



# 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 008-06



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

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FORM 2

D L C D 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)

DEPT OF LAND CONSERVATION AND DEVELOPMENT SEP 20 2006

Jurisdiction: Douglas County Local File No: 06-137  
(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: \_\_\_\_\_  
(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, in part, and (CI) General Commercial/Industrial, in part, to (CO) Commercial, and a zone change from (FG) Exclusive Farm Use - Grazing, in part, and (M-1) Light Industrial, in part, to (C-3) General Commercial on an 8.85 acre parcel, together with a Reasons Exception to Goal 3 and Goal 14 to expand the Green Urban Unincorporated Area to add to the UUA the 7.00± acre portion of the 8.85 acre subject property currently lying outside the UUA boundary.

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."

The amendment was approved only on that portion of the property already located inside the Green UUA boundary (1.85± acres); the expansion of the Green UUA to include and amend the 7.00 acres outside the UUA boundary has been continued to allow the applicant to complete a traffic impact analysis.

Plan Map Changed From: CI to CO  
Zone Map Changed From: M-1 to C-3  
Location: Grant Smith Road in the Green UUA Acres Involved: 1.85±  
Specify Density: Previous: N/A New: N/A  
Applicable Statewide Planning Goals: 1, 2, 5, 9, 11, 12  
Was an Exception Adopted? Yes:  No:

DLCD File No: 008-06  
(15284)

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, 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

SEP 20 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 (CI) General )  
Commercial - Industrial to (CO) Commercial, )  
together with a Zone Change from (M-1) Light )  
Industrial to (C-3) General Commercial, on a )  
1.85± acre portion of an 8.85 acre parcel, which )  
portion lies within the Green Urban Unincorporated )  
Area, for Valynn Currie; PD File No. 06-137. )

BARBARA E. NIELSEN, COUNTY CLERK

**ORDER**

The Douglas County Board of Commissioners being informed that the Douglas County Planning Commission, on August 17, 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 Grant Smith County Road No. 188, just southwest of I-5 Exit 119, in the Green 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 August 17, 2006, attached).

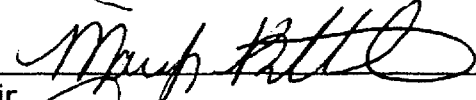
Description of the property:


That portion of Tax Lot 200, lying in Section 11DB of Township 28S, Range 6 W, W.M.; which lies adjacent to the south of Grant Smith County Road No. 188 and north of the Green Urban Unincorporated Area Boundary, and which contains 1.85± 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 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**

VALYNN CURRIE, request for Plan Amendment and Zone Change, Findings of Fact and Decision, Planning Department File No. 06-137.

This matter came on regularly before the Douglas County Planning Commission on July 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, David Jaques, James Mast, Brian Parkinson, Rich Raynor and Ed Stratton. Commissioner Jaques withdrew from participation, deliberation and voting in the matter, remaining on the panel to only to Chair 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. At least 45 days prior to the July 20, 2006 Planning Commission hearing scheduled for this matter, notice of the Public Hearing was sent by mail to the applicant, to all property owners within 500 feet of the subject property, to service providers and governmental agencies and to the Roseburg-Green Planning Advisory Committee (PAC).
2. Notice of the hearing was given by publication in a newspaper of general circulation in the affected area at least 20 days prior to July 20, 2006.
3. At the hearing, we recognized the following parties in the matter: Valynn Currie, applicant; High Stream Family Trust, titleholder; the Roseburg-Green PAC; Hideaway Holdings, Larry Saccato, Trustee; Olive Branch Equities, Larry Saccato, Trustee; Douglas County Public Works, Vic Cangie; ODOT, Tom Guevara and Pat Spangler, Spangler Vineyards.
4. Staff entered Staff Exhibits 1 through 15, including the Staff Report, into the Record and gave the oral staff report. The applicant is requesting a Plan amendment and Zone Change on an 8.85 acre parcel. The Green UUA boundary crosses the subject property in an east-west direction, with approximately 1.85 acres north of the boundary lying inside the UUA, and 7.00± acres south of the boundary lying outside the UUA. The 1.85± acres inside the UUA is designated (CI) General Commercial/Industrial and zoned (M-1) Light Industrial; the 7.00± acres outside the UUA is designated (AGG) Agriculture and zoned (FG) Exclusive Farm Use - Grazing. The applicant requests a Plan Amendment to (CO) Commercial and a zone change to (C-3) General Commercial on the entire 8.85 acre parcel to allow future general commercial development of the site, such as a retail strip mall and office buildings. Expansion of the Green UUA to include the 7.00± acres of agriculturally designated lands and convert them so as to be eligible for urban

commercial uses, requires a Reasons Exception to Goal 3 (the Agricultural lands Goal) and Goal 14 (the Urbanization Goal). In order to address requirements of the County Transportation System Plan and the Requirements of Goal 12, a Traffic Impact Study (TIS) or Traffic Impact Assessment (TIA) is required to assess impacts of the Green UUA expansion and address Goal 12 Transportation issues. The TIS/TIA has not been completed to assess the potential impacts of the proposed expansion of the Green UUA, therefore, staff recommended that the Commission approve the Plan Amendment and Zone Change on the 1.85± acre portion of the subject property which is already included in the Green UUA, and continue the request for UUA expansion to allow the applicant time to obtain the required traffic analysis.

5. We heard testimony from the applicant, who stated she does not concur with the staff's recommendation to split the request into two stages. The change to commercial on the 1.85± acre portion alone is of no value to the applicants, as this area cannot support the type of general commercial use intended by the applicant. Neither does the applicant agree with the need for determination of traffic impacts on the road system via a traffic study. The property has primary access on Grant Smith County Road and secondary access on Winery Lane. The applicant's intent is to proceed with the Plan Amendment and Zone Change on the entire 8.85 acre parcel.
6. We heard testimony from Tom Guevara of the Oregon Department of Transportation (ODOT). The proposed amendment on the 1.85 acre portion of the property already in the UUA will not significantly affect the Highway 42 - Grant Smith Road intersection function, capacity or performance standards. The applicant will be required to provide proof of a valid ODOT Road Approach Permit for commercial use access via Winery Lane, prior to issuance of commercial development permits for the 1.85 acre site. Pursuant to OAR 660-12-0060, ODOT would have to oppose the UUA expansion without the required TIS/TIA, the scope of which has been coordinated between ODOT and the applicant's engineer, Lancaster Engineering.
7. We heard testimony from Pat Spangler, adjacent property owner, opposing the proposed expansion of the Green UUA in that it conflicts with Goal 3, the Agricultural Lands Goal and Goal 14, the Urbanization Goal.
8. We heard rebuttal from the applicant.
9. We considered applicant's advantages and disadvantages in proceeding with the Plan Amendment and Zone Change on the entire 8.85 property. We clarified with staff the ramifications of a potential appeal, remand and/or reversal, and the resultant time delays to the applicant.
10. Concluding that it is in the best interest of the applicant to proceed with the Plan Amendment and Zone Change on the 1.85± acre portion of the property already inside the Green UUA and continue the request for expansion of the Green UUA, we moved to approve the applicant's request for a Plan Amendment from CI to CO and a Zone Change from M-1 to C-3 for the 1.85± acre portion of the 8.85 acre subject parcel which lies within the Green UUA, and to continue the applicant's request for a Reasons Exception to expand the Green UUA to include the 7.00± acre portion of the property outside the UUA, for up to one year, to allow the applicant time to address Goal 12 and the Transportation System Plan. The motion passed 6-0, with Commissioner Jaques abstaining.

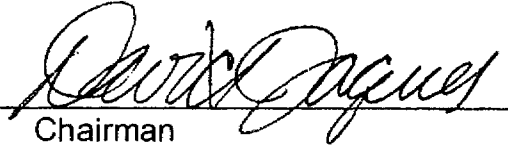
**DECISION**

Based on evidence received and the preceding findings, we hereby APPROVE the requested Plan Amendment from CI to CO and Zone Change from M-1 to C-3 for the 1.85± acre portion of the 8.85 acre subject parcel which lies within the Green UUA , subject to the following condition:

1. The applicant will need to provide proof of a valid ODOT Road Approach Permit for commercial use access via Winery Lane, prior to issuance of commercial development permits.

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

DOUGLAS COUNTY PLANNING COMMISSION

By:   
Chairman