



# 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

5/27/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Jackson County Plan Amendment  
DLCD File Number 002-10

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: Friday, June 11, 2010

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Michael Mattson, Jackson County  
Jon Jinings, DLCD Community Services Specialist  
John Renz, 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

In person  electronic  mailed

DATE  
 STATE  
 JUNE  
 24  
 2010

DEPT OF

MAY 24 2010

LAND CONSERVATION  
 AND DEVELOPMENT  
 For DLCD Use Only

Jurisdiction: **Jackson**

Local file number: **LRP2010-00001**

Date of Adoption: **May 19, 2010**

Date Mailed: **5/20/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 2/12/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: Urban Growth Boundary Amend.

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

Amendment to the Medford Urban Growth Boundary to correct a mapping error. The City of Medford has already approved a correction to the mapping error. The mapping error is a cartographic mistake, misprint, or omission that is technical in nature and not the result of new information or changing attitudes or policies.

Does the Adoption differ from proposal? Please select one No

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: South side of S. Stage Rd., west of & including a portion of Rail-Tex Right of Way Acres Involved: **5**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19  
 X

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

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

DLCD, City of Medford

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Local Contact: **Mike Mattson**

Phone: (541) 774-6937 Extension:

Address: **10 S. Oakdale Ave. Rm 100**

Fax Number: **541-774-6791**

City: **Medford**

Zip: **97501**

E-mail Address: **mattsomw@jacksoncounty.org**

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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**.



## 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. 2010-2 at a properly advertised public hearing on March 17, 2010, 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 July 18, 2010 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2010-2 amends the urban growth boundary to the City of Medford UGB to correct a mapping error on the Jackson County Comprehensive Plan Map and Zoning Map to include approximately 5 acres described as Township 38 South, Range 1 West, Section 05d, Tax Lots 1100 and 1200, and a portion of the Central Oregon and Pacific Railroad right-of-way. File LRP2010-00001.

This notice is being mailed to you on May 20, 2010, 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 **Mike Mattson** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford (541) 774-6937; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6937.

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 May 21, 2010, and the LUBA appeal period will expire on June 11, 2010. 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 )

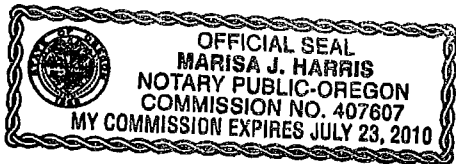
I, Laura Marshall, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2010-2 by mailing a copy of the Notice of Adoption by regular mail to each of the following named persons at their respective last known addresses, to wit: (as attached)

Each of said copies of the notice was 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 May 21, 2010.

Laura Marshall  
Signature

Personally appeared before me this 21st day of May, 2010, the above named Laura Marshall who acknowledged the foregoing affidavit to be her voluntary act and deed.

Marisa J. Harris  
Notary Public for Oregon  
My Commission Expires: 7/23/10



NOTICE OF PUBLIC HEARING SENT TO: PROPERTY OWNERS, AGENCIES, AND INTERESTED PERSON.

NAME: JACKSON COUNTY

FILE NO: LRP2010-00001

FILE NO. LRP2010-00001  
ADOPTION MAILING LIST  
APPLICANT: JACKSON COUNTY  
DATE CREATED: 05/10/10

PO LRP2010-00001  
SOUTH STAGE LLC  
3929 MONTE VISTA DR  
MEDFORD OR 97504

PO LRP2010-00001  
RAIL-TEX  
7411 FULLERTON ST STE 300  
JACKSONVILLE FL 32256-3629

BOC LRP2010-00001  
JACK WALKER, CHAIR  
BOARD OF COMMISSIONERS

BOC LRP2010-00001  
DENNIS C. W. SMITH  
BOARD OF COMMISSIONERS

BOC LRP2010-00001  
DAVE GILMOUR  
BOARD OF COMMISSIONERS

STAFF LRP2010-00001  
KELLY MADDING  
DEVELOPMENT SERVICES  
DIRECTOR

STAFF LRP2010-00001  
MIKE MATTSON  
PLANNER

STAFF LRP2010-00001  
FRANK HAMMOND  
COUNTY COUNSEL

LRP2010-00001 CCI Agenda  
BARBARA DECKER  
3303 N VALLEY VIEW RD  
ASHLAND OR 97520

LRP2010-00001 CCI Agenda  
WALTER FITZGERALD  
PO BOX 3984  
CENTRAL POINT OR 97502

LRP2010-00001 CCI Agenda  
BRENT MITCHELL  
4450 FERN VALLEY RD  
MEDFORD OR 97504

LRP2010-00001 CCI Agenda  
KAREN BLAIR  
32 N ORANGE ST  
MEDFORD OR 97501

LRP2010-00001 CCI Agenda  
ROSALIE LINDVIG  
4415 INDEPENDENCE SCHOOL RD  
MEDFORD OR 97501

IP LRP2010-00001  
CSA PLANNING LTD  
4497 BROWNRIDGE TER #101  
MEDFORD OR 97504

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

IN THE MATTER OF FILE NO. )  
LRP2010-00001, AN APPLICATION FOR AN )  
URBAN GROWTH BOUNDARY AMENDMENT )  
TO THE CITY OF MEDFORD UGB TO )  
CORRECT A MAPPING ERROR ON THE )  
JACKSON COUNTY COMPREHENSIVE )  
PLAN MAP AND ZONING MAP TO INCLUDE )  
APPROXIMATELY 5 ACRES DESCRIBED AS )  
TOWNSHIP 38 SOUTH, RANGE 1 WEST, )  
SECTION 05D, TAX LOTS 1100 AND 1200, )  
AND A PORTION OF THE CENTRAL )  
OREGON AND PACIFIC RAILROAD )  
RIGHT-OR-WAY. FILE LRP2010-00001 )

ORDINANCE NO. 2010-2

**RECITALS:**

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan (JCCP) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. The standards justifying minor or quasi-judicial amendments to the Jackson County Comprehensive Plan Map and Zoning Map Amendments are contained in the Jackson County Comprehensive Plan and in the Jackson County Land Development Ordinance (JCLDO) Chapter 3.
3. JCLDO Section 3.7.3 states that a minor map amendment must conform to the Statewide Planning Goals, Oregon Administrative Rules, and the Comprehensive Plan as a whole.

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1- ORDINANCE; FILE LRP2010-00001  
Applicant: Jackson County and City of Medford

4. The Jackson County Board of Commissioners received a letter from the City of Medford, dated December 30, 2009, requesting the Board to initiate a public hearing on a mapping error correction to the City of Medford Urban Growth Boundary (UGB). This application is the result of that request.

#### **PROCEDURAL FINDINGS:**

1. A notice of the proposed amendment was provided to the Department of Land Conservation and Development (DLCD) on February 12, 2010, 54 days prior to the first evidentiary hearing. A notice was published on Sunday, March 28, 2010 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Board of Commissioners on Wednesday, April 7, 2010 at 1:30 p.m. in the Jackson County Auditorium.
2. On April 7, 2010, the Jackson County Board of Commissioners (BOC) held a properly advertised public hearing to consider the evidence and testimony on this application. After considering the evidence and testimony submitted, the BOC, by motion and vote, approved the application.

#### ***Now, therefore,***

*The Jackson County Board of Commissioners finds and concludes as follows:*

#### **SECTION 1. FINDINGS OF FACT:**

Based upon the evidence and arguments presented, the Board of Commissioners makes the following findings of fact with respect to this application. Where factual conflicts arose, the Board of Commissioners has resolved them consistent with these findings.

- 1.1 The Board of Commissioners finds that proper legal notice was provided to the applicant, property owners within 750 feet of the subject properties, and affected agencies, on March 7, 2010 for a public hearing on this matter. Legal notice was published in the Sunday, March 28, 2010 edition of the Medford Mail Tribune.
- 1.2 The Board of Commissioners finds that a Staff Report was prepared for the initial public hearing before the BOC and the Board of Commissioners hereby adopts, as its own, the Staff Report, incorporated herein and attached as Exhibit "A".

#### **SECTION 2. LEGAL FINDINGS:**

- 2.1 The Board of Commissioners hereby adopts, as its own, the Findings/Conclusion and Recommendation contained in the Staff Report, incorporated herein and attached as Exhibit "A".



**SECTION 3. CONCLUSIONS:**

- 3.1 The Board of Commissioners concludes that proper public notice was given.
- 3.2 The Findings/Conclusions and Recommendation in the Staff Report demonstrate that the mapping error occurred following the 1990 approval of an Urban Growth Boundary Amendment to the City of Medford UGB. That mapping error excluded the subject properties from the approved UGB for Medford. The Board concludes that the mapping error is a cartographic mistake, is technical in nature, and is not the result of new information or changing attitudes or policies.
- 3.3 The Board of Commissioners concludes that the criteria contained in the Medford-Jackson County Urban Growth Management Agreement, Amendment Procedures for the Urban Growth boundary and Urbanization Policies section, Correction of Errors under the aforementioned section, has been followed and the application meets the criteria for correcting a mapping error.

**SECTION 4. DECISION:**

***Now, therefore,***

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

- 4.1. Based on the record, evidence, and testimony at the public hearing, the Board of Commissioners approves Urban Growth Boundary (UGB) Amendment to the City of Medford UGB to correct a mapping error on the Jackson County Comprehensive Plan Map and Zoning Map to include approximately five acres located on the south side of South Stage Road, west of, and including a portion of the Central Oregon and Pacific Railroad right-of-way, as shown on Exhibit "B". The property is legally described as Township 38 South, Range 1 West, Section 05D, tax lot 1100 and 1200, and a portion of the Central Oregon and Pacific Railroad right-of-way.

APPROVED this 19<sup>th</sup> day of May, 2010, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

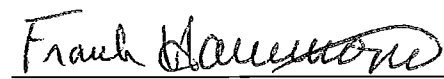
  
Jack Walker, Chair

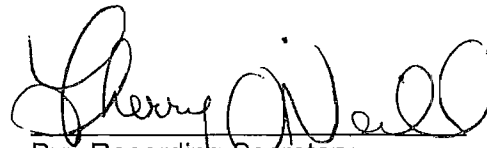
  
Dave Gilmour, Commissioner

  
Dennis C. W. Smith, Commissioner

APPROVED AS TO  
LEGAL SUFFICIENCY:

ATTEST:

  
County Counsel

  
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 May 21, 2010, and the LUBA appeal period will expire on June 11, 2010. 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.



**JACKSON COUNTY  
DEVELOPMENT SERVICES**

*FILE LRP2010-00001  
City of Medford Urban Growth Boundary  
Mapping Error Correction*

**DEVELOPMENT  
SERVICES**

Michael W. Mattson, CFM  
*Planner II*

10 South Oakdale Ave.  
Medford, OR 97501  
Phone: (541) 774-6937  
Fax: (541) 774-6791  
mattsomw@jacksoncounty.org

**APPLICANT:** Jackson County  
10 S. Oakdale  
Medford, OR 97501

**FILE:** LRP2010-00001

**OWNERS:** South Stage LLC  
3929 Monte Vista Drive  
Medford, OR 97504

Central Oregon & Pacific Railroad  
1355 Central Parkway South  
Suite 700  
San Antonio, TX 78232

**MAP DESCRIPTION:**

TWP: 38S RANGE: 1W SECTION: 05D TAX LOT(s): 1100

TWP: 38S RANGE: 1W SECTION: 05D TAX LOT(s): 1200

Including a portion of Central Oregon & Pacific Railroad Right of Way

**LOCATION:** Approximately 5 acres located on the south side of South Stage Road, west of, and including a portion of the Central Oregon and Pacific Railroad right-of-way.

**NATURE OF APPLICATION:** This is an Urban Growth Boundary mapping error correction to the City of Medford Urban Growth Boundary to include within the boundary approximately 5 acres located on the south side of South Stage Road, west of, and including a portion of the Central Oregon and Pacific Railroad right-of-way.

**BACKGROUND:** In 1990, an expansion of the City of Medford's Urban Growth Boundary was approved by Jackson County and the City of Medford, Medford Ordinance No. 6732 and Jackson County Ordinance No. 90-8. Both of these ordinances reference a specific exhibit, Exhibit M of City file CP-90-2. This exhibit showed the adopted and approved boundaries of the Medford UGB. The Medford UGB boundary included parcels described as Township 38 South, Range 1 West, Section 05D, tax lots 1100 and 1200, as well as a portion of the Central Oregon and Pacific Railroad right-of-way.

The current mapping of the Medford UGB does not include this area. The Medford City Council found that this was a cartographic mistake, misprint, or omission that was technical in nature and was not the result of new information or changing attitudes or policies. The Medford City Council adopted Ordinance 2009-280 approving an Urban Growth Boundary (UGB) mapping error correction to the Medford General Land Use Plan (GLUP) Map and the Medford Zoning Map to include the area described above within the Medford UGB. The Medford City Council also requests the Jackson County Board of Commissioners for a similar action. This application file follows that request.

**I. KEY ISSUES**

1. Determine whether a mapping error has occurred regarding the Medford Urban Growth Boundary.

**II. APPLICABLE CRITERIA**

To approve this application, the County must determine that the application is in conformance with Medford-Jackson County Urban Growth Management Agreement, Amendment Procedures for the Urban Growth Boundary and Urbanization Policies section, Correction of Error under the aforementioned section.

**III. FINDINGS OF CONFORMANCE WITH THE LAND DEVELOPMENT ORDINANCE**

1) The Medford-Jackson County Urban Growth Management Agreement, Correction of Errors section states as follows:

*1) An error is generally considered to be a cartographic mistake, or a misprint, omission, or duplication in the text. They are technical in nature and not the result of new information or changing attitudes or policies.*

*2) If the City Council and Board of County Commissioners become aware of an error in the map(s) or text of this mutually- adopted urbanization program, both bodies may cause an immediate amendment to correct the error, after mutual agreement is reached.*

*3) Corrections shall be made by ordinance, following a public hearing conducted by both governing bodies. Public hearings before the planning commissions shall not be required when an amendment is intended specifically to correct the error.*

**FINDING/CONCLUSION:** Jackson County became aware of the possible cartographic error when a copy of a letter to the Medford Mayor and City Council from CSA Planning, dated October 28, 2009, was delivered to Kelly Madding, Development Services Director. The Jackson County Board of Commissioners was given a letter from the City of Medford Planning Department, dated December 30, 2009, requesting the Board to initiate a public hearing on the mapping error correction and decision on that issue. This application is the result of that request.

Jackson County Ordinance 90-8, adopted October 24, 1990, amended the Medford Urban Growth Boundary consistent with Exhibit M of the City of Medford file number CP-90-2. A copy of that exhibit is included in the record for this application. This exhibit shows the extent of the adopted Medford Urban Growth Boundary and it includes tax lots 1100 and 1200, and a portion of the Central Oregon and Pacific Railroad right-of-way. In addition to Exhibit M, the ordinance also includes an 8.5" by 11" map which shows all of the areas that were included in the Medford UGB amendment. The scale of this map is such that it is difficult to determine clearly the UGB boundary for this area. It appears as if the subject area was not included in the UGB amendment.

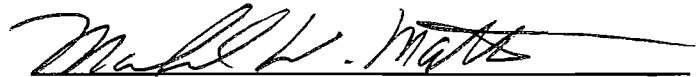
Examination by staff of the paper Zoning Maps that were used to depict not only zoning

but urban growth boundaries show that the tax lots and railroad right-of-way, as shown on Exhibit M, were not included on Jackson County's Zoning Maps. It is clear to staff that a cartographic error somehow occurred after the Medford UGB amendment in 1990. Staff finds that tax lots 1100, 1200, and a portion of the Central Oregon and Pacific Railroad right-of-way were included in the amendment to the Medford UGB adopted in Ordinance 90-8 by Jackson County and Ordinance 6732 by the Medford City Council. Staff also finds that the subsequent mapping was a cartographic mistake, misprint, or omission that was technical in nature and not the result of new information or changing attitudes or policies.

**IV. RECOMENDATION**

Staff recommends that the Board of Commissioners find that a cartographic mistake, misprint, or omission occurred following the expansion of the Medford Urban Growth Boundary, approved and adopted in Ordinance 90-8 by Jackson County and Ordinance 6732 by the City of Medford. The actual Medford UGB should officially be the boundary depicted on Exhibit M of City file number CP-90-2, which was included and referenced in Ordinance 90-8. The City of Medford adopted Ordinance 2009-280 approving an Urban Growth mapping error correction to the Medford General Land Use Plan (GLUP) Map and the Medford Zoning Map to include approximately five acres located on the south side of South Stage Road, west of and including a portion of the Central Oregon and Pacific Railroad right-of-way. A map of the area is included as Exhibit A of this staff report.

**JACKSON COUNTY PLANNING DIVISION**



By: Michael W. Mattson  
Planner II

Date: 2-10-10

cc: file

Attachments:  
Exhibit A – UGB Mapping Error Correction

# EXHIBIT A

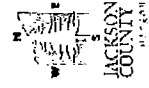
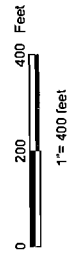
S M A R T M A P  
JACKSON COUNTY  
GEOGRAPHIC INFORMATION SYSTEM

## UGB MAPPING ERROR CORRECTION

Tax Lots  
All Streets  
Ugb.shp

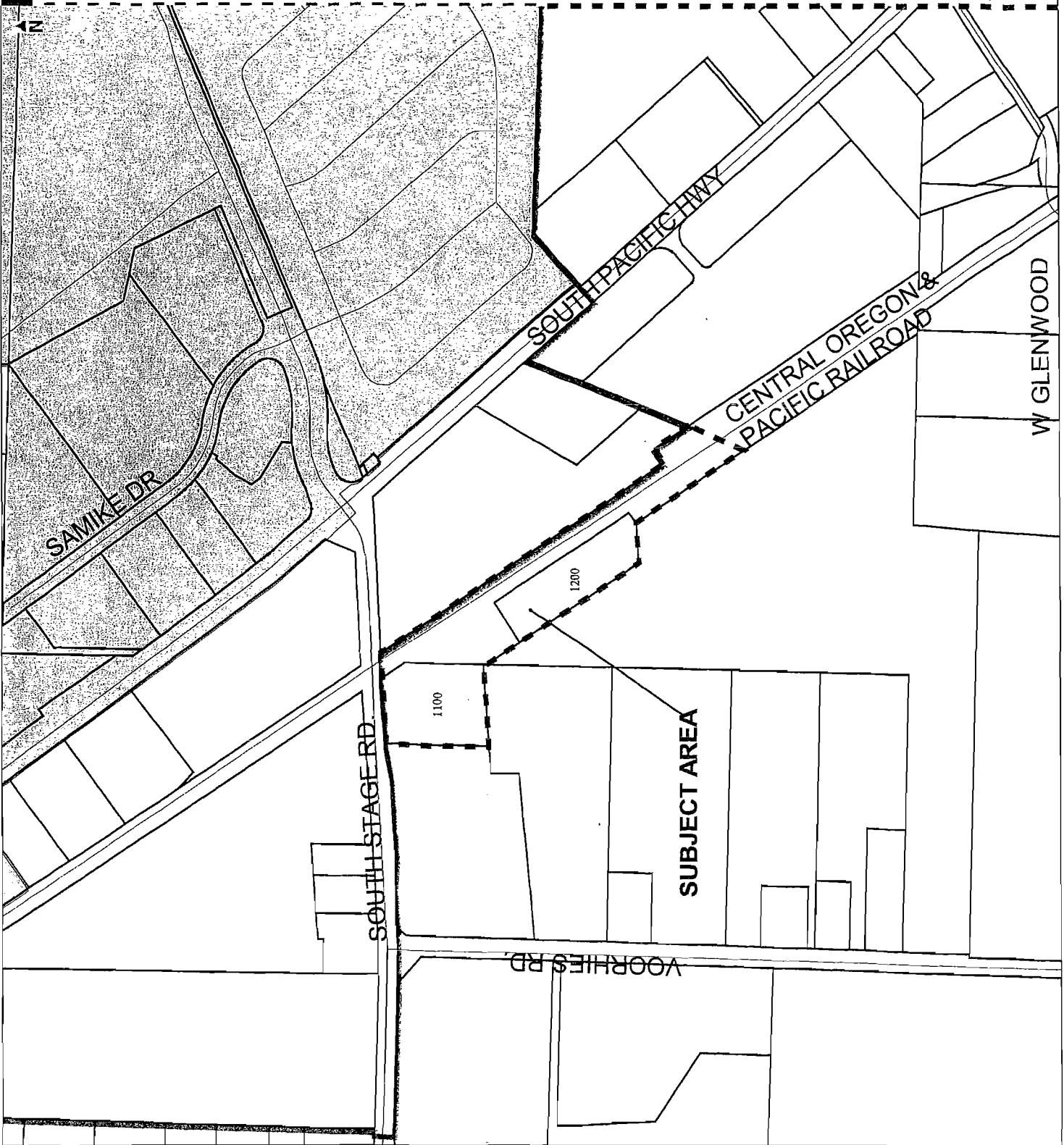
City Limits

Ashland	Butte Falls	Central Point	Eagle Point	Gold Hill	Jacksonville	Medford	Phoenix	Rogue River	Shady Cove	Talent
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This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied.

Plot date: Feb 3, 2010; c:\gis\planning.apr



**JACKSON**  
**COUNTY**  
*Oregon*  
**Development Services**

10 South Oakdale Ave., Room 100  
Medford, Oregon 97501-2902

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



Hasler

016H26515385  
**\$01.560**  
05/21/2010  
Mailed From 97501  
US POSTAGE