



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

March 30, 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 003-06 R

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 13, 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: Doug White, DLCD Community Services Specialist
John Renz, DLCD Regional Representative
Cheryl Goodhue, Douglas County

<paa> ya/

MAR 26 2007

LAND CONSERVATION
AND DEVELOPMENT

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)

Jurisdiction: Douglas County Local File No: 06-025
(if no number, use none)

Date of Adoption: 03/21/07 Date Mailed: 03/23/07
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 03/03/06

☐ 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."

Valynn Currie, on remand from LUBA, request for a Plan map designation amendment from (AGG) Agriculture to (RR5) Rural Residential - 5 Acre and a zone change from (FG) Farm Grazing 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 upon the County's acknowledged "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: AGG to RR5

Zone Map Changed From: FG to 5R

Location: off Country Hill Drive, northwest of Roseburg

Acres Involved: 76.21 acre parcel

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

Applicable Statewide Planning Goals: 1, 2, 3, 4, 10, 11, 12, 13 & 14

Was an Exception Adopted? Yes: X No:

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DLCD File No: 003-06R(15056)

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, Douglas County Fire District No. 2, DFPA Charter Communications, Pacific Power, Avista Utilities, Williams Gas Pipelines, 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

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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

AN ORDINANCE ADOPTING AMENDMENTS TO THE
DOUGLAS COUNTY COMPREHENSIVE PLAN MAP AND
ZONING MAP BASED UPON A NONRESOURCE
DETERMINATION FOR GOALS 3 AND 4, 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. PLANNING DEPARTMENT FILE NO. 06-025.

MAR 21 2007
ORDINANCE NO. 2007 - 03 - 01

BARBARA E. NIELSEN, COUNTY CLERK

RECITALS

- A. Valynn Currie, representing Timothy & Meryluz Foley, requested a Comprehensive Plan Amendment from (AGG) Agriculture to (RR5) Rural Residential - 5 Acre and a Zone Change from (FG) Exclusive Farm Use Grazing to (5R) Rural Residential - 5 Acre, based upon a Determination that the property is nonresource land and is not subject to Agricultural and Forest Land Goals, and on the County's acknowledged "Goal 14 Exception for New 5 Acre Designations," together with a supplemental Goal 14 Exception specific to the subject property, on a 76.21 acre parcel to allow future development of the property at the 5R density. The property is located off of Country Hill Drive, County Road No. 31C, northwest of Roseburg, and is described as Tax Lot 100 in Section 22 of T26S, R6W, W.M., Property I.D. Nos. R51435 & R51421.
- B. The matter came before the Douglas County Planning Commission on remand from the Land Use Board of Appeals. The Planning Commission held a remand hearing on February 1, 2007 to consider the assignments of error sustained by the LUBA in its Final Opinion and Order, and subsequently recommended for approval of the request in a Findings and Decision document dated February 22, 2007.
- C. The Board of Commissioners considered the matter on March 21, 2007, 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 21, 2007) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated February 22, 2007), are ADOPTED and by reference made part of this Ordinance.

DATED this 21st day of March, 2007.

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


Chair


Commissioner


Commissioner

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

Valynn Currie, representing Timothy & Meryluz Foley,) requested a Plan Amendment from (AGG) Agriculture) to (RR5) Rural Residential-5 Acre and a concurrent) Zone Change from (FG) Farm Grazing to (5R) Rural) Residential-5 Acre, based on 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 acknowledged "*Goal 14 Exception for New) 5 Acre Designations*," together with a supplemental) Goal 14 Exception specific to the subject property, on) a 76.21 acre parcel located off Country Hill Drive,) northwest of Roseburg, and described as Tax Lot 100) in Section 22 of T26S, R6W, W.M., Property I.D. Nos.) R51435 & R51421. Planning Department File #06-025)

**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 21, 2007, 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 came before the Douglas County Planning Commission on remand from the Land Use Board of Appeals. The Planning Commission remand hearing was held on February 1, 2007, at which time the Commission recommended approval of the request.
3. The Planning Commission memorialized its decision in a Findings and Decision document dated February 22, 2007. No appeals of that Decision were filed.
4. At the Board meeting on March 21, 2007, 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 21, 2007 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 22, 2007, and in consideration of evidence considered at the March 21, 2007 Board hearing, the Board finds that the applicable decision criteria, as established in the Remand Staff Report dated January 25, 2007, have been adequately addressed by the applicant.

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 22, 2007.
3. The Board adopts the Planning Commission Findings and Decision as its own.

ORDER

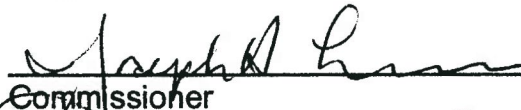
Based on the foregoing, it is hereby ordered by the Board of Commissioners that the Planning Commission decision is affirmed and the application is GRANTED.

DATED this 21st day of March, 2007.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON



Chair



Commissioner



Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

VALYNN CURRIE for TIMOTHY FOLEY, on remand from the Land Use Board of Appeals (LUBA), request for Plan Amendment, AGG to RR5, and Zone Change, FG to 5R, based upon a Determination that the property is non-resource land and on a supplemental Goal 14 Exception for new 5-acre designations, on a 76.21 acre parcel to allow development of the property at the 5R density. Findings of Fact and Decision, Planning Department File No. 06-025.

This matter came before the Douglas County Planning Commission on remand on February 1, 2007, in Room 216 of the Douglas County Courthouse. The Planning Commission had originally approved the request on May 18, 2006. The Board of Commissioners adopted the Planning Commission Decision on June 14, 2006. The Board's Decision was appealed to LUBA by Shelley Wetherell on July 3, 2006.

In their Final Opinion & Order of October 9, 2006, (LUBA No. 2006-122), LUBA remanded the matter back to the County. On November 29, 2006, the County Board of Commissioners executed an Order remanding the matter back to the Planning Commission for an additional evidentiary hearing, limited to the assignments of error sustained by LUBA.

The applicant was present at the remand hearing.

The Planning Commissioners participating in the remand hearing were: Rick Barnes, Karen Gibbons, James Mast, David Jaques, James Mast, Brian Parkinson, and Edward Stratton.

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.

PROCEDURAL FINDINGS OF FACT

1. At least 20 days prior to the hearing scheduled for this matter, notice of the remand hearing was sent to the parties in the matter, explaining that, only existing parties would be allowed to participate in the February 1, 2007 hearing, per Section 2.200.5 of the Douglas County Land Use and Development Ordinance.
2. Notice of the hearing was given by publication in a newspaper of general circulation in the affected area at least 20 days prior to February 1, 2007.
3. At the hearing, we recognized the following parties in the matter: Valynn Currie, applicant; Timothy & Meryluz Foley, titleholders; Michael & Louise Sullivan; the Callahan PAC; James & Margaret LaRaut; Vernon & Judy LaRaut; Douglas County Fire District No. 2, Josep Pedrola; Shelley Wetherell & Friends of Douglas County.

APPLICABLE CRITERIA

4. The basis of the Remand was that the Decision did not adequately justify a Nonresource Determination, therefore, the applicable criteria is that of the Goal 3 definition of agricultural land and the Goal 4 definition of forest land. Goal 3 defines agricultural land to include, not only land classified as Class I-IV soils, but also:
- i) *land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a) taking into consideration soil fertility; suitability for grazing, climatic conditions; existing and future availability of water for irrigation; land use patterns; technological and energy inputs required and accepted farming practices;*
 - ii) *land that is necessary to permit farm practices on adjacent or nearby lands; and*
 - iii) *lands that are adjacent to or intermingled with lands within a farm unit, even though this land may not be cropped or grazed.*

The Goal 4 definition of forest land states,

... forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soils, air, water and fish wildlife resources.

ITEMS FOR CONSIDERATION ON REMAND

5. LUBA based the first - and only - assignment of error on three subassignments of error:

LUBA ASSIGNMENTS OF ERROR

- | | |
|----------------------------------|---|
| First Assignment of Error: | The Decision does not demonstrate that the subject property is neither farm nor forest land. |
| - First Subassignment of Error: | The Decision does not demonstrate that the subject property is not <i>"land in other soil classes that is suitable for farm use."</i> |
| - Second Subassignment of Error: | The Decision does not establish that the property is not necessary to permit farm practices to be undertaken on adjacent or nearby lands. |
| - Third Subassignment of Error: | The Decision fails to establish that the subject property is not forest land. |

APPLICANT'S TESTIMONY

6. At the February 1, 2007 remand hearing, we opened the hearing with the testimony of the Applicant's Representative, Valynn Currie, who discussed in detail the supplemental information she had submitted on remand, including letters from Walt Barton of Douglas Water and Soil Conservation, and Richard Hanlin, Professional Forester.

7. We heard testimony from Dennis E. Hutchinson, Soil Scientist, who had conducted an Order 1 Soil Survey Report initially submitted by the applicant with the subject request, and who had provided an addendum to the Soils Report for the remand to address the suitability of the property for grazing.

TESTIMONY IN OPPOSITION

8. We heard testimony in opposition from Shelley Wetherell, in behalf of herself and Friends of Douglas County, stating that the property is suitable for grazing and growing trees. Mrs. Wetherell submitted into the Record: Opposer's Exhibits No. 1A, written testimony; No. 2A, a soils map; No. 3A, OSU Extension information; No. 4A, a soil survey; No. 5A, Umpqua Valley Management booklet, and; No. 6A, Oregon Forest Protection Laws.

APPLICANT REBUTTAL

9. We heard rebuttal testimony from Valynn Currie, Applicant's Representative. Ms. Currie referred to a June 14, 2006 letter from Walt Barton, District Manager of the Douglas Soil and Water Conservation District, which was included in the supplemental information. Mr. Barton's letter, regarding suitability of the subject property for irrigation ponds, concurs with Mr. Hutchinson that it would not be feasible to develop irrigation ponds on the subject property, due to its topography. Ms. Currie also referred to a letter from Wayne Parker, Owner/Operator of Melrose Vineyards, which was also included in the supplemental information. Mr. Parker attests that he is "*very familiar*" with the subject property and was "*astonished that someone with knowledge of the site would advise another that this would be an economically feasible site for growing grapes or as a capital investment.*" Mr. Parker's letter includes a cost-benefit analysis and fact list: "*no water, shallow soils and rock,*" and concludes, "*Not only is this site not viable vine and grape production, but it would be an economic disaster.*" Ms. Currie asked why the applicant should suffer an economic disaster in an attempt to farm the property.
10. We heard rebuttal testimony from Dennis Hutchinson, who specifically addressed Ms. Wetherell's statements regarding the suitability of the soils on the property. Mr. Hutchinson reiterated that the majority of the soils on the property are Class 6. As Ms. Wetherell pointed out, there are, in fact, Class 4 soils on the property, but Mr. Hutchinson found them to occur in small and irregular sites, scattered and dispersed throughout the property, making the parcel as a whole unsuitable for resource management. Mr. Hutchinson concurred with Mr. Barton's assessment that irrigation ponds on the subject property are not feasible. Mr. Hutchinson also stated that conifers represent less than 5 percent of the parcel and are not representative of the property as a whole, concluding that he has provided data demonstrating that farm or forest management of the subject property is not feasible.

SUBSTANTIVE FINDINGS OF FACT

11. We acknowledged that LUBA's First Assignment of Error is that the Decision failed to demonstrate the subject property is neither farm nor forest lands, based on three subassignments of error. The Decision does not demonstrate the subject property is not: 1) other suitable land under the Goal 3 definition; 2) necessary to permit farm practices on adjacent/ nearby lands; 3) forest land.

12. We found that an Addendum to the Order 1 Soils Report prepared by Dennis E. Hutchinson addressed the feasibility of grazing on the subject property, concluding that multiple management limitations on the subject property, related to limitations inherent in the soil, slope and availability of water, *"make grazing an unreasonable agricultural practice."* We further found that Wayne Parker, long- time viticulturist in the area, attested that the subject property is not only not viable for vine and grape production, but such endeavor would be an *"economic disaster."*
13. We found that the subject property is not suitable for grazing or vine and grape production and thus is not *"land in other soil classes that is suitable for farm use."*
14. We found that adjacent to the east of the subject property is an 82.5 acre parcel owned by Michael and Louise Sullivan. This property is used for livestock grazing. In 2005, two, one-acre nonfarm parcels were tentatively approved within this parcel via the Nonfarm Division process. The applicant provided a letter from Mr. and Mrs. Sullivan dated October 16, 2006, attesting that the subject property is not necessary to permit farm practices to continue on the Sullivan property. The Sullivan property is bounded by Del Rio County Road to the east and just east of the County Road is the North Umpqua River; adjacent to the east of the River lies a portion of the Riversdale Rural Community. We found that any farm practices being conducted on lands east of the Sullivan property are physically segregated from the subject property by Del Rio County Road, the North Umpqua River and the Riversdale Rural Community comprised entirely of committed lands. Therefore, the subject property is not necessary to permit any farm practices to continue on adjacent or nearby lands to the east of the subject property.
15. We found that adjacent to the north of the subject property is a 379-acre ranch owned by James and Margaret Laraut. In 2004, two, one-acre nonfarm parcels were created within this ranch via the Nonfarm Division process. The nonfarm parcels were located at two different locations within the ranch, yet the applicants stated in their application that there would be no change in the types of activities presently being conducted on their remaining 379-acre farm parcel as a consequence of creating the nonfarm parcels. Further, the subject property only borders the south boundary of the Laraut property for a distance of 597 feet. We found that, if the two one-acre nonfarm parcels created within the Laraut ranch property were not necessary to permit its ranch practices to continue, the subject property, which only borders the property for 597 feet, also is not necessary to permit the Laraut ranch practices to continue.
16. We found that to the northeast of the subject property are four nonfarm parcels, each containing a nonfarm dwelling. These parcels are bounded to the northeast by Brozio County Road. Any farm practices being conducted further to the northeast, beyond these nonfarm parcels, are physically segregated from the subject property by the four intervening nonfarm parcels and Brozio County Road. We found, therefore, that the subject property is not necessary to permit farm practices to continue on nearby lands further to the northeast of the four adjacent nonfarm parcels.
17. We found that adjacent to the west of the subject property is an 81.58 acre parcel owned by Gloria Thompson which borders the entire western boundary of the subject property. Portions of this property are used for seasonal livestock grazing. In 2006, two nonfarm parcels, of approximately two acres each, were divided from this property. A steep intervening ridge line lies along the eastern boundary of the Thompson property, which physically segregates it, and any resource uses occurring thereon, from the subject property. We therefore found that the subject

property is not necessary to permit farm practices to continue on the adjacent property to the west. Lands further to the west of the subject property, i.e., west of the Thompson property, are also physically separated from the subject property by the intervening ridge line occurring on the Thompson property, thus the subject property is not necessary to permit farm practices to continue to occur on these nearby lands. In confirmation of this, the applicant provided a letter from Gordon Avery, part owner of lands to the west of the Thompson property which attests, "*This property change would have no effect upon the use of our property, and we would have no intentions of using the Foley's property whatsoever in the use of our property.*"

18. We found that adjacent to the south and southeast of the subject property is the 843-acre Riversdale Rural Community, comprised entirely of committed lands. There are no farm practices being conducted on lands adjacent to the south and southeast of the subject property. Any farm practices being conducted on lands further to the south and southeast are already significantly impacted by the vast Riversdale Rural Community and would not even be considered nearby. Thus we found the subject property is not necessary to permit farm practices to occur on lands to the south or southeast.
19. We found that any farm practices occurring adjacent to or nearby the subject property are limited to seasonal livestock grazing. As demonstrated in the preceding findings, we found that the subject property is not necessary to permit farm practices to continue on these adjacent and nearby lands, thus the property does not need to be retained in an agricultural designation.
20. The "Evaluation of Land for Timber Production" prepared by Richard L. Hanlin, Professional Forester, concludes that the subject property has never in the past supported a stand of conifer timber. We found this conclusion to be consistent with the "General Observations" contained in Mr. Hutchinson's 2005 Order 1 Soil Survey, which concluded that commercial forestry is not a viable land management option for the subject property, and that the conifers on the subject property constitute less than 5 percent of the total parcel area. We found that the conifers occurring on the subject property are "micro sites," and are not indicative of the parcel as a whole.
21. Based upon the preceding findings, the findings contained in the Staff Report, and the testimony and evidence in the Record, we concluded that the First Assignment of Error and three subassignments of error had been addressed by substantial evidence provided by the applicant on remand. The subject property is not suitable for grazing or pasturing or for the development of irrigation ponds and, therefore, does not, fall into the farm land category of "*other suitable land.*" The subject property is not necessary to permit farm practices to continue on adjacent and nearby lands, and is not suitable for commercial forest management. Therefore, it has been demonstrated that the subject property constitutes neither farm nor forest land, and a Nonresource Determination is justified.
22. We moved to approve the VALYNN CURRIE for TIM FOLEY request, on remand from LUBA, for a Comprehensive Plan Amendment from Agriculture to Rural Residential - 5 Acre and a concurrent Zone Change from Farm Grazing to 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 76.21 acre parcel to allow development of the property at the 5R density. The motion passed unanimously.

DECISION

Based on evidence received in the Record and the preceding Findings of Fact, we hereby APPROVE the requested Nonresource Determination, Plan Amendment from (AGG) Agriculture to (RR5) Rural Residential - 5 acre and Zone Change from (FG) Exclusive Farm Use - Grazing to (5R) Rural Residential - 5 Acre, on remand from the Land Use Board of Appeals.

Dated this 22nd day of February, 2007.

DOUGLAS COUNTY PLANNING COMMISSION

By:


Chairman