



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 26, 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 003-06

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: July 7, 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

JUN 19 2006

D L C D NOTICE OF ADOPTION

LAND CONSERVATION AND DEVELOPMENT

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: 06-025 (if no number, use none)

Date of Adoption: 06/14/06 Date Mailed: 06/16/06 (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: Non-resource Determination (Please Specify Type of Action)

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

Valynn Currie, request for a Plan map designation amendment from (AGG) Agriculture to (RR5) Rural Residential - 5 Acre and a zone change from (FG) Farm Grazing to (5R) Rural Residential - 5 Acre, based upon a Determination that the property is Non-resource land and is not subject to the Agricultural and Forest Land goals, and upon the County's acknowledged "Goal 14 Exception for New 5 Acre Designations," together with a supplemental Goal 14 Exception specific to the subject property.

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 RR5

Zone Map Changed From: FG to 5R

Location: off Country Hill Drive northwest of Roseburg

Acres Involved: 76.21 acre parcel

Specify Density: Previous: 1DU/160 acres New: 1DU/5 acres

Applicable Statewide Planning Goals: 1, 2, 3, 4, 10, 11, 12, 13 & 14

Was an Exception Adopted? Yes: X No:

DLCD File No: 003-06(15056)

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

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

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

Affected State or Federal Agencies, Local Government or Special Districts: ODOT, Douglas County Fire District No. 2, DFPA Charter Communications, Pacific Power, Avista Utilities, Williams Gas Pipelines, Umpqua Basin Water Association, Roseburg School District No. 4

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

Address: Room 106, Justice Building, Douglas County Courthouse

City: Roseburg, Oregon Zip Code + 4: 97470

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ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

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

Valynn Currie, representing Timothy & Meryluz Foley,) requested a Plan Amendment from (AGG) Agriculture) to (RR5) Rural Residential-5 Acre and a concurrent) Zone Change from (FG) Farm Grazing to (5R) Rural) Residential-5 Acre, based on a Determination that the) property is non-resource land and is not subject to the) Agricultural and Forest Land Goals, and on the) County's acknowledged "Goal 14 Exception for New) 5 Acre Designations," together with a supplemental) Goal 14 Exception specific to the subject property, on) a 76.21 acre parcel located off Country Hill Drive,) northwest of Roseburg, and described as Tax Lot 100) in Section 22 of T26S, R6W, W.M., Property I.D. Nos.) R51435 & R51421. Planning Department File #06-025)

**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 June 14, 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 Valynn Currie. The Planning Commission hearing was held on April 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 May 18, 2006. No appeals of that Decision were filed.
4. At the Board meeting on June 14, 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 June 14, 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 May 18, 2006, and in consideration of evidence considered at the June 14, 2006 Board hearing, the Board finds that the applicable decision criteria, as established in the Staff Report dated April 13, 2006, have been adequately addressed by the applicant.

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

DOUGLAS COUNTY
FILED

JUN 14 2006

BARBARA E. NIELSEN, COUNTY CLERK

AN ORDINANCE ADOPTING AMENDMENTS TO THE)
DOUGLAS COUNTY COMPREHENSIVE PLAN MAP AND)
ZONING MAP BASED UPON A NONRESOURCE)
DETERMINATION FOR GOALS 3 AND 4, AND ON)
THE COUNTY'S "GOAL 14 EXCEPTION FOR NEW 5 ACRE)
DESIGNATIONS," TOGETHER WITH A SUPPLEMENTAL GOAL)
14 EXCEPTION SPECIFIC TO THE SUBJECT PROPERTY.)
PLANNING DEPARTMENT FILE NO. 06-025.)

ORDINANCE NO. 2006 - 06 - 01

RECITALS

- A. Valynn Currie, representing Timothy & Meryluz Foley, requested a Comprehensive Plan Amendment from (AGG) Agriculture to (RR5) Rural Residential - 5 Acre and a concurrent Zone Change from (FG) Exclusive Farm Use - Grazing to (5R) Rural Residential - 5 Acre, based upon a Determination that the property is non-resource land and is not subject to Agricultural and Forest Land Goals, and on the County's acknowledged "Goal 14 Exception for New 5 Acre Designations," together with a supplemental Goal 14 Exception specific to the subject property, on a 76.21 acre parcel to allow development of the property at the 5R density. The property is located off of Country Hill Drive, County Road No. 31C, northwest of Roseburg, and is described as Tax Lot 100 in Section 22 of T26S, R6W, W.M., Property I.D. Nos. R51435 & R51421.
- B. The Douglas County Planning Commission held a hearing to consider the matter on April 20, 2006, and subsequently recommended for approval of the request in a Findings and Decision document dated May 18, 2006.
- C. The Board of Commissioners considered the matter on June 14, 2006, at a hearing held pursuant to Section 6.900.2 of the Douglas County Land Use & Development Ordinance. We affirmed the Planning Commission decision and ordered that the request be granted.

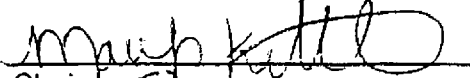
THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:

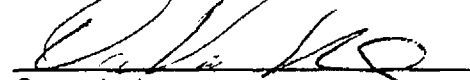
SECTION ONE: The requested Comprehensive Plan Map Amendment, Zone Map Amendment, Nonresource Determination and Exception are GRANTED.

SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated June 14, 2006) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated May 18, 2006), are ADOPTED and by reference made part of this Ordinance.

DATED this 14th day of June, 2006.

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


Chair


Commissioner

ABSENT

Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Valynn Currie (for Timothy and Meryluz Foley), Findings of Fact and Decision, Planning Department File No. 06-025.

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.

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 500 feet of the property, to service providers and governmental agencies and to the Callahan 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; Timothy and Meryluz Foley, titleholder; the Callahan PAC; Michael & Louise Sullivan; James LaRaut; Vernon LaRaut; Douglas County Fire District No. 2; Shelley Wetherell, Friends of Douglas County.
5. Staff entered Staff Exhibits 1 through 13, including the Staff Report, into the Record and gave the oral staff report.
6. We heard testimony from the applicant, Valynn Currie, a Realtor representing the Foleys in this matter. Ms. Currie stated the certified soils analysis submitted with the Amendment application demonstrates that the subject property is composed of generally unsuitable soils.
7. We heard testimony in opposition from Shelley Wetherell in behalf of herself and Friends of Douglas County. Ms Wetherell entered Opposer's Exhibits 1 through 11, including her written

Decision/CURRIE/FOLEY

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May 18, 2006

testimony, into the Record, asserting the evidence submitted by the applicant does not demonstrate that the subject property is non-resource.

8. We heard rebuttal from the applicant.
9. We closed the public portion of the hearing and deliberated to a decision.
10. Commissioner Barnes moved to adopt the findings of the Staff Report and approved the request; Commissioner Mast seconded the motion. The motion passed unanimously.

DECISION

Based on evidence received, the findings above and the findings contained in the Staff Report, we hereby APPROVE the request for a Plan Amendment from AGG to RR5, and Zone Change from FG to 5R, based upon a Determination that the property is non-resource land, and apply the 5-Acre designation based on the County's *Goal 14 Exception for New 5 Acre Designations* and the applicant's supplemental Goal 14 Exception specific to the subject property.

Dated this 18th day of May, 2006.

DOUGLAS COUNTY PLANNING COMMISSION

By: 
Chairman