



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

March 24, 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 016-05

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: April 5, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

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

DEPT OF

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

MAR 20 2006

(See reverse side for submittal requirements)

LAND USE, PLANNING AND DEVELOPMENT

Jurisdiction: Douglas County Local File No: 05-325
(if no number, use none)

Date of Adoption: 03/15/06 Date Mailed: 03/17/06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 12/01/05

- 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."

Dwayne G. Allen, request for a Plan map designation amendment from (TL) Timberlands to (RR5) Rural Residential - 5 Acre and a zone change from (TR) Timberland Resource to (5R) Rural Residential - 5 Acre, together with a Determination that the property is Non-resource land and not subject to the Agricultural and Forest Land goals, 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.

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: TL to RR5

Zone Map Changed From: TR to 5R

Location: South Myrtle Road, County Road 18, east of Myrtle Creek

Acres Involved: 11.24 acre parcel

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

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

Was an Exception Adopted? Yes: X No:

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DLCD File No: 016-05 (14838)

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, Myrtle Creek Rural Fire District, Citizens Communications, Pacific Power, Avista Utilities, South Umpqua School District No. 19.

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**

**DOUGLAS COUNTY OREGON
FILED**

MAR 15 2006

AN ORDINANCE ADOPTING AMENDMENTS TO THE
DOUGLAS COUNTY COMPREHENSIVE PLAN MAP AND
ZONING MAP BASED UPON A NONRESOURCE
DETERMINATION 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
TO STATEWIDE PLANNING GOALS 3, 4 AND 14.
PLANNING DEPARTMENT FILE NO. 05-325.

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)
)
) **BARBARA E. NIELSEN, COUNTY CLERK**
) **ORDINANCE NO. 2006 - 03 - 01**
)
)
)

RECITALS

- A. Dwayne G. Allen requested a Comprehensive Plan Amendment from (TL) Timberlands to (RR5) Rural Residential - 5 Acre and a concurrent Zone Change from (TR) Timberland Resource 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 *Goal 14 Exception for New 5 Acre Designations*, together with a supplemental Goal 14 Exception specific to the subject property, on an 11.24 acre parcel to allow future division of the property into two parcels, each of which would contain an existing dwelling. The property is located on the north side of South Myrtle Road, County Road No. 18, east of Myrtle Creek, and is described as Tax Lots 401 & 403 in Section 19 of T29S, R4W, W.M., Property I.D. Nos. R55475 & R55524.
- B. The Douglas County Planning Commission held a hearing to consider the matter on January 19, 2006, and subsequently recommended for approval of the request in a Findings and Decision document dated February 16, 2006.
- C. The Board of Commissioners considered the matter on March 15, 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.

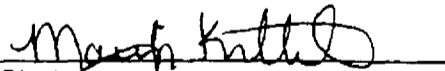
THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:

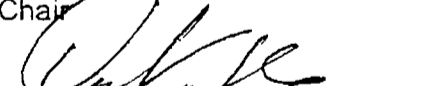
SECTION ONE: The requested Comprehensive Plan Map Amendment, Zone Map Amendment, Nonresource Determination and Exception are GRANTED.

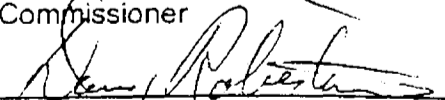
SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated March 15, 2006) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated February 16, 2006), are ADOPTED and by reference made part of this Ordinance.

DATED this 15th day of March, 2006.

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


Chair


Commissioner


Commissioner

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

Dwayne G. Allen requested a Comprehensive Plan)
Amendment from (TL) Timberlands to (RR5) Rural)
Residential - 5 Acre and a concurrent Zone Change)
from (TR) Timber Res 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 on the)
County's *Goal 14 Exception for New 5 Acre*)
Designations, together with a supplemental Goal 14)
Exception specific to the subject property, on an 11.24)
acre parcel located on South Myrtle Road, east of)
Myrtle Creek, and described as Tax Lots 401 & 403)
in Section 19 of T29S, R4W, W.M., Property I.D.)
Nos. R55475 & R55524. Planning Department File)
No. 05-325.)

**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 March 15, 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 Dwayne G. Allen. The Planning Commission hearing was held on January 19, 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 February 16, 2006. No appeals of that Decision were filed.
4. At the Board meeting on March 15, 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 March 15, 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 February 16, 2006, and in consideration of evidence considered at the March 15, 2006 Board hearing, the Board finds that the applicable decision criteria, as established in the Staff Report dated January 12, 2006, have been adequately addressed by the applicant.

ORDER/ Allen
March 15, 2006
Page 2

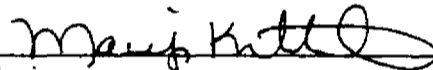
2. The Board finds that the relevant facts raised in this matter support the conclusions and decision reached by the Planning Commission in their Findings and Decision, dated February 16, 2006.
3. The Board adopts the Planning Commission Findings and Decision as its own.

ORDER

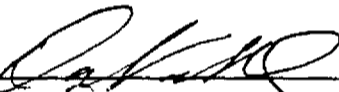
Based on the foregoing, it is hereby ordered by the Board of Commissioners that the Planning Commission decision is affirmed and the application is GRANTED.

DATED this 15th day of March, 2006.

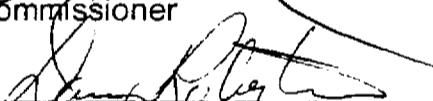
BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON



Chair



Commissioner



Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Dwayne Allen, Findings of Fact and Decision, Planning Department File No. 05-325.

This matter came on regularly for hearing before the Douglas County Planning Commission on January 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, Rick Barnes, Brian Parkinson, David Jaques, Ed Stratton, James Mast and Rich Raynor. As she knows the applicant, Commissioner Gibbons stepped down and did not participate in this matter.

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 January 19, 2006.
2. At least 20 days prior to January 19, 2006, notice of the hearing was sent by mail to the applicant, to all property owners within 500 feet of the property which is the subject of the application, to service providers and governmental agencies and to the South 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 January 19, 2006.
4. At the hearing we recognized the following parties in the matter: Dwayne Allen, applicant and titleholders, Ron Schofield, Schofield & Associates, Applicant's Representative.
5. Staff entered Staff Exhibits 1 through 15, including the Staff Report, into the Record and gave the oral staff report, stipulating to the Record.
6. We heard testimony from the applicants' representative, who also stipulated to the Record.
7. Commissioner Barnes questioned the applicant's representative regarding the mean parcel size in the area, the size of the riparian stream and the site index for the Pengra soils which are present on the subject property.

Decision/ALLEN
Page 2
February 16, 2006

8. Seeing no opposition, and determining that no future development will be possible on the subject property given that the existing dwellings maximize the density potential for the 5R zone, 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.

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 (TL) Timberlands to (RR5) Rural Residential - 5 Acre and a zone change from (TR) Timberland Resource to (5R) Rural Residential - 5 Acre to allow future land division of the 11.24 acre subject property, with one of the existing dwellings to be located on each future parcel.

Dated this 16th day of February, 2006.

DOUGLAS COUNTY PLANNING COMMISSION

By: _____

Chairman