



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

## NOTICE OF ADOPTED AMENDMENT

September 15, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Jefferson County Plan Amendment  
DLCD File Number 003-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 29, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Sandy Mathewson, Jefferson County

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D L C D NOTICE OF ADOPTION

SEP 11 2006

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

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: Jefferson County Local File No.: 06-PA-04 (If no number, use none)

Date of Adoption: 9-6-06 (Must be filled in) Date Mailed: 9-8-06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 5-26-06

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment Land Use Regulation Amendment Zoning Map Amendment New Land Use Regulation Other: (Please Specify Type of Action)

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

Changed zoning from Exclusive Farm Use A-1 to Rural Residential RR-2.

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."

Original proposal was to rezone 20 acres of a 23 acre parcel. Application was amended and the entire 23 acre parcel was rezoned.

Plan Map Changed from: A-1 to RR

Zone Map Changed from: EFU A-1 to RR-2

Location: T10S, R13E, Sec. 36 TL 902 Acres Involved: 23

Specify Density: Previous: 80 ac. minimum New: 2 ac. min.

Applicable Statewide Planning Goals: 3, 14

Was an Exception Adopted? Yes: X No:

DLCD File No.: 003-06 (15265)

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: ODOT, City of Madras

Local Contact: Sandy Mathewson Area Code + Phone Number: 541-475-4462

Address: Community Development Dept., 85 SE 'D' St.

City: Madras Zip Code+4: 97741

## 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 of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will 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 "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice 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 [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON FOR  
THE COUNTY OF JEFFERSON**

**IN THE MATTER OF AN AMENDMENT TO )  
THE COMPREHENSIVE PLAN MAP AND )  
ZONING MAP, AND EXCEPTION TO )  
STATEWIDE PLANNING GOALS 3 AND 14 )**

Ordinance No. **0-154-06**

**WHEREAS**, Mark and Joan McFarland own a 23-acre parcel located between NE Meadowlark Lane and Highway 97, ¼ mile north of the Madras urban growth boundary, tax lot 10-13-36-902. The property is zoned Exclusive Farm Use A-1. The McFarlands submitted an application for a Comprehensive Plan map and Zoning map amendment and exception to statewide planning Goals 3 and 14 in order to rezone the property to Rural Residential RR-2 so that it can be divided into two acre residential lots; and

**WHEREAS**, the Jefferson County Planning Commission held a public hearing on July 13, 2006, at which time they considered the staff report and accepted testimony on the application; and

**WHEREAS**, the Planning Commission found that the proposal was consistent with the Comprehensive Plan, statewide planning goals and Oregon Administrative Rules, and by a vote of 5 in favor and no opposed voted to recommend that the Board of Commissioners approve the amendment; and

**WHEREAS**, the Jefferson County Board of Commissioners conducted a public hearing on August 23, 2006 and accepted testimony in favor of the application. No persons appeared to testify in opposition to the application or submitted written testimony in opposition. At the conclusion of the hearing, the Board closed the record and deliberated on the application. After considering the Planning Commission recommendation and testimony, the Board voted unanimously to **AFFIRM** the Planning Commission recommendation;

**NOW THEREFORE**, the Jefferson County Board of Commissioners hereby **ORDAINS** as follows:

1. **Adoption of Comprehensive Plan Map Amendment**

Jefferson County hereby **AMENDS** the Comprehensive Plan map to change the designation of tax lot 10-13-36-902 from A-1, Exclusive Farm Use to RR, Rural Residential.

2. **Adoption of Zoning Map Amendment**

Jefferson County hereby **AMENDS** the Zoning Map to change the designation of tax lot 10-13-36-902 from Exclusive Farm Use A-1 to Rural Residential RR-2.

3. Adoption of Exception

Jefferson County hereby takes an exception to statewide planning Goals 3 and 14 for tax lot 10-13-36-902, and incorporates the justification for the exception into Appendix II of the Comprehensive Plan.

4. Adoption of Findings

The Board of Commissioners hereby find that the amendments and exception are in conformance with applicable statewide planning goals, administrative rules, Comprehensive Plan and Zoning Ordinance, as set forth in the findings of fact set forth in the Planning Commission recommendation, which is incorporated herein by this reference.

Dated this 6<sup>TH</sup> day of September, 2006.

BOARD OF COMMISSIONERS:

Walter Ponsford  
Walter Ponsford, Commission Chair

[Signature]  
Bill Bellamy, Commissioner

Mary Zemke  
Mary Zemke, Commissioner

Attest:

Donna Kollefson

**Appeal Information**

Planning Casefile #06-PA-04

This decision may be appealed to the Land Use Board of Appeals within 21 days of the Jefferson County Board of Commissioners Decision. Oregon Revised Statute (ORS) 197.830 sets forth the review procedures. Copies of the Board of Commissioners decision and the state statute are available from the Community Development Department located at 85 SE "D" Street, Madras, Oregon 97741.

Board of Commissioners adoption date: September 6, 2006

The complete file is available for review at the Jefferson County Community Development Department. For further information, contact the Community Development Department. Phone (541) 475-4462.