



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

05/27/2011

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 005-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, June 10, 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
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA

Notice of Adoption

In person electronic mailed

DEPT OF

MAY 23 2011

LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

**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: **LRP2009-00007**

Date of Adoption: **5/18/2011**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 11/12/2010

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 80 acres of Agricultural Land (EFU-zoned) to non-resource land ("Rural Use" Plan Map Designation and "RU-20" Zoning Map Designation).

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Ag Land**

to: **Rural Use**

Zone Map Changed from: **EFU**

to: **Rural Use-20**

Location: **2113 Emigrant Creek Road, approximately 3/4 mile southeast of the intersection of Emigrant Creek Road and Dead Indian Memorial Road near the City of Ashland.** Acres Involved: **80.44**

Specify Density: Previous: **80**

New: **20**

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...

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. 005-10 (18608) [16653]

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

DLCD, City of Ashland, Jackson County Roads and Parks

Local Contact: **Craig Anderson**

Phone: **(541)774-6918** Extension:

Address: **10 S. Oakdale**

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**.
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** - **Attention: Plan Amendment Specialist**.

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 AGRICULTURAL LAND)
TO RURAL USE AND THE ZONING MAP)
DESIGNATION FROM EXCLUSIVE FARM)
USE (EFU) TO RURAL USE (RU-20); AND A)
MINOR PARTITION OF THE SAME SINGLE)
80.44 ACRE PARCEL INTO THREE)
SEPARATE PARCELS LOCATED AT 2113)
EMIGRANT CREEK ROAD, ASHLAND AND)
LEGALLY DESCRIBED AS TOWNSHIP 39)
SOUTH, RANGE 2 EAST, SECTION 18, TAX)
LOT 302. FILES: LRP2009-00007 AND)
SUB2009-00073.)

ORDINANCE NO. 2011-7

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 September 23, 2009 applications for a Comprehensive Plan Map and Zoning Map amendment to change the Comprehensive Plan Map designation from Agricultural Land to Rural Use and the Zoning Map designation from Exclusive Farm Use (EFU) to Rural Use (RU-20) on a 80.44 acre property. This application was submitted concurrently with file SUB2009-00073, a request for a 3-lot minor partition of the same property. The application was determined to be complete pursuant to Section 2.6.3(C) on March 4, 2010.

PROCEDURAL FINDINGS:

1. A notice of the proposed amendment was provided to DLCD on November 12, 2010, 76 days prior to the first evidentiary hearing. A notice was published on Sunday, January 16, 2011 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday January 27, 2011 at 9:00 a.m. in the Jackson County Auditorium.
2. On January 27, 2011, the JCPC held a properly advertised public hearing to consider the evidence and testimony on these applications. After considering the evidence and testimony submitted, the JCPC, by motion and vote, recommended that the Board of Commissioners approve the applications. The JCPC signed the Recommendation for Approval on February 24, 2011.
3. On April 13, 2011, the Jackson County Board of Commissioners held a properly advertised public hearing to consider the evidence and testimony for these applications. After considering the evidence and testimony submitted, the Board of Commissioners, by motion and vote, approved the applications.

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 March 24, 2011 for a public hearing on this matter. Legal notice was published in the Sunday, April 3, 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 Agricultural Land to Rural Use and a Zoning Map amendment to re-designate the subject parcel from Exclusive Farm Use (EFU) to Rural Use (RU-20). The Board of Commissioners further approves a 3-lot minor partition of the same single 80.44 acre parcel located at 2113 Emigrant Creek Road, Ashland and legally described as Township 39 South, Range 2 East, Section 18, tax lot 302. Files: LRP2009-00007 and SUB2009-00073.

APPROVED this 18th day of May, 2011, at Medford, Oregon.

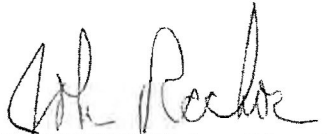
JACKSON COUNTY BOARD OF COMMISSIONERS

(ABSENT)

Dennis C. W. Smith, Chair



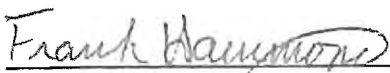
Don Skundrick, Commissioner



John Rachor, Commissioner

APPROVED AS TO
LEGAL SUFFICIENCY:

ATTEST:



County Counsel



By/ Recording Secretary

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on May 20, 2011, and the LUBA appeal period will expire on June 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.

BEFORE THE JACKSON COUNTY PLANNING COMMISSION
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)
AGRICULTURAL LAND TO RURAL USE AND THE)
ZONING MAP DESIGNATION FROM EXCLUSIVE)
FARM USE (EFU) TO RURAL USE (RU-20); AND A)
MINOR PARTITION OF THE SAME SINGLE 80.44)
ACRE PARCEL INTO THREE SEPARATE PARCELS)
LOCATED AT 2113 EMIGRANT CREEK ROAD,)
ASHLAND AND LEGALLY DESCRIBED AS)
TOWNSHIP 39 SOUTH, RANGE 2 EAST, SECTION)
18, TAX LOT 302. FILES: LRP2009-00007 AND)
SUB2009-00073.)

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 September 23, 2009 applications for a Comprehensive Plan Map and Zoning Map amendment to change the Comprehensive Plan Map designation from Agricultural Land to Rural Use and the Zoning Map designation from Exclusive Farm Use (EFU) to Rural Use (RU-20) on a 80.44 acre property. This application was submitted concurrently with file SUB2009-00073, a request for a 3-lot minor partition of the same property. The application was determined to be complete pursuant to Section 2.6.3(C) on March 4, 2010.

PROCEDURAL FINDINGS:

1. A notice of the proposed amendment was provided to DLCD on November 12, 2010, 76 days prior to the first evidentiary hearing. A notice was published on Sunday, January 16, 2011 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday January 27, 2011 at 9:00 a.m. in the Jackson County Auditorium.
2. A public hearing was held on January 27, 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 January 7, 2011. Legal notice was published in the Sunday, January 16, 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 January 27, 2011.
- 1.3 The Planning Commission finds that a Staff Report was prepared for each application and reviewed at the initial public hearing.
- 1.4 The Planning Commission finds that the subject property is described as: TOWNSHIP 39 SOUTH, RANGE 2 EAST, SECTION 18, TAX LOT 302. The subject property is located at 2113 Emigrant Creek Road.
- 1.5 With respect to Lot Legality, the Planning Commission finds that the subject parcel was lawfully created prior to countywide zoning in 1968 by Contract #4813. The parcel was reduced in size when TL 304 was sold as a result of a foreclosure in 1972. The parcel's current configuration resulted from approval of two property line adjustments between the subject parcel and TL 200: the first was approved on June 29, 1992 and the second was approved on November 10, 2003.
- 1.6 The current Comprehensive Plan Map Designation for the subject property is Agricultural Land. The subject property is zoned Exclusive Farm Use (EFU).
- 1.7 The Planning Commission finds the subject property has access from Emigrant Creek 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 subject property is within the following overlays: ASC 82-2 (Bear Creek Greenway), floodplain, airport concern, Ashland Urban Fringe.
- 1.11 The Planning Commission finds that the following agencies responded with comments to these applications and their comments were considered by the Planning Commission: Jackson County Roads Department, Talent Irrigation District, Fire District #5, and the City of Ashland.
- 1.12 The Planning Commission finds that 1 property owner submitted comments on the proposed applications and this comment was considered by the Planning Commission.

SECTION 2. LEGAL FINDINGS:

- 2.1 To recommend approval of an amendment to the Comprehensive Plan Map and Zoning Map, as well as the accompanying request for a subdivision, the Planning Commission must find consistency with the Statewide Planning Goals, Oregon Administrative Rules, Jackson County Land Development Ordinance and the Jackson County Comprehensive Plan.
- 2.2 The Planning Commission hereby adopts the findings in the Staff Reports for these applications as a basis for this recommendation. These findings demonstrate that the applications are in compliance with the Statewide Planning Goals, Oregon Administrative Rules, the Jackson County Comprehensive Plan, and the Jackson County Land Development Ordinance.
- 2.3 Findings in the Staff Reports rely on the satisfaction of conditions of approval, identified in the staff report for file SUB2009-00073. These conditions of approval are hereby adopted by the Planning Commission and attached herein as Exhibit 1.
- 2.4 The deliberations held on January 27, 2011 resulted in a motion to recommend approval of the applications. The Planning Commission voted unanimously (4-0) in favor. *[Note: Commissioner Prewitt had not yet been appointed to the Planning Commission as of this date.]*

SECTION 3. CONCLUSIONS:

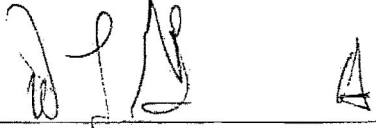
Based on the evidence and arguments included in the record, the Planning Commission concludes that the proposed amendment to the Comprehensive Plan Map and Zoning Map, as well as the accompanying proposal for a 3-lot minor partition, is justified and in compliance with the Jackson County Land Development Ordinance, Statewide Planning Goals, Oregon Administrative Rules, and the Jackson County Comprehensive Plan.

SECTION 4. RECOMMENDATION:

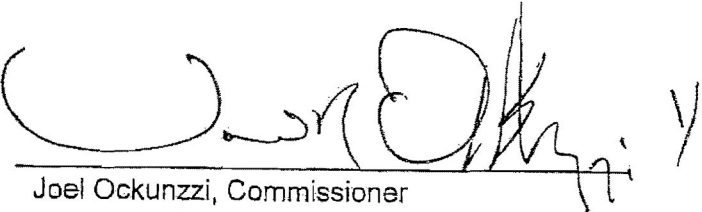
The Jackson County Planning Commission hereby recommends that the Board of Commissioners approve files LRP2009-00007 and SUB2009-00073.

This recommendation for APPROVAL adopted this 24th day of February, 2011, at Medford, Oregon.

JACKSON COUNTY PLANNING COMMISSION



Don Greene, Chair



Joel Ockunzzi, Commissioner



Richard B. Thierolf, Commissioner



Tami Wouters, Commissioner



Craig Prewitt, Commissioner

ATTEST:



Kelly Madding, Development Services Director

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**Planning Commission's Recommended Conditions of Approval
Files LRP2009-00007 and SUB2009-00073**

1. **Validity, Duration and Extension of Tentative Plan Approval:** An approved tentative plan will become void 24 months after the date of the final decision approving the tentative plan if the final plat has not been prepared and submitted to the Department for review. For the purposes of this section "date of the final decision" shall mean the date the final County decision approving the tentative plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or the appeal is dismissed.
 - A) Notwithstanding LDO Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original 24 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). The application may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - B) An additional extension of 12 months may be granted by the Director upon a written request as specified in Section 3.3.2(C)(2)(a) provided that it must be submitted prior to the expiration of the extension granted under that subsection or within 30 days thereafter. The application may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - C) In any event, the total time period within which to submit a final plat will not exceed four years after the date of the final decision approving the tentative plan.
 - D) No extension of the validity of a tentative plan pursuant to Section 3.3.2(C)(2)(a) or (b) shall be granted if the Director determines that the tentative plan is not consistent with changes in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance that has been adopted after the date of the final decision approving the tentative plan. In that event, a new application must be submitted for the tentative plan.

PRIOR TO FINAL PLAT APPROVAL:

2. **Conditions of approval on file ZON2005-02024**, a floodplain review for a replacement dwelling, must be completed.
3. **Final Plat Requirements:** (To be assessed by the reviewing planner.) The applicant must submit a final plat with the appropriate fees to the County Development Services Department for approval. A copy of the final plat must be submitted to the Jackson County Surveyor's Office for review in accordance with ORS 92 for preliminary approval prior to submitting a final mylar to the Development Services Department. Final plat approval by the Planning Director is conditioned on its prompt recording. The developer

will, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat will be null and void if the plat is not recorded within 90 days after the date the last required signature has been obtained. PLEASE NOTE THAT ALL TAXES MUST BE PAID IN FULL BEFORE THE ASSESSOR'S OFFICE WILL PROCESS THE FINAL PLAT.

- A) The final plat shall be consistent with the requirements and procedures as outlined in LDO Section 3.3.2(D) and the criteria of LDO Section 10.3.3.
- B) The parcels shall be numbered on the plat as Parcel 1, Parcel 2 and Parcel 3.
- C) Lots in the final plat and final development plan shall substantially conform to the tentative plan approval.
- D) The applicant shall satisfy the County Surveyor requirements regarding meeting the State plat requirements prior to Planning approval of the final plat.
- E) The title block shall state the legal description by section, quarter section, township, range and county.
- F) The Development Services case number shall be noted on the plat.
- G) The location, dimensions and purpose of all recorded and proposed easements shall be shown on the final plat along with the County Clerk's recording reference (if recorded). All easements including but not limited to electric power, and the private road access easement shall be clearly labeled on the final plat. The proposed partition will not render any public or private easement useless.
- H) The plat shall contain the surveyor's certificate, seal and surveyor's signature.
- I) Signatures:
 - i) The plat shall bear a signature line for the Jackson County Assessor. The Jackson County Assessor shall approve the partition plat after signature by Development Services and prior to recordation.
 - ii) A Recorder's statement, and signature lines for the Jackson County Clerk, and the Planning Director shall appear on the plat.
- J) A narrative description of any easements or rights-of-way, including legal descriptions of all benefitted and burdened properties shall be submitted with the plat.
- K) A notarized property owner signature declaring the partition, any creation of private easements, or identification of any other restrictions shall be included in the declaration.
- L) All fee title owners and vendors under any instrument of sale shall also sign the declaration. A fee owner, vendor or mortgage or trust deed holder may record an

affidavit consenting to the partition and to any dedication or donation of property to the public as provided in ORS 92.075(4).

- M) The applicant or agent shall record the plat upon payment of recording fees. A mylar of the plat shall be filed with the County Surveyor's office. Two additional copies of the plat shall be submitted to the Planning Division. Approved deeds and any other required documents shall be recorded by the applicant within 21 calendar days of Planning Division approval of the final plat, and prior to permits on newly created parcels.
4. **Utility Districts:** (LDO Section 10.4.2) The County must receive and accept a certification from the Talent Irrigation District that the partition is either entirely excluded from the district or is included within the district for purposes of receiving services and subjecting the partition to the fees and other charges of the District. [ORS 92.090(6)]
5. **Sewer and Potable Water Deed Declaration:** Unless evidence of septic approval and well driller's reports indicating a water source is provided, a "No Sewer or Potable Water" deed declaration shall be recorded concurrent with recording of the Final Plat stating that no domestic water supply facility or sewer will be provided to the purchaser of any lot in the division.

PRIOR TO ISSUANCE OF PERMITS:

6. **Plot Plans:** The following shall be required on all plot plans:
- A) **Driveway Access:** Lots must show driveway access from Emigrant Creek Road. Road approaches must be installed in accordance with Roads Division access and driveway standards.
 - B) **Buffer Yard:** Applicant shall show type and location of buffer yard as stipulated in Section 9.2 and per the conditions of approval identified in this report.
 - C) **Setbacks:** All required minimum zoning district setbacks per applicable Land Development Ordinance. A 200-foot setback from EFU-zoned lands shall be maintained by any new residential structure or replacement of a lawfully established or enlarged residential structure.
 - D) **Off-street Parking:** Two parking spaces, each with dimensions of 9'X20', must be shown for each dwelling. This may be accommodated in the garage and in the driveway area.
7. **Airport Concern Overlay, Use Restrictions and Review Standards:** (LDO Section 7.2.1(C)&(D)) The applicant shall comply with the use restrictions identified in LDO 7.2.1(C)(7-11). The owner or developer shall show that the proposed use or structure will not conflict with aviation activities by submitting the following: 1) A statement from the Oregon Department of Aviation that the proposed use or structure complies with

state regulations; and 2) A statement from the Ashland Public Works Director verifying that the proposed use or structure will not impact aviation activities.

8. **Easement and Deed Declarations Required:** An aviation easement, in a form acceptable to the airport owner, that allows unobstructed passage for aircraft, as well as a deed declaration that acknowledges the pre-existence of the airport and anticipated noise levels, shall be notarized, signed, recorded in the deed records of Jackson County and a copy submitted to the Planning Department.
9. **Fire Safety Inspection:** (LDO Section 8.7.1) Jackson County Fire District #5 must inspect the property to verify that the Wildfire Safety Standards of this Section are in place. A Fire Safety Inspection must be requested and paid for in person at the Planning Department when all requirements have been met. An information sheet with a complete checklist of all requirements is available from the Planning Department.

The following is a summary of the requirements that must be in place prior to the inspection request:

- A) A plot plan indicating the proposed structure(s) must be on record in the Planning Department.
- B) The proposed structure(s) must be staked out on the site.
- C) Address signs must be installed at the driveway entrance (visible from both directions) and at all forks in the drive, with directional arrows as needed.
- D) Driveway access to within 50 feet of all buildings must be constructed to support a gross vehicle weight of 50,000 pounds to accommodate heavy firefighting equipment. The driveway must terminate in an approved turnaround arrangement that meets the same load carrying capacity.
- E) A 100-foot fuelbreak must be developed and maintained around all new construction. If the 100-foot fuelbreak extends onto an adjoining parcel(s), then either a fuelbreak easement(s) must be recorded and submitted or a fuelbreak reduction application must be approved by the County.

If Jackson County Fire District #5 is not able to make the inspection, then the applicant needs to hire an engineer or land surveyor to make a determination that the standards have been met.

10. **Fire Safety Standards:** (LDO Section 8.7.1) Evidence must be provided to Planning demonstrating the proposed improvement will meet the following Fire Safety Standards:
 - A) **Roof Coverings:** All structures shall have Class A or B roofing according to Section 1504 of the State of Oregon Structural Specialty Code. This prohibits wood roofing of any type, including pressure treated wood shingle or shakes.

- B) Chimneys: All chimneys for new dwellings, or other significant outbuildings, shall have a spark arrester.
11. **Emergency Vehicle Access:** (LDO Section 9.5.4) The applicant must satisfy the standards of this code section.
 12. **Grading, Excavation, and Clearing:** (LDO Section 10.4.1) Excessive grading, excavation, and clearing will be avoided when detrimental to soil stability and erosion control, or scenic resources. All grading, excavation and clearing projects will minimize track-out onto paved public roads.
 13. **Utilities:** (LDO Section 10.4.2) Public utility easements of not less than 10 feet in width shall be provided for necessary underground or above-ground utility lines. Such easements will be clearly labeled for their intended purpose on the final plat and may be located along, or centered on, parcel or lot lines or elsewhere as determined necessary by the County to provide needed facilities for the present or future development of the area. The utility must be located within the easement. All utilities shall be placed underground where the surrounding area is presently developed, or is in the process of developing with underground utilities.
 14. **Road Approach:** The applicant must obtain road approach permits to the proposed parcels 2 and 3 from Jackson County Roads. Evidence that a road approach permits has been issued, or that one is not needed, must be submitted to the Planning Division. If unforeseen problems such as traffic hazards or road damage are created upon the County road as a result of this development, the applicant shall be required to resolve them to the satisfaction of the Roads and Parks Department.
 15. **Final Plat Copies:** Applicant shall provide 2 copies of final recorded plat to the Planning Division.
 16. **Permitting Agencies:** Builder shall have met all plans and permit requirements of the Jackson County Environmental Quality and Jackson County Building Division.
 17. **Copies** of all required recordings shall be submitted to the Planning Division, to be included in this file.

PRIOR TO FINAL INSPECTION:

18. **Buffer Yard:** (LDO Section 9.2) A type "1A" buffer yard shall be installed along the portion of property boundaries that are adjacent to existing or proposed development (e.g., buildings, parking, storage) and their associated open space use areas (e.g., yards). A type "1A" buffer yard is: *"A wood fence, vinyl fence, chain link fence, or masonry wall, not less than five (5) feet in height must be installed at the property boundary where the development property adjoins and has a common property line with land zoned for resource use. In no case will a fence be required within a front yard area. The fence or wall used to buffer agricultural land must be installed prior to occupancy of any new use."*



**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. 2011-8 at a properly advertised public hearing on May 18, 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 July 17, 2011 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2011-7 amends the Jackson County Comprehensive Plan Map by changing the Comprehensive Plan Map designation from Agricultural Land to Rural Use and the Zoning Map designation from Exclusive Farm Use (EFU) to Rural Use (RU-20); and allows a minor partition of the same single 80.44 acre parcel into three separate parcels located at 2113 Emigrant Creek Road, Ashland and further described as Township 39 South, Range 2 East, Section 18, Tax Lot 302. Files: LRP2009-00007 and SUB2009-00073.

This notice is being mailed to you on May 20, 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 May 20, 2011, and the LUBA appeal period will expire on June 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.

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. 2011-7 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 May 20, 2011.

Patricia A. Guida
Signature

Personally appeared before me this 20th day of May, 2011, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.



Marisa J. Harris
Notary Public for Oregon
My Commission Expires: 7/23/14

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

APPLICANT NAME: DOUGLAS IRVINE
FILE NO: LRP2009-00007/SUB2009-00073

FILE NO. LRP2009-00007-SUB2009-00073
NOTICE OF ADOPTION
APPLICANT: IRVINE
DATE CREATED: 05/19/2011

APPLICANT LRP2009-00007/SUB2009-00073
DOUGLAS IRVINE
2113 EMIGRANT CREEK RD
ASHLAND OR 97520

AGENT LRP2009-00007/SUB2009-00073
MATT ROPP LUC
10 S BARTLETT ST STE 203
MEDFORD OR 97504

BOC LRP2009-00007/SUB2009-00073
DENNIS C.W. SMITH, CHAIR
BOARD OF COMMISSIONERS

BOC LRP2009-00007/SUB2009-00073
JOHN RACHOR
BOARD OF COMMISSIONERS

BOC LRP2009-00007/SUB2009-00073
DON SKUNDRICK
BOARD OF COMMISSIONERS

BOC LRP2009-00007/SUB2009-00073
DENNIS C.W. SMITH, CHAIR
BOARD OF COMMISSIONERS

STAFF LRP2009-00007/SUB2009-00073
KELLY MADDING, DIRECTOR
DEVELOPMENT SERVICES

STAFF LRP2009-00007/SUB2009-00073
CRAIG ANDERSON, PLANNER
DEVELOPMENT SERVICES

AGENCY LRP2009-00007/SUB2009-00073
FRANK HAMMOND
COUNTY COUNSEL

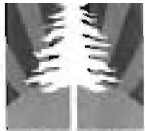
IP LRP2009-00007/SUB2009-00073
RUSS LOGUE,
ROADS DEPT

IP LRP2009-00007/SUB2009-00073
DAN MARSHALL
JACKSON COUNTY FD #5
5811 S PACIFIC HWY
PHOENIX OR 97535

IP LRP2009-00007/SUB2009-00073
TALENT IRRIGATION DISTRICT
PO BOX 467
TALENT OR 97540

IP LRP2009-00007/SUB2009-00073
CITY ADMINISTRATOR
ASHLAND CITY HALL
20 E MAIN ST
ASHLAND OR 97520

IP LRP2009-00007/SUB2009-00073
BONNIE ABEL
2399 EMIGRANT CR RD
ASHLAND OR 97520



Development Services

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

**JACKSON
COUNTY**
Oregon



DEPT OF
MAY 23 2011
**LAND CONSERVATION
AND DEVELOPMENT**

DLCD
PLAN AMENDMENT SPECIAL
635 CAPITOL STREET NE STE 150
SALEM OR 97301-2540