



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

October 2, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Douglas County Plan Amendment
DLCD File Number 007-06



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: October 16, 2006

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist
John Renz, DLCD Regional Representative
Cheryl Goodhue, Douglas County

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FORM 2

D L C D NOTICE OF ADOPTION

DEPT OF LAND CONSERVATION AND DEVELOPMENT
Must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

SEP 26 2006 (See reverse side for submittal requirements)

Jurisdiction: Douglas County Local File No: 06-136
(if no number, use none)
Date of Adoption: 09/20/06 Date Mailed: 09/25/06
(Must be filled in) (Date mailed or sent to DLCD)
Date the Notice of Proposed Amendment was mailed to DLCD: 06/02/06

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: Reasons Exception to Goals 3 & 14
(Please Specify Type of Action)

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

Shirley J. McSperitt, request for a Plan map designation amendment from (AGG) Agriculture, to (RR2) Rural Residential - 2 Acre, and a zone change from (FG) Exclusive Farm Use - Grazing to (RR) Rural Residential - 2 Acre, based upon an Irrevocably Committed Exception to Statewide Planning Goals 3 and 4, and on a Reasons Exception to Goal 14 to allow application of the RR2 designation outside of an unincorporated area boundary. The amendment is requested on 20.43± acres which consists of five separate ownerships, each of which is developed as a rural residential home site.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."

Same.

Plan Map Changed From: AGG to RR2
Zone Map Changed From: FG to RR
Location: Roberts Mountain Road south of the Green UUA Acres Involved: 20.43±
Specify Density: Previous: 1 DU/160 ac. New: 1 DU/2 ac.
Applicable Statewide Planning Goals: 1, 2, 3, 5, 9, 10, 11, 12 & 14
Was an Exception Adopted? Yes: No:

DLCD File No: 007-06
(15283)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment **FORTY- FIVE (45) days prior to the first evidentiary hearing?** Yes: X No: ___

If no, do the Statewide Planning Goals apply? Yes: ___ No: ___

If no, did The Emergency Circumstances Require immediate adoption? Yes: ___ No: ___

Affected State or Federal Agencies, Local Government or Special Districts: ODOT, Douglas County Fire District No. 2, Qwest, Charter Communications, Pacific Power, Avista Utilities, Roberts Creek Water District, Williams Gas Pipeline, Roseburg School District No. 4.

Local Contact: Cheryl Goodhue Area Code + Phone Number: (541) 440-4289

Address: Room 106, Justice Building, Douglas County Courthouse

City: Roseburg, Oregon Zip Code + 4: 97470

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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 (2)** Copies 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. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 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 "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 copy this form on to 8½ x 11 green paper only; or 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
OF DOUGLAS COUNTY, OREGON**

DOUGLAS COUNTY OREGON
FILED

SEP 20 2006

AN ORDINANCE ADOPTING AMENDMENTS TO THE
DOUGLAS COUNTY COMPREHENSIVE PLAN MAP AND
ZONING MAP, TOGETHER WITH AN IRREVOCABLY
COMMITTED EXCEPTION TO STATEWIDE PLANNING
GOALS 3 AND 4 AND A REASONS EXCEPTION
TO GOAL 14, TO ALLOW THE RR2 DESIGNATION
OUTSIDE OF AN UNINCORPORATED AREA BOUNDARY.
PLANNING DEPARTMENT FILE NO. 06-136.

BARBARA E. NIELSEN, COUNTY CLERK

ORDINANCE NO. 2006 - 09 - 02

RECITALS

- A. Shirley J. McSperitt, requested a Comprehensive Plan Amendment from (AGG) Agriculture to (RR2) Rural Residential - 2 Acre, and a Zone Change from (FG) Exclusive Farm Use - Grazing to (RR) Rural Residential, based upon an Irrevocably Committed Exception to Statewide Planning Goals 3 and 4, and on a Reasons Exception to Goal 14 to allow the RR2 designation outside of an unincorporated area boundary. The property is located on Roberts Mountain County Road No. 123, just south of the Green Urban Unincorporated Area. The amendment is requested on: Tax Lots 300, 400, 401, 500 and 700 in Section 14D of T28S, R6W, W.M., which consists of five separate ownerships totaling 20.43± acres, to acknowledge the existing level of development and allow the creation of a new 2-acre parcel. Property ID Nos. R37489, R37465, R37505, R37481 & R37497. Planning Department File No. 06-136.
- B. The Douglas County Planning Commission held a hearing to consider the matter on July 20, 2006, and subsequently recommended for approval of the request in a Findings and Decision document dated August 17, 2006.
- C. The Board of Commissioners considered the matter on September 20, 2006, at a hearing held pursuant to Section 6.900.2 of the Douglas County Land Use & Development Ordinance. We affirmed the Planning Commission Decision and ordered that the request be granted.

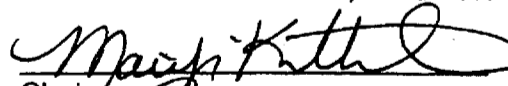
THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:

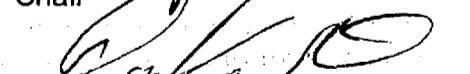
SECTION ONE: The requested Comprehensive Plan Map Amendment, Zone Map Amendment, Irrevocably Committed Exception and Reasons Exception are GRANTED.

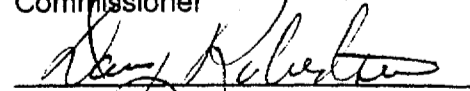
SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated September 20, 2006) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated August 17, 2006), are ADOPTED and by reference made part of this Ordinance.

DATED this 20th day of September, 2006.

**BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON**


Chair


Commissioner


Commissioner

**BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON**

Shirley J. McSperitt, requested a Plan Amendment from)
(AGG) Agriculture to (RR2) Rural Residential-2 Acre)
and a Zone Change from (FG) Farm Grazing to (RR))
Rural Residential-2 Acre, based on an Irrevocably)
Committed Exception to Statewide Planning Goals)
3 and 4, and on a Reasons Exception to Goal 14 to)
allow the RR2 designation outside of an unincorporated)
area boundary, on five separate ownerships totaling)
20.43± acres located on Roberts Mountain Road, south)
of the Green Urban Unincorporated Area.)
Planning Department File No 06-136.)

**FINDINGS OF FACT
AND ORDER**

INTRODUCTION & PROCEDURAL FINDINGS

1. This matter came before the Board of County Commissioners ("the Board") at a public hearing on September 20, 2006, in Room 216 of the Douglas County Courthouse, Roseburg, Oregon, pursuant to Section 6.900.2 of the Douglas County Land Use and Development Ordinance.
2. The matter originally came before the Douglas County Planning Commission on application filed by Shirley J. McSperitt. The Planning Commission hearing was held on July 20, 2006, at which time the Commission recommended approval of the application.
3. The Planning Commission memorialized its decision in a Findings and Decision document dated August 17, 2006. No appeals of that Decision were filed.
4. At the Board meeting on September 20, 2006, the public hearing on this matter was opened and parties were given an opportunity to speak on the record. The Board subsequently deliberated to affirm the Planning Commission decision at the September 20, 2006 public meeting.

FINDINGS

1. Upon considering evidence and exhibits entered as part of the Planning Commission record, including the written submittals from the applicant and parties, the written Staff Report and the Findings and Decision approved by the Planning Commission on August 17, 2006, and in consideration of evidence considered at the September 20, 2006 Board hearing, the Board finds that the applicable decision criteria, as established in the Staff Report dated July 13, 2006, have been adequately addressed by the applicant.

ORDER/ McSperitt
September 20, 2006
Page 2

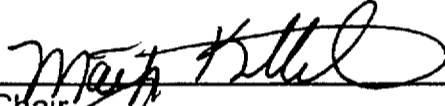
2. The Board finds that the relevant facts raised in this matter support the conclusions and decision reached by the Planning Commission in their Findings and Decision, dated August 17, 2006.
3. The Board adopts the Planning Commission Findings and Decision as its own.

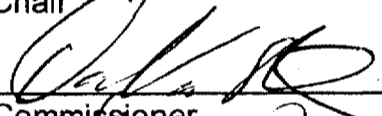
ORDER

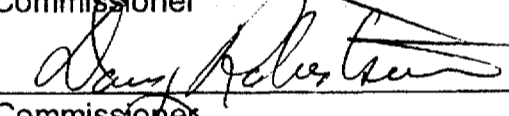
Based on the foregoing, it is hereby ordered by the Board of Commissioners that the Planning Commission decision is affirmed and the application is GRANTED.

DATED this 20th day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON


Chair


Commissioner


Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

SHIRLEY McSPERITT, request for Plan Amendment, Zone Change and Exception to Statewide Planning Goals, Findings of Fact and Decision, Planning Department File No. 06-136.

This matter came on regularly before the Douglas County Planning Commission on July 20, 2006 in Room 216 of the Douglas County Courthouse.

The applicant was present at the hearing.

The Planning Commissioners present at the hearing were: Rick Barnes, Karen Gibbons, David Jaques, James Mast, Brian Parkinson, Rich Raynor and Ed Stratton.

The Planning Commission takes official notice of the following:

1. The Douglas County Comprehensive Plan, including the implementing Douglas County Land Use and Development Ordinance, adopted by the Douglas County Board of Commissioners December 31, 1980, effective April 1, 1981, and as later amended, which has been acknowledged by the Land Conservation and Development Commission on December 21, 1982, and by Compliance Acknowledgment Order 83-ACK-12 dated January 18, 1983.
2. The records of the Planning Department of Douglas County concerning publication and mailing of notice.

PROCEDURAL FINDINGS OF FACT

1. At least 45 days prior to the July 20, 2006 Planning Commission hearing scheduled for this matter, notice of the Public Hearing was sent by mail to the applicant, to all property owners within 500 feet of the subject property, to service providers and governmental agencies and to the Roseburg-Green Planning Advisory Committee (PAC).
2. Notice of the hearing was given by publication in a newspaper of general circulation in the affected area at least 20 days prior to July 20, 2006.
3. At the hearing, we recognized the following parties in the matter: Shirley J. McSperitt, applicant and titleholder; Victor E. & Judy A. White, titleholders; Robert Gary White & Roger Allen White, titleholders; Robert G. White, titleholder; Mildred J. Millard & Chloe L. McKinley, titleholders; the Roseburg-Green PAC.
4. Staff entered Staff Exhibits 1 through 12, including the Staff Report, into the Record and gave the oral staff report, stipulating to the Record.
5. We heard testimony from the applicant, stipulating to the Record.
6. We deemed it appropriate and necessary to require that a Resource Management Covenant be recorded for the subject property, acknowledging that the subject property is located in a resource zone of the County, and waiving the rights of the subject property owners, their heirs, successors and assigns, to object to normal and necessary resource management activities legally conducted on adjacent lands.

Decision/McSPERITT
Page 2
August 17, 2006

7. Seeing no objection, we moved to approve the applicant's request for a Plan Amendment from AGG to RR2 and Zone Change from FG to RR, based upon an Irrevocably Committed Exception to Goals 3 and 4 and a Reasons Exception to Goal 14, on 20.43± acres. The motion passed unanimously.

DECISION

Based on evidence received and the preceding findings of fact, we hereby APPROVE the requested Plan Amendment from AGG to RR2 and Zone Change from FG to RR for the 20.43± acre subject property, subject to the following condition:

1. A Resource Management Covenant shall be recorded against the subject property, waiving the rights of the subject property owners, their heirs, successors and assigns, to object to normal and necessary resource management activities legally conducted on adjacent lands.

Dated this 17th day of August, 2006.

DOUGLAS COUNTY PLANNING COMMISSION

By: _____

Chairman

