



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: May 20, 2016

Jurisdiction: Jackson County

Local file no.: 439-15-00011-LRP

DLCD file no.: 010-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/17/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 49 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**DEPT OF**  
FOR DLCD USE  
File No.: 17 2016  
Received: CONSERVATION  
AND DEVELOPMENT

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: Jackson County

Local file no.: **439-15-00011-LRP**

Date of adoption: 05/11/2016

Date sent: 05/12/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/23/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? **No**

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Craig Anderson, Senior Planner

Phone: 541-774-6918

E-mail: anderscm@jacksoncounty.org

Street address: 10 S. Oakdale

City: Medford

Zip: 97501

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Agricultural Land to Limited Use 67.69 acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Location of affected property: **5842 McLoughlin Drive, 36S-01W-33-300**

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:  
Forest – Acres: Marginal Lands – Acres:  
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:  
Rural Commercial or Industrial – Acres: Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:  
Forest – Acres: Marginal Lands – Acres:  
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:  
Rural Commercial or Industrial – Acres: Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from Exclusive Farm Use to Limited Use Acres: 67.69  
Change from to Acres:  
Change from to Acres:  
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address): **see above**

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List affected state or federal agencies, local governments and special districts: Jackson County Roads, DLCD

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.



**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. 2016-9 at a properly advertised public hearing on April 6, 2016, 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 10, 2016 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2016-9 approving a minor Comprehensive Plan Map and Zoning Map Amendment from Exclusive Farm Use (EFU) to Limited Use (LU) by taking a "Reasons" exception to Statewide Planning Goal 3 in order to establish a commercial solar power generation facility on a 67.69 acre property described as Township 36S, Range 1W, Section 33, Tax lot 300, and located at 5842 McLoughlin Drive, Fang Yen Hon, et al, owner. File No. 439-15-00011-LRP.

This notice is being mailed to you on May 12, 2016, 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 (541)774-6518.

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 12, 2016, and the LUBA appeal period will expire on June 2, 2016. Please contact LUBA for specific appeal information. They are located at DSL Building, 775 Summer Street N.E. Suite 330, Salem, Oregon 97301-1283. 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. 2016-9 by mailing a copy of the Notice of Adoption by regular mail (or delivered to county offices) or email to each of the following named persons at their respective last known addresses or emails, 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 12, 2016.

Patricia A. Guida  
Signature

Personally appeared before me this 12<sup>th</sup> day of May, 2016, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.



Laura A. Marshall  
Notary Public for Oregon  
My Commission Expires: 2-1-2020

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

APPLICANT NAME: NORWEST ENERGY 7, LLC  
FILE NO: 439-15-00011-LRP

ADOPTION LABELS  
439-15-00011-LRP  
NORWEST ENERGY 7 LLC  
CREATED: 5/11/2016

APPLICANT 439-15-00011-LRP  
NORWEST ENERGY 7 LLC  
3250 OCEAN PARK BLVD #355  
SANTA MONICA, CA 90405

OWNER 439-15-00011-LRP  
FANG YEN HONG ET AL  
133 TIFFANY WAY  
GRANTS PASS, OR 97526

AGENT 439-15-00011-LRP  
DAMIEN R HALL  
101 SW MAINT ST #1100  
PORTLAND, OR 97204

BOC 439-15-00011-LRP  
RICK DYER, CHAIR  
BOARD OF COMMISSIONER

BOC 439-15-00011-LRP  
DOUG BREIDENTHAL  
BOARD OF COMMISSIONER

BOC 439-15-00011-LRP  
COLLEEN ROBERTS  
BOARD OF COMMISSIONER

COUNSEL 439-15-00011-LRP  
JOEL BENTON

STAFF 439-15-00011-LRP  
KELLY MADDING, DIRECTOR  
DEVELOPMENT SERVICES

STAFF 439-15-00011-LRP  
CRAIG ANDERSON  
PLANNER

IP 439-15-00011-LRP  
JOHN ADAM  
CITY PLANNER MEDFORD  
200 S IVY RM 240  
MEDFORD, OR 97501

IP 439-15-00011-LRP  
KEVIN CHRISTIANSEN  
ROADS & PARKS



BEFORE THE BOARD OF COUNTY COMMISSIONERS

STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE NO. 2016-9

AN ORDINANCE APPROVING A MINOR COMPREHENSIVE PLAN MAP AND ZONING MAP AMENDMENT TO CHANGE THE COMPREHENSIVE PLAN MAP FROM AGRICULTURAL LAND TO LIMITED USE AND THE ZONING MAP FROM EXCLUSIVE FARM USE (EFU) TO LIMITED USE (LU) BY TAKING A "REASONS" EXCEPTION TO STATEWIDE PLANNING GOAL 3 TO ESTABLISH A COMMERCIAL SOLAR POWER GENERATION FACILITY ON A 67.69 ACRE PROPERTY DESCRIBED AS TOWNSHIP 36 SOUTH, RANGE 1 WEST, SECTION 33, TAX LOT 300 AND LOCATED AT 5842 MCLOUGHLIN DRIVE. FANG YEN HON, ET AL, OWNER. FILE: 439-15-00011-LRP.

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 and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. On November 3, 2015, an application for a Minor Map Amendment was submitted to Jackson County by Applicant, Norwest Energy 7, LLC. The application was determined to be complete on December 3, 2015.
3. A notice of the proposed Amendment was provided to the Department of Land Conservation and Development (DLCD) on December 24, 2015, 49 days prior to the first evidentiary hearing. A notice was published on Sunday, January 31, 2016, in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission (JCPC) on Thursday February 11, 2016, at 9:00 a.m. in the Auditorium of the Jackson County Offices, 10 South Oakdale, Medford.
4. A public hearing was held on February 11, 2016, before the JCPC in the Auditorium of the Jackson County Offices. After considering the evidence and testimony submitted, the JCPC, by motion and vote, recommended that the Board of Commissioners (BoC) approve the application. The JCPC signed the Recommendation for Approval on February 11, 2016.

5. On April 6, 2016, the BoC held a properly advertised public hearing on the application. After considering the evidence and testimony submitted, including the record of the JCPC hearing, the BoC, by motion and vote, approved the application.

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

Based on the evidence and arguments presented, the BoC makes the following findings of fact with respect to these proceedings. Where factual conflict arose, the BoC has resolved them consistent with these findings:

- 1.1 The BoC finds that proper legal notice was provided to the applicant, affected property owners and affected agencies on March 17, 2016, for a public hearing on this matter. Legal notice was published in the Sunday, March 27, 2016, edition of the Medford Mail Tribune.
- 1.2 The BoC finds that the JCPC's recommendations are based upon following proper procedures and are consistent with evidence and testimony in the record of proceedings. The BoC hereby adopts, as its own, the Findings of Fact contained in the JCPC Recommendation for Approval, contained in the record of these proceedings.

## **SECTION 2. LEGAL FINDINGS**

Based on the evidence and arguments presented, the BoC makes the following legal findings with respect to these proceedings. Where factual conflicts arose, the BoC has resolved them consistent with these findings:

- 2.1 The BoC hereby adopts, as its own, the Legal Findings contained in the JCPC Recommendation for Approval, contained in the record of these proceedings.

## **SECTION 3. CONCLUSIONS**

- 3.1 The BoC concludes that proper public notice was given.
- 3.2 The BoC hereby adopts, as its own, the Conclusions contained in the JCPC's Recommendation for Approval, contained in the record of these proceedings. 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, the Board of County Commissioners hereby approves the requested minor Comprehensive Plan Map and Zoning Map Amendment to change the Comprehensive Plan Map from Agricultural Land to Limited Use and the Zoning Map from Exclusive Farm Use (EFU) to Limited Use (LU) by taking a "Reasons" exception to Statewide Planning Goal 3 to establish a



commercial solar power generation facility on a 67.69 acre property described as Township 36 South, Range 1 West, Section 33, Tax Lot 300 and located at 5842 McLoughlin Drive. Fang Yen Hon, et al, Owner. File: 439-15-00011-LRP.

ADOPTED this 11<sup>th</sup> day of May, 2016, at Medford, Oregon.

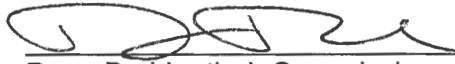
**JACKSON COUNTY BOARD OF COMMISSIONERS**

- Absent \_\_\_\_\_

Rick Dyer, Chair

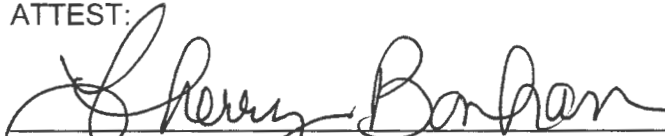


Colleen Roberts, Commissioner

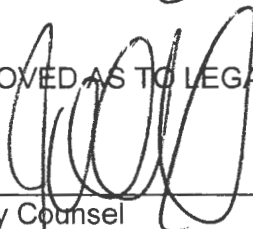


Doug Breidenthal, Commissioner

ATTEST:

  
By: Recording Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

  
County Counsel

This 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 \_\_\_\_\_, 2016, and the LUBA appeal period will expire on \_\_\_\_\_, 2016. Please contact LUBA for specific appeal information. They are located at 775 Summer Street NE, Suite 330, Salem, Oregon 97301-1283. They can be reached at (503) 373-1265.

# Development Services

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



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