



# 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

12/28/2010

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 004-10

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: Monday, January 10, 2011

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  
Ed Moore, 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



Jurisdiction: **Jackson**

Local file number: **LRP2010-00008**

Date of Adoption: **12/15/10**

Date Mailed: **12/20/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/11/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **UGBA**

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

**Amend the Medford UGB to correct a mapping error. An addition of 0.22 acres to Medford's UGB will result. 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? No, no explanation is necessary

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

to:

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

to:

Location: **1270' South of W. Main St. & 180' West of Clover Lane, Medford** Acres Involved: **.22**

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

New: **N/A**

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 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 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 file No. 004-10 (18582) [16463]

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

DLCD, City of Medford

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Local Contact: **Craig Anderson**

Phone: (541) 774-6918 Extension:

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

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**.

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

IN THE MATTER OF AN 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 WITHIN THE )  
MEDFORD UGB APPROXIMATELY 0.22 )  
ACRES LOCATED APPROXIMATELY 1,270' )  
SOUTH OF WEST MAIN STREET, AND )  
APPROXIMATELY 180' WEST OF CLOVER )  
LANE AND LEGALLY DESCRIBED AS )  
TOWNSHIP 37 SOUTH, RANGE 2 WEST, )  
SECTION 26DB, TAX LOT 6000 AND 6100, )  
AND A PORTION OF TAX LOT 5900. FILE )  
NO. LRP2010-00008. )

ORDINANCE NO. 2010-13

**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 map amendments to the Jackson County Comprehensive Plan Map and Zoning Map are contained in the Jackson County Comprehensive Plan and in the Jackson County Land Development Ordinance (JCLDO) Chapter 3.
3. The Medford-Jackson County Urban Growth Management Agreement identifies the criteria that must be met in order to correct mapping errors.

4. The Jackson County Board of Commissioners (Board) received a letter from the City of Medford, dated September 1, 2010, requesting the Board to initiate a public hearing on a mapping error correction to the City of Medford Urban Growth Boundary (UGB). This ordinance 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 October 1, 2010, 47 days prior to the first evidentiary hearing. A notice was published on Sunday, November 7, 2010 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Board of Commissioners on Wednesday, November 17, 2010 at 1:30 p.m. in the Jackson County Auditorium.
2. On November 17, 2010, the Board held a properly advertised public hearing to consider the evidence and testimony on this application. After considering the evidence and testimony submitted, the Board, 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 makes the following findings of fact with respect to this application. Where factual conflicts arose, the Board has resolved them consistent with these findings.

- 1.1 The Board finds that proper legal notice was provided to the applicant, property owners within 750 feet of the subject properties, and affected agencies, on October 27, 2010 for a public hearing on this matter. Legal notice was published in the Sunday, November 7, 2010 edition of the Medford Mail Tribune.
- 1.2 The Board finds that a Staff Report was prepared for the initial public hearing and the Board hereby adopts, as its own, the Staff Report, incorporated herein and attached as Exhibit "A".

**SECTION 2. LEGAL FINDINGS:**

- 2.1 The Board 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 concludes that proper public notice was given.

- 3.2 The Findings/Conclusions and Recommendation in the Staff Report demonstrate that the criteria have been satisfied in order to correct an error to the Medford-Jackson County Urban Growth Management Boundary (UGB). 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.

**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 approves an 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 0.22 acres located approximately 1,270' south of West Main Street, and approximately 180' west of Clover Lane. The property is legally described as Township 37 South, Range 2 West, Section 26DB, tax lot 6000 and 6100, and a portion of tax lot 5900.

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

JACKSON COUNTY BOARD OF COMMISSIONERS

  
Jack Walker, Chair

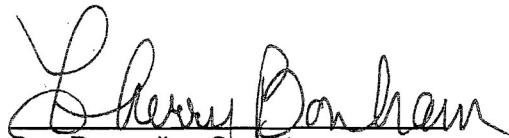
  
Dave Gilmour, Commissioner

  
Dennis C. W. Smith, Commissioner

APPROVED AS TO  
LEGAL SUFFICIENCY:

  
County Counsel

ATTEST:

  
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 December 20, 2010, and the LUBA appeal period will expire on January 10, 2011. 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 LRP2010-00008**  
**City of Medford Urban Growth Boundary**  
**Mapping Error Correction**

**DEVELOPMENT  
SERVICES**

**Craig Anderson**  
*Planner III*

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

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

**FILE:** LRP2010-00008

**OWNERS:** David Young  
348 S. Modoc Avenue  
Medford, OR 07504  
(taxlots 6000, 6001)

Nick and Dana Lazzareschi  
196 Clover Lane  
Medford, OR 95701  
(taxlot 5900)

**MAP DESCRIPTION:**

TOWNSHIP: 37S	RANGE: 2W	SECTION: 26DB	TAX LOT: 5900 (portion)
TOWNSHIP: 37S	RANGE: 2W	SECTION: 26DB	TAX LOT: 6000
TOWNSHIP: 37S	RANGE: 2W	SECTION: 26DB	TAX LOT: 6100

**LOCATION:** Approximately 1,270' south of West Main Street, and approximately 180' west of Clover Lane.

**NATURE OF APPLICATION:** This is an Urban Growth Boundary (UGB) mapping error correction to add two tax lots, and a portion of a third, within the City of Medford's UGB. The addition totals approximately 0.22 acres.

**BACKGROUND:** The Jackson County Comprehensive Plan defines an error as a cartographic mistake, or a misprint, omission, or duplication in the text that is technical in nature, and not the result of new information or changing attitudes or policies. It states that if the City Council and County Board of Commissioners become aware of an error, both bodies may initiate an immediate amendment to correct the error, after mutual agreement is reached. It requires that corrections be made by ordinance, following a public hearing conducted by both governing bodies. Public hearings before the Planning Commissions are not required.

The City of Medford's review of zoning maps has resulted in the discovery of a mapping error which incorrectly depicts the City's UGB. The area in question is a portion of abandoned railroad right-of-way. According to the City of Medford, the error occurred sometime after 1999. Prior to that time, City maps showed the UGB as a straight line running east-west along the south boundary of the subject tax lots. The error jogged the UGB north, moving said tax lots from inside of the UGB to outside of the UGB.

The Medford City Council adopted Ordinance 2010-115 approving a 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 now requests that the Jackson County Board of Commissioners take similar action.



I. **KEY ISSUES**

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 Errors 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 the following:

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:** The City of Medford adopted Ordinance 2010-115 approving an Urban Growth mapping error correction to the Medford General Land Use Plan (GLUP) Map and the Medford Zoning Map. The mapping correction results in the addition of approximately 0.22 acres to the City's UGB. The subject property, consisting of two tax lots and a portion of a third, is located approximately 1,270' south of West Main Street, and approximately 180' west of Clover Lane. A map of the subject property is incorporated by this reference as 'Exhibit 1.'

In a letter dated September 9, 2010, the City of Medford Planning Department requests that the Board conduct a public hearing and take action by ordinance to correct the above-referenced error on County maps. The letter and attached materials from the City, incorporated by this reference as 'Exhibit 2,' demonstrate that maps showing the UGB "jogging north," and thereby excluding the subject tax lots from the UGB, are in error.

An objection to the City's proposed mapping error correction was submitted by an affected property owner. This objection is documented within the attached 'Exhibit 2.' The property owner's objections have since been rescinded as demonstrated through a letter incorporated by this reference as 'Exhibit 3.' Staff finds the property owner's original objections without merit. In any case, such objections are immaterial given that they have now been withdrawn.

Staff finds that, in a map of the City's UGB on file with Jackson County, the subject tax lots are shown as being within the City's UGB. This map, incorporated by this reference as 'Exhibit 4,' shows that the City's UGB, "as of 1989," does not jog north and exclude the subject tax lots. Any subsequent mapping that depicts the subject tax lots as being outside

of the City's UGB is a cartographic mistake, misprint, or omission. Staff finds that such an error is technical in nature and not the result of new information or changing attitudes or policies.

Finally, staff finds that, apparently due to recent changes in County assessment records, any reference to tax lot number 37S 2W 26DB **6001** in any of the above-mentioned exhibits should instead be referenced as 37S 2W 26DB **6100**.

**IV. RECOMENDATION**

Staff recommends that the Board of Commissioners find that a cartographic mistake, misprint, or omission occurred in the mapping of the Medford Urban Growth Boundary. The actual Medford UGB should officially be the boundary depicted on Exhibit B of City file number CP-10-021, incorporated herein as page 5 of 'Exhibit 2.'

**JACKSON COUNTY PLANNING DIVISION**



By: Craig M. Anderson  
Planner III

Date: 10-12-10

cc: file

Attachments:

Exhibit 1 – Map of City of Medford UGB and subject properties

Exhibit 2 – City of Medford letter, staff report and supporting documentation

Exhibit 3 – Letter from Richard Stevens & Associates rescinding objections to mapping error correction

Exhibit 4 – Map from Jackson County/City of Medford UGBA file showing UGB "as of July 1989"



## Development Services

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



Hasler

016H26515385

\$05.00

12/20/2010

Mailed From 97501  
US POSTAGE



Label 107R, January 2008

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