



# 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 018-05

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

DEPT OF

MAR 20 2006

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: 05-327  
(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."

Michael D. & Joan L. Lorenzen; Bob L. & Glenda S. Bruton; Tommy C. & Karen J. Ford; Stephen & Karen Adkins, request for an amendment to the Comprehensive Plan and Reasons Exception to expand the Melrose Rural Community Boundary to include 33.33 acres comprised of four separate ownerships, 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 Elgarose County Road 53 and Orchard Lane County Road 253, adjacent to Melrose Rural Community Boundary

Acres Involved: 33.33 acres

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: 018-05 (14840)

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

### 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**

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 33.33 ACRES, 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. 05-327. )

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

RECITALS

- A. Michael D. & Joan L. Lorenzen; Bob L. & Glenda S. Bruton; Tommy C. & Karen J. Ford, and; Stephen & Karen Adkins, requested an amendment to the Comprehensive Plan and Reasons Exception to expand the Melrose Rural Community Boundary to include 33.33 acres comprised of four separate ownerships, 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 properties at the RR -2 Acre density. The property is located at the intersection of Elgarose County Road No. 53 and Orchard Lane County Road No. 253, adjacent to Melrose Rural Community Boundary, and is described as Tax Lots 1200 & 1300 in Section 1B, Tax Lot 800 in Section 1C and Tax Lots 100 & 600 in Section 2D of T27S, R7W, W.M., Property I.D. Nos. R19956, R19900, R19780, R 19756 and R41133.
- 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.

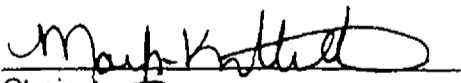
**THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:**

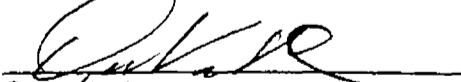
SECTION ONE: The requested Comprehensive Plan Map Amendment, Zone Map Amendment and Expansion of the Melrose Rural Community boundary are GRANTED.

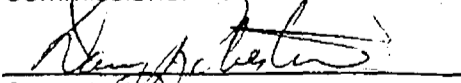
SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated March 15, 2006) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated February 16, 2006), are ADOPTED and by reference made part of this Ordinance.

DATED this 15<sup>th</sup> day of March, 2006.

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

  
Chair

  
Commissioner

  
Commissioner

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

Lorenzen, Bruton, Ford and Adkins, requested )  
an amendment to the Comprehensive Plan and )  
Reasons Exception to expand the Melrose Rural )  
Community Boundary to include 33.33 acres )  
comprised of their four separate ownerships, 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 at the intersection of Elgarose Road and )  
Orchard Lane, adjacent to the Melrose Rural )  
Community Boundary and described as Tax Lots )  
1200 & 1300 in Section 1B, Tax Lot 800 in Section )  
1C and Tax Lots 100 & 600 in Section 2D of T27S, )  
R7W, W.M., Property I.D. Nos. R19956, R19900, )  
R19780, R 19756 and R41133. Planning Department )  
File No. 05-327. )

**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 Lorenzen, Bruton, Ford and Adkins. 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

ORDER/ Lorenzen, et al  
March 15, 2006  
Page 2

Staff Report dated January 12, 2006, have been adequately addressed by the applicants.

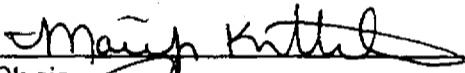
2. The Board finds that the relevant facts raised in this matter support the conclusions and decision reached by the Planning Commission in their Findings and Decision, dated February 16, 2006.
3. The Board adopts the Planning Commission Findings and Decision as its own.

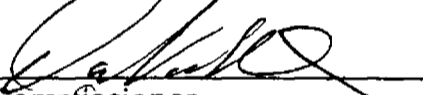
**ORDER**

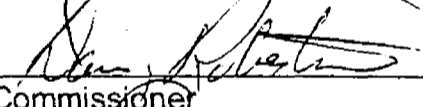
Based on the foregoing, it is hereby ordered by the Board of Commissioners that the Planning Commission decision is affirmed and the application is GRANTED.

DATED this 15<sup>th</sup> day of March, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

  
Chair

  
Commissioner

  
Commissioner

## **BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION**

Lorenzen, Bruton, Ford and Adkins, Findings of Fact and Decision, Planning Department File No. 05-327.

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' representative, Ron Schofield of Schofield & Associates, 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.

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: Michael & Joan Lorenzen, applicants/titleholders; Bob & Glenda Bruton, applicants/titleholders; Tommy & Karen Ford, applicants/titleholders; Stephen & Karen Adkins, applicants/titleholders; Ron Schofield, Schofield & Associates, Applicants' Representative, and; Jerry Bowers.
5. Staff entered Staff Exhibits 1 through 12, including the Staff Report, into the Record and gave the oral staff report.
6. We heard testimony from the applicants' representative.
7. We heard testimony from Jerry Bowers, who operates a County-authorized maintenance and repair facility on his property at 556 Elgarose Road. Mr. Bowers stated his concern that the new residential development that will be allowed with this amendment will increase the likelihood that he will receive complaints about his existing repair facility. To address this concern, we found

that the amended properties should, prior to any future authorization for land division, be required to file a Resource Management Covenant designed to protect Mr. Bower's use, as it was approved under his existing Conditional Use Permit. The Applicants' Representative had no issue with the Covenant requirement, as long as no illegal uses were authorized.

7. Seeing no further concerns or 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, subject to the filing of a Resource Management Covenant prior to any future authorization for land division.

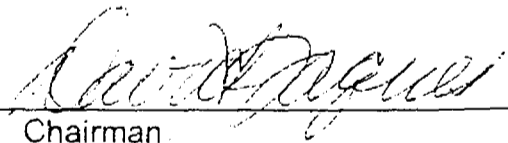
#### DECISION

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 33-acre subject site (comprised of four separate ownerships), 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, subject to the following condition:

1. Prior to any future authorization for land division of any of the four amended properties, a Resource Management Covenant, applying to the entirety of the land proposed for division, shall be recorded with the County Clerk. The Covenant shall include a provision which specifically states that the Covenantors waive their right to object to lawful business activity conducted within the scope of the approval of an existing "Restricted Maintenance and Repair Facility" (authorized by Planning Department File No. 90-132 in 1990), on a 4.19 acre property described as Tax Lot 1900 in Section 2A of T27S, R7W, W.M.; Property I.D. No. R19916, and addressed as 494 and 556 Elgarose Road.

Dated this 16<sup>th</sup> day of February, 2006.

DOUGLAS COUNTY PLANNING COMMISSION

By:   
Chairman