



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

October 1, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Jackson County Plan Amendment
DLCD File Number 001-07



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: October 15, 2007

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
John Renz, DLCD Regional Representative
Stuart Todd, Jackson County

<paa> y/ph

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

In person electronic mailed

DEPT OF

SEP 26 2007

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Jackson County**

Local file number: **LRP2006-00009**

Date of Adoption: **9/19/2007**

Date Mailed: **9/24/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 3/1/2007

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input checked="" type="checkbox"/> Other: Exception |

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

A map and zone change from Woodland Resource (WR) to Rural Residential on 20 acre parcel. Exception to goal 4 based on Order 1 soil survey. Also requesting Goal 14 exception for Rural Residential (RR-5) zoning.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Forest/Open Space**

to: **Rural Residential**

Zone Map Changed from: **Woodland Resource**

to: **Rural Residential 5**

Location: **13644 Highway 236, Gold Hill**

Acres Involved: **20**

Specify Density: Previous: **Woodland Resource**

New: **RR-5**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 001-07 (15925)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODW&F, BLM, ODOT, DLCD, JA CO FIRE DIST. 3, CO ROADS

Local Contact: **Stuart Todd**

Phone: (541) 774-6956 Extension:

Address: 10 S Oakdale Ave, Room 100

Fax Number: 541-774-6791

City: Medford

Zip: 97501-

E-mail Address: toddsk@jacksoncounty.org

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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
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 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 now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also 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.

JACKSON COUNTY 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. 2007-25 at a properly advertised public hearing on September 19, 2007, 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 November 18, 2007 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2007-25 allows a Minor Comprehensive Plan Map Amendment from Forestry/Open Space Land to Rural Residential Land, and a Zone Change from Woodland Resource to Rural Residential-10. File LRP2006-00003.

This notice is being mailed to you on September 24, 2007, 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 **Stuart Todd** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6956; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6956.

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 1:00 p.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 September 24, 2007, and the LUBA appeal period will expire on October 15, 2007. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

Attachments: Notary Packet

NOTARY PAGE

STATE OF OREGON)
)
COUNTY OF JACKSON)

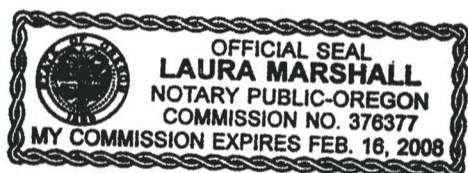
I, Patricia A. Guida, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2007-25 by mailing a copy of the Notice of Adoption by regular mail to each of the following named persons at their respective last 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 September 24, 2007.



Signature

Personally appeared before me this 24th day of September, 2007, 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: 2-16-2008

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

APPLICANT NAME: Gloria Wilson

FILE NO: LRP2006-00009

BoC Notice of Decision
File # LRP2006-00009
APPLICANT/AGENT/STAFF
Mailed/Distributed: 9/24/07

LRP2006-00009 Decision
GLORIA WILSON
13644 HWY 234
GOLD HILL OR 97525

LRP2006-00009 Decision
BOB HART
5126 W EVANS CREEK RD
ROGUE RIVER OR 97537

LRP2006-00009 Decision
DENNIS C.W. SMITH, CHAIR
BOARD OF COMMISSIONERS

LRP2006-00009 Decision
DAVE GILMOUR
BOARD OF COMMISSIONERS

LRP2006-00009 Decision
JACK WALKER
BOARD OF COMMISSIONERS

LRP2006-00009 Decision
KELLY MADDING
DIRECTOR

LRP2006-00009 Decision
SUSAN LEE
PLANNING DIRECTOR

LRP2006-00009 Decision
STUART TODD
PLANNER

LRP2006-00009 Decision
COUNTY COUNSEL

LRP2006-00009 IP-Decision
JACKSON COUNTY FIRE DIST 3
DON HICKMAN
8333 AGATE RD
WHITE CITY OR 97503

LRP2006-00009 IP-Decision
JOHN RENZ
DLCD
PO BOX 3275
CENTRAL POINT OR 97502

LRP2006-00009 IP-Decision
STEVE NIEMELA
ODF&W
1495 E GREGORY RD
CENTRAL POINT OR 97502

LRP2006-00009 IP-Decision
DAVID PYLES
ODOT
100 ANTELOPE RD
WHITE CITY OR 97503

LRP2006-00009 IP-Decision
SHARON/JOHN FILIPOWICZ
13397 HWY 234
GOLD HILL OR 97525

LRP2006-00009 IP- Decision
DUANE BAUMGARTNER
PO BOX 1038
GOLD HILL OR 97525

LRP2006-00009 IP-Decision
JOHN AUGUSTUS
PO BOX 1093
GOLD HILL OR 97525-1093

LRP2006-00009 IP-Decision
DAVID STEVEN
PO BOX 3562
CENTRAL POINT OR 97502

LRP2006-00009 IP-Decision
DAVID ROBERTS
13422 HWY 234
GOLD HILL OR 97525

LRP2006-00009 IP-Decision
CATHERINE/CHARLES ROSECRANS
13416 HWY 234
GOLD HILL OR 97525

LRP2006-00009 CCI Decision
BARBARA DECKER
3303 N VALLEY VIEW RD
ASHLAND OR 97520

LRP2006-00009 CCI Decision
WALTER FITZGERALD
PO BOX 3984
CENTRAL POINT OR 97502

LRP2006-00009 CCI Decision
PATRICIA GORDON
1550 YELLOW BRICK RD
JACKSONVILLE OR 97530

LRP2006-00009 CCI Decision
STACEY MAVILIA
PO BOX 1162
EAGLE POINT OR 97524

LRP2006-00009 CCI Decision
JOEL OCKUNZZI
PO BOX 2768
WHITE CITY OR 97503

LRP2006-00009 CCI Decision
TANI WOUTERS
6801 OLD STAGE RD
CENTRAL POINT OR 97502

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

ORDINANCE NO. 2007-25

AN ORDINANCE APPROVING AN APPLICATION FOR A MINOR COMPREHENSIVE PLAN MAP AMENDMENT FROM FORESTRY/OPEN SPACE TO RURAL RESIDENTIAL, AND A ZONING MAP AMENDMENT FROM WOODLAND RESOURCE TO RURAL RESIDENTIAL-10 ON A 20.4 ACRE PARCEL DESCRIBED AS TOWNSHIP 36 SOUTH, RANGE 3 WEST, SECTION 10, TAX LOT 914; BOB HART AGENT; GLORIA WILSON APPLICANT; FILE NO. LRP2006-00009.

RECITALS:

1. File No. LRP2006-00009 has been reviewed pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, the Statewide Planning Goals, the Jackson County Comprehensive Plan, the Revised Urban Growth Boundary Proposal for the City of Shady Cove (adopted in December 1977) incorporated as part of the County's Comprehensive Plan, and the Jackson County Land Development Ordinance.
2. 45-day notice of the proposed amendment was provided to DLCD on February 10, 2007. The application was scheduled before the Jackson County Planning Commission for a first evidentiary hearing on April 12, 2007.
4. On April 12, 2007 the Jackson County Planning Commission held a properly advertised public hearing to consider the evidence and testimony on this application. At hearing, the applicant requested a revised zone designation, RR-10 instead of RR-5. The hearing was continued to April 26th and then re-noticed with the revised zone change, for June 14, 2007. The hearing was concluded on June 14, 2007 with a unanimous recommendation of approval from the Jackson County Planning Commission.

Now, Therefore, the Board of County Commissioners of Jackson County hereby makes the following findings and conclusions:

SECTION 1. FINDINGS OF FACT

Based upon the evidence and argument presented, the Board makes the following findings of fact with respect to this application.

- 1.1 On June 14, 2007 the Jackson County Planning Commission recommended approval of the Comprehensive Plan Minor Map Amendment and Zoning Map Amendment to the County Board of Commissioners.

**1-ORDINANCE; File LRP2006-00009
Gloria Wilson, Applicant**

1.2 On August 1, 2007 the Jackson County Board of Commissioners held a properly noticed public hearing on this matter. The Board reviewed the record to date, considered the testimony provided, deliberated, and adopted the Jackson County Planning Commission recommendation for approval.

SECTION 2. LEGAL FINDINGS

- 2.1 The Board of Commissioners adopts the findings referenced in the Jackson County Planning Commission Recommendation that includes a revised staff report, and legal findings.
- 2.2 The Board of Commissioners adopts the new Rural Residential Land designation for the subject parcel and an associated zoning designation of Rural Residential-10.

SECTION 3. CONCLUSIONS

- 3.1 The Board of Commissioners concludes the application meets the map designation criteria for Rural Residential Land, and is consistent with the Jackson County Land Development Ordinance, the Jackson County Comprehensive Plan, and the Statewide Planning Goals.
- 3.2 The Board of Commissioners concludes testimony in the record demonstrates the parcel is in a marginal buffer area between forest lands and rural residential lands. The parcel is surrounded on two sides by RR-5 designations. The applicant's Order 1 Soil Survey showed higher rock content in soils than the NRCS countywide survey shows, and it reported the impractical character of the 20-acre parcel for commercial timber purposes. There are no other significant forest functions associated with this site. On this basis, a reasons exception is granted to allow Rural Residential use.
- 3.3 The Board of Commissioners concludes that the Rural Residential-10 designation offers adequate buffering to the existing Woodland Resource and Forest Resource lands to the west, should the parcel be divided.

SECTION 4. DECISION

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

- 4.1 Based on the record assembled for File No. LRP2006-00009 the Board of Commissioners adopts the Planning Commission recommendation (Exhibit 6 of the Board record) for an exception to Statewide Planning Goal 4, Forest Lands, and the Plan and Zone map amendments as described for the subject parcel.
- 4.2 Invalidity of a section or part of this ordinance shall not affect the validity of the remaining sections or parts of sections.

2-ORDINANCE; File LRP2006-00009
Gloria Wilson, Applicant

APPROVED this 19th day of September, 2007, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

absent at signing
Dennis C.W. Smith, Chair


Jack Walker, Commissioner


Dave Gilmour, Commissioner

APPROVED AS TO FORM:

ATTEST:


County Counsel

Donna L. Bladek
By: Recording Secretary

The Board of County Commissioner's 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 _____, 2007, and the LUBA appeal period will expire on _____, 2007. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

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**3-ORDINANCE; File LRP2006-00009
Gloria Wilson, Applicant**