



# Oregon

Theodore R. Kubongoski, 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

08/16/2011

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 001-11

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: Wednesday, August 31, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The 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> N

# Notice of Adoption

In person  electronic  mailed

DEPT OF

AUG 12 2011

LAND CONSERVATION AND DEVELOPMENT

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: **LRP2010-00003**

Date of Adoption: **7/27/2011**

Date Mailed: **8/10/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **2/18/2011**

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".

**Amend the Jackson County Comprehensive Plan Map and Zoning Map to re-designate approximately 23 acres of split-zoned Rural Residential Land (RR-5 Zoning) and Forestry/Open Space Land (Woodland Resource/WR Zoning) to Agricultural Land (EFU Zoning).**

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **RR Land and Forest Land** to: **Ag Land**

Zone Map Changed from: **RR-5 and WR** to: **EFU**

Location: **6913 Dark Hollow Road, approximately 1/2 mile west of the intersection of Dark Hollow Road and Pioneer Road, south of the City of Medford.** Acres Involved: **23.42**

Specify Density: Previous: **80**

New: **80**

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

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, Talent Irrigation District, Jackson County Roads and Parks**

DLCD File No. 001-11 (18728) [16733]

---

Local Contact: **Craig Anderson**

Phone: (541)774-6918 Extension:

Address: **10 S. Oakdale Ave., Room 100**

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

City: **Medford**

Zip: **97501**

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

---

## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, 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



**JACKSON  
COUNTY**  
*Oregon*

## 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. 2011-11 at a properly advertised public hearing on July 27, 2011 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 September 25, 2011 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2011-11 amends the Jackson County Comprehensive Plan Map and Zoning Map to change the Comprehensive Plan Map designation from Rural Residential Land and Forestry/Open Space Land to Agricultural Land and the Zoning Map from Rural Residential (RR-5, one dwelling per 5 acres) Woodland Resource (WR) to Exclusive Farm Use (EFU) on a 23.42 acre parcel located at 6913 Dark Hollow Road, Medford and legally described as Township 38 South, Range 1 West, Section 18, Tax Lot 1604. File: LRP2010-00003.

This notice is being mailed to you on August 10, 2011, 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 next 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 August 10, 2011, and the LUBA appeal period will expire on August 31, 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.

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. 2011-11 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 August 10, 2011.

Patricia A. Guida  
Signature

Personally appeared before me this 10th day of August, 2011, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.



Laura Marshall  
Notary Public for Oregon  
My Commission Expires: 2-18-20

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

APPLICANT NAME: JOHN PRATT/SHARI EATON  
FILE NO: LRP2010-00003

FILE NO. LRP2010-00003  
MAILING LIST  
APPLICANT: PRATT/EATON  
NOTICE OF DECISION

APPLICANT LRP2010-00003  
JOHN PRATT/SHARI EATON  
6913 DARK HOLLOW RD  
MEDFORD OR 97501

BOC LRP2010-00003  
DENNIS C.W. SMITH, CHAIR  
BOARD OF COMMISSIONERS

BOC LRP2010-00003  
JOHN RACHOR  
BOARD OF COMMISSIONERS

BOC LRP2010-00003  
DON SKUNDRICK  
BOARD OF COMMISSIONERS

STAFF LRP2010-00003  
KELLY A MADDING, DIRECTOR  
DEVELOPMENT SERVICES

STAFF LRP2010-00003  
CRAIG ANDERSON, PLANNER

STAFF LRP2010-00003  
CAROL YATES  
ROUTER DESK

AGENCY LRP2010-00003  
JACKSON COUNTY COUNSEL

AA-E3 LRP2010-00003  
TALENT IRRIGATION DIST  
PO BOX 467  
TALENT OR 97540

AA-H1 LRP2010-00003  
DAN BAKER  
ROADS & PARKS

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

IN THE MATTER OF AN AMENDMENT TO THE )  
JACKSON COUNTY COMPREHENSIVE PLAN )  
MAP AND ZONING MAP TO CHANGE THE )  
COMPREHENSIVE PLAN MAP DESIGNATION )  
FROM RURAL RESIDENTIAL LAND AND )  
FORESTRY/OPEN SPACE LAND TO )  
AGRICULTURAL LAND AND THE ZONING )  
MAP FROM RURAL RESIDENTIAL (RR-5, ONE )  
DWELLING PER 5 ACRES) WOODLAND )  
RESOURCE (WR) TO EXCLUSIVE FARM USE )  
(EFU) ON A 23.42 ACRE PARCEL LOCATED )  
AT 6913 DARK HOLLOW ROAD, MEDFORD )  
AND LEGALLY DESCRIBED AS TOWNSHIP 38 )  
SOUTH, RANGE 1 WEST, SECTION 18, )  
TAXLOT 1604. FILE: LRP2010-00003. )

ORDINANCE NO. 2011-11

**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 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 are contained in the Jackson County Comprehensive Plan (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 May 25, 2010 an application was submitted by K. John Pratt and Shari Eaton for a Comprehensive Plan Map and Zoning Map amendment to change the Comprehensive Plan Map designation from Rural Residential Land and Forestry/Open Space Land to Agricultural Land and the Zoning Map designation from Rural Residential (RR-5, one dwelling per 5 acres) and Woodland Resource (WR) to Exclusive Farm Use (EFU) on a 23.42 acre property. The application was determined to be complete pursuant to JCLDO Section 2.6.3(E) on June 25, 2010.

#### **PROCEDURAL FINDINGS:**

1. A notice of the proposed amendment was provided to DLCD on February 18, 2011, 55 days prior to the first evidentiary hearing. A notice was published on Sunday, April 3, 2011 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission (JCPC) on Thursday, April 14, 2011 at 9:00 a.m. in the Jackson County Auditorium.
2. On April 14, 2011, the JCPC held a properly advertised public hearing 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 May 12, 2011.
3. On June 29, 2011, the Jackson County Board of Commissioners held a properly advertised public hearing to consider the evidence and testimony on 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 June 8, 2011 for a public hearing on this matter. Legal notice was published in the Sunday, June 19, 2011 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."

**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 applications are 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:**

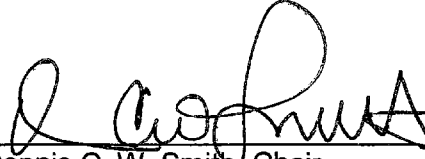
***Now, therefore,***


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

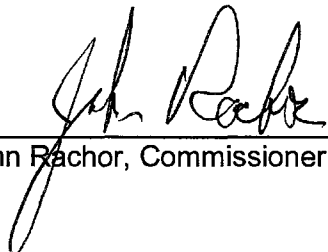
- 4.1 Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, attached hereto and incorporated herein as Exhibit "A", the Board of Commissioners hereby approves a Comprehensive Plan Map amendment to re-designate the subject parcel from Rural Residential Land and Forestry/Open Space Land to Agricultural Land and the Zoning Map designation from Rural Residential (RR-5, one dwelling per 5 acres) and Woodland Resource (WR) to Exclusive Farm Use (EFU) on a 23.42 acre property legally described as Township 38 South, Range 1 West, Section 18, Taxlot 1604. FILE: LRP2010-00003.

APPROVED this 27 day of July, 2011, at Medford, Oregon.

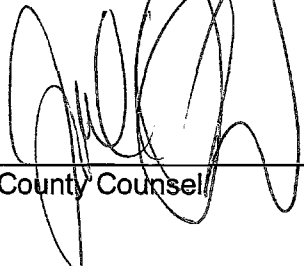
**JACKSON COUNTY BOARD OF COMMISSIONERS**

  
Dennis C. W. Smith, Chair

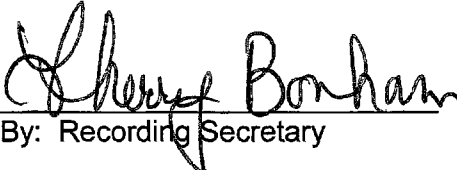
  
Don Skundrick, Commissioner

  
John Pachor, 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 \_\_\_\_\_, 2011, and the LUBA appeal period will expire on \_\_\_\_\_, 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.

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

IN THE MATTER OF AN AMENDMENT OF THE JACKSON )  
COUNTY COMPREHENSIVE PLAN MAP AND ZONING MAP )  
TO CHANGE THE COMPREHENSIVE PLAN MAP )  
DESIGNATION FROM RURAL RESIDENTIAL LAND AND )  
FORESTRY/OPEN SPACE LAND TO AGRICULTURAL )  
LAND AND THE ZONING MAP FROM RURAL )  
RESIDENTIAL (RR-5, ONE DWELLING PER 5 ACRES) AND )  
WOODLAND RESOURCE (WR) TO EXCLUSIVE FARM USE )  
(EFU) ON A 23.42 ACRE PARCEL LOCATED AT 6913 )  
DARK HOLLOW ROAD, MEDFORD AND LEGALLY )  
DESCRIBED AS TOWNSHIP 38 SOUTH, RANGE 1 WEST, )  
SECTION 18, TAX LOT 1604. FILE: LRP2010-00003. )

RECOMMENDATION  
FOR APPROVAL

RECITALS:

1. Pursuant to Chapters 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 May 25, 2010 an application was submitted by K. John Pratt and Shari Eaton for a Comprehensive Plan Map and Zoning Map amendment to change the Comprehensive Plan Map designation from Rural Residential Land and Forestry/Open Space Land to Agricultural Land and the Zoning Map designation from Rural Residential (RR-5, one dwelling per 5 acres) and Woodland Resource (WR) to Exclusive Farm Use (EFU) on a 23.42 acre property. The application was determined to be complete pursuant to Section 2.6.3(E) on June 25, 2010.

PROCEDURAL FINDINGS:

1. A notice of the proposed amendment was provided to DLCD on February 18, 2011, 55 days prior to the first evidentiary hearing. A notice was published on Sunday, April 3, 2011 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday, April 14, 2011 at 9:00 a.m. in the Jackson County Auditorium.
2. A public hearing was held on April 14, 2011 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:

- 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 March 25, 2011. Legal notice was published in the Sunday, April 3, 2011 edition of the Medford Mail Tribune.
- 1.2 The Planning Commission finds that a public hearing was held to consider the evidence on this matter on April 14, 2011.
- 1.3 The Planning Commission finds that a Staff Report was prepared for this application and reviewed at the initial public hearing.
- 1.4 The Planning Commission finds that the subject property is described as: TOWNSHIP 38 SOUTH, RANGE 1 WEST, SECTION 18, TAX LOT 1604. The subject property is located at 6913 Dark Hollow Road.
- 1.5 With respect to Lot Legality, the Planning Commission finds that the subject parcel was created by File 1993-25-MP which was reviewed and approved by Jackson County on August 24, 1994.
- 1.6 The current Comprehensive Plan Map Designation for the subject property is Forestry/Open Space Land and Rural Residential Land. The subject property is zoned Rural Residential (RR-5) and Woodland Resource (WR).
- 1.7 The Planning Commission finds the subject property has access from Dark Hollow Road.
- 1.8 The Planning Commission finds that the subject property is within Jackson County Fire District No. 5.
- 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 following agencies responded with comments to this application and their comments were considered by the Planning Commission: Talent Irrigation District.
- 1.11 The Planning Commission finds that no comments were submitted by surrounding property owners.

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

- 2.1 To recommend approval of an amendment to the Comprehensive Plan Map and Zoning Map, the Planning Commission must find consistency with the Statewide Planning Goals, Oregon Administrative Rules, Jackson County Comprehensive Plan and the Jackson County Land Development Ordinance.

- 2.2 The Planning Commission hereby adopts the findings in the Staff Report for this application 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.
- 2.3 The deliberations held on April 14, 2011 resulted in a motion to recommend approval of the application. The Planning Commission voted unanimously (5-0) 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 Map and Zoning Map is justified and in compliance with the Statewide Planning Goals, Oregon Administrative Rules, Jackson County Comprehensive Plan and the Jackson County Land Development Ordinance.

**SECTION 4. RECOMMENDATION:**

The Jackson County Planning Commission hereby recommends that the Board of Commissioners approve file LRP2010-00003.


This recommendation for APPROVAL adopted this 12th day of May, 2011, at Medford, Oregon.

**JACKSON COUNTY PLANNING COMMISSION**

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

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

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

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

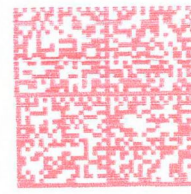
  
 \_\_\_\_\_  
 Craig Prewitt, Commissioner

**ATTEST:**

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

## Development Services

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



Hasler

016H26515385

\$0.1480

08/10/2011

Mailed From 97501

US POSTAGE

DEPT OF  
AUG 12 2011  
LAND CONSERVATION  
AND DEVELOPMENT

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