



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 21, 2008



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Shady Cove Plan Amendment
DLCD File Number 002-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 4, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Margaret Borgen, City of Shady Cove

<paa> ya

FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

(See second page for submittal requirements)

DEPT OF

FEB 14 2008

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: *City of Shady Cove*

Local File No.: *ANN07-01/ZC07-01*
(If no number, use none)

Date of Adoption: *FEBRUARY 7, 2008*
(Must be filled in)

Date Mailed: *2/12/08*
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD:

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☒ Other: *Annexation*

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

*Annexation of 20 acres into Shady Cove & rezoning property
from WR to R1-10*

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same". If you did not give notice for the proposed amendment, write "N/A".

Plan Map Changed from: *County WR*

to: *R1-10 Single Family*

Zone Map Changed from: *County WR*

to: *R1-10 Single Family*

Location: *755 Hudspeth*

Acres Involved: *20*

Specify Density: Previous:

New:

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: ☐ No: ☒

Does Adopted Amendment affect the areas in unincorporated Washington County where the

Zoning Code applies? Yes ☐ No ☒

DLCD File No.: *002-07 (16249)*

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: ☒ No: ☐

If no, do the Statewide Planning Goals apply. Yes: ☐ No: ☐

If no, did The Emergency Circumstances Require immediate adoption. Yes: ☐ No: ☐

Affected State or Federal Agencies, Local Governments or Special Districts: *Jackson County*
Local Contact: *Margaret Borgen* Area Code + Phone Number: *City of Shady Cove*
Address: *PO Box 1410* City: *Shady Cove, OR* (541) 878-2225
Zip Code+4: *97539-1210* Email Address: *mboscoar@earthlink*
embargmail.com

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

City of Shady Cove

Ordinance No. 245

**AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON
AMENDING THE ZONING AND MAP ORDINANCE NO. 225**

Whereas, the City of Shady Cove has received an application for a Zone Change to alter the zoning designation of property located at 755 Hudspeth from WR (County Woodland Resources) to R1-10 (Low Density Residential, 10,000 sq. ft. minimum lot size) and referred to as ZC07-01; and

Whereas, a Public Hearing was convened before the Planning Commission of the City of Shady Cove on December 6, 2007 and recommended approval of the application; and

Whereas, a Public Hearing was convened before the City Council of the City of Shady Cove on January 17, 2008; and

Whereas, the City Council of the City of Shady Cove determined that the request was consistent with the surrounding zoning and absent strong objection to the contrary, approved the request.

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS
FOLLOWS:**

- | | |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 1: Title | This Ordinance shall be known as the amended Zoning and Map Ordinance of the City of Shady Cove, Oregon, and will be added to, and become a part of, Ordinance No. 225 |
| Section 2: Description | A map, attached as Exhibit A, reflects the property which is referenced as Tax Lot 600 on Jackson County Assessor's Map No. 34 1W 9DA |
| Section 3: Amendment | The Zoning and Map adopted in Ordinance No. 225 is amended to change the current zoning of Tax Lot 600 on Jackson County Assessor's Map No. 34 1W 9DA from WR (County Woodland Resources) to R1-10 (Low Density Residential, 10,000 sq. ft. minimum lot size). |

Ordinance No. 245
Page Two of Two Pages
First Reading January 17, 2008, Second Reading February 7, 2008

PASSED AND APPROVED by the Common Council of the City of Shady Cove
this 7th day of February, 2008

Approved:	Attest:
	
Ruth A. Keith	Margaret Borgen
Mayor	Deputy City Recorder

Council Vote:

Councilor Curtis
Councilor Holland
Councilor Kyle
Councilor Hughes
Mayor Keith

Attachment: Exhibit A: Meets and Bounds Description and Map of territory being annexed

Kaiser Surveying

19754 Highway 62
Eagle Point, OR 97524

Bary D. Kaiser
R.P.L.S. ORE. 52923

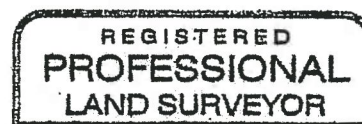
Phone: (541) 878-3995
Fax: (541) 878-3935
E-mail: bkaiser@earthlink.net

DESCRIPTION FOR ANNEXATION OF PROPERTY INTO THE CORPORATE CITY LIMITS OF THE CITY OF SHADY COVE, OREGON

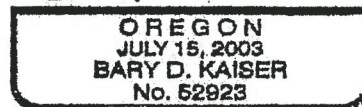
FOR: RICHARD AND LISA MENDENHALL

Beginning at a 1" pipe with plastic cap found set for the Southwest corner of the Northeast quarter of the Southeast quarter of Section 9, Township 34 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence along the Southerly boundary of said quarter-quarter Section, South 89° 55' 47" East, 661.57 feet to the Southeast corner of tract described in Instrument No. 01-03004 of the Official Records of said County; thence North 0° 12' 40" West, 1318.52 feet to intersect the Northerly boundary of said quarter-quarter Section and the Northeast corner of said tract; thence North 89° 58' 53" West, 662.785 feet to the Northwest corner of said quarter-quarter Section; thence South 0° 15' 51" East, 1317.93 feet to THE POINT OF BEGINNING.

June 6, 2007



Bary D. Kaiser



EXP. 6-30-09

EXHIBIT MAP



SCALE 1" = 200'

N89°58'53"W 662.785'

INST. No. 01-03004 O.R.
(PROPOSED ANNEXATION OF 20.04 Ac.±)

S0°15'51"E 1317.93'

N0°12'40"W 1318.52'

HUDSPETH LANE 50'

S.E. 1/16 CORNER
FOUND 1" PIPE WITH
PLASTIC CAP

S89°55'47"E 661.57'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Bary D. Kaiser

OREGON
JULY 15, 2003
BARY D. KAISER
No. 52923

EXP. 6-30-09

City of Shady Cove

Ordinance No. 246

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON
AMENDING ORDINANCE NO. 222 (2004 COMPREHENSIVE PLAN
AND ANNEXING TERRITORY TO THE CITY OF SHADY COVE

Whereas, The City of Shady Cove adopted the 2004 Comprehensive Plan (Ordinance No. 222) and the 2004 Zoning Ordinance, pursuant to State law; and

Whereas, there has been submitted to the City of Shady Cove, Oregon, a written request for annexation to the City signed by more than one-half of the landowners who also own more than one-half of the land in the contiguous territory described below, which real property represents more than one-half of the assessed value of all real property in the contiguous territory to be annexed; and

Whereas, The City of Shady Cove Planning Commission held a duly noticed public hearing on December 6, 2007 on this application, received public testimony, closed the public hearing, deliberated and made recommendation the City of Shady Cove City Council for approval of the application; and

Whereas, the City of Shady Cove City Council held a duly noticed Public Hearing, on January 17, 2008, received public testimony, closed the public hearing, and deliberated upon the application.

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS
FOLLOWS**

SECTION 1: Annexation Area. The following contiguous territory is hereby proclaimed to be annexed to the City of Shady Cove, Oregon. Said territory being described on the attached Exhibit "A" and by this reference made a part hereof.

SECTION 2: Applicable Goals. The Council hereby finds that the annexation of the real property hereinafter described conforms to the applicable goals established by the Land Conservation and Development Commission of the State of Oregon, and with the Comprehensive Plan of the City of Shady Cove, Oregon, and that said property lies within the Urban Growth Boundary as agreed and established between the City and Jackson County.

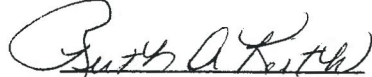
SECTION 3: Zoning. The area being annexed under this ordinance shall be R1-10.

SECTION 4: Condition. Any future development of this property will be required to use a municipal-type water system using the Rogue River as a source.

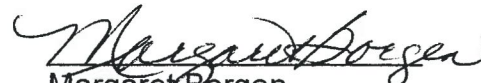
SECTION 5: Record. The City Recorder shall submit to the Department of Land Conservation and Development within five working days of adoption (1) two copies of this ordinance, (2) a copy of the statement of consent of the landowners in the territory annexed and (3) a copy of the ordinance amending the zoning map ordinance 225. The City Recorder will within 10 working days of adoption submit the same to the Secretary of State, the State Department of Revenue, Jackson County and all public utilities, electric cooperatives and telecommunications carriers operating within the City.

PASSED AND APPROVED by the Common Council of the City of Shady Cove this February 7, 2008.

Approved:


Ruth A. Keith
Mayor

Attest:


Margaret Borgen
Deputy City Recorder

Council Vote:

Councilor Curtis
Councilor Holland
Councilor Kyle
Councilor Hughes
Mayor Keith

Attachment: Exhibit A: Meets and Bounds Description and Map of territory being annexed

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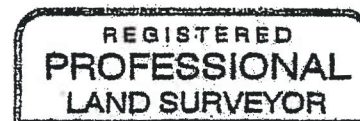
Phone: (541) 878-3995
Fax: (541) 878-3935
E-mail: bkaiser@earthlink.net

DESCRIPTION FOR ANNEXATION OF PROPERTY INTO THE CORPORATE CITY LIMITS OF THE CITY OF SHADY COVE, OREGON

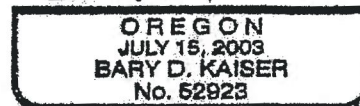
FOR: RICHARD AND LISA MENDENHALL

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June 6, 2007



Bary D. Kaiser

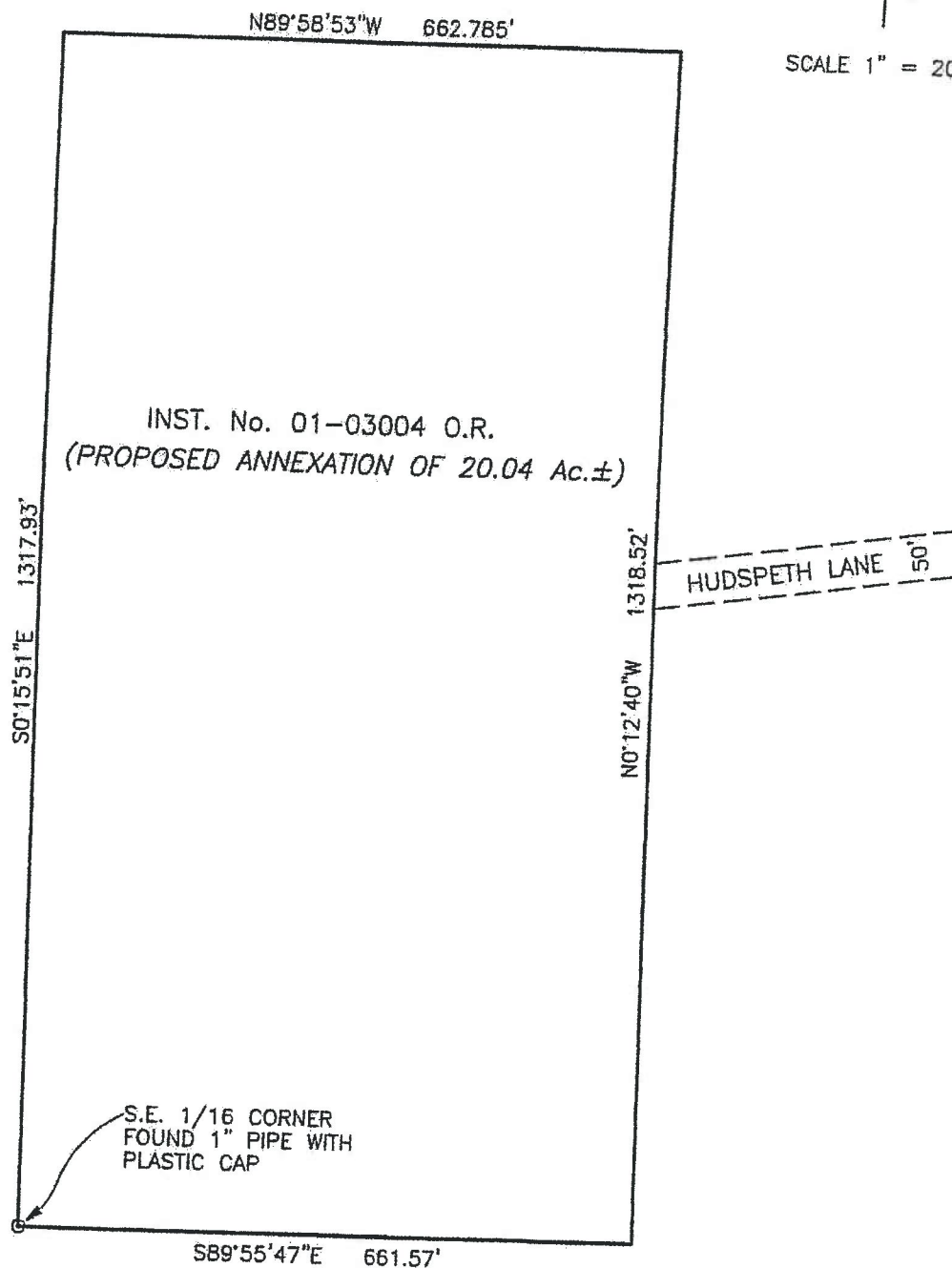


EXP. 6-30-09

EXHIBIT MAP



SCALE 1" = 200'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Barry D. Kaiser

OREGON
JULY 15, 2003
BARRY D. KAISER
No. 52923

EXP. 6-30-09

IVE 1/4 SEE 1/4 SEC. 9 T34S R1W. WM
JACKSON COUNTY

SCALE 1 INCH = 100 FEET

SEE MAP 39 IV 9

34 1W 9DA
SHADY COVE

1/15 CONSER

控制 控制

9-9

SEE MAP 34 IN B

HUDSPETH
LANE

516

34 1W 9DA
SHADY COVE

SEE MAP 34-147-9