



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

01/22/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: Douglas County Plan Amendment
DLCD File Number 002-12

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, February 04, 2013

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: John Boyd, Douglas County
Jon Jinings, DLCD Community Services Specialist
Josh LeBombard, DLCD Regional Representative

<paa> YA

**FORM 2****DLCD**

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
DEPT OF		
JAN 15 2013		
LAND CONSERVATION AND DEVELOPMENT		
For Office Use Only		

Jurisdiction: **Douglas County**Local file number: **N/A**Date of Adoption: **1/9/2013**Date Mailed: **1/14/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:☒ 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".

Amendments to the Comprehensive Plan are minor updates to integrate information into the Air Noise and Land Quality; Natural Features; Housing; and Transportation Elements (chapters) of the Comprehensive Plan. No new regulatory provisions are adopted. Amendments effect plan text, finding and support documents.

Does the Adoption differ from proposal? Yes, Please explain below:

The proposed amendments to Douglas County's population projections and corresponding Plan Element was continued by the P/C and B/C and may be further amended before final action. The B/C continuation will be 4/10/2013. Upon completion an adoption notice will be mailed.

Plan Map Changed from: **N/A**to: **N/A**Zone Map Changed from: **N/A**to: **N/A**Location: **N/A**Acres Involved: **0**Specify Density: Previous: **N/A**New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<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"/>	<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...

35-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. 002-12 (19570) [17321]

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

Local Contact: Cheryl Goodhue

Phone: (541) 440-4289 Extension:

Address: Rm 106 Justice Bldg Courthouse

Fax Number: 541-440-6266

City: Roseburg

Zip: 97470

E-mail Address: cagoodhu@co.douglas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, OREGON

AN ORDINANCE ADOPTING
AMENDMENTS TO THE DOUGLAS
COUNTY COMPREHENSIVE PLAN

ORDINANCE 2013-01-01

JAN 09 2013

RECITALS:

PATRICIA K. HITT, COUNTY CLERK

- A. Amendments to the Douglas County Comprehensive Plan are needed in order to update and integrate information into the Air Noise and Land Quality; Natural Features; Housing; and Transportation Elements (chapters) of the Comprehensive Plan.
- B. This update to the Comprehensive Plan includes inserting a reference that the Community Wildfire Protection Plan is a support document to the NHMP; removing outdated density language on resource lands & references to Significant Wetland Site 5 due to relocation of Exit 129; removing and/or correcting outdated language references to (URCOG) Umpqua Regional Council of Governments and (HADCO) Housing Authority of Douglas County; and incorporating required changes in OAR 660-12-060 (Transportation Planning Rule) related to zone changes that are consistent with the Comprehensive Plan and Transportation System Plan.
- C. On December 13, 2012, the Douglas County Planning Commission held a hearing and recommended that the amendments, as contained in the attached Board Draft dated January 9, 2013, be adopted by the Board of Commissioners.

THE DOUGLAS COUNTY BOARD OF COUNTY COMMISSIONERS ORDAIN AS FOLLOWS:

SECTION ONE: The amendments contained and referenced in the yellow attachment titled "Amendments to the Douglas County Comprehensive Plan - Board Draft" dated January 9, 2013 are adopted.

SECTION TWO: The amendments are necessary and appropriate and shall become effective on February 8, 2013.

SECTION THREE: SEVERABILITY; If any provision of this ordinance is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other provision of the ordinance. The ordinance shall be construed as if such invalid provision had never been included.

DATED this 9th day of January, 2013.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, OREGON

Absent
Chair
Commissioner
Commissioner

REVIEWED AS TO FORM
By
Office of County Legal Counsel
Date: 1/9/2013

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Amendments to the

DOUGLAS COUNTY COMPREHENSIVE PLAN

BOARD DRAFT
January 9, 2013

Planning Commission
December 13, 2012

Board of Commissioners
January 9, 2013

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3. <u>Housing Element</u> Remove references to Umpqua Regional Council of Government and update references to the Housing Authority of Douglas County	6
4. <u>Transportation Element</u> Add exception to TPR compliance for zone changes that are consistent with the plan and Transportation System Plan.	8

KEY

Additions and Amendments are identified by both **BOLDING** and UNDERLINING.
Deletions are identified by ~~STRUCKOUT~~ text.

1. Air, Noise and Land Resources Quality Element

Purpose: Proposed update to the Comprehensive Plan Air, Noise and Land Resources Quality Element to update existing Finding 77 by inserting a reference to the Community Wildfire Protection Plan.

Background: The Comprehensive Plan cites documents that have been updated. This change provides the current document citation and adds a new reference to the Community Wildfire Protection Plan.

Amendment:

Page 5-9

77. The 2009 Douglas County Natural Hazard Mitigation Plan is adopted as a support document to the Comprehensive Plan and is recognized by reference. **The Community Wildfire Protection Plan (CWPP) is funded under PL 110-343 Title III Project Submission Form EMERGENCY ECONOMIC STABILIZATION ACT OF 2008 TITLE VI- OTHER PROVISIONS, SECTION 601 "Secure Rural Schools and Community Self-Determination Program". The CWPP is a sub-element of the Natural Hazard Mitigation Plan**

2. Natural Features Element

Amendment One

Purpose: Proposed amendment to the Comprehensive Plan Natural Features Element text to remove outdated text.

Background: The paragraph proposed for removal contains outdated text. Since the early 1990, bills passed by the Oregon legislature, such as HB 3661, have established new EFU dwelling standards.

Amendment: Comprehensive Plan Natural Features Element Page 6-11
Remove the third paragraph as follows.

Page 6-11

~~The prescribed densities in the EFU-G and FF zones are 200 acres without review (§3.3.200(1)(a) and 3.5.200(1)(a)), 199 to 75 acres upon satisfying administrative procedures (§3.3.200(1)(b) and §3.5.200(1)(b)), and below 75 acres subject to special review criteria (Article 42) and Planning Commission review (2.600). Nonfarm dwellings and second single-family dwellings may be conditionally permitted.~~

Amendment Two

Purpose: Proposed amendment to the Comprehensive Plan Natural Features Element text to remove significant wetland site #5 (Evans Ponds).

Background: The Exit 129 IAMP was an ODOT STIP project that completed all environmental reviews. One of those actions included the removal of the man made log pond to allow for the development of the relocated interchange.

Amendment: Comprehensive Plan Natural Features Element Page - 6-17
modify Finding 25(1) and (3) as follows:

(1) Location: Significant wetlands in Douglas County were identified by the Oregon Department of Fish and Wildlife (ODFW). Identified in ~~47~~ **16** locations, the ODFW recognized only those wetlands considered to have a good to excellent wetland quality. Under the Goal 5 process, these areas are classified as 1C sites. See the following maps for location of significant wetlands.

(3) Quantity: Acres of Significant Wetlands - ~~438~~ **137** acres.

Amendment: Comprehensive Plan Natural Features Element Page - 6-20
modify Finding 25(5) as follows:

(5) Conclusion: With the exception of those areas presently designated for residential and industrial development in the County's Comprehensive Plan, the consequences of regulating development in significant wetland areas would be positive. The significant wetlands identified for industrial use are log ponds which have developed wetlands as a result of industrial uses. These industrial sites include Sites 3, 4, 5, 9, 11, 12, 14, 15 and 16. The wetlands have coexisted with current industrial practices and as stated are a result of such practices. To prohibit or limit those practices would be both economically detrimental and unnecessary to protect the resource.

Amendment: Comprehensive Plan Natural Features Element Page - 6-21
modify Table 6-1 as follows:

TABLE 6-1. SIGNIFICANT WETLANDS.

<u>Site No.</u>	<u>Name</u>	<u>Location</u>	<u>Acres</u>
5	Evans Ponds	T26S, R6W, Sec. 24	4

Amendment: Comprehensive Plan Natural Features Element Page - 6-25
delete the wetland map for Site 5 and leave in its place the following notation.

Significant Wetland Site 5 was removed in 2012 as part of the I-5: Del Rio Rd./Winchester Interchange, Exit 129 IAMP relocation project.

3. Housing Element

Purpose: The Housing Element contains requirements to coordinate with Umpqua Regional Council of Governments. This organization is no longer in existence. In addition, the reference to the Douglas County Housing Authority has been renamed to the Housing Authority of Douglas County. This amendment would remove outdated references and incorporate name changes.

Background: The Umpqua Regional Council of Government has ceased operations. The Douglas County Housing Authority is now known as the Housing Authority of Douglas County.

Amendment: Amend the Housing Element as follows:

Page 12-11

Modify Objective A Policies as follows

1. The County, ~~in cooperation with the Umpqua Regional Council of Governments (URCOG)~~ shall coordinate housing planning on a subregional and countywide basis.
2. The County shall cooperate with the **Housing Authority of Douglas County** ~~Douglas County Housing Authority, URCOG~~ and other agencies in the provision of low-income and assisted housing.
3. The County shall, in cooperation with ~~URCOG and the its'~~ 12 cities, promote coordinated housing policies among local jurisdictions in order to ensure that the Countywide housing needs of low and moderate income households are adequately met.

Page 12-12

Modify Objective B Policy as follows

1. The County shall, ~~in cooperation with URCOG,~~ promote an update of the Housing Opportunity Plan (HOP) and utilize the new information, where appropriate, to ensure a fair share allocation of assisted housing units throughout Douglas County.

4. Transportation Element

Purpose: The proposal incorporates a TPR amendment that recognizes when a proposed rezoning is consistent with the existing comprehensive plan map designation, and consistent with the acknowledged transportation system plan, then it can be approved without considering the effect on the transportation system.

Background: On April 20, 2011 the Land Conservation and Development Commission (LCDC) directed the Department of Land Conservation and Development (DLCD) to initiate an administrative rulemaking project to review Section 0060 of the Transportation Planning Rule (Oregon Administrative Rule 660-012-0060). The decision was based on a recommendation prepared by a joint subcommittee of LCDC and the Oregon Transportation Commission (OTC).

Amendment: Amend Finding 25 of the Transportation Element as follows:

Page 13-12

25. Amendments to the Comprehensive Plan or zoning map shall be consistent with the provisions of ORS and OAR specifically including OAR chapter 660 division 12 unless the amendment is allowed under section (3), (9) or (10) of 660-12-060. The Land Use and Development Ordinance now provides that amendments to land use designations, densities and design standards shall assure that allowed uses are consistent with the identified function, capacity and performance standards of the facility. (Revised 8/13/97 & 01/09/13)

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

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AMENDMENTS TO THE DOUGLAS
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DATED this 9th day of January, 2013.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, OREGON

Absent

Chair
[Signature]

Commissioner
Joseph Lawrence

Commissioner

REVIEWED AS TO FORM
By *[Signature]*

Office of County Legal Counsel
Date: *1/9/2013*

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OUNTY PLANNING DEPT.
USTICE BLDG
OUNTY COURTHOUSE
OR 97470



ATT PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL STREET NE SUITE 150
SALEM OR 97301-2540

