), which defines land with a slope of less than 25 percent as “buildable land.” This issue was raised on multiple occasions in the local hearings. It was not corrected, nor was it addressed in the findings and conclusions or in the language of the ordinance.

Because the analysis was done utilizing the incorrect standard, it is not known by anyone how much extra land was included in the plan. It is clear, however, that the result violates local plans and codes and statewide administrative rules. It also violates Goal 14 and its implementing rules in that it artificially inflates the amount of land that appears to be needed for urban reserves and subsequent UGBs. Finally, because there is so much agricultural land in the plan, any overstatement of need by definition unnecessarily impacts resource land, resulting in a violation of Goal 3.³⁶

To avoid unnecessary conflict and delay when the cities begin their UGB analyses, LCDC should make it clear now that full compliance with these local and state regulations is expected at that time.

³¹ And thus violates ORS 197.656, the RPS Statute, which requires compliance with the purpose of the Goals.

³² Less optimal would be language in LCDC’s final Order stating this expectation. Placing it in Chapter 5 makes it clear to all in future proceedings. Putting it in the Order only and not in the text of the plan increases the likelihood of a future jurisdiction being unaware of this commitment prior to commencing its UGB analysis work and then relying on the assumptions used in the urban reserves analysis. It also runs the risk of unnecessary delays later in the UGB process.

³³ This issue was raised in Exhibits 248 and 281 of the record submitted to DLCD by the County.

³⁴ This definition can be found on the maps entitled “Physical Features Map” for each city. The maps are found in Volume 3 of the plan, Exhibit 23 of the record submitted to DLCD by the County.

³⁵ For example, see Talent Housing Element, p. G-2; Ordinance at Section 8.3H.140.

³⁶ And thus violates ORS 197.656, the RPS Statute, which requires compliance with the purpose of the Goals.

Remedy: Add a requirement to Chapter 5 of the plan to clarify that DLCD and the Commission will not approve future UGB expansion requests that are not based on compliance with the definition of buildable land as “those lands with a slope of less than 25 percent,” or as consistent with OAR 660-008-0005(2) and other local and state requirements.³⁷

Conclusion and Recommendations

It has been argued that this was the best plan this region could develop during the time it was developed. That may or may not be true. It does seem likely, however, that the future will not look exactly like what is contemplated in the plan. The solution is not to start over, but rather to make some changes to the plan and then use the parts that work to move toward a future that provides more options for more people and continues to enhance the quality of life for all the residents of southern Oregon.

There are several specific changes that should be made now to improve the plan. There are also several requirements that should be added to the plan or made clear in the language of LCDC’s final order that will clarify the expectations and requirements for the UGB expansions that will follow. These clarifications will minimize the potential for conflict and delay when those expansions come back before the Commission in the future.

Accordingly, we respectfully request that LCDC make the following changes or clarifications:

- Require an increase in the committed density of Medford such that Medford is no longer committing to the lowest density in the region.
- Remove urban reserve area PH-2 from the plan.
- Require the creation of regional policies that will steer employment to the otherwise excessive employment lands designated for Phoenix—specifically to the “South Valley Employment Center” in the area known as PH-5—and that will facilitate through funding or other regional commitments the development of these employment opportunities.
- Add a requirement to Chapter 5 of the plan to clarify that, for the purposes of UGB expansions, the Department and the Commission expect that plan assertions regarding amount and type of parkland needed shall be consistent with the requirements of OAR 660-024-0040, and further that they will be consistent with local plans and practice, and with *FYC vs. Newberg*, and not treat unbuildable land as unavailable for park use.
- Add a requirement to Chapter 5 of the plan to clarify that DLCD and the Commission will not approve future UGB expansion requests that are not based on compliance with the definition of buildable land as “those lands with a slope of less than 25 percent,” or as consistent with OAR 660-008-0005(2) and other local and state requirements.

³⁷ Less optimal would be language in LCDC’s final Order stating this expectation. Placing it in Chapter 5 makes it clear to all in future proceedings. Putting it in the Order only and not in the text of the plan increases the likelihood of a future jurisdiction being unaware of this commitment prior to commencing its UGB analysis work and then relying on the assumptions made in the urban reserves analysis. It also runs the risk of unnecessary delays later in that process.

Periodic Review Specialist

DLCD

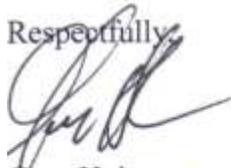
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With the addition of these changes, 1000 Friends of Oregon supports LCDC acknowledgement of the Greater Bear Creek Valley Regional Problem Solving (RPS) Plan as adopted by the Jackson County Board of Commissioners.

Please place these comments in the record for this review, and notify us at the address of the Grants Pass office of any decisions or further actions on this matter.

Respectfully,



Greg Holmes

Southern Oregon Planning Advocate

1000 Friends of Oregon

Cc: Ed Moore, DLCD
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