



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: October 27, 2015

Jurisdiction: Jackson County

Local file no.: 15-00006-LRP

DLCD file no.: 005-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/01/0001. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 37 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

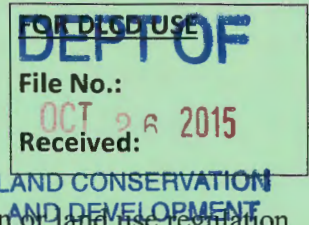
DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION



Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: Jackson County

Local file no.: **439-15-00006-LRP**

Date of adoption: 10/21/2015

Date sent: 10/22/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 07/07/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? **No**

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Craig Anderson, Senior Planner

Phone: 541-774-6918

E-mail: anderscm@jacksoncounty.org

Street address: 10 S. Oakdale

City: Medford

Zip: 97501

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Exception to Goal 11 to connect an Exclusive Farm Use zoned property located at 2184 Ross Lane, Medford to sewer service

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from _____ to Add to ASC-2003-1 21.23 acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property: 37-2W-15-2400, 2184 Ross Lane, Medford.



NOTICE OF ADOPTION

Pursuant to Oregon Revised Statutes (ORS) 197.615, you are hereby being notified that the Jackson County Board of Commissioners adopted Ordinance No. 2015-14 at a properly advertised public hearing on September 23, 2015, at 1:30 p.m., in the Auditorium of the Jackson County Offices, 10 South Oakdale, Medford, Oregon 97501.

The ordinance will go into effect on December 20, 2015 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2015-14 approving a Minor Comprehensive Plan Map Amendment for an exception to Statewide Planning Goal 11 to allow the connection to a Rogue Valley Sewer Service sewer line and to add the subject property to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas, on a 21.23 acre property described as Township 37 South, Range 2 West, Section 15, Tax Lot 2400 and located at 2184 Ross Lane. Steven and Suzanne Fry, owners. File No. 439-15-00006-LRP.

This notice is being mailed to you on October 22, 2015, which is within five working days after the adoption date of the ordinance(s) as required by ORS 197.615. If you have any questions on the effect of this ordinance, please contact **Sandy J. Brown** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford (541)774-6944.

You may review this ordinance, or you may purchase a copy for \$.25 for the first page and \$.10 for each additional page, at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501, between the hours of 8:00 a.m. and 4:00 p.m., Monday, Tuesday, Thursday and Friday; and 11:00 a.m. to 4:00 p.m. on Wednesday.

The Board of County Commissioner's Ordinances are the final decisions on this action. Pursuant to State law, Jackson County is hereby notifying all persons who participated in the hearings, either in writing or orally. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on October 22, 2015, and the LUBA appeal period will expire on November 12, 2015. Please contact LUBA for specific appeal information. They are located at DSL Building, 775 Summer Street N.E. Suite 330, Salem, Oregon 97301-1283. They can be reached at (503) 373-1265.

Attachments: Notary Packet

NOTARY PAGE

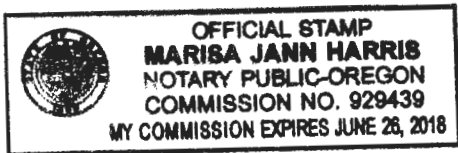
STATE OF OREGON)
)
COUNTY OF JACKSON)

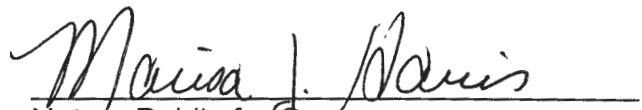
I, Patricia A. Guida, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2015-14 by mailing a copy of the Notice of Adoption by regular mail to each of the following named persons at their respective last known addresses, to wit: (as attached)

Each of said copies of the Notice were 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 22, 2015.


Signature

Personally appeared before me this 22nd day of October, 2015, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.




Notary Public for Oregon
My Commission Expires: 6/26/18

NOTICE OF ADOPTION SENT TO: APPLICANT, AGENCIES AND INTERESTED PERSONS.

APPLICANT NAME: AMBER FRY GOAL 11 EXCEPTION
FILE NO: 439-15-00006-LRP

FILE NO. 439-15-00006-LRP
ADOPTION LABELS
APPLICANT: AMBER FRY
DATE CREATED: 10/21/2015

APPLICANT 439-15-00006-LRP
AMBER FRY
424 S GRAPE ST
MEDFORD OR 97501

BOC 439-15-00006-LRP
DOUG BREIDENTHAL, CHAIR
BOARD OF COMMISSIONER

BOC 439-15-00006-LRP
RICK DYER
BOARD OF COMMISSIONER

BOC 439-15-00006-LRP
COLLEEN ROBERTS
BOARD OF COMMISSIONER

STAFF 439-15-00006-LRP
SANDY BROWN, PLANNER
DEVELOPMENT SERVICES

STAFF 439-15-00006-LRP
KELLY MADDING, DIRECTOR
DEVELOPMENT SERVICES

STAFF 439-15-00006-LRP
JOEL BENTON
COUNTY COUNSEL

OWNER 439-15-00006-LR
STEVE FRY
8657 WAGNER CREEK RD
TALENT OR 97540

IP 439-15-00006-LRP
CARL TAPPERT
RVSS
PO BOX 3130
CENTRAL POINT OR 97502

IP 439-15-00006-LRP
MARI STEIN MC WILLIAMS TRUST
2336 ROSS LN
MEDFORD OR 97501

IP 439-15-00006-LRP
DENNIS DECKARD
6313 WHALEY DR
SAN JOSE CA 95135

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

ORDINANCE NO. 2015-14

AN ORDINANCE APPROVING A MINOR COMPREHENSIVE PLAN MAP AMENDMENT FOR AN EXCEPTION TO STATEWIDE PLANNING GOAL 11 TO ALLOW THE CONNECTION TO A ROGUE VALLEY SEWER SERVICE SEWER LINE AND TO ADD THE SUBJECT PROPERTY TO AREA OF SPECIAL CONCERN (ASC) 2003-1, GOAL 11 EXCEPTION AREAS, ON A 21.23 ACRE PROPERTY DESCRIBED AS TOWNSHIP 37 SOUTH, RANGE 2 WEST, SECTION 15, TAX LOT 2400 AND LOCATED AT 2184 ROSS LANE. STEVEN AND SUZANNE FRY, OWNERS. FILE 439-15-00006-LRP.

RECITALS:

1. Pursuant to Chapters 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. On May 19, 2015 an application for a minor comprehensive plan map amendment was submitted to Jackson County. The application was determined to be complete on June 18, 2015.
3. A notice of the proposed amendment was provided to the Department of Land Conservation and Development (DLCD) on July 7, 2015, 37 days prior to the first evidentiary hearing. A notice was published on Sunday, August 2, 2015 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission (JCPC) on Thursday August 13, 2015 at 9:00 a.m. in the Auditorium of the Jackson County Offices, 10 S. Oakdale, Medford.
4. A public hearing was held on August 13, 2015 before the JCPC in the Auditorium of the Jackson County Offices. After considering the evidence and testimony submitted, the JCPC, by motion and vote, recommended that the Board of Commissioners (BOC) approve the application. The JCPC signed the Recommendation for Approval on August 13, 2015.

6. On September 23, 2015 the BOC held a properly advertised public hearing on the application. After considering the evidence and testimony submitted, including the record of the JCPC hearing, the BOC, by motion and vote, approved the application.

SECTION 1. FINDINGS OF FACT

Based on the evidence and arguments presented, the BOC makes the following findings of fact with respect to these proceedings. Where factual conflict arose, the Board has resolved them consistent with these findings:

- 1.1 The BOC finds that proper legal notice was provided to the applicant, affected property owners and affected agencies on September 3, 2015 for a public hearing on this matter. Legal notice was published in the Sunday, September 13, 2015 edition of the Medford Mail Tribune.
- 1.2 The BOC finds that the JCPC's recommendations are based upon following proper procedures and are consistent with evidence and testimony in the record of proceedings. The BOC hereby adopts, as its own, the Findings of Fact contained in the JCPC Recommendation for Approval, contained in the record of these proceedings.

SECTION 2. LEGAL FINDINGS

Based on the evidence and arguments presented, the BOC makes the following legal findings with respect to these proceedings. Where factual conflicts arose, the BOC has resolved them consistent with these findings:

- 2.1 The BOC hereby adopts, as its own, the Legal Findings contained in the JCPC Recommendation for Approval, contained in the record of these proceedings.

SECTION 3. CONCLUSIONS

- 3.1 The BOC concludes that proper public notice was given.
- 3.2 The BOC hereby adopts, as its own, the Conclusions contained in the JCPC's Recommendation for Approval, contained in the record of these proceedings. These conclusions demonstrate that the application is in compliance with the applicable Statewide Planning Goals, Oregon Administrative Rules, the applicable policies in the Jackson County Comprehensive Plan, and the applicable sections of the Jackson County Land Development Ordinance.

SECTION 4. DECISION

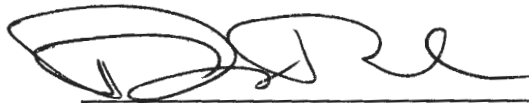
Now, therefore,

The Board of County Commissioners of Jackson County ordain as follows:

4.1. Based on the record of the public hearing, the BOC hereby approves the requested minor comprehensive plan map amendment for an exception to Statewide Planning Goal 11 to allow the connection to a Rogue Valley Sewer Service sewer line and to add the subject property to Area of Special Concern (ASC) 2003-1, Goal 11 Exception Areas, on a 21.23 acre property described as Township 37 South, Range 2 West, Section 15, Tax Lot 2400 and located at 2184 Ross Lane. Steven and Suzanne Fry, Owners. File 439-15-00006-LRP.

ADOPTED this 21st day of October, 2015, at Medford, Oregon.

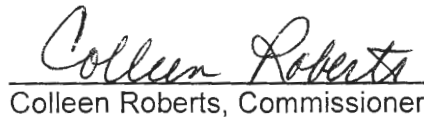
JACKSON COUNTY BOARD OF COMMISSIONERS



Doug Breidenthal, Chair

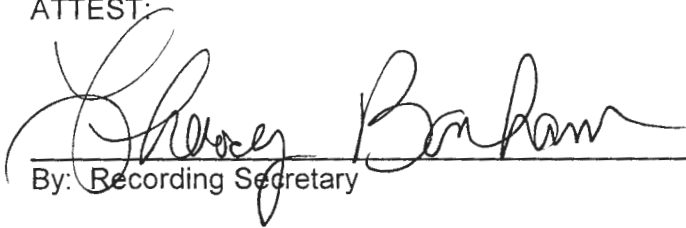


Rick Dyer, Commissioner



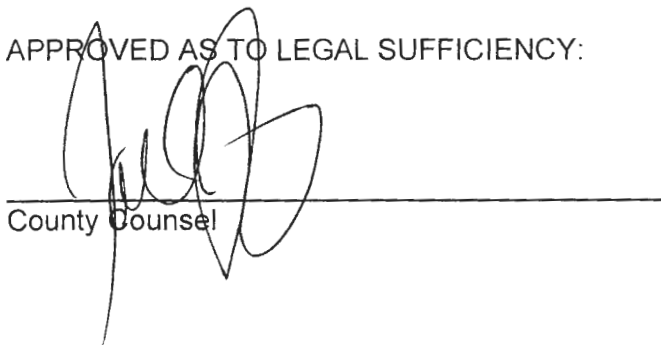
Colleen Roberts, Commissioner

ATTEST:



By: Recording Secretary

APPROVED AS TO LEGAL SUFFICIENCY:



County Counsel

The Board of Commissioners' Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on October 22, 2015, and the LUBA appeal period will expire on November 12, 2015. Please contact LUBA for specific appeal information. They are located at 775 Summer Street NE, Suite 330, Salem, Oregon 97301-1283. They can be reached at (503) 373-1265.



Development Services

10 S Oakdale Ave. Room 100
Medford, OR 97501

DEPT OF

OCT 26 2015

**LAND CONSERVATION
AND DEVELOPMENT**

Hasler

10/22/2015

US POSTAGE

FIRST-CLASS MAIL

\$00.70⁵



ZIP 97501
011D11642039

**PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL ST NE STE 150
SALEM OR 97301-2540**