



# 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 009-06



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

<paa> ya



FORM 2

DEPT OF

SEP 26 2006

LAND CONSERVATION  
DLCD NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

Jurisdiction: Douglas County Local File No: 06-138  
(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."

Speedway LLC & Huffman-Wright, request for a Plan map designation amendment from (AGG) Agriculture to (IN) Industrial, and a zone change from (FG) Exclusive Farm Use - Grazing to (M-2) Medium Industrial, together with Reasons Exception to Goal 3 and Goal 14 to expand the Green Urban Unincorporated Area to include the 20.00 ± acre subject site to allow development of a large-scale industrial 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 IN

Zone Map Changed From: FG to M-2

Location: Speedway Road in the Green UUA Acres Involved: 20.00±

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1, 2, 3, 5, 9, 11, 12 & 14

Was an Exception Adopted? Yes:  No:

=====  
DLCD File No: 009-06  
(15285)

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:  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, URCOG, Douglas County Fire District No. 2, Qwest, Pacific Power, Avista Utilities, Roberts Creek Water District, Green Sanitary Authority, 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

**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](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.



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

Speedway LLC & Huffman-Wright, requested a Plan )  
Amendment from (AGG) Agriculture to (IN) Industrial )  
and a Zone Change from (FG) Farm Grazing to (M-2) )  
Medium Industrial, with a Reasons Exception to Goal 3 )  
and Goal 14 to allow expansion of the Green Urban )  
Unincorporated Area (UUA) to include the 20.00± acre )  
subject site, which is located on Speedway Road, adjacent )  
to the Green UUA boundary. Planning Dept File No 06-138. )

**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 Speedway LLC & Huffman-Wright. 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/ Speedway LLC  
September 20, 2006  
Page 2

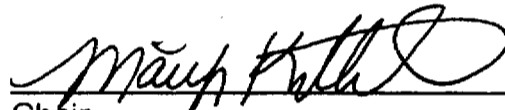
2. The Board finds that the relevant facts raised in this matter support the conclusions and decision reached by the Planning Commission in their Findings and Decision, dated August 17, 2006.
3. The Board adopts the Planning Commission Findings and Decision as its own.

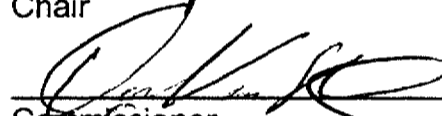
**ORDER**

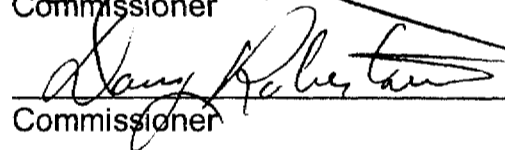
Based on the foregoing, it is hereby ordered by the Board of Commissioners that the Planning Commission decision is affirmed and the application is GRANTED.

DATED this 20<sup>th</sup> day of September, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

  
Chair

  
Commissioner

  
Commissioner

**BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION  
DOUGLAS COUNTY, OREGON**

In the matter of the application of Speedway LLC for a Comprehensive Plan map amendment from Agriculture-Grazing to Urban Industrial; expansion of the Green Urban Unincorporated Area Boundary; and, a concurrent zone change from Exclusive Farm Use Grazing (FG) to Medium Industrial (M-2), together with an exception to Statewide Goals No. 3 and 14, on a 20 acre portion of a 33.13 acre parcel located on the north side of Speedway Road at its intersection with Ingram Drive adjacent to the east boundary of the Green Urban Unincorporated Area, and more particularly described as the east 20 acres of Tax Lot 100 in Section 1C, Twp. 28S, Rng. 06W, Douglas County, Oregon; also identified as part of Assessor's Property I. D. No. R43949. Planning Department File No. 06-138.

**FINDINGS OF FACT  
AND DECISION**

**INTRODUCTION & PROCEDURAL FINDINGS**

This matter came before the Douglas County Planning Commission for public hearing on July 20, 2006, in Room 216 of the Douglas County Courthouse, Roseburg, Oregon. The purpose of the hearing was for the Planning Commission to receive testimony and other evidence related to the subject matter, and to render a decision in response to the applicant's request. The applicant, Speedway LLC, was represented at the public hearing by its land use consultant, Schofield & Associates.

The Planning Commission members who were present and participated in the hearing are David Jaques, Karen Gibbons, Brian Parkinson, Rick Barnes, Ed Stratton, James Mast and Rich Raynor. None of the Commission members present disclosed any ex parte contacts or potential conflicts of interest in the subject matter. All Commission members present were found to be qualified to participate in the hearing.

Letters in opposition to the applicant's request were submitted to the record by Eddie & Del Raye Miller, David & Therese Kaiser. Terry Soehnlein appeared at the hearing and requested party

status in the matter. The Millers, the Kaisers and Mr. Soehnlein were all granted party status in the matter.

A written statement was also submitted by the Oregon Department of Transportation stating no opposition to the request, but requesting that the Planning Commission adopt Findings in its decision that will ensure consistency with the Statewide Planning Goal and the Transportation Planning Rule. The addresses of all parties are on file with the Douglas County Planning Department.

The written staff report issued on July 13, 2006, together with numerous exhibits, was presented to the Planning Commission. The staff report describes the nature of the application, the applicable criteria to be applied to the request, numerous factual findings and a recommendation that the request be approved. The written report and the exhibits entered into the record are on file with the Planning Department.

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 (LUDO), adopted by the Douglas County Board of Commissioners December 31, 1980, effective April 1, 1981, and as subsequently amended and acknowledged by the Land Conservation and Development Commission.
2. The records of the Douglas County Planning Department concerning the publication and mailing of notice of the hearing.

#### **SUBSTANTIVE FINDINGS OF FACT**

1. This matter came before the Douglas County Planning Commission on application filed by Speedway LLC/Huffman-Wright, the owner of the subject property and hereinafter referred to as the applicant. The applicant is proposing an amendment to the Douglas County Comprehensive Plan by expanding the Green Urban Unincorporated Area (UUA) boundary to encompass the easterly 20 acre balance of a 33.13 acre property located on the north side of Speedway Road at its intersection with Ingram Drive. The westerly 13.13 acre portion of the property is already inside the Green UUA boundary and is designated for Industrial use with Medium Industrial (M-2) zoning. The applicant intends to develop the entire 33 acre property as a planned industrial park, thus necessitating a zone change to M-2 on the 20 acre portion that still lies just outside the UUA boundary. In order for the site to be eligible for M-2 zoning, however, it first must be included with the UUA boundary. Since this request

involves expansion of the Green Urban Unincorporated Area boundary, and the subsequent conversion of designated agricultural land to an urban use, the applicant is proposing a reasons exception to the Statewide Agricultural Goal (Goal 3) and the Statewide Urbanization Goal (Goal 14).

2. The subject 20 acre site is presently occupied by a rock crushing, processing and stockpile operation that supplies aggregate material for various construction projects the applicant is working on in central Douglas County. The existing aggregate operation was approved by Douglas County in 2002 pursuant to Conditional Use Permit No. 02-025. Material being processed on the site was extracted from the 13 acre industrial site that adjoins immediately to the west. The adjoining 13 acre industrial site is already within the Green UUA boundary, where it is zoned Medium Industrial, the same zoning requested for the subject 20 acre site. Interstate 5 lies just beyond the 13 acre industrial site, and all lands lying to the west of the freeway are inside the Green UUA with commercial and industrial zoning. Lands lying to the south and southwest, on the other side of Speedway Road, are also inside the UUA boundary and are designated and zoned for Industrial use. Lands lying to the north are owned by the applicant and are designated and zoned Exclusive Farm Use – Grazing (FG). To the east of the site, along both sides of Speedway Road, there are about a dozen single-family dwellings on rural parcels that range in size from five to ten acres, with the nearest dwelling located about 500 feet from the east boundary of the site. About half of these residential parcels are presently zoned Rural Residential-5 Acres, while the rest are zoned EFU-Grazing (FG).
3. The Planning Commission takes notice of the fact that the Douglas County Land Use and Development Ordinance (LUDO) establishes the standards and criteria which must be addressed in any proposal to amend the Comprehensive Plan. The applicable criteria and standards are listed under LUDO Section 6.500(2). In the course of addressing these three basic standards, or criteria, the Commission has developed, and herein adopts, specific Findings of Fact and conclusions which are intended to demonstrate that the requested Comprehensive Plan/UUA amendment, goal exceptions and zone change is justified.
4. The Planning Commission finds that Douglas County has provided written notice of the requested Comprehensive Plan/UUA amendment, zone change and proposed goal exceptions to surrounding property owners within 500 feet of the subject property not less than twenty days prior to the scheduled date of the first public hearing, and has caused public notice of the applicants' request and the scheduled public hearing to be published in the local newspaper pursuant to the requirements of LUDO Section 2.065. Notice has also been given to the Roseburg-Green Planning Advisory Committee, as well as to affected state and local agencies,

and other individuals and organizations otherwise entitled to such notice. These various forms of individual and public notice assure that local citizens have an opportunity to become informed about, and participate in, the public hearing process. The Commission concludes that the requested Comprehensive Plan/UUA amendment, zone change and proposed goal exceptions are being processed in a manner that assures full compliance with Statewide Goal No. 1.

5. The Planning Commission finds that Douglas County has established policies and procedures which require a detailed evaluation of proposals to amend the Comprehensive Plan. Specific criteria and standards have been set forth against which the applicant's amendment request must be evaluated in the light of relevant Findings of Fact. The Commission's decision in this matter is based on the weight of the Findings of Fact articulated within this Findings & Decision document. The Commission further finds that the proposed Plan amendment involves the conversion of 20 acres of land from a rural agricultural designation to an urban industrial designation, and takes note of the fact that Goal 2 requires the conversion of rural resource land to urban use to follow the applicable criteria and procedures prescribed for goal exceptions as codified under OAR Chapter 660, Division 4. Consequently, the Commission has developed, and herein adopts, specific Findings of Fact and conclusions which are intended to demonstrate that the criteria for an exception to the Statewide Agricultural Goal (Goal 3) and the Statewide Urbanization Goal (Goal 14) have been satisfied and that there is sufficient justification for the proposed amendment. The Commission concludes that the requested amendment is being evaluated in a manner that assures full compliance with Statewide Goal No. 2.
6. There has previously been a legislative determination by the Douglas County Comprehensive Plan that the subject 20 acre site, which is located just outside the Green UUA boundary, is "agricultural land" as defined by Statewide Goal No. 3. In western Oregon, agricultural lands are defined as those of predominantly Class I, II, III and IV soils. The subject site is composed of two different soil types. The approximate northwesterly one-half of the property is identified on the official Natural Resources Conservation Service (NRCS) soils map as consisting of soil in the "Curtin clay" series (NRCS Nos. 48C & 48D), while the southeasterly half is composed of soil in the "Bashaw clay" series (NRCS No. 15A). The Curtin soils have an agricultural capability rating of Class III, while the Bashaw soil is a Class IV farm soil, thus bringing both soil types within the Goal 3 definition of farm land.

The applicant presented evidence showing that about half of the 20 acre property has been used as a rock crushing, processing and aggregate stockpile site for the past four years. Large

pieces of rock crushing and processing equipment have operated on the sites, and very large piles of crushed aggregate continue to occupy much of the ground. In addition, literally thousands of heavy trucks have entered and exited the site as they have transported raw material into the site from a nearby-by rock source and then left the site with heavy loads of processed material. Because of high clay content of the underlying soils on the site, a thick layer of rock (up to 12 inches thick) had to be placed over most of the processing site to facilitate year-around operations. This thick layer of rock has subsequently been deeply compacted and integrated with the underlying native soils, and thus rendering the soil completely unsuitable for agricultural use.

7. The Commission notes that the Green UUA boundary does not surround an incorporated city, therefore, the boundary is not regarded as an "urban growth boundary" (UGB) within the context of the Statewide Urbanization Goal. Although the conversion of rural agricultural land via the UGB amendment process does not normally require the County to explicitly declare that an exception to the Statewide Agricultural goal has been taken, expansion of the Green UUA boundary does require an exception to the Agricultural goal and the Urbanization goal. Accordingly, the Commission has developed findings which are set out in a later section of this decision document which demonstrate that the procedures and requirements of OAR Chapter 660, Division 4, for goal exceptions have been adequately addressed.
8. The Commission takes note of the fact that there has previously been a legislative determination by the Douglas County Comprehensive Plan that the subject property is not forest land. This determination is validated by the fact that the subject site contains no commercial tree species nor is it otherwise related to any land that is employed in forest use. The Planning Commission finds that Statewide Goal No. 4 is not applicable to this proposed amendment.

Statewide Goal 5 addresses a variety of resources not specifically covered in other goals and sets out a process requiring inventory and evaluation. Steps in the process require the level of significance of resources to be determined, and if an identified resource appears to be significant, further evaluation is required. Such evaluation may lead to alternative courses of action, including fully protecting the identified resource. The Planning Commission finds that all of Douglas County, including the subject 20 acre site, has previously been subjected to extensive surveys and analysis intended to inventory and evaluate Goal 5 resources. These inventories, which are incorporated into the Douglas County Comprehensive Plan, have previously received acknowledgment of compliance with Statewide Goal 5. Based on the facts contained in the record, the Planning Commission finds that the subject property has not been included in any inventory of needed open

space or scenic areas, nor has it been identified in the Comprehensive Plan as having any historic, cultural or significant natural resources which need to be preserved and/or protected. The subject property has not been included in any inventory of needed open space or scenic areas as defined by Goal 5, nor has it been identified in the Comprehensive Plan as having any historic, cultural or natural resources which need to be preserved and/or protected.

9. The Commission finds that Statewide Goal 6 requires the quality of air, land and water resources of the state be maintained and improved by assuring that future development, in conjunction with existing development, does not violate applicable state and federal environmental quality standards, and does not exceed the carrying capacity of local air sheds, degrade land resources or threaten the availability of such resources. The subject property is situated immediately adjacent to a designated urban area where the full range of urban services is available, including public water and public sewer service. Furthermore, the local service providers, as well as Douglas County and the state of Oregon, have sufficient regulatory measures in place so as to ensure that existing and future development of the site will not result in deleterious or unanticipated impacts on the air, water and land resources of the urban area. The requested amendment has been evaluated in a manner that assures full compliance with Statewide Goal No. 6.
10. The Commission finds that the subject property has not been identified in any inventory of areas which have the likely potential to be subjected to natural disasters and hazards. The elevation of the site puts it well above the flood plain and any danger of flooding. The natural topography of the site does not suggest significant constraints to development or the potential of unstable soils or geology and is therefore consistent with Statewide Goal No. 7.
11. The Commission finds that there has been a legislative determination by Douglas County through its comprehensive planning process that the subject property is not needed for recreational facilities or opportunities. Identified recreational needs have been provided for on other sites in the surrounding urban and rural areas. The Commission concludes that the proposed amendment will not conflict with Statewide Goal No. 8.
12. The Planning Commission takes notice of the fact that the Statewide Economic Development goal requires that future economic growth be accommodated, in part, by ensuring that there is sufficient suitable land planned and zoned for commercial and industrial uses. The Commission further notes that the Green urban unincorporated area is one of the fastest growing urban areas in the region and has over the years accommodated a significant amount of the new commercial and industrial development occurring in Douglas County. The

Commission finds that the Comprehensive Plan recognizes there is a need to ensure opportunities for new commercial and industrial businesses in the Green urban area as the County's economy continues to grow in the future. To provide such opportunities, the Comprehensive Plan sets forth specific policies to ensure that opportunities for economic activity are enhanced in the Green area. The Commission takes official notice of the findings and policies contained with the Plan relating to economic development opportunities in Douglas County generally, and with the Green UUA specifically. In so doing, the Planning Commission concludes that the proposed Plan amendment is consistent with local policies that are intended to assure that sufficient land is available to accommodate future economic growth. The proposed Plan amendment is consistent with the Statewide Economic Development Goal.

13. The Planning Commission notes that the primary purpose of Statewide Goal No. 10, within the context of amending the Comprehensive Plan's land use designation on the subject site, is to ensure that sufficient buildable land remains available to allow for the full range of housing needs and to avoid creating shortages of residential land which would artificially restrict market choices in housing type, price range or location. Expansion of the Green UUA boundary to include the subject twenty acre site for urban industrial development will not increase or decrease the amount of urban or urbanizable land designated for residential use, nor will it change any previously acknowledged residential designation, residential zoning classification, designated population density or development regulation. Furthermore, the Douglas County Comprehensive Plan requires population growth to be monitored and assess for impacts on previous estimates of needed housing and the availability of sufficient land for residential use. Should the Comprehensive Plan/UUA amendment result in unforeseen population growth and/or increased demand for housing, mechanisms are in place with the Plan to ensure that the purpose of Goal 10 will continue to be fulfilled. The Planning Commission finds that the proposed amendment of the Comprehensive Plan and Green UUA boundary will not significantly impact the existing housing stock with the Green UUA, nor will it result in significant population growth or increased demands for housing beyond previous projections, nor will it otherwise result in a conflict with the purpose and requirements of Goal No. 10.
14. Statewide Goal No. 11 concerns the public facilities and services aspects of amending the Comprehensive Plan, and requires consideration of a system or plan that ensures the proper coordination of the types, locations and delivery of public facilities and service that best support existing and proposed land uses. With respect to the public facilities and services issues relevant to this amendment proposal, the Planning Commission finds that within the

Green unincorporated urban area, public facilities and services are provided by Douglas County and several special districts. Sanitary sewer is provided by Green Sanitary District; water is provided by Roberts Creek Water District; fire protection is provided by Douglas County Fire District No. 2; police services, street maintenance, storm drainage and street lighting are all provided by Douglas County. Policies concerning the coordination, timing and location of public facilities and services are contained within the Public Facilities and Land Use Elements of Douglas County Plan, including policies specific to the Green unincorporated urban area.

The subject 20 acre site is presently within the jurisdictional boundary of Roberts Creek Water District and is eligible to receive service from the district. The district maintains a 12-inch water main located in Speedway Road which connects with another 12-inch main at the intersection with Ingram Drive. From that intersection, the 12-inch main extends north along the west boundary of the subject site to a 2-million gallon reservoir located just 500 feet north of the subject property's north boundary. The reservoir and 12-inch water mains were constructed by the district to provide for future development of the industrial lands located along Speedway Road and Ingram Drive east of Interstate 5.

The subject property is presently outside of, but immediately adjacent to the jurisdictional boundary of Green Sanitary District. The district's jurisdictional boundary is coterminous with the Green UUA boundary, and the district will not serve properties located outside the UUA boundary. Consequently, expansion of the UUA boundary is a prerequisite to its development with industrial uses. A sanitary sewer main capable of providing gravity sewer service to the site is presently located in Speedway Road along the property's south boundary. Future development on the subject site could connect directly to the existing sewer main via a gravity lateral line, thus avoiding the need to further extend the District's public sewer facilities. The applicant intends to initiate annexation of the property into Green Sanitary District upon approval of the requested Plan amendment and zone change.

Storm drains have been installed in the reconstructed section of Speedway Road. The storm drains discharge to Oak Creek south of Speedway Road. Drainage of the subject 20 acre site can be accommodated either by extending the existing storm lines in Speedway Road or by discharging directly to Oak Creek south of the property.

The site is situated to take advantage of improvements to local transportation facilities serving the area east of Interstate 5. Speedway Road has been reconstructed to an urban collector status from the west edge of the site westerly to its intersection with Highway 99 about one-quarter mile to west on the other side of the freeway. Ingram Drive, which

intersects with Speedway Road at the site's southwest corner, is also constructed to an urban collector standard, and it extends south approximately one mile to Grant Smith Road, which in turn connects with the Interstate 5/Hwy 42 interchange. Improvements to these two urban collector streets were made specifically for the purpose of serving future industrial development east of the freeway.

On basis of the facts contained in the record, the Planning Commission concludes that the Comprehensive Plan/UUA boundary amendment and zone change will ensure that subsequent land use activities on the subject site will be provided with an adequate level of public facilities and services, and that such facilities and services will be delivered in a timely, orderly and efficient manner consistent with the purpose of Statewide Goal 11. The applicant has further concluded that the requested amendment will not adversely impact the present or future provision of public facilities and services to other properties in the immediate area or within the broader Green UUA. These conclusions are based on consideration of the existing public service delivery systems and plans that are in effect within the Green unincorporated urban area which are intended to ensure the proper coordination of the types, locations and delivery of the public facilities and services necessary to support the existing and proposed urban land areas. No extension of public facilities and services will be needed as a consequence of the proposed Plan amendment and zone change. The requested amendment will facilitate the timely, orderly and efficient utilization of existing public facilities and services, and thus will promote the intent of Statewide Goal No. 11.

15. The Planning Commission finds that specific transportation-related policies and development standards are included within the Douglas County Comprehensive Plan and land use ordinances to assure that the intent of the statewide transportation goal is implemented through the application of both state and local policies and standards at the time of property development. The intent of Goal 12 is also implemented through the provisions of the State Transportation Planning Rule (OAR 660, Division 12). To demonstrate compliance with the Transportation Planning Rule, the applicant had a transportation impact study (TIS) conducted to determine potential impacts on nearby transportation facilities. The applicant's TIS was subsequently reviewed by the Oregon Department of Transportation (ODOT). ODOT has submitted a letter to the record requesting that the County's Findings of Fact approving the land use change include the following findings to ensure consistency with the Statewide Planning Goal 12 and OAR 660-012-060:

1. *No traffic mitigation for transportation facilities shall be required if the site's industrial land uses are limited to the existing rock crushing, processing and storage facility (OAR 660-012-060(2)(a)); and*
2. *Install an additional southbound left turn lane at the Highway 99/Grant Smith Road/OR 42 intersection by the end of the 20-year planning period if the site is redeveloped to a more intense M-2 industrial land use.*

Based upon the applicant's Traffic Impact Study as well as the written testimony of ODOT, and considering the functional classification and existing service levels of adjacent and nearby transportation facilities, the Planning Commission finds that the proposed amendment will be consistent with the identified function, capacity, and performance standard of those facilities. The Commission hereby adopts and incorporates herein the two additional finding set out above as requested by ODOT. The Commission concludes that the proposed Plan amendment and zone change will not conflict with the Statewide Transportation Goal.

16. The Planning Commission notes that the Statewide Energy Conservation Goal is generally intended to be applied on a county-wide basis, but may also be applicable to site-specific land use proposals. Goal 13 is implemented via property development standards intended to require land and uses developed on land to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principals. The Commission finds that the subject site is situated immediately adjacent to an acknowledged urban area where its future industrial or commercial use will promote the efficient energy-related use of existing and planned transportation facilities. The site appears to be free of any significant physical constraints that would otherwise require more energy to develop and use the property than would other property in the area. Necessary public facilities and services (sanitary sewer, water, storm drainage, power, telephone, etc.) are immediately available to serve the property and its intended use, thus reducing the energy-related inefficiencies associated with extending such services. Furthermore, specific energy conservation policies and development standards are included within the Douglas County Comprehensive Plan and land use ordinances to ensure that the statewide energy conservation goal is implemented on a site-specific basis at the time of property development. The Planning Commission finds that the requested Plan amendment and zone change will not conflict with the Statewide Energy Conservation Goal.
17. With respect to the Statewide Urbanization Goal (Goal 14), the Planning Commission takes note of the fact that the Green Urban Unincorporated Area boundary does not contain an incorporated city. Consequently, the boundary surrounding the Green urban unincorporated

area does not fall within the Goal 14 definition of an "urban growth boundary" per se. The acknowledged boundary surrounding the Green unincorporated urban area was established pursuant to Goal 2, Part II (Exceptions), in recognition of the fact that the Green area is irrevocably committed to urban uses, even though it does not include an incorporated city. As such, the boundary was not specifically intended to satisfy the requirements of Goal 14. Consequently, Goal 2 requires the County to adopt findings of fact which demonstrate that an exception to Goal 14 is justified in order to amend the Green Urban Unincorporated Area boundary.

In adopting such findings, the County is required to follow the procedures and standards that are set forth in OAR Chapter 660, Division 4 (Interpretation of Goal 2 Exception Process). Although Goal 14 also requires the County to address the seven conversion factors contained within the goal when expanding a boundary, the goal exception process acknowledges that findings pertaining to the seven conversion factors of Goal 14 provide the same information required by the exceptions process itself. OAR 660-04-0010(1)(a)(B) specifically states:

*“ . . . findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met:*

*(i) Reasons justify why the state policy embodied in the applicable goals should not apply. This factor can be satisfied by compliance with the seven factors of Goal 14;”*

Accordingly, the Commission has adopted specific findings demonstrating compliance with the procedures and requirements of OAR Chapter 660, Division 4, for goal exceptions.

18. The proposed Plan amendment and zone change will ultimately result in the conversion of designated "farm" land to urban use. Goal 2, Part II (Exceptions) provides for local governments to adopt an exception to an applicable statewide goal when the land subject to the exception is "irrevocably committed" to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable. The standards for determining whether land is irrevocably committed to non-resource use are codified under OAR 660-04-028 (Exception Requirements for Land Irrevocably Committed to Other Uses), and requires consideration of such factors as existing adjacent uses, existing public facilities and services, parcel size and ownership pattern in the area, neighborhood characteristics, natural or man-made features that separate committed land from resource lands, and the degree and character of existing development in the area. Pursuant to OAR 660-04-028 (6), the Planning Commission adopts the following findings

concerning the proposed exceptions to the Statewide Agricultural Goal and the Urbanization Goal for land irrevocably committed to non-resource use.

(a) Existing Adjacent Uses

The applicant is proposing to expand the Green Urban Unincorporated Area (UUA) boundary to encompass the easterly 20 acre balance of a 33.13 acre property located on the north side of Speedway Road at its intersection with Ingram Drive. The westerly 13.13 acre portion of the property is already inside the Green UUA boundary and is designated for Industrial use with Medium Industrial (M-2) zoning. The applicant intends to develop the entire 33 acre property as a planned industrial park, thus necessitating a zone change to M-2 on the 20 acre portion that still lies just outside the UUA boundary. The site is presently occupied by a rock crushing, processing and stockpile operation that supplies aggregate material for various construction projects the applicant is working on in central Douglas County. The existing aggregate operation was approved by Douglas County in 2002 pursuant to Conditional Use Permit No. 02-025. Material being processed on the site was extracted from the 13 acre industrial site that adjoins immediately to the west.

As noted above, the adjoining 13 acre industrial site is already within the Green UUA boundary, where it is zoned Medium Industrial, the same zoning requested for the subject 20 acre site. Interstate 5 lies just beyond the 13 acre industrial site, and all lands lying to the west of the freeway are inside the Green UUA with commercial and industrial zoning. Lands lying to the south and southwest, on the other side of Speedway Road, are also inside the UUA boundary and are designated and zoned for Industrial use. Lands lying to the north are owned by the applicant and are designated and zoned Exclusive Farm Use – Grazing (FG). To the east of the site, along both sides of Speedway Road, there are about a dozen single-family dwellings on rural parcels that range in size from five to ten acres, with the nearest dwelling located about 500 feet from the east boundary of the site. About half of these residential parcels are presently zoned Rural Residential-5 Acres, while the rest are zoned EFU-Grazing (FG).

(b) Existing Public Facilities and Services

Within the Green unincorporated urban area, public facilities and services are provided by Douglas County and several special districts. Sanitary sewer is provided by Green Sanitary District; water is provided by Roberts Creek Water District; fire protection is provided by Douglas County Fire District No. 2; police services, street maintenance, storm drainage and street lighting are all provided by Douglas County. Policies concerning the coordination, timing and location of public facilities and services are contained within the Public Facilities

and Land Use Elements of Douglas County Plan, including policies specific to the Green unincorporated urban area.

The subject 20 acre site is presently within the jurisdictional boundary of Roberts Creek Water District and is eligible to receive service from the district. The district maintains a 12-inch water main located in Speedway Road which connects with another 12-inch main at the intersection with Ingram Drive. From that intersection, the 12-inch main extends north along the west boundary of the subject site to a 2-million gallon reservoir located just 500 feet north of the subject property's north boundary. The reservoir and 12-inch water mains were constructed by the district to provide for future development of the industrial lands located along Speedway Road and Ingram Drive east of Interstate 5.

The subject property is presently outside of, but immediately adjacent to the jurisdictional boundary of Green Sanitary District. The district's jurisdictional boundary is coterminous with the Green UUA boundary, and the district will not serve properties located outside the UUA boundary. Consequently, expansion of the UUA boundary is a prerequisite to its development with industrial uses. A sanitary sewer main capable of providing gravity sewer service to the site is presently located in Speedway Road along the property's south boundary. Future development on the subject site could connect directly to the existing sewer main via a gravity lateral line, thus avoiding the need to further extend the District's public sewer facilities. The applicant intends to initiate annexation of the property into Green Sanitary District upon approval of the requested Plan amendment and zone change.

Storm drains have been installed in the reconstructed section of Speedway Road. The storm drains discharge to Oak Creek south of Speedway Road. Drainage of the subject 20 acre site can be accommodated either by extending the existing storm lines in Speedway Road or by discharging directly to Oak Creek south of the property.

The site is situated to take advantage of improvements to local transportation facilities serving the area east of Interstate 5. Speedway Road has been reconstructed to an urban collector status from the west edge of the site westerly to its intersection with Highway 99 about one-quarter mile to west on the other side of the freeway. Ingram Drive, which intersects with Speedway Road at the site's southwest corner, is also constructed to an urban collector standard, and it extends south approximately one mile to Grant Smith Road, which in turn connects with the Interstate 5/Hwy 42 interchange. Improvements to these two urban collector streets were made specifically for the purpose of serving future industrial development east of the freeway.

The Comprehensive Plan/UGB amendment and zone change will ensure that subsequent land use activities on the subject site will be provided with an adequate level of public facilities and services, and that such facilities and services will be delivered in a timely, orderly and efficient manner. The requested amendment will not adversely impact the present or future provision of public facilities and services to other properties in the immediate area or within the broader Green UUA. These conclusions are based on consideration of the existing public service delivery systems and plans that are in effect within the Green unincorporated urban area which are intended to ensure the proper coordination of the types, locations and delivery of the public facilities and services necessary to support the existing and proposed urban land areas. No extension of public facilities and services will be needed as a consequence of the proposed Plan amendment and zone change.

(c) Parcel Size and Ownership Patterns

The proposed exception site consists of the easterly 20 acres of a single ownership encompassing a 33.13 acre parcel that lies immediately adjacent to the Green UUA boundary. Nearby properties within the adjoining urban area vary greatly in size, with some as small as one-quarter acre, while others range up to 15 acres. All of the nearby properties within the urban area are presently designated and zoned for urban uses, principally industrial uses. The site can easily be served with the same types and level of public facilities that presently serve all other properties within the adjoining urban area. Nearby agricultural properties lying outside the urban area, generally to the north and east of the applicant's property, are significantly larger and are composed of higher quality farm soils.

(d) Neighborhood and Regional Characteristics

As noted earlier, the subject 20 acre site is part of a larger contiguous ownership that contains 33.13 acres located at the far northeast corner of the Green Urban Unincorporated Area. The westerly 13.13 acre portion, which is zoned Medium Industrial inside the Green UUA, is bordered along its entire west side by Interstate 5, and along its south boundary by Speedway Road. Speedway Road extends further to the east and also fronts along the south boundary of the subject 20 acre portion of the property. Speedway Road is constructed to a Minor Collector standard and serves to connect the urban industrial lands on the east side of Interstate 5 with the balance of the Green urban unincorporated area lying to the west of the freeway. Nearly all of the properties to the south of the subject site on the east side of I-5 are zoned for industrial use, as are most all of the land to the west on the other side of the freeway. Lands adjoining on the east and the south, however, are outside the Green UUA and are designated and zoned for farm use. The farm lands lying to the north and northeast are owned by one of the applicants in this matter and comprise a very large ownership that

extends nearly a mile to the north. Lands lying to the east and southeast are also zoned for farm use, but most are relatively small ownerships that are developed with single-family dwellings and are not employed in commercial farm use. There is also a small enclave of five residential parcels about one-half mile to the east on the north side of Speedway Road. The parcels, which range in size from one-quarter acre to five acres, are zoned Rural Residential - 5 Acres.

The adjoining Green urban unincorporated area has long been viewed as a "bedroom community" to Roseburg, with land use activities falling principally into two categories: residential uses in its west half, and commercial/industrial uses in its east half. The Green area has historically been very attractive to new commercial and industrial businesses because of the availability of land suitable for such development, and because of the supporting service infrastructure that exists in the area. Douglas County has had a long-standing policy of ensuring adequate opportunities for new commercial and industrial development in the Green area so as to facilitate economic growth in the region, and to adequately meet the needs of the community's fast-growing population. The County has implemented this policy, in part, by making substantial public investments in infrastructure improvements, including financing the expansion of water, sewer, transportation and other facilities and services necessary to accommodate opportunities for future economic growth and development. A substantial amount of the public investment in these types of facilities has occurred in the immediate vicinity of the subject 20 acre site. The proposed land use change will be consistent and compatible with the existing character of the adjoining urban area.

(e) Natural or Man-made Features or Impediments

Although the official NRCS soils map for the site indicates that it is composed of Class III and Class IV agricultural soils, the map does not reflect the physical changes that have occurred on the property since the soils were originally mapped. As noted earlier, about half of the 20 acre property has been used as a rock crushing, processing and aggregate stockpile site for the past four years. Large pieces of rock crushing and processing equipment have operated on the sites, and very large piles of crushed aggregate continue to occupy much of the ground. In addition, literally thousands of heavy trucks have enter and exited the site as they have transported raw material into the site from a nearby-by rock source and then left the site with heavy loads of processed material. Because of high clay content of the underlying soils on the site, a thick layer of rock (up to 12 inches thick) had to be placed over most of the processing site to facilitate year-around operations. This thick layer of rock has subsequently been deeply compacted and integrated with the underlying native soils, and thus rendering the soil

completely unsuitable for agricultural use.

Today, the site has little or no practical agricultural value and cannot realistically be judged as meeting the Goal 3 definition of farm land. Nevertheless, the property remains designated as such, and consequently the applicant is obligated to subject the site to the Goal 2 exception process as a prerequisite to converting it to an urban use via expansion of the Green Urban Unincorporated Area boundary.

(f) Physical Development

The applicant is not proposing an exception on the basis of the land being physically developed. Instead, the proposed exception is based on the fact that the subject property is irrevocably committed to non-resource use because of the extensive physical alterations that have occurred on the site during the past five years (see discussion under Natural or Manmade Features, above).

(g) Other Relevant Factors

All relevant factors which justify the proposed exception have been addressed in other applicable sections of this Findings of Fact & Decision document for the Comprehensive Plan Amendment, Zone Change and Goal Exceptions.

19. In addition to the exception standards for sites that are irrevocably committed to non-resource use, as prescribed under OAR 660-04-028 (6), the Planning Commission finds that expansion of the Green UGB to include the subject 20 acre site will ultimately result in the conversion of land designated as "agricultural land" to an urban use. Goal 2, Part II (Exceptions) establishes four standards that must be addressed when rural agricultural land will be converted to urbanizable land via the UGB amendment process. Findings addressing these four standards are set forth as follows:

**Exception Standard 1** requires that reasons exist to justify why the State policy embodied in the Agricultural Lands Goal should not apply to the UGB amendment. Such justification is to be based on facts and assumptions used to determine that the state policy embodied in Goal 3 should not apply to the subject property or situation, including the amount of land needed for the use being planned and why the use requires a location on resource land (OAR 660-04-020(2)(a)).

As discussed in the Commission's findings concerning the applicability of Statewide Goal No. 3, above, there has previously been a legislative determination by the Douglas County Comprehensive Plan that the subject 20 acre site should be designated as "agricultural land".

In western Oregon, agricultural lands are defined as those of predominantly Class I, II, III and IV soils. Goal 3 also applies to *“other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, as well as to lands of lower value which are considered necessary to permit farm practices to be undertaken on adjacent or nearby lands”*.

Although the subject site is presently designated as “agricultural land” by the Comprehensive Plan, most of the land does not, in fact, possess of the characteristics described in Goal 3 that would otherwise qualify it as agricultural land. Although the official NRCS soils map for the site indicates that it is composed of Class III and Class IV agricultural soils, the map does not reflect the physical changes that have occurred on the property since the soils were originally mapped. As noted earlier, about half of the 20 acre property has been used as a rock crushing, processing and aggregate stockpile site for the past four years. Large pieces of rock crushing and processing equipment have operated on the sites, and very large piles of crushed aggregate continue to occupy much of the ground. In addition, literally thousands of heavy trucks have entered and exited the site as they have transported raw material into the site from a nearby-by rock source and then left the site with heavy loads of processed material. Because of high clay content of the underlying soils on the site, a thick layer of rock (up to 12 inches thick) had to be placed over most of the processing site to facilitate year-around operations. This thick layer of rock has subsequently been deeply compacted and integrated with the underlying native soils, and thus rendering the soil completely unsuitable for agricultural use. Today, the site has little or no practical agricultural value and cannot realistically be judged as meeting the Goal 3 definition of farm land. Nevertheless, the property remains designated as such, and consequently the applicant is obligated to subject the site to the Goal 2 exception process as a prerequisite to converting it to an urban use via expansion of the Green Urban Unincorporated Area boundary.

The 20 acre site is bordered along its entire west side, and along a portion of its south side by industrially-zoned land with the Green UUA boundary. Lands adjoining on the north and east south, however, are presently designated and zoned for farm use by the Douglas County Comprehensive Plan. The site is composed of two different soil types. The approximate northwesterly one-half of the property is identified on the official Natural Resources Conservation Service (NRCS) soils map as consisting of soil in the “Curtin clay” series (NRCS Nos. 48C & 48D), while the southeasterly half is composed of soil in the “Bashaw clay” series (NRCS No. 15A). The Curtin soils have an agricultural capability rating of Class III, while the Bashaw soil is a Class IV farm soil, thus bringing both soil types within the Goal

3 definition of farm land. Historic farm use on the adjoining agricultural land has remained separate and independent of land use activities on the subject site. The site is physically separated from the adjoining lands as a result of the past site alteration and cannot support any type of agricultural activity. The site does not provide benefits associated with the resource management of the adjoining agricultural lands. Consequently, the applicant has concluded that the subject 20 acre site cannot be considered "necessary to permit farm practices to be undertaken on adjacent or nearby lands".

On the basis of the foregoing findings, the Planning Commission concludes that the subject property does not fall within the Goal 3 definition of agricultural land because it is no longer composed of land that is suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, or existing and future availability of water for farm irrigation purposes; nor is it land that is considered necessary to permit farm practices to be undertaken on adjacent or nearby lands. The Commission ultimately concludes that sufficient reasons exist to justify excepting the subject property from the requirements of the Statewide Agricultural Goal No. 3.

**Exception Standard 2** requires findings of fact that show that alternative sites which do not require an exception to the Agricultural Goal cannot reasonably accommodate the proposed use. Such findings should be based on a review of specific alternative sites, including an analysis of site size; reasonable availability of the appropriate level of public facilities and services, including transportation facilities; physical constraints to development such as topography and potential for flooding; proximity to conflicting land uses; and, relevant economic factors (OAR 660-04-020(2)(b)). Exception Standard 2 does not, however, require an individual evaluation of specific alternative sites. OAR 660-04-020(2)(b)(C) provides that the alternative sites standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites, and further provides that "*site specific comparisons are not required of a local government taking an exception. . . A detailed evaluation of specific alternative sites is thus not required.*"

Alternative sites which would not require an exception to the Statewide Agricultural Goal, Public Facilities Goal and Urbanization Goal are those sites presently located within the existing Green urban growth boundary. According to the Douglas County Industrial Site Inventory, as last updated in 1999, the Green urban area contains a total of 580 acres of land designated and zoned for industrial use, including land designated as "General Commercial/Industrial" where a mix of retail and service commercial uses are permitted together with light and medium industrial uses. The present inventory of 580 acres of

industrial land represents twenty-five percent of the total land area within the Green UUA. The vast majority of the industrial land in Green, however, is fully developed with existing industrial operations. The proposed amendment to add 20 acres of land to the Green urban area represents an increase of less than one percent of the amount of land presently within the UGB, and the amount of land designated for industrial use from 580 acres to 600 acres, or an increase of approximately three percent.

The applicant conducted an analysis of the Green area's current inventory of buildable (vacant) land designated and zoned for industrial use. Using data from the Douglas County Assessor's Office in conjunction with an in-field site-by-site analysis, a total of thirty-five "buildable sites" were identified within the Green UUA. For purposes of the inventory and analysis, a "buildable site" was defined as one or more contiguous parcels of vacant land under common ownership currently designated and zoned for industrial use. Although some sites were found to consist of several different parcels, all contiguous parcels under the same ownership were grouped together and counted as one site. Based on the inventory and analysis, it was determined that there is presently a total of 91 acres of vacant land designated and zoned for industrial use divided between 27 separate sites within the present Green UUA.

About half of the sites were found to contain less than one acre of vacant land, while only three sites contain between five and ten acres and just three more contain more than ten acres. Only one site, which is owned by Douglas County, was found to contain more than twenty acres.

Based on the findings of the applicant's analysis of industrial land in the Green UUA, it appears that only about 20 percent of the current total industrial land inventory is vacant and developable. However, when consideration is given to the fact that the available vacant land is comprised of 27 separate and widely scattered sites, of which more than 80 percent are smaller than five acres, it becomes apparent that the amount of land available to accommodate medium to larger size industrial uses (sites containing 10 to 20 acres) is actually quite limited.

**Exception Standard 3** requires findings of fact which demonstrate that the "*long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site.*" Such findings should be based on an evaluation of the characteristics of alternative areas that have been considered by the applicant, and for which an exception to the Agricultural, Public Facilities and Urbanization Goals might be taken (OAR 660-04-020 (2)(c)).

To comply with Exception Standard 3, consideration must be given to the potential long term environmental, economic, social and energy consequences of converting the subject agricultural land to an urban industrial use as compared to other agricultural land that might serve as an alternative to the proposed site. All such alternative sites would, by definition, have to be designated and zoned for farm use and located outside the Green UGB. However, Exception Standard 3 does not require an individual evaluation of specific alternative sites. OAR 660-04-020 (2) (b) (C) provides that *"this alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites."* The applicant conducted such a broad review of the agricultural lands surrounding the Green UGB and presented evidence showing that conversion of such other areas to urban industrial use would result in significantly greater long term environmental, economic, social and energy consequences than would conversion of the subject twenty acre site. This conclusion is based on general findings that such alternative area are comprised of lands that clearly fall within the Goal 3 definition of farm land, whereas the subject site is clearly not farm land (see discussion under Exception Standard 1, above). Furthermore, such alternative areas are not located adjacent to existing urban facilities, including public sewer and water, and would therefore require the extension of such facilities into what is presently a rural area. Such facilities are already in place directly adjacent to the subject property and would not, therefore, have to be extended, thus resulting in a more efficient utilization of the existing public infrastructure.

Although it would not be accurate to say that the proposed UGB amendment will have no environmental, economic, social or energy consequences, the applicant has concluded that the weight of such consequences (whether positive or negative) within the context of the entire Green urban area is not sufficient to warrant a detailed analysis beyond the specific findings and conclusions already stated elsewhere within this application document. Those findings, however, are referenced here for the purpose of demonstrating that the criteria of Exception Standard 3 have been adequately addressed by this proposed amendment.

#### A. Environmental Consequences

Potential environmental consequences of the proposed UGB amendment are adequately discussed in the Commissions findings under Goal 6 (Air, Water & Land Resources Quality), as well as under Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources) and Goal 11 (Public Facilities and Services). Those findings are sufficient for the Commission to conclude that the amendment will not result in adverse environmental consequences, and even if such consequences were to result, their impact would be significantly less on the subject property as compared with other resource lands that might alternatively be converted to urban industrial use.

#### B. Economic Consequences

Potential economic consequences of the proposed UGB amendment are adequately discussed in the proposed findings listed under Goal 9 (Economy of the State). The findings under Goal 9, above, demonstrate that the amendment will not result in adverse economic consequences, and even if such consequences were to result, their impact would be significantly less on the subject property as compared with other resource lands that might alternatively be converted to urban industrial use.

#### C. Social Consequences

While it is difficult to predict specific social consequences that may occur as a result of amending the Green UGB to include the subject 20 acres of land, the foregoing findings regarding the Statewide planning goals suggests that any such consequences will be favorable.

It has been demonstrated that the Green urban area presently lacks an adequate inventory of medium to large industrial sites to meet the community's needs over the course of the next two decades. The subject property is ideally suited to meeting both the short term industrial development needs of the applicant, while ensuring that the Green UUA contains sufficient industrial land to meet the community's longer range economic development needs. The Planning Commission therefore finds that the proposed amendment to the urban growth boundary will not result in adverse social consequences, but will in all likelihood produce a more stable and cohesive social and economic environment in the Green unincorporated urban area. The Commission further finds that even if such consequences were to result, their impact would be significantly less on the subject property as compared with other resource lands that might alternatively be converted to urban industrial use.

#### D. Energy Consequences

Potential energy consequences of the proposed UGB amendment are adequately discussed in the Commission's findings listed under Goal 13 (Energy Conservation). The findings described under Goal 13 led the Commission to conclude that the amendment would not result in adverse energy consequences, and even if such consequences were to result, their impact would be significantly less on the subject property as compared with other resource lands that might alternatively be converted to urban industrial use.

**Exception Standard 4** requires findings demonstrating that "*the proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts*". This standard requires a description of how the proposed use will be compatible with production practices on surrounding agricultural lands. Within the context of this standard, the term "compatible" is not intended as an absolute, meaning no interference or adverse impacts of any type.

There are numerous industrial uses throughout Douglas County both within and outside urban areas that adjoin agricultural land. There is no factual evidence available to the applicant which would suggest that these two types of land use activities are inherently incompatible. Historically, most conflicts arising between farm land and urban development have occurred between agricultural activities and nearby residential uses. The proposed UGB amendment will not result in residential uses being introduced in close proximity to farm land and agricultural activities. While it may be possible to formulate an argument that allowing additional industrial development on the subject site may ultimately result in increased pressure to further expand urban uses to other nearby agricultural land some time in the future, any such proposal would be subject to the same review procedures employed in this amendment request.

Although the applicant has concluded that there is no factual evidence to support a finding that the proposed amendment would likely result in a conflict between the types of land use activities permitted by the proposed Medium Industrial designation and zoning, and agricultural activity on adjacent or nearby farm land, it should also be noted that the owners of nearby farmland have the additional protection of state law under Oregon's "Right to Farm" statute. ORS 30.935 restricts the circumstances under which a farming practice may be considered a nuisance. As a result of this statute, an owner or user of an industrial business on the subject 20 acre site would not have the right to compel the cessation of a farming practice on adjoining or other nearby lands. Finally, the Commission notes that all lands directly adjoining the subject site are owned by one of the co-applicants in this matter.

While the Planning Commission acknowledges the importance of preserving agricultural land as required by Statewide Goal No. 3, the applicant also recognizes that Douglas County has a legal responsibility to identify and designate an adequate amount of land suitable to accommodate both short-term and long-term urban industrial development as required by Statewide Goal 9. Furthermore, the Commission recognizes that Douglas County has the authority within the context of Goal 2 to resolve apparent conflicts between competing land use needs and interests (See OAR 660-04-020). In this case, the applicant has concluded that the evidence presented within this Decision and Findings of Fact document clearly demonstrates the need to provide additional buildable land within the Green UGB that is both suitable and sufficient to accommodate the urban area's economic development needs, and that the subject site is ideally suited to meet those needs.

**REASONS EXCEPTION STANDARDS FOR UUA EXPANSION (OAR 660-004-0020(4))**

**a. There is a need for additional land in the Green Urban Unincorporated Community to accommodate a specific use.**

This land use application proposes an exception to the Statewide Agriculture and Urbanization Goals (Goals 3 and 14) to expand the boundary of the Green Urban Unincorporated Area (UUA) to encompass a 20 acre portion of a 33.13 acre property. The westerly 13.13 acres of the property is presently inside the Green UUA boundary and is designated and zoned for urban industrial use.

The Green UUA contains a total of 2,286 acres of land that is designated and zoned for a variety of urban uses. According to the Douglas County Industrial Site Inventory, as last updated in 1999, the Green urban area contains a total of 580 acres of land designated and zoned for industrial use, including land designated as "General Commercial/Industrial" where a mix of retail and service commercial uses are permitted together with light and medium industrial uses. The present inventory of 580 acres of industrial land represents twenty-five percent of the total land area within the Green UUA. There is presently a total of 91 acres of vacant land designated and zoned for industrial use divided between 27 separate sites within the present Green UUA. About half of the sites were found to contain less than one acre of vacant land, while only three sites contain between five and ten acres and just three more contain more than ten acres. Only one site, which is owned by Douglas County, was found to contain more than twenty acres. The proposed amendment to add 20 acres of land to the Green urban area represents an increase of less than one percent of the amount of land presently within the UGB, and the amount of land designated for industrial use from 580 acres to 600 acres, or an increase of about three percent. Based on the findings of the applicant's analysis of industrial land in the Green UUA, it appears that only about 20 percent of the current total industrial land inventory is vacant and developable. However, when consideration is given to the fact that the available vacant land is comprised of 27 separate and widely scattered sites, of which more than 80 percent are smaller than five acres, it becomes apparent that the amount of land available to accommodate medium to larger size industrial uses (sites containing 10 to 20 acres) is actually quite limited.

Opportunities for increasing the present inventory of developable land in the Green UUA are extremely limited because of the physically constraining nature of the area's surrounding topography. For the most part, the Green UUA occupies a narrow, five mile long, corridor running along Interstate 5 and the South Umpqua River between the Green Urban Unincorporated Area which adjoins to the south and the City of Roseburg adjoining to the north. The South Umpqua River blocks any expansion of the urban community to the west, while extremely steep hillsides descend right down to the edge of Interstate 5 along most of the UUA's

easterly boundary, thus blocking further expansion to the east. Indeed, the only area east of the freeway that has physical characteristics suitable for industrial use lies along Speedway Road and include the subject 20 acre site.

**b. The use has special features necessitating its location in an expanded area of the Green Urban Unincorporated Community.**

The specific type of industrial uses contemplated for the subject site are intended to serve a regional retail market covering all of central Douglas County, extending north and south along the I-5 corridor to include the incorporated communities of Roseburg, Sutherlin, Oakland, Winston, Myrtle Creek, Riddle and Canyonville. The central County market area also includes all of the unincorporated urban and rural areas lying to the east and west of the I-5 corridor, including Winchester, Wilber, Green, Tri City, Garden Valley, Melrose, Lookingglass, Dixonville and Glide.

Interstate 5 serves as the principal transportation link between most of the urban and rural communities in the central-County region. A location with close proximity to I-5 is therefore a crucial siting criteria for the type of planned industrial park contemplated for the subject property.

In addition, a planned industrial park of the size and scope contemplated by the applicant will require an urban level of public facilities and services (principally public sanitary sewer and public water service). The types and levels of services required for the intended use are not available, and cannot otherwise be provide in a rural area outside of an acknowledged urban boundary. Consequently, the intended land use necessitates a location inside an acknowledged urban area.

**c) The need to expand the Green Urban Unincorporated Community boundary is coordinated and consistent with the comprehensive plan for other exception areas, unincorporated communities, and UGBs in the area. The term "area" encompasses those communities, exception areas, and UGBs which may be affected by an expansion of a community boundary, taking into account market, economic, and other relevant factors.**

For the purposes of this "reasons" exception, the Planning Commission has adopted findings demonstrating that the need to expand the Green Urban Unincorporated Community boundary is coordinated and consistent with the comprehensive plan for the Roseburg Urban Area to the north, as well as with the comprehensive plan for the Winston Urban Area that adjoins to the south. These two nearby urban areas, together with the Green UUA itself, comprise the "area" within which the UUA boundary expansion has been found to be fully coordinated and consistent with existing comprehensive plans.

The Green UUA is one of seven different "urban unincorporated" areas in Douglas County that have been recognized as having a development density and level of public services that makes

them urban in nature. The Green UUA is encompassed by an "urban growth boundary" which identifies and separates land that is irrevocably committed to urban-type uses from rural land. To further accomplish this objective, the Douglas County Plan contains the following statement of fundamental principle:

*"The overall objectives intended to address these issues are to promote the orderly and efficient development of urban unincorporated areas and provide the necessary infrastructure to ensure the needs of these areas are met. Consistent with public facilities capabilities, it is intended that urban unincorporated areas accommodate the growth which is projected to occur within their areas through the planning period. The boundaries which define and limit these areas are intended to separate rural from urban development and define the limits within which urban levels of services may be provided." (Urban Land Use Element, page 15-48)*

With respect to future commercial development within the Green UUA, the Comprehensive Plan contains the following statement of fundamental principal:

*"It is intended that commercial development within UUAs be convenient to the consumer, attractive, safe for vehicular and pedestrian circulation, efficient (in terms of satisfying all commercial needs) and not adversely affect adjacent residential property values. Strip commercial development should be discouraged. Instead, the aggregation of commercial uses should be encouraged so as to create commercial nodes within each UUA. Clustering commercial uses often decreases traffic conflicts by focusing street access on certain areas and encouraging joint access points and parking. Aggregation also leads to more efficient retail shopping by minimizing the number of vehicle destination required to satisfy consumer needs by facilitating competitive shopping which often improves overall retail sales. To ensure that properties well suited for commercial use are available the need arises, these lands should be preserved primarily for commercial use." (Land Use Element – Unincorporated Areas, page 15-70)*

With respect to the issues of utilization of public facilities and services in the Green UUA, the Comprehensive Plan contains the following statement of fundamental principal:

*"Major public investments have been made for the provision of facilities and services to all the UUAs in the County. Efficient development in these areas will properly amortize and derive maximum utilization of these investments. It is also intended that these investments be managed so as to ensure their efficient use. This implies that service extensions be minimized and that development should occur in areas where service may be most economically provided. Key facilities and services within some UUAs will need expansion in order to provide the level of services appropriate for the projected growth in those areas." (Urban Land Use Element, page 15-49)*

- d. The expanded area and any remaining infill development potential in the Green Urban Unincorporated Community at the time of development can be served with the level of facilities determined to be appropriate for the existing unincorporated community.**

Within the Green unincorporated urban area, public facilities and services are provided by Douglas County and several special districts. Sanitary sewer is provided by Green Sanitary District; water is provided by Roberts Creek Water District; fire protection is provided by Douglas County Fire District No. 2; police services, street maintenance, storm drainage and street lighting are all provided by Douglas County. Policies concerning the coordination, timing and location of public facilities and services are contained within the Public Facilities and Land Use Elements of Douglas County Plan, including policies specific to the Green unincorporated urban area.

The subject 20 acre site is presently within the jurisdictional boundary of Roberts Creek Water District and is eligible to receive service from the district. The district maintains a 12-inch water main located in Speedway Road which connects with another 12-inch main at the intersection with Ingram Drive. From that intersection, the 12-inch main extends north along the west boundary of the subject site to a 2-million gallon reservoir located just 500 feet north of the subject property's north boundary. The reservoir and 12-inch water mains were constructed by the district to provide for future development of the industrial lands located along Speedway Road and Ingram Drive east of Interstate 5.

The subject property is presently outside of, but immediately adjacent to the jurisdictional boundary of Green Sanitary District. The district's jurisdictional boundary is coterminous with the Green UUA boundary, and the district will not serve properties located outside the UUA boundary. Consequently, expansion of the UUA boundary is a prerequisite to its development with industrial uses. A sanitary sewer main capable of providing gravity sewer service to the site is presently located in Speedway Road along the property's south boundary. Future development on the subject site could connect directly to the existing sewer main via a gravity lateral line, thus avoiding the need to further extend the District's public sewer facilities. The applicant intends to initiate annexation of the property into Green Sanitary District upon approval of the requested Plan amendment and zone change.

Storm drains have been installed in the reconstructed section Speedway Road. The storm drains discharge to Oak Creek south of Speedway Road. Drainage of the subject 20 acre site can be accommodated either by extending the existing storm lines in Speedway Road or by discharging directly to Oak Creek south of the property.

The site is situated to take advantage of improvements to local transportation facilities serving the area east of Interstate 5. Speedway Road has been reconstructed to an urban collector status from the west edge of the site westerly to its intersection with Highway 99 about one-quarter

mile to west on the other side of the freeway. Ingram Drive, which intersects with Speedway Road at the site's southwest corner, is also constructed to an urban collector standard, and it extends south approximately one mile to Grant Smith Road, which in turn connects with the Interstate 5/Hwy 42 interchange. Improvements to these two urban collector streets were made specifically for the purpose of serving future industrial development east of the freeway.

The Planning Commission finds that the Comprehensive Plan/UGB amendment and zone change will ensure that subsequent land use activities on the subject site will be provided with an adequate level of public facilities and services, and that such facilities and services will be delivered in a timely, orderly and efficient manner. The Commission further finds that the requested amendment will not adversely impact the present or future provision of public facilities and services to other properties in the immediate area or within the broader Green UUA. These conclusions are based on consideration of the existing public service delivery systems and plans that are in effect within the Green unincorporated urban area which are intended to ensure the proper coordination of the types, locations and delivery of the public facilities and services necessary to support the existing and proposed urban land areas. No extension of public facilities and services will be needed as a consequence of the proposed Plan amendment and zone change.

### **3. LOCAL NEED FOR LAND USE CHANGE**

LUDO Section 6.500(2) requires Comprehensive Plan amendment proposals to demonstrate that the requested land use change will provide a reasonable opportunity to satisfy a local need for a different land use. LUDO further provides that a demonstration of need for the change may be based upon special studies or other factual information. Addressing these criteria, the Planning Commission makes the following findings.

The Green urban unincorporated area has long been viewed as a "bedroom" community with land use activities falling principally into two categories: residential and commercial/industrial. Indeed, when land area devoted to public rights-of-way is excluded, more than ninety-three percent of the land area within the Green UUA is designated for residential and commercial/industrial uses. The Green area has historically been very attractive to new commercial and industrial businesses because of the availability of land suitable for such development, and because of the supporting service infrastructure that exists in the area. Douglas County has had a long-standing policy of ensuring adequate opportunities for new commercial and industrial development in the Green area so as to facilitate economic growth in the region, and to adequately meet the needs of the community's fast-growing population. The County has implemented this policy, in part, by

making substantial public investments in infrastructure improvements, including financing the expansion of water, sewer, transportation and other facilities and services necessary to accommodate opportunities for future economic growth and development. A substantial amount of the public investment in these types of facilities has occurred in the immediate vicinity of the subject 20 acre site.

The Comprehensive Plan also acknowledges the importance of encouraging new business enterprise in Douglas County, and establishes several policies which are aimed at supporting the economic viability of existing business, and encouraging the establishment of new businesses, by ensuring that sufficient land is planned and zoned for industrial use. These Plan policies are directly in line with the Statewide Economic Development Goal which also requires that future economic growth be accommodated through the local land use planning process by ensuring that there is sufficient suitable land planned and zoned for commercial and industrial uses.

The proposed Comprehensive Plan/UGB amendment and zone change from Agriculture - Grazing to Industrial will be consistent with both the Statewide Economic Development Goal and with economic development policies contained in the Comprehensive Plan, thus implying that there is a local need for the change proposed, and that the identified need will be best served by changing the Plan designation and zoning on the subject site.

#### **4. PROPOSED FINDINGS ADDRESSING ZONE CHANGE CRITERIA**

In addition to the criteria to be addressed when proposing an amendment to the Comprehensive Plan, the LUDO also establishes criteria that must be considered when a change in zoning is proposed. The criteria for a zone change are found in LUDO at Section 3.3§.100, and require the Planning Commission to find that:

- a. The rezoning will conform with the applicable sections of the Comprehensive Plan;
- b. The site is suitable to the proposed zone; and,
- c. There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.

Addressing the zone change criteria cited above, the Commission adopts the following findings:

The change in zoning from Exclusive Farm Use - Grazing (FG) to Medium Industrial (M-2) on the subject 20 acre site is predicated on a concurrent request to amend the Comprehensive

Plan map designation from Agriculture - Grazing to Industrial. If the Comprehensive Plan amendment is approved, the requested zone change will conform with the amended Plan map. Findings demonstrating that the requested change in zoning will conform with applicable policies found throughout the Comprehensive Plan are included in preceding sections of this Decision and Findings of Fact document. The Planning Commission therefore concludes that the rezoning will conform with the applicable sections of the Comprehensive Plan.

Findings addressing the suitability of the subject site for industrial zoning and the intended use are included in preceding sections of this document. Those earlier findings demonstrate that the subject site is well suited for the proposed Medium Industrial zoning with respect to the physical characteristics of the property, availability of necessary and appropriated public facilities and services, adequate access and accessibility to local transportation facilities, and compatibility with adjacent and nearby land use activities. The Commission therefore concludes that the site is suitable for the proposed zone and its intended use.

Specific findings addressing the public health, safety and welfare aspects of changing the zoning on the subject property are included in preceding sections of this document and are incorporated here by reference. Those findings demonstrate that there is a sufficient level of public services and facilities available to the property; that the zone change will not adversely impact the carrying capacity of local air sheds, degrade land and water resources or threaten the availability of such resources; that the site is physically and topographically well-suited for industrial use; that the site is not needed for public recreational uses; that the zone change will not significantly impact the existing housing stock in the surrounding area, result in population growth or increase the demand for housing beyond previous projections; that the zone change will not adversely impact the present or fixture provision of public facilities and service in the surrounding area; that the full range of urban services appropriate for the type of land use activity contemplated is available and can be provide in a timely, orderly and efficient manner; that public roads in the area are adequate to accommodate the potential additional traffic resulting from the zone change; and finally, that there is a local need to increase the availability of land planned and zoned for industrial use within the Green urban unincorporated area.

29. On the basis of the foregoing findings, the Planning Commission ultimately concludes that the proposed amendment complies with the applicable statewide planning goals, that there is a public need for a change of the kind in question, and that such need will be best served by changing the Plan designation and zone on the subject property as compared with other available property.

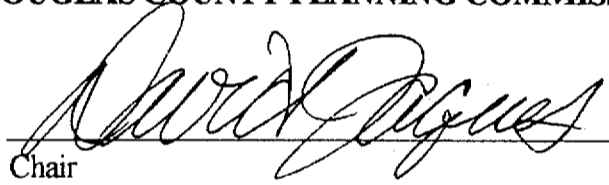
**DECISION**

The Planning Commission deliberated to a decision on July 20, 2006. Commissioner Raynor moved for approval of the proposed Comprehensive Plan amendment. Commissioner Stratton seconded the motion. A vote was taken and the motion passed.

On the basis of the Findings of Fact enumerated herein, the applicant's request for a Comprehensive Plan map amendment from Agriculture to Industrial, expansion of the Green Urban Unincorporated Area Boundary and a concurrent zone change from Exclusive Farm Use - Grazing (FG) to Medium Industrial (M-2), together with an exception to Statewide Goals No. 3 and No. 14, is hereby **APPROVED**.

Dated this 17<sup>th</sup> day of August, 2006.

**DOUGLAS COUNTY PLANNING COMMISSION**

  
Chair