



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

May 25, 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 001-06

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 9, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

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MAY 22 2006

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

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: Douglas County Local File No: 06-008 (if no number, use none)

Date of Adoption: 05/17/06 Date Mailed: 05/19/06 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 01/25/06

- 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."

Paul Farrar, request for a Plan map designation amendment from (AGG) Agriculture to (RR2) Rural Residential - 2 Acre and a zone change from (FG) Exclusive Farm Use - Grazing to (RR) Rural Residential - 2 Acre on the 21.20± acre portion of a 28.88 acre parcel which lies within the Glide UUA, to allow future subdivision development of the site at the RR density.

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

Same

Plan Map Changed From: AGG to RR2

Zone Map Changed From: FG to RR

Location: North Umpqua Highway 138, Glide Acres Involved: 21.20± acre portion

Specify Density: Previous: 1 DU/160 ac. New: 1DU/2 ac.

Applicable Statewide Planning Goals: 1, 2, 10, 11, 12 & 13

Was an Exception Adopted? Yes: No: X

DLCD File No: 001-06 (14963)

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, ODF&W, Douglas Forest Protective Agency, Glide Rural Fire District, Qwest, Pacific Power, Glide-Idleyld Sewer System, Glide Water Association, Glide School District No. 12

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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

DOUGLAS COUNTY OREGON
FILED

MAY 18 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 from (AGG) Agriculture)
to (RR2) Rural Residential - 2 Acre, together with)
a Zone Change from (FG) Exclusive Farm Use -)
Grazing to (RR) Rural Residential - 2 Acre on a 21.2±)
acre portion of a 28.88 acre parcel, for Paul Farrar.)
Planning Department File No. 06-008.)

BARBARA E. NIELSEN, COUNTY CLERK

ORDER

The Douglas County Board of Commissioners being informed that the Douglas County Planning Commission, on April 20, 2006, and on request from the above captioned individual, approved a Plan Map designation amendment for property described below. The subject property is located on the south side of North Umpqua Highway in the Glide Urban Unincorporated Area.

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 April 20, 2006, attached).

Description of the property:

Tax Lot 3600 in Section 13C and Tax Lot 2100 in Section 14D of T26S, R4W, W.M., both of which lie within the Glide Urban Unincorporated Area and which, together, contain approximately 21.20 acres.

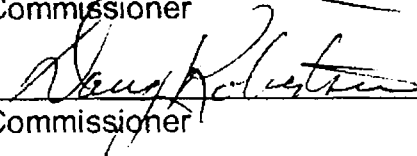
Based on the aforementioned Findings of Fact and Decision as affirmed, the Board of Commissioners hereby GRANTS the requested Plan Amendment and Orders that such Plan Amendment shall be filed in the County Court Journal, and the Douglas County Comprehensive Plan Maps shall be changed accordingly.

Dated this 17th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON


Chair


Commissioner


Commissioner

Re: PAUL FARRAR request for a Comprehensive Plan map amendment from Agriculture to Rural Residential 2 Acre and a concurrent Zone Change from Exclusive Farm Use - Grazing (FG) to Rural Residential - 2 Acre (RR) on approximately 21.20 acres of a 28.88 acre parcel located on the North Umpqua Highway (State Highway 138) within the Glide Urban Unincorporated Area (UUA) boundary. The property is described as Tax Lot 3600, Section 13C, Tax Lot 2100, Section 14D and Tax Lot 200, Section 24, Township 26S, Range 4W, Douglas County, Oregon; Property ID Numbers R41512, R41528, R41496, R41504 and R41520. Planning Department File No. 06-008.

FINDINGS AND DECISION

I. INTRODUCTION

A. Application

This matter was initiated by the application of Paul Farrar (applicant) to rezone approximately 21.20 acres of the 28.88 acre subject property to RR to accommodate future subdivision of the property.

The request has two components:

1. Amend the Comprehensive Plan land use designation on the subject property from Agriculture to Rural Residential 2 Acre.
2. Change the zoning classification of the property from Exclusive Farm Use - Grazing (FG) to Rural Residential - 2 Acre (RR).

Together these two components are referred to as "the proposed Plan Amendment."

The north one-third of the property is generally flat with the remainder of the property increasing in slope toward its southwest corner. The area proposed for amendment contains one single family dwelling and three outbuildings located on it and approximately 1350 feet of frontage along the North Umpqua Highway which forms the north boundary of the subject property.

All of the properties to the west, north and east of the subject site are inside the Glide UUA. The properties to the west are zoned FG and are vacant. Three of the five properties north of the highway are zoned (F-2) Exclusive Farm Use - Cropland and the other two are zoned RR and each of the five contain at least one single family dwelling. The

ownership directly east is zoned (M-2) Medium Industrial and contains the Caddock Electronics campus. All of the properties to the south are designated Agriculture and are zoned FG. The balance of the subject property to the south outside of the Glide UUA boundary is zoned FG and has an approved single family dwelling site. As a result of the surrounding zoning and established uses, the subject property is situated in what can best be described as a mixed use area.

B. Procedural

This matter came before the Planning Commission ("the Commission") at a public hearing on March 16, 2006, in Room 216 of the Douglas County Courthouse, Roseburg, Oregon, pursuant to Section 6.700 of the Douglas County Land Use and Development Ordinance.

The Planning Commission members who were present in the hearing were David Jaques, Karen Gibbons, Rick Barnes, Brian Parkinson, Ed Stratton, James Mast and Rich Raynor. None of the Commissioners disclosed any conflicts of interest or ex parte contacts in the subject matter.

The applicant was not present during the hearing and was represented by his land use consultant, Mark Garrett of Schofield & Associates. Carol Brady, Wayne Weekly, Charles VanValkenburg and Gerald Oar appeared to testify at the hearing. Written statements were submitted to the record on this matter by Oregon Department of Transportation (ODOT), Susan Connine Mitchell, Sharon and John Wright, Jean and Rollyn Galsford, Carol Brady and Matthew Brady. The applicant and property owners Paul Farrar and Gordon Farrar, ODOT, Susan Connine Mitchell, Sharon and John Wright, Jean and Rollyn Galsford, Carol Brady, Gerald Oar, Charles VanValkenburg and Matthew Brady were given party status and Wayne Weekly was given witness status in the matter. The addresses of all parties, witnesses and their representatives are on file with the Douglas County Planning Department.

At the Commission hearing on March 16, 2006, the public hearing on this matter was opened and parties were given opportunity to speak. The Commission deliberated to a decision and determined to approve the application.

C. Jurisdiction

The subject property is located in rural Douglas County. Under Oregon land use laws, the applicant's proposal to amend the plan designation of the subject property is considered an amendment of the acknowledged Comprehensive Plan having jurisdiction over the affected territory. At the present time, the subject property is subject to the Douglas County Comprehensive Plan for rural areas. Therefore, the county jurisdiction and standards are the only jurisdiction and standards that apply to this decision.

D. Applicable Criteria

The criteria applicable to this application are as follows:

Statewide Planning Goals 1-14

Douglas County Land Use and Development Ordinance ("LUDO")

§ 3.38.100

§ 6.500

E. Official Notice

Official notice is taken of the following, which are incorporated by reference.

Douglas County Comprehensive Plan

Douglas County Land Use and Development Ordinance

II. FINDINGS OF FACT

Each finding is intended to support the whole decision, and no finding below is limited by the heading or caption under which it appears or is cross-referenced, these being

solely for the convenience of the reader.

The Planning Commission makes findings of fact as follows:

A. Statewide Planning Goals

(1) Goal 1 -- Citizen Involvement

Citizen comment and participation regarding this request have been solicited by the Douglas County Planning Department in the form of notification to property owners, affected agencies, the local Planning Advisory Committee, and any others entitled to notice. Notice of the public hearing before the Planning Commission was published in a regional newspaper of general circulation at least twenty days prior to the scheduled date of the first public hearing. These various forms of individual and public notice assured that local citizens had an opportunity to become informed about, and participate in, the public hearing process thus complying with Statewide Goal No. 1.

(2) Goal 2 -- Land Use Planning

A public hearing was held to receive input from the applicant and concerned parties and agencies. A public notice was published and mailed to the applicant, surrounding property owners, and affected agencies as required by law. The Department of Land Conservation and Development (DLCD) was notified, as required, of the proposed action at least 45 days prior to the final hearing. A staff report was prepared and distributed within the time frame required for a quasi-judicial land use decision. The written decision includes findings of fact. The development and review of this application involved a land use planning process that has complied with Goal 2.

(3) Goal 3 -- Agricultural Lands

Agricultural lands are defined as those of predominately Class I, II, III and IV soils in western Oregon. 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. The land proposed for amendment is located within the Glide UUA, has been the subject of a previous Goal 14 exception and is therefore not protected as a Goal 3 resource. This finding is validated by the fact that the site has been determined to be irrevocably committed to urban use and subsequently included within the acknowledged Glide UUA as evidenced by the Douglas County Comprehensive Plan. The proposed Plan Amendment and Zone Change do not conflict with Statewide Goal No. 3.

(4) Goal 4 -- Forest Lands

Goal 4 defines forestlands as those lands that are suitable for commercial forest uses. Goal 4 also applies to adjacent or nearby lands which are necessary to permit forest operations or practices, as well as to other forested lands that are necessary to maintain soil, air, water and fish and wildlife resources. The subject property is not forested land, nor are there forest lands adjacent to the property. Further, the area proposed for amendment is located within the Glide UUA, has been the subject of a previous Goal 14 exception and is therefore not protected as a Goal 4 resource. This finding is validated by the fact that the site has been determined to be irrevocably committed to urban use and subsequently included within the acknowledged Glide UUA. The proposed Plan Amendment and Zone Change do not conflict with Statewide Goal No. 4.

(5) Goal 5 -- Open Spaces, Scenic and Historic Areas, and Natural Resources

Goal 5 addresses the following resources:

1. Open space.
2. Mineral and aggregate resources.
3. Energy resources.
4. Fish and wildlife areas and habitats.

5. Ecologically and scientifically significant resources.
6. Outstanding scenic views and sites.
7. Water areas, wetlands, watersheds and groundwater resources.
8. Wilderness areas.
9. Historic areas, sites, structures and objects.
10. Cultural areas.
11. Oregon recreational trails.
12. Wild and scenic waterways.

All of Douglas County, including the subject property, has previously been subjected to extensive surveys and analyses intended to inventory and evaluate the Goal 5 resources listed above. These inventories, which are incorporated into the Douglas County Comprehensive Plan, have previously received acknowledgment of compliance with Statewide Goal 5. The following finding is made to the potential impact of the proposed Plan Amendment on Goal 5 resources:

A. 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. Therefore, the requested Plan Amendment and Zone Change will not conflict with any Goal 5 resources.

(6) Goal 6 -- Air, Water and Land Resources Quality

All future land use activities on the property will be required to comply with all local, state and federal environmental regulations, thus assuring that the proposed Comprehensive Plan Amendment and 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.

The proposed rural residential land use designation on the property has some potential for environmental impacts if not properly monitored and regulated. Both Douglas County and the State of Oregon have sufficient regulatory measures in place so as to ensure that subsequent development will not produce any unanticipated impacts. The proposed Plan Amendment and Zone Change have been evaluated in a manner that assures full compliance with Statewide Goal No. 6.

(7) Goal 7 -- Areas Subject to Natural Disasters and Hazards

The subject property has not been identified in any inventory of areas that have the 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 Commission heard testimony from individuals in opposition to this request concerning the potential for negative impacts on site and adjacent properties related to development of the future subdivision. While the Federal Emergency Management Agency has not identified the subject property as being within the 100 Year Floodplain, the Commission agrees with remonstrators that steps must be taken to assure that development of the subject property can be completed without negative impacts to the subject property and surrounding properties. To that end, the Commission understands that the applicant will be required to complete an engineering analysis in conjunction with the future subdivision of the property for development of the subdivision as provided for in Chapter 4 of the Douglas County Land use and Development Ordinance. This will assure that there will be no negative off-site impacts from the subdivision related to water run-off associated with increased impervious surface area resulting from the future subdivision of the subject property. The proposed amendment complies with Goal 7.

(8) Goal 8 -- Recreational Needs

Recreational needs for the general public have been provided for on numerous

sites in and around Douglas County. The Douglas County Comprehensive Plan has not identified the subject property on any inventory for recreational facilities or opportunities. The proposed amendment will comply with Goal No. 8.

(9) Goal 9 -- Economic Development

The Statewide Economic Development Goal (Goal 9) requires that local land use plans "*provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies*". Goal 9 is intended to be applied on a County-wide basis and 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 proposed Plan Amendment and Zone Change does not involve, or otherwise impact, the county's inventory of lands needed for economic development. The Plan Amendment and Zone Change will comply with the Goal 9.

(10) Goal 10 -- Housing

The Douglas County Comprehensive Plan requires that population growth be monitored and assessed for impacts on previous estimates of needed housing and the availability of sufficient land for residential use. As previously noted, the subject site is has one single family dwelling located on it. The proposed RR zoning will create the potential for up to nine additional dwelling sites on parcels containing at least two acres. The proposed Plan Amendment and Zone Change will have some positive affect on the rural residential housing stock in Douglas County. The Plan Amendment and Zone Change will comply with the Goal 10.

(11) Goal 11 -- Public Facilities and Services

The applicant's property is situated in a rural area where public facilities and services are relatively limited, compared with the broad ranges of services that are available in urban areas. There is no public sanitary sewer available to the property. However, the relatively low density of development permitted by the proposed rural residential designation and zoning

on the subject property and other surrounding rural properties facilitates the use of individual subsurface septic systems subject to standards enforced by the Oregon Department of Environmental Quality.

There is no public water service available to subject property, however, all of the existing resource and residential properties in the surrounding area to the south and west are provided domestic water services by individual onsite wells or springs and there is no evidence of groundwater depletion as a result. The applicant intends to develop an onsite water source for future subdivision of the property. The Douglas County Land Use and Development Ordinance provides for the proof of adequate potable domestic water prior to final subdivision of the property. The applicant will be required to demonstrate that water is available before any development can occur on the subject property.

Fire protection in the area is provided by Glide Rural Fire District. The demand for other utilities and services, including electricity and communications, will be no greater than that resulting from the historic use of other adjoining and nearby properties.

On the basis of the foregoing analysis, the subject property will be provided with an adequate level of public facilities and services, and such facilities and services will be delivered in a timely, orderly and efficient manner consistent with the purpose of Statewide Goal No. 11. The proposed Plan Amendment and Zone Change will not adversely impact the present or future provision of public facilities and services in the surrounding area. This conclusion is based on consideration of the existing public service delivery systems and plans that are in effect within the surrounding area, and which are intended to ensure proper coordination of the types, locations and delivery of the public facilities and services necessary to support existing and proposed land uses in the area.

(12) Goal 12 -- Transportation

Goal 12 is implemented by the State Transportation Planning Rule (OAR 660, Division 12) which requires that "amendments to functional plans, acknowledged comprehensive

plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility". OAR 660-12-060(1)

In order to ensure that a proposed land use change complies with the requirements of the Transportation Planning Rule, Douglas County has adopted the following standard for Plan amendment applications:

“(2) The applicant shall certify the proposed land use designations, densities or design standards are consistent with the function, capacity and performance standards for roads identified in the County Transportation System Plan.

(a) The applicant shall cite the identified Comprehensive Plan function, capacity and performance standard of the road used for direct access and provide findings that the proposed amendment will be consistent with the County Transportation System Plan.”

Demonstration that the proposed Comprehensive Plan Amendment and Zone Change are consistent with the identified function, capacity and performance standards of existing and planned transportation facilities that will service the subject site, has been accomplished based on commonly accepted trip generation data and the Douglas County Comprehensive Plan.

The subject property has frontage on the North Umpqua Highway (State Highway 138). Access is directly from the State highway via an existing access point. The functional classifications of transportation facilities within Douglas County, including State Highway 138, are identified in Table 13-1 of the Transportation Element of the Comprehensive Plan. State Highway 138 is classified a Principle Highway along the frontage of the subject property. The Douglas County Transportation System Plan states that, *Principle Highways fall under state jurisdiction and the management of these facilities is outlined in the Oregon Highway Plan.* ODOT provides traffic counts at two points near the subject property. The most recent count of daily vehicle trips on the highway was in 2004. That count shows an average of 5500 ADT at the traffic count station 500 feet west of Wild River Drive at the east end of the Glide UUA. The second traffic count station located 500 feet west of Little River County Road No. 17A shows an

average of 5600 ADT. The subject property is located approximately at a point midway between these two traffic stations and based on the indicated traffic levels, State Highway 138 handles a traffic level well below the capacity of a principle highway along this entire section of the road. The opponents testified that the future subdivision of the subject property using State Highway 138 for primary access, in their opinion, is not safe. It is noted that the subject property is located along a section of State Highway 138 that is a five lane paved road maintained by ODOT. Estimates of the average number of daily vehicle trips generated by a specific land use can be obtained from a number of reliable sources; however, the most commonly referenced source for such data is Trip Generation, published by the Institute of Transportation Engineers (ITE). Average daily trip generation rates published in the ITE 7th Edition of Trip Generation (2003) are based primarily on field data obtained from direct observation of actual land use activities. Trip generation rates are reported as an average of the often wide-ranging vehicle counts taken at numerous sites having the same classification of land use. Trip generation rates are often broken down into 24-hour time frames, and reported as "Average Daily Trips (ADT)". For most land use activities, including single family rural dwellings, ITE defines an "average daily trip" as a one-way vehicular movement between a single origin and a single destination. For a single family dwelling, trip generation rates are reported as a ratio of 9.5 vehicle trips per day per dwelling unit.

Based on the maximum potential development density permitted by the requested rural residential zoning, the subject property could reasonably accommodate up to nine additional single family dwellings. The subject property can therefore be expected to generate up to 85 additional ADT. New developments generating fewer than 300 ADT are generally considered to have no significant impact on local transportation facilities that serve the development site. State Highway 138 is designated a Principle Highway and the current traffic volume is well below the functional capacity of the facility. Also, the applicant will be required to obtain a final access permit from ODOT for the future subdivision to assure both adequacy and safety of the proposed access. Other public roads in the area are also adequate to accommodate both existing and potential future traffic volumes likely to be generated as a consequence of the requested Plan

Amendment and Zone Change. Due to the very low volume of additional traffic associated with the requested amendment, no special traffic controls or other mitigation measures will be required. Any new residential parcels created as a consequence of the proposed Plan Amendment and Zone Change will gain access directly from a single access point on the State highway.

On the basis of the foregoing, the proposed rural residential land use designation, when taking into consideration the densities or design standards prescribed for the residential use, is consistent with the function, capacity and performance standard establish for State Highway 138 by the Douglas County Transportation System Plan. Furthermore, the County's Transportation System Plan has received acknowledgement of compliance with the Statewide Transportation Goal and the Transportation Planning Rule (OAR Chapter 660, Division 12) by the Land Conservation and Development Commission; the facts set out above demonstrating compliance with the Transportation System Plan are sufficient to also demonstrate that the proposed amendment is consistent with both Goal 12 and the Transportation Planning Rule.

(13) Goal 13 -- Energy Conservation

The subject property is located inside of the Glide UUA boundary where its future development will promote the efficient energy-related use of existing and planned public facilities and services. The site is free of any significant physical constraints that would otherwise require more energy to develop and use the property than would other property in the general area. Furthermore, specific energy conservation policies and development standards are included within the Douglas County Comprehensive Plan, as well as in the County's 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 proposed Plan Amendment and Zone Change will not conflict with Statewide Goal No.13.

(14) Goal 14 -- Urbanization

The subject property is located inside of the Glide UUA boundary. The proposed Plan Amendment and Zone Change do not involve the conversion of rural land to urban use as set

out in the Glide exception document, nor does it change or otherwise involve an established urban growth boundary. The proposed Plan Amendment and Zone Change will not conflict with Goal 14.

B. Local Need and Site Suitability

LUDO Section 6.500(2) establishes local standards for a Comprehensive Plan Amendment as follows:

b. That the amendment provides a reasonable opportunity to satisfy a local need for a different land use. A demonstration of need for the change may be based upon special studies or other factual information.

c. That the particular property in question is suited to the proposed land use, and if an exception is involved, that the property in question is best suited for the use as compared to other available properties.

(1) Local Need

The subject property is presently designated for agricultural use by the Comprehensive Plan. Although the subject property has a rural land use designation, it is inside the Glide UUA which is a Goal 14 exception area. The Comprehensive Plan anticipates intensification of development inside of the Glide UUA toward an urban level consistent with the semi-rural nature of the Glide area. (See Glide Residential Policy No.2, Page 15-145) The applicant proposes to change the Plan designation to a two acre density residential designation in order to allow the property to be developed with a residential subdivision. The Douglas County Comprehensive Plan Housing Policy No. 1 on page 12-16 of the Plan states the county shall *“ensure that the amount of residential land designated in urban unincorporated areas corresponds with anticipated demand for various housing types and ownership patterns.”*

The applicant’s proposal provides a reasonable opportunity to satisfy a local need for additional single family residential development in the Glide UUA. In reality, there are very few opportunities to develop lower density single family dwellings in the Glide UUA area because there is very little vacant land inside the UUA designated and zoned for the type of development proposed by the applicant. In addition, there is a full range of public and private

facilities and services available to the subject property to accommodate the demands created by a future residential subdivision. Further, the property has access via the existing public road system and the gentle topography of the site lends itself to the type of residential development proposed by the applicant.

The proposed Comprehensive Plan Amendment and Zone Change will be consistent with both the Statewide Housing Development Goal and with the various housing and residential land use policies contained in the Comprehensive Plan. These facts demonstrate that there is a reasonable opportunity to satisfy a local need for the change proposed, and that the subject property is suitable for the anticipated use resulting from approval of the proposed amendment.

Based on these facts and the facts set out earlier in this findings document, the applicant has demonstrated that the proposed Plan Amendment and Zone Change will provide a reasonable opportunity to satisfy a local need for additional residential land in the Glide urban area.

(2) Site suitability

As mentioned above, specific findings addressing the suitability of the subject site for the proposed zone and the intended use are included in preceding sections of this document. Those earlier findings demonstrate that the subject property is well suited for the proposed RR zoning and the applicant's intended use of the site with respect to physical characteristics of the property, availability of necessary and appropriate public and private facilities and services, adequate access and accessibility to local transportation facilities and compatibility with adjacent and nearby land use activities. The site is suitable for the proposed zone and its intended use.

C. LUDO Criteria

§3.38.100 of the Douglas County Land Use and Development Ordinance provides the following standards for a zone change:

2. It is established 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 following findings are made:

(1) Compliance with the Comprehensive Plan

The requested change in zoning from FG to RR on the subject property is predicated on a concurrent request to amend the Comprehensive Plan map designation from AG to RR2. The requested Zone Change will conform to the amended Comprehensive Plan map. Findings demonstrating that the requested change in zoning will conform to applicable policies found throughout the Comprehensive Plan are included in preceding sections of this document. Based on these findings, the rezoning will conform to the applicable sections of the Comprehensive Plan.

(2) Site Suitability

Specific findings addressing the suitability of the subject site for the proposed zone and the intended use are included in preceding sections of this document. Those earlier findings demonstrate that the subject property is well suited for the proposed RR zoning with respect to physical characteristics of the property, availability of necessary and appropriate public facilities and services, absence of potential hazards to the site from flooding and compatibility with adjacent and nearby land use activities. Considerable testimony was given by parties in this matter concerning adequate access and accessibility to local transportation facilities and the potential of negative drainage impacts. Those issues have been addressed under Goals 7 and 12 above. The site is suitable for the requested RR zoning and its intended use.

(3) Public health, safety and welfare

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. 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 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 future provision of public facilities and services in the surrounding area; that the full range of services appropriate for the type of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner and that public roads in the area are adequate to accommodate the potential additional traffic resulting from the zone change.

The proposed amendment meets the requirements of LUDO §6.500 (quasi-judicial plan amendment) because, as shown above, it complies with the Statewide Planning Goals, there is a reasonable opportunity to satisfy a local need for a different land use and the property is suitable to the proposed zone and use. We also adopt the findings of the staff report dated March 9, 2006, related to these standards to further support this determination.

III. DECISION


The proposed Comprehensive Plan Amendment from Agriculture to Rural Residential 2 Acre and concurrent Zone Change from (FG) Exclusive Farm Use - Grazing to (RR) Rural Residential – 2 Acre for approximately 21.20 acres of a 28.88 acre parcel described as Tax Lot 3600, Section 13C, Tax Lot 2100, Section 14D and Tax Lot 200, Section 24, Township 26S, Range 4W, meets the applicable criteria and the Commission recommends to the

Douglas County Board of Commissioners that the requested Plan Amendment and Zone Change be GRANTED subject to the following conditions:

1. Prior to submittal of any future request for division of the site, the applicant shall obtain a valid ODOT Road Approach Permit for access onto State Highway 138.
2. Any future tentative approval for subdivision of the site shall require that the development include provisions for maintenance of the approved access road approach point on State Highway 138.
3. Any subsequent request for division/development of the site shall require that a Resource Management Covenant be recorded by the property owner(s) with the County Clerk; the covenant will run with the land in perpetuity.

Dated this 20th day of April, 2006.

Douglas County Planning Commission


Chair

ASSESSOR MAP
T26S R4W SEC 13, 14 & 24

P/D 06-008
FARRAR

