



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

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

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JAN 03 2007

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

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: Douglas County Local File No: 06-233
(if no number, use none)

Date of Adoption: December 27, 2006 Date Mailed: December 29, 2006
(Must be filled in) (Date mailed or sent to DLCD)

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: _____
(Please Specify Type of Action)

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: No:

DLCD File No: 011-06 (15511)

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

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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.

DOUGLAS COUNTY OREGON
FILED

BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

DEC 27 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 (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.)

BARBARA E. NIELSEN, COUNTY CLERK

ORDER

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.

Order/MICHAEL MOELLER
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December 27, 2006

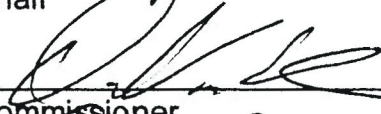
Based on the aforementioned Findings of Fact and Decision as affirmed, the Board of Commissioners hereby GRANTS the requested Plan Amendment and Orders that such Plan Amendment shall be filed in the County Court Journal, and the Douglas County Comprehensive Plan Maps shall be changed accordingly.

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:

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.

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/MOELLER
Page 2
November 16, 2006

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: 

Chairman