



# Oregon

Theodore R. Kubongski, 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

9/14/2009

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

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** Jefferson County Plan Amendment  
DLCD File Number 006-09

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:** Thursday, September 24, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Susanna Julber, Jefferson County  
Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative

<paa> YA

# 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

<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
DATE STAMP		
DLCD rec'd 9/4/09 jtd		
For DLCD Use Only		

Jurisdiction: **Jefferson County**

Local file number: **08-PA-06**

Date of Adoption: **September 2, 2009**

Date Mailed: **9/3/09**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes**. Date: 2/19/09

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Exception to Goal 14.**

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

The applicant received approval for a Zone Change from RR-5 (Rural Residential 5-acre minimum lot size) to RR-2 (Rural Residential 2-acre minimum lot size) for a 24.47 acre site located southeast of the City of Madras UGB. The Comprehensive Plan designation is Rural Land, and will remain Rural Land with the approval. An amendment to the Comprehensive Plan is necessary only to adopt the exception to Goal 14.

Does the Adoption differ from proposal? Yes, Please explain below:

The adoption differs slightly than the original proposal. The total lots that could be supported with the new zoning is 12, and a Comprehensive Plan Map amendment is not necessary, as was originally indicated in the Notice of Amendment. Also, Goal 3 is not applicable to the proposal as originally indicated, as the subject site was already identified as an exception area and designated as Rural Land.

Plan Map Changed from:

to:

Zone Map Changed from: **RR-5**

to: **RR-2**

Location: **161 SE Dimick Lane, SE of the Madras UGB off Adams Drive.** Acres Involved: **24.47**

Specify Density: Previous: **5-acre minimum lot size.**

New: **2-acre minimum lot size.**

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...Yes.

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 file No.** \_\_\_\_\_

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

City of Madras, Jefferson County Fire District #1.

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Local Contact: **Susanna Julber**

Phone: (541) 475-4462 Extension:

Address: **85 SE D Street**

Fax Number: **541-325-5004**

City: **Madras**

Zip: **97741**

E-mail Address: **susanna.julber@co.jefferson.or.us**

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## **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, or by emailing **[larry.french@state.or.us](mailto:larry.french@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 **[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 ZONING MAP, AND EXCEPTION TO )  
STATEWIDE PLANNING GOAL 14 )**

**Ordinance No. 0-098-09**

**WHEREAS**, Betty, Stafford, and Michael Cook, and Jody and Gerald Stewart, own 4 parcels of land south of S.E. Dimick Lane, east of S. Adams Drive, south of the City of Madras urban growth boundary, totaling 24.47 acres and described as tax lots 11-13-13 CB-600, 700, 800, 900, and 901. The property is currently zoned Rural Residential RR-5, with a 5-acre minimum lot size requirement, on the Jefferson County Zoning Map and designated Rural Land on the Comprehensive Plan Map. The owners submitted an application for a Zoning Map amendment and an exception to statewide planning Goal 14 in order to rezone the property to Rural Residential RR-2 to establish a two-acre minimum lot size. If approved, based on the property size, the zoning would allow a maximum of 12 lots; and

**WHEREAS**, a Comprehensive Plan amendment is necessary to allow an exception to Goal 14 for the property; and

**WHEREAS**, the Jefferson County Planning Commission held a public hearing on May 14, 2009, 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 policies, Statewide Planning Goals and Oregon Administrative Rules, and the requirements of the Jefferson County Zoning Ordinance, and by a vote of 6 in favor and none 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 26, 2009, and accepted public testimony on the application. Two people appeared to testify in support of the application, and one person submitted written testimony in opposition to the application. 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 Zoning Map Amendment**

Jefferson County hereby AMENDS the Zoning Map to change the zoning of tax lots 11-13-13 CB-600, 700, 800, 900, and 901 from Rural Residential RR-5 to Rural Residential RR-2.

2. **Adoption of Exception**

Jefferson County hereby takes an exception to statewide planning Goal 14 for tax lots 11-13-13 CB-600, 700, 800, 900, and 901, and incorporates the justification for the exception into Appendix II of the Comprehensive Plan.

3. **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 (Exhibit A), which is incorporated herein by this reference, with the clarification that based on the size of the property, the RR-2 Zoning would support a maximum of 12 lots.

Dated this 2<sup>ND</sup> day of September, 2009.

BOARD OF COMMISSIONERS:

John Hatfield  
John Hatfield, Commission Chair

Mike Ahern  
Mike Ahern, Commissioner

Wayne Fording  
Wayne Fording, Commissioner

Attest:

Donna Jensen

**Appeal Information**

Planning Casefile #08-PA-06

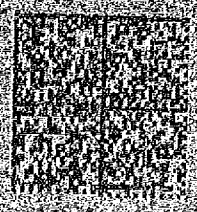
This decision may be appealed to the Land Use Board of Appeals within 21 days of the Jefferson County Board of Commissioners Decision. Oregon Revised Statute (ORS) 197.830 sets forth the review procedures. Copies of the Board of Commissioners decision and the state statute are available from the Community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

Board of Commissioners adoption date: September 2, 2009

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.

JEFFERSON COUNTY  
COMMUNITY DEVELOPMENT DEPT.  
85 SE "D" STREET  
MADRAS OREGON 97741

Attn: Plan Amendment Specialist  
D/CD  
635 CAPITAL ST NE, STE 150  
SALMON, OR 97130-2540



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