NOTICE OF ADOPTED AMENDMENT

January 10, 2007

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 011-06

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: January 17, 2007

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: Mark Bernard, Douglas County
Jurisdiction: **Douglas County**
Local File No: 06-233
Date of Adoption: **December 27, 2006**
Date Mailed: **December 29, 2006**
Date the Notice of Proposed Amendment was mailed to DLCD: **August 30, 2006**

---

Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other:

---

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

*A Plan map designation amendment from (CT) Tourist Commercial to (RC-5) Committed - 5 Acre and a zone change from (CRE) Rural Commercial to (5R) Rural Residential-5 on a 6.22 acre parcel for the purpose of making the zoning consistent with the actual use of the property on behalf of Michael R. Moeller was adopted.*

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: **CT** to **RC5**
Zone Map Changed From: **CRE** to **5R**
Location: **North Umpqua Highway east of Glide Urban Unincorporated Area**
Acres Involved: **6.22 acres**
Specify Density: Previous: **N/A** New: **1 DU/5 AC**
Applicable Statewide Planning Goals: **1, 2, 6, 9, 10, 12 & 13**
Was an Exception Adopted? Yes: **X** No: **N/A**
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, Glide Rural Fire District, Forest Protection Agency, Qwest, Charter Communications, Pacific Power, Avista Utilities, Glide-Idleyld Sewer System (P.T.I), Glide School District No. 12.**

Local Contact: **Mark Bernard**  
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. **Submital 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

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 (CT) Tourist
Commercial to (RC5) Committed - 5 Acre
together with a Zone Change from (CRE)
Rural Commercial to (5R) Rural Residential-5 on a
on a 6.22 acre parcel. Applicant: Michael Moeller.
Planning Department File No. 06-233.

The Douglas County Board of Commissioners being informed that the Douglas County
Planning Commission, on October 19, 2006, and on request from the above captioned
applicant, approved a Plan Map designation amendment for property described below.
The subject property is located on the north side of North Umpqua Highway, State Route
138 east of 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 October 19, 2006, attached).

DESCRIPTION OF PLAN AMENDMENT SITE:

A UNIT OF LAND IN THE NORTH WEST ¼ OF THE SOUTH WEST ¼ OF SECTION 1,
TOWNSHIP 26 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN. BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY OF NORTH UMPQUA
HIGHWAY, STATE HIGHWAY 138, SAID POINT BEING S87° 51' 40" E 210.48 FEET AND
S1' 13' 40" W 1126.97 FEET FROM THE WEST 1/4 CORNER OF SECTION 1
TOWNSHIP 26 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN; THENCE
COMMENCING N1° 13' 40" E 1126.97 FEET TO A POINT ON THE EAST-WEST
CENTERLINE OF SAID SECTION 1; THENCE N87° 51' 40" W 210.48 FEET TO THE
QUARTER-CORNER COMMON TO SECTIONS 1 AND 2 OF TOWNSHIP 26 SOUTH,
RANGE 3 WEST; THENCE S1° 13' 40" W 656.51 FEET TO A POINT; THENCE WEST
50 FEET TO A POINT; THENCE S1° 13' 40" W 524.35 FEET TO A POINT ON SAID
NORTHERLY RIGHT OF WAY OF NORTH UMPQUA HIGHWAY; THENCE EASTERLY
ALONG SAID RIGHT-OF-WAY 266 FEET MORE OR LESS TO THE POINT OF
BEGINNING, DESCRIBED AREA BEING TAX LOTS 300 AND 400 OF SAID SECTION
1.
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 27th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

Chair

Commissioner

Commissioner
BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Michael R. Moeller, Findings of Fact and Decision, Planning Department File No. 06-233.

This matter came on regularly for hearing before the Douglas County Planning Commission on October 19, 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, Brian Parkinson, David Jaques, Ed Stratton, James Mast and Rich Raynor.

The Planning Commission takes official notice of the following:


2. The records of the Planning Department of Douglas County concerning publication and mailing of notice.

FINDINGS OF FACT

1. Application was filed with the Planning Department at least 30 days prior to October 19, 2006 .

2. At least 20 days prior to October 19, 2006, notice of the hearing was sent by mail to the applicant, to all property owners within 250 feet of the property which is the subject of the application, to service providers and governmental agencies and to the North Umpqua 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 October 19, 2006.

4. At the hearing we recognized the following parties in the matter: Michael R. Moeller, applicant; Kenneth G. Moeller; Vicki Trouette and Michael and Robert Moeller, titleholders; Oregon Department of Transportation, Tom Guevara.

5. Staff entered Staff Exhibits 1 through 12, including the Staff Report, into the Record and gave the oral staff report, stipulating to the Record.

6. We heard testimony from the applicant, who also stipulated to the Record.

7. Seeing no opposition, we moved to adopt the findings of the Staff Report, concluding that the application meets the criteria for a Plan Amendment and Zone Change as provided in Section 6.500.2 and Section 3.38.100.2 of the Douglas County Land Use and Development Ordinance, and as set forth in the Statewide Planning Goals and applicable Oregon Administrative Rules.
DECISION

Based on evidence received, the findings above and the findings contained in the Staff Report, we APPROVED the request for a Comprehensive Plan Amendment from (CT) Tourist Commercial to (RC5) Committed - 5 Acre and a concurrent Zone Change from (CRE) Rural Commercial to (5R) Rural Residential-5 on a 6.22 acre parcel for the purpose of making the zoning consistent with the actual use of the property.

Dated this 16th day of November, 2006.

DOUGLAS COUNTY PLANNING COMMISSION

By: [Signature]
Chairman