



# 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/Coastal Fax: (503) 378-6033

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

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

### NOTICE OF ADOPTED AMENDMENT



June 8, 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 002-06

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: June 23, 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  
Bob Cortright, DLCD Transportation & Growth Management Coordinator  
Eric Jacobson, DLCD Transportation Planner  
John Renz, DLCD Regional Representative  
Cheryl Goodhue, Douglas County

<paa> ya/

FORM 2

DEPT OF

D L C D NOTICE OF ADOPTION

JUN 05 2006

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

(See reverse side for submittal requirements)

Jurisdiction: Douglas County Local File No: 06-022  
(if no number, use none)

Date of Adoption: 05/31/06 Date Mailed: 06/02/06  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 03/03/06

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

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

Valynn Currie, request for a Comprehensive Plan Map Amendment to eliminate a section of a future local street which is designated on the Green Circulation Plan Map. The Amendment has been granted and an alternate alignment has been adopted, as depicted on the attached Green Circulation Plan Map.

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: to eliminate designated future Necessary Local and relocate to adopted alternate alignment.

Zone Map Changed: NA

Location: Rolling Hills Road in the Green UUA Acres Involved: NA

Specify Change in Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 1,2 & 12

Was an Exception Adopted? Yes:  No:

=====  
DLCD File No: 002-06(15055)

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, Charter Communications, Comspan Communications, 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

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### ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need more copies?** You can copy this form on to 8½ x 11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

DOUGLAS COUNTY OREGON  
FILED

JUN 02 2006

AN ORDER to affirm the Findings of Fact and )  
Decision of the Planning Commission for an )  
Amendment to the Douglas County )  
Comprehensive Plan Map to relocate a future )  
Necessary Local street designated on the Green )  
Circulation Plan, for Valynn Currie )  
Planning Department File No. 06-022 )

BARBARA E. NIELSEN, COUNTY CLERK

**ORDER**

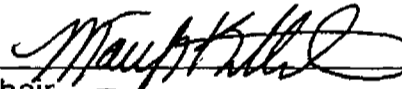
The Douglas County Board of Commissioners being informed that the Douglas County Planning Commission, on May 18, 2006, and on request from the above captioned individual, approved a Comprehensive Plan Amendment to the Green Circulation Plan Map to relocate a future Necessary Local street.

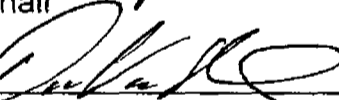
Pursuant to Section 6.900.1 of the Douglas County Land Use and Development Ordinance, the Board of Commissioners hereby affirms the Findings of Fact and Decision of the Planning Commission (Exhibit A, dated May 18, 2006, attached).

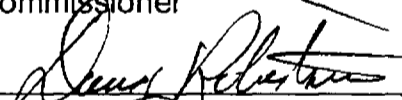
Based on the aforementioned Findings of Fact and Decision as affirmed, the Board of Commissioners hereby GRANTS the requested Plan Amendment and Orders that such Plan Amendment shall be filed in the County Court Journal, and the Douglas County Comprehensive Plan Maps shall be changed accordingly.

Dated this 31<sup>st</sup> day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

  
Chair

  
Commissioner

  
Commissioner

*EXHIBIT A*  
**BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION**

Valynn Currie, Findings of Fact and Decision, Planning Department File No. 06-022.

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

The applicant was present at the hearing.

The Planning Commissioners present at the hearing were: Karen Gibbons, Rick Barnes, Brian Parkinson, David Jaques, Ed Stratton and James Mast. Commission Chair David Jaques stepped down in order to give testimony as a witness in favor of the request, and appointed Commissioner Parkinson to conduct the hearing.

The Planning Commission takes official notice of the following:

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

**PROCEDURAL FINDINGS OF FACT**

1. Application for the Plan Amendment was filed with the Planning Department at least 73 days prior to the April 20, 2006 Planning Commission meeting.
2. At least 45 days prior to April 20, 2006, notice of the proposed Plan Amendment was sent to the Department of Land Conservation and Development, and notice of the Public Hearing to be held in the matter was sent by mail to the applicant, to all property owners within 100 feet of the property and other owners of property along the designated local street, to service providers and governmental agencies and to the Roseburg-Green Planning Advisory Committee (PAC).
3. Notice of the hearing was given by publication in a newspaper of general circulation in the affected area at least 20 days prior to April 20, 2006.
4. At the hearing we recognized the following parties in the matter: Valynn Currie, applicant; David Jaques, witness for the applicant; Lawrence Saccato, trustee for Olive Branch Equities, titleholder; Oregon Department of Transportation, Tom Guevara; John & Ruthie Shaw; New Hope Church, Dave Ewert (Senior Pastor) and Mike Rice; Gordon & Janice Light; Elisabeth Jarvis; Stephen Mountainspring, attorney representing Elisabeth Jarvis; Christine Jurik; Don Spalding; Rollo Damewood and Jan Simmons.
5. Staff entered Staff Exhibits 1 through 17, including the Staff Report, into the Record and gave the oral staff report. Staff stated that Planning staff supports the applicant's requested Plan Amendment, however, elimination of a section of a Necessary Local street designated on the Green Circulation Plan, requires that an alternative alignment for the Necessary Local street be designed to ensure safe and orderly development of the Green urban area. Staff explained that,

after working extensively with Public Works and individual property owners, they had developed an alternate design alignment for the Necessary Local street which achieves the objectives of the applicant as well as the goals and objectives of the Comprehensive Plan and Transportation System Plan. A packet entitled "Currie Green Circulation Plan Amendment" (Staff Exhibit 16), including a Plan Map of the recommended option, as well as Plan Maps of the alternatives that had been considered, was distributed to the audience by staff.

6. We heard testimony from the applicant, Valynn Currie, a Realtor representing a client in this matter.
7. We heard testimony in support of the request from David Jaques, who complimented the Planning Department on the informational neighborhood meeting facilitated by the Planning Director and staff to obtain citizen input on the request.
8. We heard testimony from Stephen Mountainspring, Attorney for Elisabeth Jarvis, who stated Ms. Jarvis supports the Amendment because her concerns have been resolved, and the Amendment improves circulation and affords a safer connection to Rolling Hills Road.
9. We heard testimony from Dave Ewert of New Hope Church, who stated he does not oppose the Amendment; his concerns are being addressed by Planning staff.
10. We heard testimony from Gordon Light, owner of Lone Oak Village, for himself and in behalf of his wife and all Lone Oak Village owners and residents, stating that there are no concerns with the recommended relocation of the Necessary Local street. We heard testimony from Jan Simmons in support of Gordon Light.
11. We heard testimony from Chris Jurik, Don Spalding and Rollo Damewood, all of whom had some remaining concerns with regard to easements and/or drainage.
12. We heard rebuttal from Valynn Currie.
13. We closed the public portion of the hearing and deliberated to a decision.
14. Stating he feels the solution meets the needs of the community, Commissioner Barnes moved to adopt the findings of the Staff Report and the staff recommendation that the designated future Necessary Local Street, requested to be eliminated from the subject property by the applicant, be eliminated from its point of intersection with Rolling Hills Road at the subject property *through* its point of intersection with Harmony Drive, and that the Green Circulation Plan Map be amended to relocate the Necessary Local street as depicted on the Green Circulation Plan Map entitled "Recommended Necessary Local Alignment," presented by staff. Commissioner Mast seconded the motion. The motion passed unanimously.

#### SUBSTANTIVE FINDINGS OF FACT

1. The Commission finds that avenues for citizen involvement have been opened in consideration of the Plan Amendment request, in conformance with Goal 1. The quasi-judicial Plan Amendment process achieves compliance with Goal 2. The Commission finds that Goals 3 through 11, 13 and

14 are not applicable to this Plan Amendment request. Goal 12 and the Transportation Planning Rule are applicable to this request.

2. The Commission recognizes that the intent of Goal 12 is also implemented by the State Transportation Planning Rule (TPR). A Plan Map of the relocated alignment of the Necessary Local as approved with this Amendment, is attached to this Findings of Fact and Decision document, and incorporated herein by reference. The Commission finds that the relocated alignment of the Necessary Local street, designed in cooperation with ODOT and Public Works, meets the objectives of Goal 12 and is consistent with the Transportation System Plan.
3. The Commission finds that there is a public need for the Necessary Local street. The Green Urban Unincorporated Area is a rapidly-growing, urban area. The Necessary Local street system is imperative for appropriate urban development. The County has an obligation to facilitate safe and orderly development and to assure that private property owners' "developability" is protected. Large-block residential properties require circulation infrastructure, and private property owners' individual development actions must be coordinated and consistent with the Comprehensive Plan. The Commission recognizes that Circulation Plan provisions have a direct bearing on public health, safety and welfare issues.
4. The Commission finds that public need was addressed, demonstrated and adopted when the Necessary Local requested for Amendment was originally designated at its existing alignment on the Green Circulation Plan. The Commission now finds, some 25 years later, that public need can be *better* served by relocation of the Necessary Local street, as approved with this Amendment to the Green Circulation Plan.
5. The Commission finds the relocated site for the Necessary Local street is suitable because: it achieves the goals and objectives of the Comprehensive Plan and the Transportation System Plan; it considers future access and protects development opportunities of neighboring property owners; it achieves ODOT access reduction objectives for Highway 42 and retains support for the future signalization of the Rolling Hills Road/Highway 42 Intersection.
6. The Commission finds that the relocated site for the Necessary Local street provides the optimum professional and technical alternative alignment for the requested Amendment to the Green Circulation Plan. The existing Necessary Local street connects to Rolling Hills Road at a point only 300± feet from the future traffic light to be located on Highway 42. Eliminating this Necessary Local connection reduces the existing access point to driveway access, thus significantly reducing the volume of traffic making turning movements in close proximity to what will soon be a lighted intersection. Relocation of the Necessary Local street, as approved with this Amendment, redirects traffic to Harmony Drive as the nearest Necessary Local connection to Rolling Hills Road. Harmony Drive is over 1,000 feet from Highway 42, affording a safer location in relation to the future lighted intersection. The Commission further finds that, from an engineering and construction standpoint, the approved relocation of the Necessary Local Street is the most cost-effective.
7. The Commission finds that relocation of the Necessary Local street facilitates effective traffic management principles, minimizes public costs and protects public safety, making this the most suitable site for the relocation of the required Necessary Local street. Therefore, the Commission finds that the approved relocation of the Necessary Local street complies with Goal 12 and the

Decision/CURRIE

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May 18, 2006

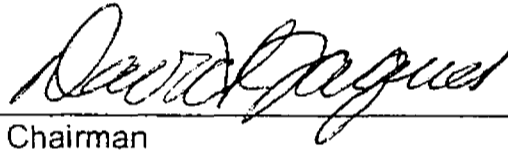
Transportation Planning Rule and is consistent with the Comprehensive Plan objectives for the Green Circulation Plan. Public need is best served by this relocation, and the relocation site is suitable with respect to public health, safety and welfare issues.

**DECISION**

Based on evidence received, the findings above and the findings contained in the Staff Report, we hereby APPROVE the request for a Comprehensive Plan Amendment to the Green Circulation Plan Map to eliminate the subject, existing designated future Necessary Local Street, from its point of intersection with Rolling Hills Road at the subject property through its point of intersection with Harmony Drive, and that the Green Circulation Plan Map be amended to relocate the Necessary Local street as depicted in the attached Green Circulation Plan Map.

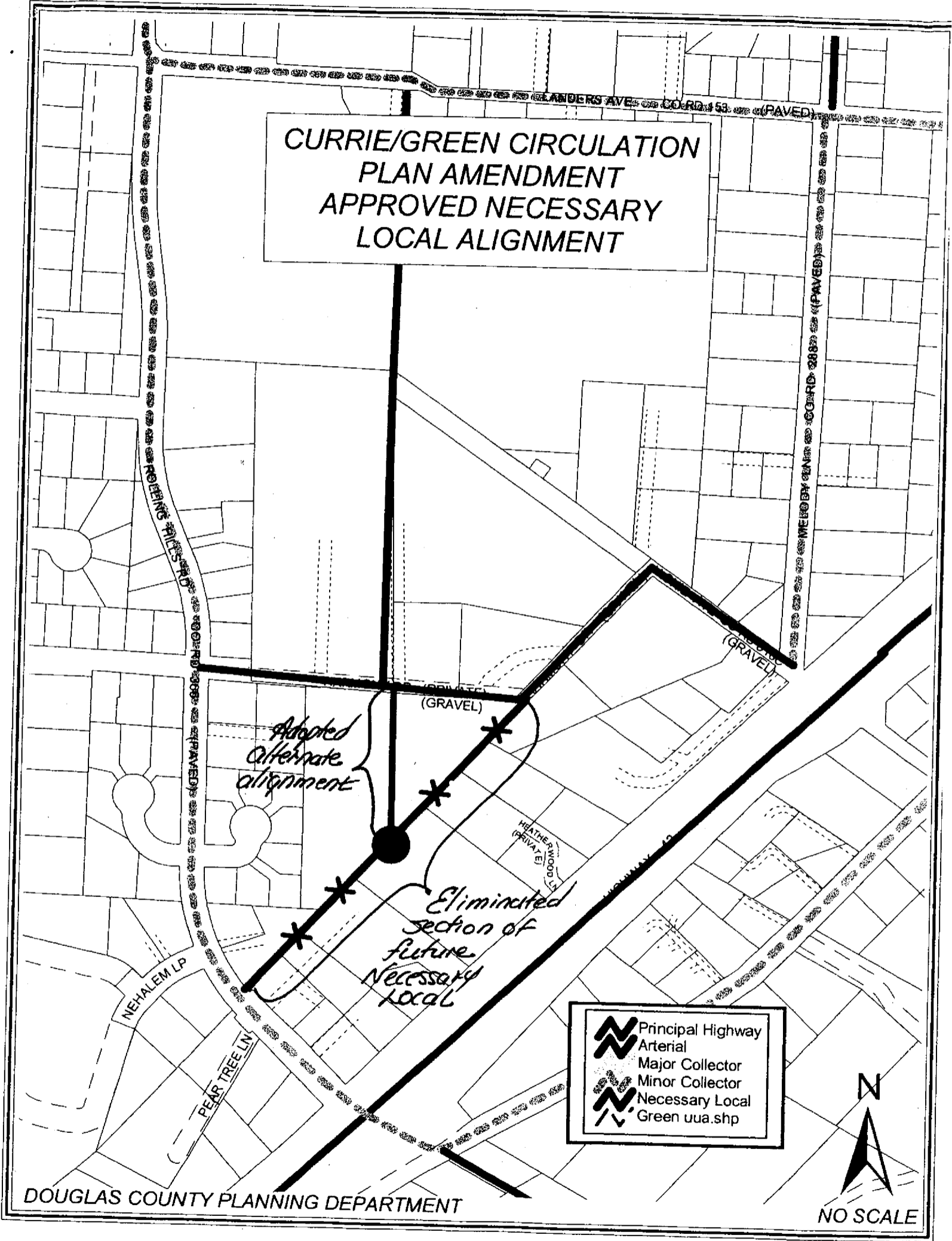
Dated this 18<sup>th</sup> day of May, 2006.

DOUGLAS COUNTY PLANNING COMMISSION

By:   
Chairman



CURRIE/GREEN CIRCULATION  
PLAN AMENDMENT  
APPROVED NECESSARY  
LOCAL ALIGNMENT



DOUGLAS COUNTY PLANNING DEPARTMENT

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NO SCALE