



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

9/30/2010

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 003-10

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: Thursday, October 21, 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: Craig Anderson, Jackson County  
Jon Jinings, DLCD Community Services Specialist  
  
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA

**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



Jurisdiction: **Jackson County**

Local file number: **LRP2009-00003**

Date of Adoption: **9/15/10**

Date Mailed: **9/21/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 4/12/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Re-designate Goal 4 protected resource land (Forest Resource) as non-resource land (Rural Use). No zoning amendment is requested as part of this application.

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

Plan Map Changed from: **WR/OSR**

to: **Rural Use**

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

to: **N/A**

Location: **4761 South Stage Road at Bellinger Lane, Jacksonville** Acres Involved: **403.8**

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**

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. 003-10 (18235) [16343]

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

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

ODF&W, DEQ, City of Jacksonville, Jackson County Road & Parks

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Local Contact: **Craig Anderson**

Phone: (541) 774-6918 Extension:

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

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

City: **Medford**

Zip: **97501**

E-mail Address: **anderscm@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**.

Updated March 17, 2009



## 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. 2010-11 at a properly advertised public hearing on August 11, 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 November 14, 2010 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2010-11 amends the Comprehensive Plan Map to re-designate 403.8 acres from Forestry/Open Space to Rural Use land on property located at 4761 South Stage Road adjacent to and east of the corporate limits and Urban Growth Boundary of the City of Jacksonville, Oregon File LRP2009-00003.

This notice is being mailed to you on September 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 **Craig Anderson** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6918; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the four digit extension 6918.

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 September 21, 2010, and the LUBA appeal period will expire on October 12, 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

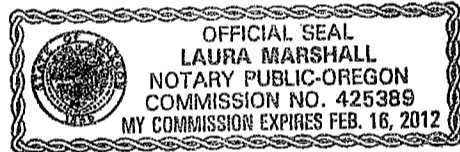
STATE OF OREGON    )  
                                  )  
COUNTY OF JACKSON )

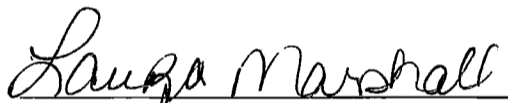
I, Patricia A. Guida, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2010-11 by mailing a copy of the Notice of Adoption by regular mail to each of the following named persons at their respective last 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 21, 2010.

  
\_\_\_\_\_  
Signature

Personally appeared before me this 21st day of September, 2010, 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: 2-16-2012

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

APPLICANT NAME: SOUTH STAGE LANDFILL LLC  
FILE NO: LRP2009-00003

DECISION MAILING LABELS  
FILE LRP2009-00003  
SOUTH STAGE LANDFILL INC  
CREATED: 09/16/2010

APPLICANT LRP2009-0003  
SOUTH STAGE LANDFILL INC  
BOTTJER-GAMBEE INC  
PO BOX 3187  
CENTRAL POINT OR 97502

AGENT LRP2009-00003  
RAUL WOERNER  
CSA PLANNING LTD  
4497 BROWNRIDGE STE 101  
MEDFORD OR 97504

BOC LRP2009-00003  
JACK WALKER, CHAIR  
BOARD OF COMMISSIONERS

BOC LRP2009-00003  
DENNIS "C.W." SMITH  
BOARD OF COMMISSIONERS

BOC LRP2009-00003  
DAVE GILMOUR  
BOARD OF COMMISSIONERS

STAFF  
KELLY MADDING  
DIRECTOR

STAFF  
CRAIG ANDERSON  
PLANNER

STAFF  
FRANK HAMMOND  
COUNTY COUNSEL

STAFF  
CAROL YATES  
RECEPTION DESK

IP LRP2009-00003  
KELLY LEONARD  
1143 S 3<sup>RD</sup> ST  
JACKSONVILLE OR 97530

IP LRP2009-00003  
CLARA WENDT  
PO BOX 300  
JACKSONVILLE OR 9730

IP LRP2009-00003  
KEN SNOKE  
1503 S 3<sup>RD</sup> ST  
JACKSONVILLE OR 97530

IP LRP2009-00003  
AMY STEVENSON  
CITY OF JACKSONVILLE  
PO BOX 7  
JACKSONVILLE OR 97530

IP LRP2009-00003  
LINDA J MEYERS  
230 WELLS FARGO DR  
JACKSONVILLE OR 97530

IP LRP2009-00003  
ALBERTA ZAJACK  
PO BOX 1927  
JACKSONVILLE OR 97530

IP LRP2009-00003  
ANNE MCCANDLES  
PO BOX 1245  
JACKSONVILLE OR 97530

IP LRP2009-00003  
PAUL WYNTERGREEN  
CITY OF JACKSONVILLE  
PO BOX 7  
JACKSONVILLE OR 97530

IP LRP2009-00003  
MIKE ARNOLD  
355 CLOVER LN  
MEDFORD OR 97501

IP LRP2009-00003  
GLENN R ARCHAMBAULT  
PO BOX 1199  
PHOENIX OR 97535

IP LRP2009-00003  
CARL TAPPERT  
ROGUE VALLEY SEWER SERVICE  
PO BOX 3130  
CENTRAL POINT OR 97502

IP LRP2009-00003  
GREGORY ALEXANDER  
DEPARTMENT OF FORESTRY  
5286 TABLE ROCK RD  
CENTRAL POINT OR 97502

IP LRP2009-00003  
THOMAS GUEVARA  
ODOT  
3500 NW STEWART PARKWAY  
ROSEBURG OR 97470-1687

IP LRP2009-00003  
PATRICIA MEYERDING  
112 MEDFORD HEIGHTS LN  
MEDFORD OR 97504

IP LRP2009-00003  
MUNICIPAL SECURITIES CO  
LINDA VAN HANNEKEN  
1940 SODA MOUNTAIN RD  
ASHLAND OR 97520

IP LRP2009-00003  
HAROLD MC ALISTER  
315 SURREY DR  
JACKSONVILLE OR 97530

IP LRP2009-00003  
RON/JULIE KANTOR  
630 ANTHONY CT  
SONOMA CA 95476

IP LRP2009-00003  
DAVID J RIANT  
747 JUANITA WAY  
JACKSONVILLE OR 97530

IP LRP2009-00003  
PHIL BAKER  
570 POWDERHORN DR  
JACKSONVILLE OR 97530

IP LRP2009-00003  
LAURA F IMPERIA  
650 PWERHORN DR  
JACKSONVILLE OR 97530

IP LRP2009-00003  
DANIELLE DROSDICK  
6565 CRESCENT PARK WEST 219  
PLAYA VISTA CA 90094

IP LRP2009-00003  
RUSS LOGUE  
JA CO ROADS & PARKS

IP LRP2009-00003  
NEIL/JO SMITH  
645 POWDERHORN DR  
JACKSONVILLE OR 97530

IP LRP2009-00003  
JOHN ISAAK  
PO BOX 926  
JACKSONVILLE OR 97530

IP LRP2009-00003  
WILLIAM/CYNTHIA MCDONALD  
663 JUANITA DR  
JACKSONVILLE OR 97530

IP LRP2009-00003  
STEVEN NIEMELA  
ODFW  
1495 E GREGORY RD  
CENTRAL POINT OR 97502

IP LRP2009-00003  
BRIAN/DANA WINKLER  
101 DAISY CREEK RD  
JACKSONVILLE OR 97530

IP LRP2009-00003  
GREG BILLINGSLEY  
CANDICE NICHELSON  
PO BOX 751  
JACKSONVILLE OR 97530

IP LRP2009-00003  
DEAN GRADWELL  
501 JUANITA WAY  
JACKSONVILLE OR 97530

IP LRP2009-00003  
ART KRUGOJER  
PO BOX 1172  
JACKSONVILLE OR 97530

Adopted: September 15, 2010  
Effective: November 14, 2010

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

IN THE MATTER OF A JACKSON COUNTY )  
COMPREHENSIVE PLAN MAP AMENDMENT )  
TO RE-DESIGNATE 403.8 ACRES FROM )  
FORESTRY/OPEN SPACE TO RURAL USE )  
LAND ON PROPERTY LOCATED AT 4761 )  
SOUTH STAGE ROAD ADJACENT TO AND )  
EAST OF THE CORPORATE LIMITS AND )  
URBAN GROWTH BOUNDARY OF THE CITY )  
OF JACKSONVILLE, OREGON. FILE NO. )  
LRP2009-00003. )

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ORDINANCE NO. 2010-11

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 are contained in the JCCP 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.
4. On March 2, 2009, an application for a Comprehensive Plan Map amendment to change the Comprehensive Plan Map designation from Forestry/Open Space (FOS) to Rural Use on a 403.8 acre tract southeast of and adjacent to the City of Jacksonville Urban Growth Boundary was submitted by CSA Planning, agent for the owner/applicant. The application was determined to be complete pursuant to Section 2.6.3(C) on August 31, 2009.

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1- ORDINANCE; FILE LRP2009-00003  
South Stage Landfill CPA



**PROCEDURAL FINDINGS:**

1. A notice of the proposed amendment was provided to DLCD on April 12, 2010, 45 days prior to the first evidentiary hearing on this application. A notice was published on Sunday, May 16, 2010 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission (JCPC) on Thursday May 27, 2010 at 9:00 a.m. in the Jackson County Auditorium.
2. On May 27, 2010 and June 10, 2010, the JCPC held properly advertised public hearings to consider the evidence and testimony on this application. After considering the evidence and testimony submitted, the JCPC, by motion and vote, recommended that the Board of Commissioners approve the application. The JCPC signed the Recommendation for Approval on June 24, 2010.
3. On August 11, 2010, the Jackson County Board of Commissioners held a properly advertised public hearing to consider the evidence and testimony for this application. After considering the evidence and testimony submitted, the Board of Commissioners, 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, affected property owners and affected agencies on July 22, 2010 for a public hearing on this matter. Legal notice was published in the Sunday, August 8, 2010 edition of the Medford Mail Tribune.
- 1.2 The Board of Commissioners finds that the JCPC's recommendations are based upon following proper procedures and are consistent with available evidence. The Board of Commissioners hereby adopts, as its own, the Findings of Fact contained in the JCPC Recommendation for Approval, incorporated herein and attached as Exhibit "A."

**SECTION 2. LEGAL FINDINGS:**

- 2.1 The Board of Commissioners hereby adopts, as its own, the Legal Findings contained in the JCPC's Recommendation for Approval, incorporated herein and attached as Exhibit "A."
- 2.2 The Board of County Commissioners makes the following findings with respect to subsequent testimony presented to the Board:

In a letter dated July 23, 2010, submitted into the Board's Record at Exhibit 9 and in oral testimony during the public hearing on August 11, 2010, staff from the City of Jacksonville argued that an application for a comprehensive plan amendment to Rural Use, by its very nature, grants a right to develop more than one residence on Rural Use designated land on a parcel of this size. Accordingly, the City of Jacksonville requested that the Board interpret the text of Section 4 ("Determination of Appropriate Density") for Rural Use Land as established in the Map Designations Element of the JCCP to require that a concurrent application for zone change is required. The relevant JCCP text is as follows:

*"When a right to develop more than one residence on Rural Use designated land is requested, the plan amendment proposal must be coupled with a request for an appropriate zoning district to assure that future development will be appropriate to the area."*

The Board finds that the Jackson County Planning Commission, at Section 2.2 in its recommendation for approval, adopted the findings in the Staff Report, and that, with respect to this issue, the staff report adopted the findings in Applicants' Exhibit 1 (Proposed Findings of Fact and Conclusions of Law). Applicants' proposed conclusion of law relating to this comprehensive plan text, cataloged therein as "Criterion 37", is:

*"Jackson County concludes that this criterion was intended to be applicable only when plan amendments are coupled with a zone change application to RU and to the extent that there is any ambiguity, Jackson County so interprets Criterion 37. The application now before Jackson County does not include zone change application. The request is solely for a Rural Use comprehensive plan map designation. A determination of appropriate density is not required at this time because the underlying zoning will remain in effect and the right to develop more than one residence on Rural Use designated land is not sought."*

The Board finds that this application does not include a request to develop more than one residence on Rural Use designated land, and adopts the Applicants' conclusion on this matter as the Board's own. The purpose and limitations of the application are plainly stated in the Applicants' proposed conclusion and initially at Page 1 of Applicants' Proposed Findings of Fact and Conclusions of Law under the heading "Nature, Scope and Intent of Application."

The City of Jacksonville's letter also cites excerpted text found elsewhere in the Applicants' proposed findings that, according to the City of Jacksonville, collectively constitute a request for a right to develop more than one residence on Rural Use designated land. The Board finds that the cited findings do not represent a request by the Applicants for a right to develop more than one residence and that the excerpted text is presented out of context. Rather, the excerpted findings are directed in their respective contexts to specific approval criteria that properly require consideration of land carrying capacity and general suitability of the subject property and vicinity for the proposed Rural Use Land comprehensive plan map designation.

The Board further finds that the granting of a comprehensive plan map amendment to Rural Use does not, by its very nature, grant development rights. The Board finds that such an interpretation would render the cited comprehensive text meaningless. If

such a right were to be granted by the very nature of this comprehensive plan map approval, then the text would have expressly required that all comprehensive plan map amendment applications be coupled with a zone change request.

**SECTION 3. CONCLUSIONS:**

- 3.1 The Board of Commissioners concludes that proper public notice was given.
- 3.2 The Board of Commissioners hereby adopts, as its own, the Conclusions contained in the JCPC's Recommendation for Approval, incorporated herein and attached as Exhibit "A." 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 ordains as follows:*

- 4.1. Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, attached hereto and incorporated herein as Exhibit "A", the Board of Commissioners approves a Comprehensive Plan Map amendment to re-designate 403.8 acres from Forestry/Open Space to Rural Use land on property located at 4761 South Stage Road adjacent to and east of the corporate limits and Urban Growth Boundary of the City of Jacksonville, Oregon.

APPROVED this 15<sup>th</sup> day of September, 2010, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS


  
Jack Walker, Chair

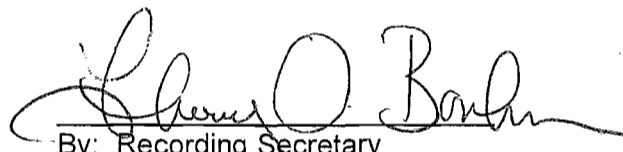
  
Dave Gilmour, Commissioner

  
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 September 21, 2010, and the LUBA appeal period will expire on October 12, 2010 @ 4 PM. 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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5- ORDINANCE; FILE LRP2009-00003  
South Stage Landfill CPA

**EXHIBIT A**

**BEFORE THE JACKSON COUNTY PLANNING COMMISSION  
STATE OF OREGON, COUNTY OF JACKSON**

IN THE MATTER OF A JACKSON COUNTY )  
COMPREHENSIVE PLAN MAP )  
AMENDMENT TO RE-DESIGNATE 403.8 )  
ACRES FROM FORESTRY/OPEN SPACE )  
TO RURAL USE LAND ON PROPERTY )  
LOCATED AT 4761 SOUTH STAGE ROAD )  
ADJACENT AND EAST OF THE )  
CORPORATE LIMITS AND URBAN )  
GROWTH BOUNDARY OF THE CITY OF )  
JACKSONVILLE, OREGON. FILE NO. )  
LRP2009-00003. )

**RECOMMENDATION  
FOR APPROVAL**

**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. On March 2, 2009 an application for a Comprehensive Plan Map amendment to change the Comprehensive Plan Map designation from Forest/Open Space (FOS) to Rural Use on a 403.8 acre tract southeast of and adjacent to the City of Jacksonville Urban Growth Boundary was submitted by CSA Planning, agent for the owner/applicant. The application was determined to be complete pursuant to Section 2.6.3(C) on August 31, 2009.

**PROCEDURAL FINDINGS:**

1. A notice of the proposed amendment was provided to DLCD on April 12, 2010, 45 days prior to the first evidentiary hearing. A notice was published on Sunday, May 16, 2010 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday May 27, 2010 at 9:00 a.m. in the Jackson County Auditorium.
2. Public hearings were held on May 27, 2010 and June 10, 2010 before the Jackson County Planning Commission in the Jackson County Auditorium.
3. Now, therefore,

The Jackson County Planning Commission finds, concludes, and RECOMMENDS as follows:

**SECTION 1. FINDINGS OF FACT:**

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

Planning Commission Recommendation  
South Stage Landfill CPA

- 1.1 The Planning Commission finds that proper legal notice was sent to the applicant, affected agencies and property owners within 750 feet of the subject property on May 7, 2010. Legal notice was published in the Sunday, May 16, 2010 edition of the Medford Mail Tribune.
- 1.2 The Planning Commission finds that a Staff Report was prepared for the initial public hearing (pgs. 20-38, JCPC Record).
- 1.3 The Planning Commission finds that public hearings were held to consider the evidence on this matter on 5/27/10 and 6/10/10.
- 1.4 The Planning Commission finds that the subject property is described as: TWP 37S RANGE 2W SECTION 32D TAX LOTS 900, 901, & 1000; TWP 37S RANGE 2W SECTION 32DB TAX LOTS 4501 & 4601; TWP 37S RANGE 2W SECTION 33 TAX LOTS 1200 & 1300 and TWP 38S RANGE 2W SECTION 5 TAX LOT 100. The subject property is located at 4761 South Stage Road.
- 1.5 With respect to Lot Legality, the Planning Commission finds:

382W05-100: This parcel was originally created prior to countywide land use regulations as identified in Volume 536, Page 322 of the Official Records of Jackson County, recorded November 14, 1962. It is the residual parcel left after division of tax lot 101 through document O.R. 69-01287, recorded February 24, 1969. Tax lot 100 is considered a lawfully established parcel.

372W32D-900, 901 and 372W32DB-4501 and 4601: This parcel was created prior to countywide land use regulations by document Volume 238, Page 244 of the Official Records of Jackson County, recorded March 2, 1944. The parcel included current tax lots 900, 901, 4501, 4601 and 1000. The division of tax lot 1000 occurred through document O.R. 71-12717, recorded October 5, 1971. The current configuration of the parcel includes tax lots 900, 901, 4501 and 4601. These tax lots are considered a single lawfully established parcel.

372W33-1200: This parcel was an exception area in document O.R. 71-12717. This parcel is considered a single lawfully established parcel.

372W32D-1000 and 372W33-1300: These two parcels were described on a single deed, document O.R. 71-12717. Tax lot 1000's legal description was Parcel I and tax lot 1300's legal description was Parcel II, both on a single deed. Because they were described together on a single deed, they are part of a single lawfully established parcel consisting of tax lot 1000 and 1300.
- 1.6 The current Comprehensive Plan Map Designation for the tract is Forest/Open Space (FOS) and the tract includes both Woodland Resource (WR) and Open Space Reserve (OSR) zoning districts.
- 1.7 The Planning Commission finds the subject property has access from South Stage Road, Wells Fargo Dr. and Daisy Creek Rd.
- 1.8 The Planning Commission finds that a portion of the tract is within Jackson County Fire District No. 9.

- 1.9 The Planning Commission finds that police protection is provided by the Jackson County Sheriff's Office.
- 1.10 The Planning Commission finds that the subject tax lots are part of the closed South Stage Landfill and that tax lots 1200 and 1300 currently have dwellings.
- 1.11 The Planning Commission finds that tax lot 100 is within Area of Special Concern (ASC) 90-1, lands on which development can affect the survival of Black-tailed deer or Roosevelt elk herds.
- 1.12 The Planning Commission finds that there are designated wetlands on tax lots 1000 and 1300.
- 1.13 The Planning Commission finds that the following agencies responded with comments to this application and their comments were considered by the Planning Commission: Jackson County Roads Department, Rogue Valley Sewer Services, Oregon Department of Fish and Wildlife, Oregon Department of Forestry, Oregon Department of Transportation, and the City of Jacksonville.
- 1.14 The Planning Commission finds that 15 property owners submitted comments on the proposed application and these comments were considered by the Planning Commission.

## SECTION 2. LEGAL FINDINGS:

- 2.1 To recommend approval of an amendment to the Comprehensive Plan, the Planning Commission must find that the amendment is consistent with the Jackson County Land Development Ordinance (JCLDO) Chapter 3.7, which requires compliance with the Statewide Planning Goals, Oregon Administrative Rules, Jackson County Land Development Ordinance and the Jackson County Comprehensive Plan (JCCP).
- 2.2 The Planning Commission adopts the findings in the Staff Report (pgs. 20-38, JCPC record) as a basis for this recommendation. These findings demonstrate that the application is in compliance with the Statewide Planning Goals, Oregon Administrative Rules, the Jackson County Comprehensive Plan, and the Jackson County Land Development Ordinance. Where factual conflicts arose, the Jackson County Planning Commission has resolved them consistent with the following findings:
  - 2.2.1 Energy Element, Policy 1 states that: *The County shall develop and implement land use policies and related planning and implementation techniques that will maximize energy conservation and efficiency.*

**FINDING:** The Planning Commission finds that a change in the Comprehensive Plan designation to Rural Use is consistent with this policy due to the subject property's proximity to an urban center and the resulting energy efficiencies to be gained from reduced travel distances to places of work, shopping and other destinations.
  - 2.2.2 Natural Hazards Element, Policy 1 states that: *County land use actions shall be based upon a determination of acceptable risk of wildfire hazards, and such*

*hazards shall be reduced through positive County action in terms of guiding development and improving fire protection services.*

**FINDING:** The Planning Commission has determined that the application will not result in an unacceptable risk of wildfire hazards. If future development were to occur on the subject property, wildfire hazards will be reduced through adherence to the fuel-reduction standards of the Land Development Ordinance.

2.3 The deliberations held on June 10, 2010 resulted in a motion to recommend approval of the application. The Planning Commission voted unanimously (4-0) in favor.


**SECTION 3. CONCLUSIONS:**

Based on the evidence and arguments included in the record, the Planning Commission concludes that the proposed amendment to the Comprehensive Plan is justified and in compliance with the Jackson County Land Development Ordinance, Statewide Planning Goals, Oregon Administrative Rules, and the Jackson County Comprehensive Plan.

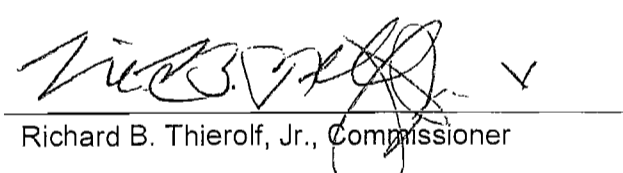
**SECTION 4. RECOMMENDATION:** The Jackson County Planning Commission hereby recommends approval of the application.

This recommendation for APPROVAL adopted this 24th day of June, 2010, at Medford, Oregon.

**JACKSON COUNTY PLANNING COMMISSION**

  
\_\_\_\_\_  
Don Greene, Chair

  
\_\_\_\_\_  
Joel Ockunzzi, Commissioner

  
\_\_\_\_\_  
Richard B. Thierolf, Jr., Commissioner

  
\_\_\_\_\_  
Tani Wouters, Commissioner

ATTEST:

  
\_\_\_\_\_  
Kelly Madding, Development Services Director

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Adopted: September 15, 2010  
Effective: November 14, 2010

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

IN THE MATTER OF A JACKSON COUNTY )  
COMPREHENSIVE PLAN MAP AMENDMENT )  
TO RE-DESIGNATE 403.8 ACRES FROM )  
FORESTRY/OPEN SPACE TO RURAL USE )  
LAND ON PROPERTY LOCATED AT 4761 )  
SOUTH STAGE ROAD ADJACENT TO AND )  
EAST OF THE CORPORATE LIMITS AND )  
URBAN GROWTH BOUNDARY OF THE CITY )  
OF JACKSONVILLE, OREGON. FILE NO. )  
LRP2009-00003. )

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ORDINANCE NO. 2010-11

**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 are contained in the JCCP 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.
4. On March 2, 2009, an application for a Comprehensive Plan Map amendment to change the Comprehensive Plan Map designation from Forestry/Open Space (FOS) to Rural Use on a 403.8 acre tract southeast of and adjacent to the City of Jacksonville Urban Growth Boundary was submitted by CSA Planning, agent for the owner/applicant. The application was determined to be complete pursuant to Section 2.6.3(C) on August 31, 2009.

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**1- ORDINANCE; FILE LRP2009-00003  
South Stage Landfill CPA**

**PROCEDURAL FINDINGS:**

1. A notice of the proposed amendment was provided to DLCD on April 12, 2010, 45 days prior to the first evidentiary hearing on this application. A notice was published on Sunday, May 16, 2010 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission (JCPC) on Thursday May 27, 2010 at 9:00 a.m. in the Jackson County Auditorium.
2. On May 27, 2010 and June 10, 2010, the JCPC held properly advertised public hearings to consider the evidence and testimony on this application. After considering the evidence and testimony submitted, the JCPC, by motion and vote, recommended that the Board of Commissioners approve the application. The JCPC signed the Recommendation for Approval on June 24, 2010.
3. On August 11, 2010, the Jackson County Board of Commissioners held a properly advertised public hearing to consider the evidence and testimony for this application. After considering the evidence and testimony submitted, the Board of Commissioners, 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, affected property owners and affected agencies on July 22, 2010 for a public hearing on this matter. Legal notice was published in the Sunday, August 8, 2010 edition of the Medford Mail Tribune.
- 1.2 The Board of Commissioners finds that the JCPC's recommendations are based upon following proper procedures and are consistent with available evidence. The Board of Commissioners hereby adopts, as its own, the Findings of Fact contained in the JCPC Recommendation for Approval, incorporated herein and attached as Exhibit "A."

**SECTION 2. LEGAL FINDINGS:**

- 2.1 The Board of Commissioners hereby adopts, as its own, the Legal Findings contained in the JCPC's Recommendation for Approval, incorporated herein and attached as Exhibit "A."
- 2.2 The Board of County Commissioners makes the following findings with respect to subsequent testimony presented to the Board:

In a letter dated July 23, 2010, submitted into the Board's Record at Exhibit 9 and in oral testimony during the public hearing on August 11, 2010, staff from the City of Jacksonville argued that an application for a comprehensive plan amendment to Rural Use, by its very nature, grants a right to develop more than one residence on Rural Use designated land on a parcel of this size. Accordingly, the City of Jacksonville requested that the Board interpret the text of Section 4 ("Determination of Appropriate Density") for Rural Use Land as established in the Map Designations Element of the JCCP to require that a concurrent application for zone change is required. The relevant JCCP text is as follows:

*"When a right to develop more than one residence on Rural Use designated land is requested, the plan amendment proposal must be coupled with a request for an appropriate zoning district to assure that future development will be appropriate to the area."*

The Board finds that the Jackson County Planning Commission, at Section 2.2 in its recommendation for approval, adopted the findings in the Staff Report, and that, with respect to this issue, the staff report adopted the findings in Applicants' Exhibit 1 (Proposed Findings of Fact and Conclusions of Law). Applicants' proposed conclusion of law relating to this comprehensive plan text, cataloged therein as "Criterion 37", is:

*"Jackson County concludes that this criterion was intended to be applicable only when plan amendments are coupled with a zone change application to RU and to the extent that there is any ambiguity, Jackson County so interprets Criterion 37. The application now before Jackson County does not include zone change application. The request is solely for a Rural Use comprehensive plan map designation. A determination of appropriate density is not required at this time because the underlying zoning will remain in effect and the right to develop more than one residence on Rural Use designated land is not sought."*

The Board finds that this application does not include a request to develop more than one residence on Rural Use designated land, and adopts the Applicants' conclusion on this matter as the Board's own. The purpose and limitations of the application are plainly stated in the Applicants' proposed conclusion and initially at Page 1 of Applicants' Proposed Findings of Fact and Conclusions of Law under the heading "Nature, Scope and Intent of Application."

The City of Jacksonville's letter also cites excerpted text found elsewhere in the Applicants' proposed findings that, according to the City of Jacksonville, collectively constitute a request for a right to develop more than one residence on Rural Use designated land. The Board finds that the cited findings do not represent a request by the Applicants for a right to develop more than one residence and that the excerpted text is presented out of context. Rather, the excerpted findings are directed in their respective contexts to specific approval criteria that properly require consideration of land carrying capacity and general suitability of the subject property and vicinity for the proposed Rural Use Land comprehensive plan map designation.

The Board further finds that the granting of a comprehensive plan map amendment to Rural Use does not, by its very nature, grant development rights. The Board finds that such an interpretation would render the cited comprehensive text meaningless. If

such a right were to be granted by the very nature of this comprehensive plan map approval, then the text would have expressly required that all comprehensive plan map amendment applications be coupled with a zone change request.

**SECTION 3. CONCLUSIONS:**

- 3.1 The Board of Commissioners concludes that proper public notice was given.
- 3.2 The Board of Commissioners hereby adopts, as its own, the Conclusions contained in the JCPC's Recommendation for Approval, incorporated herein and attached as Exhibit "A." 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 ordains as follows:*


- 4.1. Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, attached hereto and incorporated herein as Exhibit "A", the Board of Commissioners approves a Comprehensive Plan Map amendment to re-designate 403.8 acres from Forestry/Open Space to Rural Use land on property located at 4761 South Stage Road adjacent to and east of the corporate limits and Urban Growth Boundary of the City of Jacksonville, Oregon.

APPROVED this 15<sup>th</sup> day of September, 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 September 21, 2010, and the LUBA appeal period will expire on October 12, 2010 @ 4 PM. 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.

**EXHIBIT A**

**BEFORE THE JACKSON COUNTY PLANNING COMMISSION  
STATE OF OREGON, COUNTY OF JACKSON**

IN THE MATTER OF A JACKSON COUNTY )  
COMPREHENSIVE PLAN MAP )  
AMENDMENT TO RE-DESIGNATE 403.8 )  
ACRES FROM FORESTRY/OPEN SPACE )  
TO RURAL USE LAND ON PROPERTY )  
LOCATED AT 4761 SOUTH STAGE ROAD )  
ADJACENT AND EAST OF THE )  
CORPORATE LIMITS AND URBAN )  
GROWTH BOUNDARY OF THE CITY OF )  
JACKSONVILLE, OREGON. FILE NO. )  
LRP2009-00003. )

**RECOMMENDATION  
FOR APPROVAL**

**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. On March 2, 2009 an application for a Comprehensive Plan Map amendment to change the Comprehensive Plan Map designation from Forest/Open Space (FOS) to Rural Use on a 403.8 acre tract southeast of and adjacent to the City of Jacksonville Urban Growth Boundary was submitted by CSA Planning, agent for the owner/applicant. The application was determined to be complete pursuant to Section 2.6.3(C) on August 31, 2009.

**PROCEDURAL FINDINGS:**

1. A notice of the proposed amendment was provided to DLCD on April 12, 2010, 45 days prior to the first evidentiary hearing. A notice was published on Sunday, May 16, 2010 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday May 27, 2010 at 9:00 a.m. in the Jackson County Auditorium.
2. Public hearings were held on May 27, 2010 and June 10, 2010 before the Jackson County Planning Commission in the Jackson County Auditorium.
3. Now, therefore,

The Jackson County Planning Commission finds, concludes, and RECOMMENDS as follows:

**SECTION 1. FINDINGS OF FACT:**

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

Planning Commission Recommendation  
South Stage Landfill CPA

- 1.1 The Planning Commission finds that proper legal notice was sent to the applicant, affected agencies and property owners within 750 feet of the subject property on May 7, 2010. Legal notice was published in the Sunday, May 16, 2010 edition of the Medford Mail Tribune.
- 1.2 The Planning Commission finds that a Staff Report was prepared for the initial public hearing (pgs. 20-38, JCPC Record).
- 1.3 The Planning Commission finds that public hearings were held to consider the evidence on this matter on 5/27/10 and 6/10/10.
- 1.4 The Planning Commission finds that the subject property is described as: TWP 37S RANGE 2W SECTION 32D TAX LOTS 900, 901, & 1000; TWP 37S RANGE 2W SECTION 32DB TAX LOTS 4501 & 4601; TWP 37S RANGE 2W SECTION 33 TAX LOTS 1200 & 1300 and TWP 38S RANGE 2W SECTION 5 TAX LOT 100. The subject property is located at 4761 South Stage Road.
- 1.5 With respect to Lot Legality, the Planning Commission finds:

382W05-100: This parcel was originally created prior to countywide land use regulations as identified in Volume 536, Page 322 of the Official Records of Jackson County, recorded November 14, 1962. It is the residual parcel left after division of tax lot 101 through document O.R. 69-01287, recorded February 24, 1969. Tax lot 100 is considered a lawfully established parcel.

372W32D-900, 901 and 372W32DB-4501 and 4601: This parcel was created prior to countywide land use regulations by document Volume 238, Page 244 of the Official Records of Jackson County, recorded March 2, 1944. The parcel included current tax lots 900, 901, 4501, 4601 and 1000. The division of tax lot 1000 occurred through document O.R. 71-12717, recorded October 5, 1971. The current configuration of the parcel includes tax lots 900, 901, 4501 and 4601. These tax lots are considered a single lawfully established parcel.

372W33-1200: This parcel was an exception area in document O.R. 71-12717. This parcel is considered a single lawfully established parcel.

372W32D-1000 and 372W33-1300: These two parcels were described on a single deed, document O.R. 71-12717. Tax lot 1000's legal description was Parcel I and tax lot 1300's legal description was Parcel II, both on a single deed. Because they were described together on a single deed, they are part of a single lawfully established parcel consisting of tax lot 1000 and 1300.
- 1.6 The current Comprehensive Plan Map Designation for the tract is Forest/Open Space (FOS) and the tract includes both Woodland Resource (WR) and Open Space Reserve (OSR) zoning districts.
- 1.7 The Planning Commission finds the subject property has access from South Stage Road, Wells Fargo Dr. and Daisy Creek Rd.
- 1.8 The Planning Commission finds that a portion of the tract is within Jackson County Fire District No. 9.

- 1.9 The Planning Commission finds that police protection is provided by the Jackson County Sheriff's Office.
- 1.10 The Planning Commission finds that the subject tax lots are part of the closed South Stage Landfill and that tax lots 1200 and 1300 currently have dwellings.
- 1.11 The Planning Commission finds that tax lot 100 is within Area of Special Concern (ASC) 90-1, lands on which development can affect the survival of Black-tailed deer or Roosevelt elk herds.
- 1.12 The Planning Commission finds that there are designated wetlands on tax lots 1000 and 1300.
- 1.13 The Planning Commission finds that the following agencies responded with comments to this application and their comments were considered by the Planning Commission: Jackson County Roads Department, Rogue Valley Sewer Services, Oregon Department of Fish and Wildlife, Oregon Department of Forestry, Oregon Department of Transportation, and the City of Jacksonville.
- 1.14 The Planning Commission finds that 15 property owners submitted comments on the proposed application and these comments were considered by the Planning Commission.

## SECTION 2. LEGAL FINDINGS:

- 2.1 To recommend approval of an amendment to the Comprehensive Plan, the Planning Commission must find that the amendment is consistent with the Jackson County Land Development Ordinance (JCLDO) Chapter 3.7, which requires compliance with the Statewide Planning Goals, Oregon Administrative Rules, Jackson County Land Development Ordinance and the Jackson County Comprehensive Plan (JCCP).
- 2.2 The Planning Commission adopts the findings in the Staff Report (pgs. 20-38, JCPC record) as a basis for this recommendation. These findings demonstrate that the application is in compliance with the Statewide Planning Goals, Oregon Administrative Rules, the Jackson County Comprehensive Plan, and the Jackson County Land Development Ordinance. Where factual conflicts arose, the Jackson County Planning Commission has resolved them consistent with the following findings:
  - 2.2.1 Energy Element, Policy 1 states that: *The County shall develop and implement land use policies and related planning and implementation techniques that will maximize energy conservation and efficiency.*

**FINDING:** The Planning Commission finds that a change in the Comprehensive Plan designation to Rural Use is consistent with this policy due to the subject property's proximity to an urban center and the resulting energy efficiencies to be gained from reduced travel distances to places of work, shopping and other destinations.
  - 2.2.2 Natural Hazards Element, Policy 1 states that: *County land use actions shall be based upon a determination of acceptable risk of wildfire hazards, and such*



*hazards shall be reduced through positive County action in terms of guiding development and improving fire protection services.*

**FINDING:** The Planning Commission has determined that the application will not result in an unacceptable risk of wildfire hazards. If future development were to occur on the subject property, wildfire hazards will be reduced through adherence to the fuel-reduction standards of the Land Development Ordinance.

2.3 The deliberations held on June 10, 2010 resulted in a motion to recommend approval of the application. The Planning Commission voted unanimously (4-0) in favor.

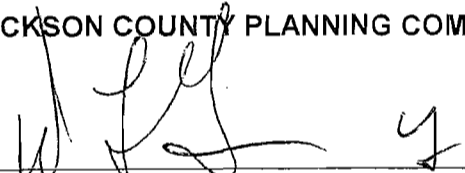
**SECTION 3. CONCLUSIONS:**

Based on the evidence and arguments included in the record, the Planning Commission concludes that the proposed amendment to the Comprehensive Plan is justified and in compliance with the Jackson County Land Development Ordinance, Statewide Planning Goals, Oregon Administrative Rules, and the Jackson County Comprehensive Plan.

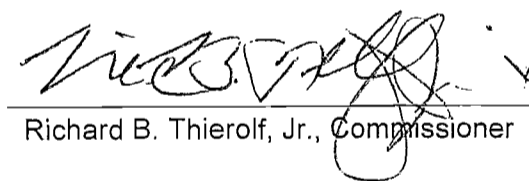
**SECTION 4. RECOMMENDATION:** The Jackson County Planning Commission hereby recommends approval of the application.

This recommendation for APPROVAL adopted this 24th day of June, 2010, at Medford, Oregon.

**JACKSON COUNTY PLANNING COMMISSION**

  
\_\_\_\_\_  
Don Greene, Chair

  
\_\_\_\_\_  
Joel Ockunzzi, Commissioner

  
\_\_\_\_\_  
Richard B. Thierolf, Jr., Commissioner

  
\_\_\_\_\_  
Tani Wouters, Commissioner

ATTEST:

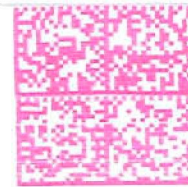
  
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Kelly Madding, Development Services Director

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## Development Services

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



Haster

016H26515385  
**\$0 1.560**  
09/21/2010  
Mailed From 9750  
US POSTAGE

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