



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 017-05



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

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

MAR 20 2006

LAND USE DIVISION
AND PLANNING

Jurisdiction: Douglas County Local File No: 05-326
(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: Reasons Exception to Expand the Melrose Rural Community Boundary
(Please Specify Type of Action)

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

Darrel W. & Greta K. Moore, request for an amendment to the Comprehensive Plan and Reasons Exception to expand the Melrose Rural Community Boundary to include an 8.65 acre parcel, with a Plan map designation amendment from (RC5) Committed Residential - 5 Acre to (RR2) Rural Residential - 2 Acre and a zone change from (5R) Rural Residential - 5 Acre to (RR) Rural Residential - 2 Acre.

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: RC5 to RR2

Zone Map Changed From: 5R to RR

Location: intersection of Valley County Road 286 and Orchard Lane County Road 253, adjacent to Melrose Rural Community Boundary

Acres Involved: 8.65 acre parcel

Specify Density: Previous: 1DU/5 acres New: 1DU/2 acres

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

Was an Exception Adopted? Yes: No:

=====
DLCD File No: 017-05 (14839)

- 7. **Need more copies?** You can copy this form on to 8 1/2 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.
- 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.
- 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.
- 4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
- 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.
- 2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

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

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

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

ADOPTION SUBMITTAL REQUIREMENTS

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, DCFD No. 2, DFPA, Qwest, Douglas Electric Cooperative, Avista Utilities, 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

**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 REASONS EXCEPTION)
TO EXPAND THE MELROSE RURAL COMMUNITY BOUNDARY)
TO INCLUDE AN 8.65 ACRE PARCEL, WITH A PLAN MAP)
DESIGNATION AMENDMENT FROM (RC5) COMMITTED)
RESIDENTIAL - 5 ACRE TO (RR2) RURAL RESIDENTIAL -)
2 ACRE AND A ZONE CHANGE FROM (5R) RURAL)
RESIDENTIAL - 5 ACRE TO (RR) RURAL RESIDENTIAL -)
2 ACRE . PLANNING DEPARTMENT FILE NO. 05-326.)

BARBARA E. NIELSEN, COUNTY CLERK
ORDINANCE NO. 2006 - 03 - 02

RECITALS

- A. Darrell W. & Greta K. Moore requested an amendment to the Comprehensive Plan and Reasons Exception to expand the Melrose Rural Community Boundary to include an 8.65 acre parcel, with a Plan map designation amendment from (RC5) Committed Residential - 5 Acre to (RR2) Rural Residential - 2 Acre and a zone change from (5R) Rural Residential - 5 Acre to (RR) Rural Residential - 2 Acre to allow future development of the property at the RR -2 Acre density. The property is located at the intersection of Valley County Road No. 286 and Orchard Lane County Road No. 253, adjacent to Melrose Rural Community Boundary, and is described as Tax Lot 1100 in Section 1D of T27S, R7W, W.M., Property I.D. No. R19844
- 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.

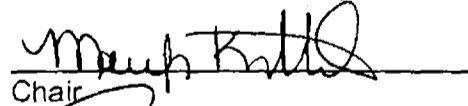
THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:

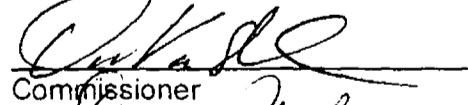
SECTION ONE: The requested Comprehensive Plan Map Amendment, Zone Map Amendment and Expansion of the Melrose Rural Community boundary are GRANTED.

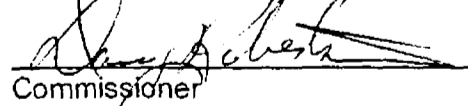
SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated March 15, 2006) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated February 16, 2006), are ADOPTED and by reference made part of this Ordinance.

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**

Darrell W. & Greta K. Moore requested an)
amendment to the Comprehensive Plan and)
Reasons Exception to expand the Melrose)
Rural Community Boundary to include an)
8.65 acre parcel, with a Plan map designation)
amendment from (RC5) Committed Residential -)
5 Acre to (RR2) Rural Residential - 2 Acre and)
a zone change from (5R) Rural Residential - 5)
Acre to (RR) Rural Residential - 2 Acre to allow)
future development of the property at the RR -2)
Acre density on property located at the intersection)
of Valley Road and Orchard Lane adjacent to)
the Melrose Rural Community Boundary and)
described as Tax Lot 1100 in Section 1D of)
T27S, R7W, W.M., Property I.D. No. R19844.)
Planning Department File No. 05-326.)

**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 Darrell W. & Greta K. Moore. 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 a public meeting on March 15, 2006.

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/ Moore
March 15, 2006
Page 2

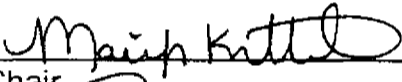
2. The Board finds that the relevant facts raised in this matter support the conclusions and decision reached by the Planning Commission in their Findings and Decision, dated February 16, 2006.
3. The Board adopts the Planning Commission Findings and Decision as its own.

ORDER

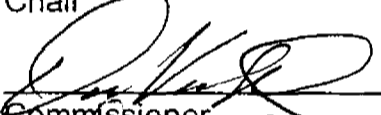
Based on the foregoing, it is hereby ordered by the Board of Commissioners that the Planning Commission decision is affirmed and the application is GRANTED.

DATED this 15th day of March, 2006.

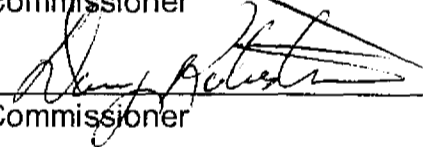
BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON



Chair



Commissioner



Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Darrell W. & Greta K. Moore, Findings of Fact and Decision, Planning Department File No. 05-326.

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 applicants were 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.

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 250 feet of the property which is the subject of the application, 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 January 19, 2006.
4. At the hearing we recognized the following parties in the matter: Darrell & Greta Moore, applicants and titleholders, Ron Schofield, Schofield & Associates, Applicants' Representative.
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 applicants' representative, 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, Zone Change and Expansion of a Rural Unincorporated Community, 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/MOORE
Page 2
February 16, 2006

DECISION

Based on evidence received, the findings above and the findings contained in the Staff Report, we hereby APPROVE the request for a Comprehensive Plan Amendment and Reasons Exception to expand the Melrose Rural Community Boundary to include the 8.65 acre subject property, with a Plan map designation amendment from (RC5) Committed Residential - 5 Acre to (RR2) Rural Residential - 2 Acre and a zone change from (5R) Rural Residential - 5 Acre to (RR) Rural Residential - 2 Acre to allow future development of the property at the RR -2 Acre density.

Dated this 16th day of February, 2006.

DOUGLAS COUNTY PLANNING COMMISSION

By: _____

Chairman