



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

AMENDED NOTICE OF ADOPTED AMENDMENT

November 2, 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 007-07



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: November 15, 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
Mark Bernard, Douglas County

<paa> y/ph

FORM 2

DLCD

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

In person electronic mailed

DEPT OF

OCT 25 2007

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: **Douglas County**

Local file number: **07-133**

Date of Adoption: **10/24/2007**

Date Mailed: **10/25/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/1/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Non-Resource Determination**

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

Robert M. & Mary B. Moore, request for a Plan Map Designation change from (FFT) Farm/Forest Transitional to (RR5) Rural Residential-5 acre and a Zone Change from (FF) Farm Forest to (5R) Rural Residential-5 Acre, on a 74.27 acre parcel provided for in the Comprehensive Plan, together with a determination that the property is non-resource land and not subject to the Agricultural (Goal 3) and Forest (Goal 4) Land Goals.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **FFT**

to: **RR5**

Zone Map Changed from: **FF**

to: **5R**

Location: **Buckhorn Road south of Dixonville RUC**

Acres Involved: **74**

Specify Density: Previous: **1 DU/74 AC**

New: **1 DU/5 AC**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD 007-07 (16148)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT, ODF&W, DSL, DC Fire District No. 2, Douglas Fire Protection Assn., Qwest, Pacific Power, Charter Communications, Avista Utilities, Dixonville Water Association, City of Roseburg, Glide School District No. 12

Local Contact: **Mark Bernard**

Phone: (541) 440-4289 Extension:

Address: **Room 106, Justice Building**

Fax Number: 541-440-6266

City: **Roseburg**

Zip: 97470-

E-mail Address: **mabernar@co.douglas.or.us**

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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 not 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 the 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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax

PD

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

AN ORDINANCE ADOPTING AMENDMENTS TO THE)
DOUGLAS COUNTY COMPREHENSIVE PLAN MAP AND)
ZONING MAP BASED ON A NONRESOURCE)
DETERMINATION FOR GOALS 3 AND 4, AND A)
DEMONSTRATION OF CONSISTENCY WITH THE)
COUNTY'S 5-ACRE DESIGNATION.)
PLANNING DEPARTMENT FILE NO. 07-133.)

ORDINANCE NO. 2007 - 10 - 01

RECITALS

- A. Robert M. & Mary B. Moore, request for a Comprehensive Plan Amendment from (FFT) Farm/Forest Transitional to (RR5) Rural Residential - 5 Acre, and a Zone Change from (FF) Farm Forest to (5R) Rural Residential - 5 Acre, based on a Determination that the property is non-resource land and is not subject to Agricultural and Forest Land Goals, and a demonstration of consistency with the County's 5-Acre Designation, on a 74.27 acre parcel to allow development at the 5R density. The property is located off of Buckhorn Road immediately south of the Dixonville Rural Community, and is described as Tax Lots 100 & 1400 in Sections 22 & 23B of T27S, R5W, W.M., Property I.D. Nos. R68872 & R68886. Planning Department File No. 07-133.
- B. The Douglas County Planning Commission held a hearing to consider the matter on July 19, 2007, and subsequently recommended for approval of the request in a Findings and Decision document dated September 20, 2007.
- C. The Board of Commissioners considered the matter on October 24, 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 and Nonresource Determination are GRANTED.

SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated October 24, 2007) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated September 20, 2007), are ADOPTED and by reference made part of this Ordinance.

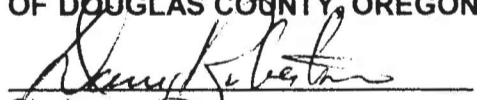
DATED this 24th day of October, 2007.

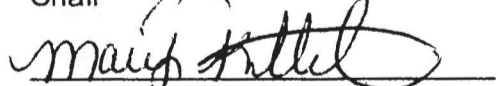
DOUGLAS COUNTY OREGON
FILED

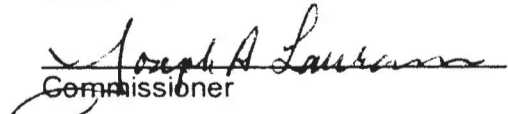
OCT 24 2007

BARBARA E. NIELSEN, COUNTY CLERK

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


Chair


Commissioner


Commissioner

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

Robert M. & Mary B. Moore, request for a)
Comprehensive Plan Amendment from (FFT))
Farm/Forest Transitional to (RR5) Rural Residential - 5)
and a concurrent Zone Change from (FF) Farm Forest)
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 a demonstration of consistency with)
the County's 5-Acre Designation, to allow development)
at the 5R density on a 74.27 acre parcel located off of)
Buckhorn Road just south of the Dixonville Rural)
Community. The property is described as Tax Lots)
100 & 1400, Sections 22 & 23B of T27S, R5W, W.M.,)
Property I.D. Nos. R68872 & 68886.)
Planning Dept. File No. 07-133.)

**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 October 24, 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 originally came before the Douglas County Planning Commission on application filed by Robert M. & Mary B. Moore. The Planning Commission hearing was held on July 19, 2007, at which time the Commission recommended approval of the application.
3. The Planning Commission memorialized its decision in a Findings and Decision document dated September 20, 2007. No appeals of that Decision were filed.
4. At the Board meeting on October 24, 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 October 24, 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 September 20, 2007, and in consideration of evidence considered at the October 24, 2007 Board hearing, the Board finds that the applicable decision criteria, as established in the Staff Report dated July 12, 2007, have been adequately addressed by the applicant.

ORDER/Moore
October 24, 2007
Page 2

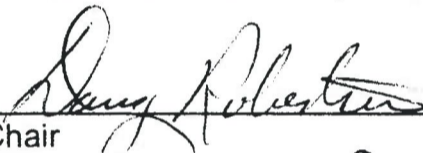
2. The Board finds that the relevant facts raised in this matter support the conclusions and decision reached by the Planning Commission in their Findings and Decision, dated September 20, 2007.
3. The Board adopts the Planning Commission Findings and Decision as its own.


ORDER

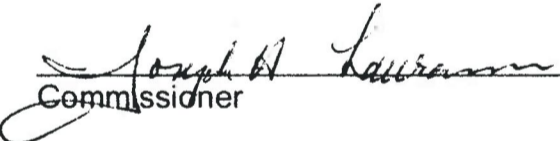
Based on the foregoing, it is hereby ordered by the Board of Commissioners that the Planning Commission decision is affirmed and the application is GRANTED.

DATED this 24th day of October, 2007.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON


Chair


Commissioner


Commissioner

**BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION
DOUGLAS COUNTY, OREGON**

In the matter of the application of Robert M. and Mary)
B. Moore for a Comprehensive Plan map amendment)
from (FFT) Farm/Forest Transitional to (RR5) Rural)
Residential – 5 Acres together with a concurrent Zone)
Change from Farm Forest (FF) to Rural Residential – 5)
Acre (5R), based upon a determination that the property)
is non-resource land and is not subject to the Statewide)
Agricultural and Forest Lands Goals, together with a)
determination of conformance with the County's)
acknowledged Goal 14 Exception for New 5 Acre)
Designations on a 74.27 acre parcel located south of)
Buckhorn Road adjacent to the Dixonville Rural)
Community, and described as Tax Lots 100 & 1400 in)
Sections 22C & 23B of T27S, R05W, W. M., Douglas)
County, Oregon. Property I. D. Nos. R68872 &)
R68886; Planning Department File No. 07-133.)

**FINDINGS OF FACT
AND DECISION**

INTRODUCTION & PROCEDURAL FINDINGS

This matter came before the Douglas County Planning Commission for public hearing on July 19, 2007, in Room 216 of the Douglas County Courthouse, Roseburg, Oregon. The purpose of the hearing was for the Planning Commission to receive testimony and other evidence related to the subject matter, and to render a decision in response to the applicants' request. The applicants, Robert and Mary Moore, were present at the public hearing and were represented by their land use consultant, Ron Schofield of Schofield & Associates.

The Planning Commission members who were present and participated in the hearing are David Jaques, David Leonard, Rick Barnes, James Mast and Rich Raynor. Commissioner Ed Stratton stated he was related to one of the parties in the matter and therefore did not participate in the hearing. None of the other Commission members present disclosed any ex parte contacts or potential conflicts of interest in the subject matter and all were found to be qualified to participate in the hearing.

Written statements in opposition to the applicants' request were submitted to the record by Marian Howe, Harold Hanson, and Donald and Karen Stratton, all of whom were granted party status in the

matter. A written recommendation in support of the applicants' request was submitted by the Roseburg-Green Planning Advisory Committee. The Committee was granted party status.

The written staff report issued on July 12, 2007, together with numerous exhibits, was presented to the Planning Commission. The staff report describes the nature of the application, the applicable criteria to be applied to the request, and numerous proposed Findings of Fact. The written report and the exhibits entered into the record are on file with the Planning Department.

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 (LUDO), adopted by the Douglas County Board of Commissioners December 31, 1980, effective April 1, 1981, and as subsequently amended and acknowledged by the Land Conservation and Development Commission.
2. The records of the Douglas County Planning Department concerning the publication and mailing of notice of the hearing.

SUBSTANTIVE FINDINGS OF FACT

1. This matter came before the Douglas County Planning Commission on application filed by Robert and Mary Moore, 783 Buckhorn Road, Roseburg, Oregon, 97470, hereinafter referred to as the applicants. The applicants are also the owners of the property. The subject property is a 74.27 acre parcel located south of Buckhorn Road approximately 500 feet west of its intersection with Highway 138 (Diamond Lake Blvd.), adjacent to the boundary of the Dixonville Unincorporated Rural Community, and about one mile east of the Roseburg urban growth boundary. The property is identified in the Douglas County Assessor's records as Tax Lot 100 in Section 22 and Tax Lot 1400 in Section 23B, Township 27S, Range 05W, W. M, Assessor's I.D. Nos. R68872 and R68886.
2. The property is located about 200 feet south of Buckhorn Road from which it gains its access via an existing private road that crosses Deer Creek. Deer Creek runs along the property's northerly boundary, separating the property from existing residential development along both sides of Buckhorn Road. In addition to their existing residence located in the northeasterly portion of the property, the applicants also operate a commercial plant nursery business (Moore's Nursery) which was established there in 1990 and has operated continuously for the past seventeen years. The nursery is a wholesale operation, with the plants being transported to retail outlets throughout southern Oregon. No retail sales are conducted on the property.

3. The property is situated in a transitional area between a variety of residential, commercial and industrial uses located within the boundary of the Dixonville Unincorporated Rural Community (URC) adjoining to the north, and rural resource uses located to the south. There are about thirty existing dwellings within a one-quarter mile radius of the property, including a half-dozen residential parcels that adjoin the property's north boundary. The applicants are requesting the land use change to allow them to subdivide the property into a number of residential parcels containing not less than five acres each. The applicants have not formulated a specific development plan for the property and the exact number or configuration of the parcels has not been determined, although the requested 5R zoning would theoretically permit up to fourteen parcels. The proposed Plan amendment and zone change is predicated on certain facts which demonstrate that the 74.27 acre property is not subject to the policies contained within Statewide Goals 3 and 4 because the land does not fall within the Goals' definitions of farm land and forest land due to the types of soils and other limitations on the site which preclude farm and forest uses.

4. The Douglas County Land Use and Development Ordinance (LUDO) establishes three basic standards, or criteria, which must be addressed in any proposal to amend the Comprehensive Plan. The applicable criteria are listed under LUDO Section 6.500(2) as follows:
 - a. *That the Amendment complies with the Statewide Planning Goals and applicable Administrative Rules (which include OAR 660-12, the Transportation Planning Rule) adopted by the Land Conservation and Development Commission pursuant to ORS 197.240 or as revised pursuant to ORS 197.245.*
 - (1) *The applicant shall certify the proposed land use designations, densities or design standards are consistent with the function, capacity and performance standards for roads identified in the County Transportation System Plan.*
 - (a) *The applicant shall cite the identified Comprehensive Plan function, capacity and performance standard of the road used for direct access and provide findings that the proposed amendment will be consistent with the County Transportation System Plan.*
 - (b) *That the amendment provides a reasonable opportunity to satisfy a local need for a different land use. A demonstration of need for the change may be based upon special studies or other factual information.*
 - (c) *That the particular property in question is suited to the proposed land use, and if an exception is involved, that the property in question is best suited for the use as compared to other available properties."*

In the course of addressing these three basic standards, or criteria, the Commission has adopted specific Findings of Fact and conclusions which demonstrate that the Comprehensive Plan Amendment and Zone Change conform to the local amendment criteria and do not conflict with any of the applicable statewide planning goals. Further, the Commission herein adopts findings demonstrating that the subject 74.27 acre property is not farm or forest land, as those terms are defined by the Statewide Agricultural Goal (Goal 3) and the Statewide Forest Lands Goal (Goal 4), and is therefore eligible for a non-resource land use designation and zoning classification. The Findings of Fact set out in the balance of this document are sufficient to allow the County to grant the Plan Amendment and Zone Change without necessitating an exception to any of the Statewide Planning Goals, including specifically Goals 3 and 4.

5. Douglas County has provided written notice of the requested Comprehensive Plan amendment, zone change and non-resource determination to property owners within 500 feet of the subject property not less than forty-five days prior to the scheduled date of the first public hearing, and has caused public notice of the applicants' request and the scheduled public hearing to be published in the local newspaper pursuant to the requirements of LUDO Section 2.065. Notice was also given to the Roseburg-Green Planning Advisory Committee, as well as to affected state and local agencies, and other individuals and organizations who are entitled to such notice. These various forms of individual and public notice assure that local citizens have an opportunity to become informed about, and participate in, the public hearing process. The Commission concludes that the Comprehensive Plan amendment, zone change and non-resource determination was processed in a manner that assures full compliance with Statewide Goal No. 1.
6. Douglas County has established policies and procedures which require a detailed evaluation of proposals to amend the Comprehensive Plan. Specific criteria and standards have been set forth against which the applicants' amendment request must be evaluated in the light of relevant Findings of Fact. The Commission's decision in this matter is based on the weight of the Findings of Fact articulated within this Findings & Decision document. Douglas County has established policies and procedures which require a detailed evaluation of any proposal to amend its Comprehensive Plan. Specific criteria and standards have been set forth against which the applicants' amendment request must be evaluated in the light of relevant Findings of Fact. The County's ultimate decision in this matter will be based on the weight of those relevant Findings. As was noted in the introduction section of this document, the proposed Plan Amendment and Zone Change involves the conversion of 74.27 acres of land from a farm and forest land use designation to a rural residential designation. Goal 2 requires that conversion of land from a resource use to a non-resource use, such as residential, follow the applicable criteria and

procedures prescribed for goal exceptions as codified under OAR Chapter 660, Division 4. However, as noted above, the applicants presented evidence that is sufficient to demonstrate the subject site is neither farm land nor forest land as defined by the Statewide Agricultural Goal (Goal 3) and the Statewide Forest Lands Goal (Goal 4), as well as by the Douglas County Comprehensive Plan. Consequently, the Commission finds that the proposed Plan Amendment and Zone Change can be approved without an exception to Goals 3 and 4. The Comprehensive Plan Amendment and Zone Change have been evaluated in a manner that assures full compliance with the review and approval standards set out under Statewide Goal 2. The Commission concludes that the requested amendment is being evaluated in a manner that assures full compliance with Statewide Goal 2.

7. It is the policy of the State of Oregon to preserve and maintain agricultural lands by restricting the type of development that can occur on land designated for farm use. In Western Oregon, agricultural lands are defined as those of predominately Class I, II, III and IV soils. Goal 3 also applies to other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, as well as to lands of lower value which are considered necessary to permit farm practices to be undertaken on adjacent or nearby lands. The Planning Commission has set out Findings in this document which demonstrate that the subject 74.27 acre property is not farmland as defined under Goal 3 and OAR 660-033-0020(1)(a).
 - a. NRCS has published an inventory and description of the soils found throughout Douglas County (Soils Survey of Douglas County Area, Oregon) which is based on a county-wide survey completed by the US Soil Conservation Service (now NRCS) in 1993. The NRCS soil survey identified and delineated two principal soil types occupying most of the applicants' property. A third soil is also delineated within a small narrow strip of land running along the south bank of Deer Creek at the property's north boundary. The west half of the property, comprising about 35 acres of fairly steep east-facing hillside, is shown on the NRCS map to be composed of soil in the Philomath-Dixonville Complex series (NRCS No. 189F), while the easterly half, which encompasses another 35 acres principally along the narrow valley floor, is mapped by NRCS as consisting of soil in the Curtin Clay series (NRCS No. 48C). As noted above, a small narrow strip of land running along the south bank of Deer Creek and containing only about three acres, or four percent of the property, is mapped by NRCS as being in the Malabon series (NRCS No. 144A). According to the published NRCS Soil Survey for Douglas County, the Philomath-Dixonville Complex soil on the hillside has an agricultural capability rating of Class VI, with steep slopes, high clay content, and lack of water being the principal limiting factors. Curtin Clay soil has an agricultural capability rating of Class III, and the small area of

Malabon soil along the creek is classified by NRCS as being a Class I alluvial farm soil.

- b. The soils of Douglas County were originally mapped by NRCS two levels of detail. For the most part, the alluvial valley-bottom soils, which constitute only about 17 percent of the mapped area of the county, were surveyed by NRCS using an Order II protocol, while the remaining 83 percent of the mapped areas of the county were surveyed using an Order III protocol. In the limited areas where Order II mapping was performed, the different soil types were delineated at a mapping scale suitable for identifying individual soil units as small as five acres. The remaining 83 percent of the mapped area lying beyond the alluvial valley floors, and into the surrounding foothills and low mountains, was mapped using an Order III protocol, which has a degree of accuracy ranging between 10 acres and 40 acres. Consequently, the identification and delineation of different soil types in areas such as the applicants' property, was intended to be a very generalized indication of the broad groupings of soils known to be present in given topographical and geological setting. The NRCS Survey for Douglas County explains that, due to the small delineation and mapping scale employed, the Order III maps are not suitable for planning the management of farm land because the soils within a single mapping unit differ from place to place in slope, depth, drainage and other characteristics that affect management.
- c. In order to obtain a more detailed analysis of the soils occurring on their land, the applicants retained the services of Gary Kitzrow, an ARCPACS-certified consulting soil consultant, who conducted a detailed Order I survey based on twenty-five separate on-site descriptions distributed across the property. Mr. Kitzrow's written report is a part of the record is incorporated here by reference. In summary, Mr. Kitzrow's Order I survey found that, with some refinement of the boundary of the Philomath-Dixonville Complex mapping unit along the lower slopes, the soils occupying the hillside on the southwesterly half of the property are fairly accurately delineated on the NRCS map. In marked contrast, however, he found that the soils on the northerly and easterly half of the property do not comport to the NRCS map. Where the NRCS map identifies about 35 acres of Curtin soil (NRCS No. 48C) along the lower slopes and valley bottom, the detailed Order I survey revealed that there are just a few small and isolated inclusions of Curtin soil that are surrounded by a much larger area of previously undelineated soil in the Panther Clay series (NRCS No. 185D). These segregated units of Curtin soil comprise about eight acres, or roughly ten percent of the applicants' property. An aerial photo showing the delineation of the soils identified in Mr. Kitzrow's Order I survey, is included in his report. The Panther series is a heavy black soil formed from weathered andesitic basalts and has very high clay content. Panther soil has an NRCS agricultural capability rating of Class VI, and is generally regarded as unsuitable for agricultural use.

- d. Where the NRCS soil map shows a narrow strip of land along the south bank of Deer Creek at the property's north boundary being composed of soil in the Malabon series (NRCS No. 144A), the on-site Order I survey found this narrow strip to be part of a somewhat broader stream terrace consisting of soil in the Concer series (NRCS No. 44A). The identified Concer soil, which is the only alluvial soil found on the property, has an NRCS agricultural capability rating of Class III. The delineated area of Concer soil occupies about four and one-half acres, or about six percent of the 74.27 acre property. The soils on the balance of the property are all non-alluvial, having been formed from weathered andesitic basalts, thus accounting for their very high clay content. A detailed description of the various soils occurring on the property, including a discussion of their relative suitability for agricultural use, is contained in Mr. Kitzrow's report. On the basis of his Order I survey, Mr. Kitzrow found that more than 80% of the subject 74.27 acre property is composed of soils having an NRCS agricultural capability rating of Class VI.
- e. As previously noted, in addition to Class I through Class IV soils, Goal 3 also applies to other lands of lower value that may be suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, and existing and future availability of water for farm irrigation purposes. As described in Mr. Kitzrow's written report, with the exception of the small segregated pockets of Concer and Curtin soils, most of the soils on the property are non-alluvial and are very high in clay content, with some exceeding 50% clay content, having formed from weathered andesitic basalts. Natural soil fertility in these predominate soils is quite limited due to the small amount of naturally-occurring organic matter and low level of biological activity that occurs in heavy clay soils. Furthermore, the property has no source of water for farm irrigation. Even if water for irrigation were available, the steep slopes and very high clay content of the renders irrigation of the site both impracticable and counter-productive. Although certain kinds of technology and energy inputs represent the potential for improving farm productivity on lands having soils that are conducive to cultivation techniques, such inputs cannot overcome significant natural factors such as steep slopes, high clay content, and lack of water for irrigation. The Planning Commission finds that the interaction of all of these features on the subject property limits its potential for farm use, including grazing and crop production. The Commission further finds that the individual and combined effects of existing site conditions are so severe that technology and energy inputs cannot overcome the limitations that exist on the site. These factors are sufficient to conclude that the land does not fall within the Goal 3 definition of farm land.

On the basis of the foregoing findings, the Planning Commission concludes that the subject property is not farmland as defined by Goal 3. Conversion of the site to a nonresource use will not conflict with the statewide policy of conserving farm land for farm use because the property is not

farm land. An exception to Goal No. 3 is not a prerequisite to converting the subject site to a nonresource use via the proposed Plan Amendment and Zone Change.

8. The Statewide Forest Lands Goal is intended to conserve forestlands and protect the state's forest economy by making possible economically efficient forest practices. When a Plan Amendment involving forest land is proposed, Goal 4 defines forestlands as those lands which are suitable for commercial forest uses. Goal 4 also applies to adjacent or nearby lands which are necessary to permit forest operations, as well as to other forested lands that are necessary to maintain soil, air, water and fish and wildlife resources. It is the policy of the State of Oregon to preserve and maintain forest lands by restricting the types of uses can occur on land designated for forest use. Although the term "commercial forest uses" is not specifically defined in any of the Statewide Planning Goals, statute or administrative rules, the Douglas County Comprehensive Plan does set out criteria for determining whether a site is subject to the policies contained in the Statewide Forest Lands Goal. As set forth in the Comprehensive Plan, the single-most important determinate of a particular site's suitability for commercial forest use is the type of soil found on the site, together with its corresponding "cubic foot site class" or "tree height site index" numbers which represent the soil's tree-growing potential as expressed respectively by the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands and by the average height, in feet, that dominate and codominate trees of a given species attain in a specified number of years. The Comprehensive Plan establishes a minimum site index threshold of 80 for the delineation of commercial tree-growing sites in Douglas County. The Plan also classifies commercial forest lands by their respective "cubic foot site class". In central Douglas County where the applicants' property is located, soils with a cubic foot site class of I through IV are defined by the Comprehensive Plan as prime forestland.
 - a. As noted in the preceding findings under Goal 3, more than 80% of the applicants' property consists of soils in the Philomath-Dixonville Complex series (NRCS No. 189F) and the Panther Clay series (NRCS No. 185D), as depicted on the Order I soils map accompanying the report prepared by the applicant's consulting soil scientist. The NRCS Soil Survey for Douglas County contains various tables describing the physical and geographic characteristics of each soil type included in the survey, including a table entitled "Forestland Productivity" (Table 8). The Survey publication explains that the Forestland Productivity table includes productivity data for those soils that are known to support the growth of commercial tree species. The table includes such information as 50-year and 100-year site index, annual growth expressed in cubic feet of fiber per acre per year, and potential yield expressed in board feet per acre. Each of these sets of data is intended to express the productivity level and the relative suitability of each listed soil type for growing commercial tree species. For purposes of the NRCS forestland productivity table, the two predominate soils found

on the applicant's property (Philomath-Dixonville and Panther) do not appear on Table 8 of the NRCS Soil Survey of Douglas County, thus indicating their general unsuitability for growing commercial tree species, including Douglas fir.

- b. On the basis of published NRCS productivity data, as correlated to the detailed soils descriptions contained in the Order I soil survey and report prepared for the applicants, and specifically taking into account the poor soils quality, low timber production capability and lack of economic viability from a commercial standpoint, the Planning Commission finds that the subject site cannot be considered as "forest land", either within the broader context of Statewide Goal 4, or by the specific criteria established in the Douglas County Comprehensive Plan for designating forest land.
- c. Goal 4 also applies to other forested lands that maintain soil, air, water and fish and wildlife resources. This part of the definition applies to lands that are "forested lands", and therefore does not apply to the subject property because it is not "forested lands". Further, the identified resources (soil, air, water and fish and wildlife resources) are not present on the subject property. The minimal tree cover on the site is not needed to maintain the quantity or quality of any water resources. There are no fishery resources on the property. Neither is there any apparent relationship between the minimal tree cover and air quality. The soil characteristics of the subject property have been described in detail in the attached soil report. The minimal existing tree cover is not necessary to maintain soil quality on the site. Wildlife resources appear to be uniform throughout the surrounding area in terms of the range of species and their occurrence, without differentiation between vacant and developed land. The circumstances do not suggest that the limited tree cover on the subject property is necessary to maintain the wildlife population.

Based on the foregoing findings, the Planning Commission finds that the subject property is not forestland as defined by either Statewide Goal 4 or the Douglas County Comprehensive Plan. The subject property is not commercial forestland, maintenance of the current resource zoning is not necessary to permit forest operations or practices to occur on other forestlands in the area, nor to maintain soil, air, water and fish and wildlife resources in the area. Consequently an exception to Goal No. 4 is not required as a prerequisite to converting the subject site to a nonresource use via the proposed Plan Amendment and Zone Change.

9. Statewide Goal 5 addresses a variety of resources not specifically covered in other goals and sets out a process requiring inventory and evaluation. Steps in the process require the level of significance of resources to be determined, and if an identified resource appears to be significant, further evaluation is required. Such evaluation may lead to alternative courses of

action, including fully protecting the identified resource. The Planning Commission finds that all of Douglas County, including the subject 74.27 acre site, has previously been subjected to extensive surveys and analysis intended to inventory and evaluate Goal 5 resources. These inventories, which are incorporated into the Douglas County Comprehensive Plan, have previously received acknowledgment of compliance with Statewide Goal 5. Based on the facts contained in the record, the Planning Commission finds that the subject property has not been included in any inventory of needed open space or scenic areas, nor has it been identified in the Comprehensive Plan as having any historic, cultural or significant natural resources which need to be preserved and/or protected. The subject property has not been included in any inventory of needed open space or scenic areas as defined by Goal 5, nor has it been identified in the Comprehensive Plan as having any historic, cultural or natural resources which need to be preserved and/or protected.

10. The Commission finds that Statewide Goal 6 requires that air, land and water resources of the State be maintained and improved by assuring that future development, in conjunction with existing development, does not violate applicable state and federal environmental quality standards, and does not exceed the carrying capacity of local air sheds, degrade land resources or threaten the availability of such resources. Any future land use activities on the property will be required to comply with all local, state and federal environmental regulations, thus assuring that the proposed Comprehensive Plan Amendment and Zone Change will not adversely impact the carrying capacity of local air sheds, degrade land and water resources or threaten the availability of such resources. Although the proposed rural residential land use designation on the property may result in at least some potential for environmental impacts if not properly monitored and regulated, both Douglas County and the State of Oregon have sufficient regulatory measures in place so as to ensure that subsequent development will not produce any unanticipated impacts. The proposed Plan Amendment and Zone Change have been evaluated in a manner that assures full compliance with Statewide Goal No. 6.
11. The subject property has not been identified in any inventory of areas which have the likely potential to be subjected to natural disasters and hazards. The elevation of the site puts it well above the flood plain and any danger of flooding. Any future development activity on the property will be required to comply with all applicable standards established under state and local development regulations, thus assuring compliance with Goal 7.
12. The Commission finds that there has been a legislative determination by Douglas County through its comprehensive planning process that the subject property is not needed for recreational facilities or opportunities. Identified recreational needs have been provided for on other sites in the surrounding urban and rural areas. The Commission concludes that the

proposed amendment will not conflict with Statewide Goal No. 8.

13. The Statewide Economic Development Goal requires that local land use plans "provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies". Goal 9 is intended to be applied on a County-wide basis and requires that future economic growth be accommodated, in part, by ensuring that there is sufficient suitable land planned and zoned for commercial and industrial uses. The Planning Commission finds that the subject Plan Amendment and Zone Change do not involve, or otherwise impact, the inventory of lands in Douglas County needed for economic development. The proposed Plan Amendment and Zone Change will not conflict with the Statewide Economic Development Goal.
 14. The primary purpose of Goal 10, within the context of amending the Comprehensive Plan, is to ensure that sufficient buildable land is available to allow for the full range of housing needs within the County to avoid creating shortages of residential land which would artificially restrict market choices in housing type, price range or location. The Douglas County Comprehensive Plan requires that population growth be monitored and assessed for impacts on previous estimates of needed housing and the availability of sufficient land for residential use. As previously noted, the subject property is presently developed with one single-family dwelling. No existing housing will be displaced as a consequence of the proposed Plan Amendment and Zone Change. The proposed 5R zoning will, however, permit the property to be divided to create up to a maximum of fourteen residential home sites containing not less than five acres each. Based on the foregoing, the Commission finds that the proposed Plan Amendment and Zone Change will have some positive affect on the rural residential housing stock in Douglas County, but will not directly result in population growth or increase the demand for housing beyond previous projections, or otherwise result in a conflict with the purpose and requirements of Goal 10.
 15. Statewide Goal No. 11 concerns the public facilities and services aspects of amending the Comprehensive Plan designation on the subject property from resource use to residential use, and requires consideration of a system or plan that ensures the proper coordination of the types, locations and delivery of public facilities and services that best support existing and proposed land uses. The applicants' property is situated in a rural area where public facilities and services are relatively limited, compared with the broad ranges of services that are available in urban areas. There are no public sanitary sewers available to the property. However, the relatively low density of development permitted by the proposed rural residential designation and zoning on the subject property and other surrounding rural properties facilitates the use of individual subsurface septic systems subject to standards
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enforced by the Oregon Department of Environmental Quality.

The property is contiguous with the boundary of the Dixonville Rural Unincorporated Community within which public water service is provided by the Dixonville Water Association. The Association is in the process of turning over operation of the water system to the City of Roseburg. The applicants have recently purchased a number of water service options from the Dixonville Water Association which will assure that water service will be provided to the property in the future. The City of Roseburg has agreed to honor the service options when the property is developed and facilities and extended into the property from the existing main line in Buckhorn Road. The cost of extending service to the property will be borne by the applicant or property developer at the time.

Fire protection in the area is provided by Douglas County Fire District No. 2, which maintains its Dixonville Fire Station about one mile to the east of the applicants' property. The demand for other utilities and services, including electricity and communications, will be no greater than that resulting from the historic use of other adjoining and nearby properties.

On the basis of the foregoing facts, the Planning Commission finds that the subject property will be provided with an adequate level of public facilities and services, and that those facilities and services will be delivered in a timely, orderly and efficient manner consistent with the purpose of Statewide Goal No. 11. The Commission concludes that the proposed Plan Amendment and Zone Change will not adversely impact the present or future provision of public facilities and services in the surrounding area. This conclusion is based on consideration of the existing public service delivery systems and plans that are in effect within the surrounding area, and which are intended to ensure proper coordination of the types, locations and delivery of the public facilities and services necessary to support existing and proposed land uses in the area.

16. The Statewide Transportation Goal is intended to provide a safe, convenient and economic transportation system. Specific transportation-related policies and development standards are included within Douglas County's Comprehensive Plan and land use ordinances to assure that the intent of the statewide transportation goal is implemented through the application of both state and local policies and standards at the time of development. The intent of Goal 12 is also implemented by the State Transportation Planning Rule (OAR 660, Division 12). OAR 660-12-060(1) requires that "amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility".

In order to ensure that a proposed land use change complies with the requirements of the

Transportation Planning Rule, Douglas County has adopted the following standard for Plan amendment applications:

“(2) The applicant shall certify the proposed land use designations, densities or design standards are consistent with the function, capacity and performance standards for roads identified in the County Transportation System Plan.

(a) The applicant shall cite the identified Comprehensive Plan function, capacity and performance standard of the road used for direct access and provide findings that the proposed amendment will be consistent with the County Transportation System Plan.”

Access to the subject property is via an existing private drive that extends south from its intersection with Buckhorn Road (County Road No. 4C) at a point about 500 feet west of its intersection with State Highway 138. The private roadway lies within a 60-foot wide access strip that was created for roadway purposes. As part of any future development of the subject property, the applicant will be required to improve the existing road and construct new roads to the standards prescribed by Douglas County for the number of parcels to be served by those roads.

The functional classifications of transportation facilities within Douglas County, including Buckhorn Road, are identified in Table 13-1 of the Transportation Element of the Comprehensive Plan. County Road No. 4C is classified as a “Minor Collector”. The Douglas County Transportation System Plan states that *“Minor collectors are intended to distribute local traffic onto other minor collector, major collector or arterial streets. Property access onto minor collectors is often allowed. . . . In rural areas, minor collectors also connect rural residential areas. Traffic volumes generally can range up to 5,000 vehicles per day.”*

The most recent published count of daily vehicle trips on Buckhorn Road in the vicinity of the applicants’ property was conducted by the Douglas County Public Works Department in July of 2001. That count, which was taken near the road’s intersection with private access road into the applicants’ property, shows an average of 310 vehicle trips per day, which represents a little more than six percent of the functional classification of the road (according to information provided by the Douglas County Public Works Department).

Estimates of the average number of daily vehicle trips generated by a specific land use can be obtained from a number of reliable sources; however, the most commonly referenced source for such data is Trip Generation, published by the Institute of Transportation Engineers (ITE). Average daily trip generation rates published in the ITE’s 5th Edition of Trip Generation (1991) are based primarily on field data obtained from direct observation of actual land use activities. Trip generation rates are reported as an average of the often wide-ranging vehicle

counts taken at numerous sites having the same classification of land use. Trip generation rates are often broken down into 24-hour time frames, and reported as "Average Daily Trips (ADT)". For most land use activities, including single-family rural dwellings, ITE defines an "average daily trip" as a one-way vehicular movement between a single origin and a single destination. For a single-family dwelling, trip generation rates are reported as a ratio of 9.5 vehicle trips per day per dwelling unit. Based on the maximum potential development density permitted by the requested rural residential zoning, the subject property will accommodate up to thirteen additional single-family dwellings. At maximum potential development density, the subject property can therefore be expected to generate less than 125 additional ADTs, which represents less than three percent of the functional reserve capacity for Buckhorn Road.

New developments generating fewer than 300 ADTs are generally considered to have no significant impact on local transportation facilities that serve the development site. Buckhorn Road is designated as a Minor Collector road, which is constructed and maintained to a standard sufficient to handle higher volumes of traffic than currently exist (according to traffic count data provided by the Douglas County Public Works Department). Other public roads in the area are also adequate to accommodate both existing and potential future traffic volumes likely to be generated as a consequence of the requested Plan Amendment and Zone Change. Due to the very low volume of additional traffic associated with the requested amendment, no special traffic controls or other mitigation measures will be required. Prior to the approval of any future development on the property, the existing access point serving the property will be subject to review and approval by the Douglas County Public Works Department to ensure public safety.

On the basis of the foregoing facts, the Planning Commission finds that the proposed residential land use designation, when taking into consideration the densities or design standards prescribed for uses permitted in the requested 5R zone, is consistent with the function, capacity and performance standard established for Buckhorn Road and other nearby transportation facilities by the Douglas County Transportation System Plan. Furthermore, the Douglas County Transportation System Plan has received acknowledgement of compliance with the Statewide Transportation Goal and the Transportation Planning Rule (OAR Chapter 660, Division 12) by the Land Conservation and Development Commission. Therefore, the Commission concludes that the facts set out above demonstrate that the land use change is consistent with both Goal 12 and the Transportation Planning Rule.

17. The statewide energy conservation goal is intended to be applied on both a county-wide basis through the adoption of local energy conservation goals contained within the Comprehensive Plan, and on a site specific basis through the implementation of those Plan policies via property development standards intended to require land and uses developed on land to be managed and

controlled so as to maximize the conservation of all forms of energy, based upon sound economic principals. The Planning Commission finds that the subject property is located immediately adjacent to an established unincorporated rural community where its future development will promote the efficient energy-related use of existing and planned public facilities and services. The site is free of any significant physical constraints that would otherwise require more energy to develop and use the property than would other property in the general area. Furthermore, specific energy conservation policies and development standards are included within the Douglas County Comprehensive Plan, as well as in the County's land use ordinances, to ensure that the statewide energy conservation goal is implemented on a site-specific basis at the time of property development. The proposed Plan amendment and zone change will not conflict with Statewide Goal No. 13.

18. Statewide Goal 14 requires local governments to establish urban growth boundaries that separate urban lands from rural lands. The Commission finds that the subject property is situated in a rural area well beyond the nearest urban growth boundary. The proposed Plan Amendment and Zone Change do not involve the conversion of rural land to urban use, nor does it change or otherwise involve an established urban growth boundary. The requested five acre zoning has been acknowledged as permitting a rural level of development, consequently no urban development can result from the proposed land use change. The Commission concludes that the Plan Amendment and Zone Change do not conflict with Goal 14.

In 2003, Douglas County adopted a county-wide Goal 14 Exception which was acknowledged LCDC through the post-acknowledgement exception process, and subsequently affirmed by the Oregon Land Use Board of Appeals (*Friends of Douglas County vs. Douglas County, Great American Properties*, LUBA No. 2005045, September 8, 2005.) The acknowledged Goal 14 Exception is judicially noted and incorporated here by reference. On the basis of the following facts, the Planning Commission has determined that the proposed land use change conforms to the criteria set out in the County's Goal 14 Exception for New 5 Acre Designations.

- a. The relatively low density of development permitted by the proposed rural residential designation and zoning on the subject property and other surrounding rural properties facilitates the use of individual subsurface septic systems subject to standards established by the Oregon Department of Environmental Quality. The subject property was subject to an Order I on-site soil survey conducted by the applicant's consulting soil scientist. The soil survey revealed that there are four different soil types present on the property. The west half which consist of a steep hillside, consists of soil in the Philomath-Dixonville Complex series (NRCS No. 189F). The valley bottom which occupies most of the east half is composed principally of soil in the Panther series (NRCS No. 185D). About twelve
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acres, concentrated mostly in the property's northeast corner, is composed of soils in the Concer and Curtin series (NRSC Nos. 44A and 48C, respectively). Portions of the property composed of the Panther and Curtin soils are presumed to be unsuited for septic drainfield use due to a high water table during the wet season. The balance of the soils on the property are known to be suitable for septic systems under most conditions, and it is anticipated that due to the broad coverage of these more suitable soils, they are likely to accommodate the limited number of septic systems permitted by the proposed Rural Residential – 5 Acre zoning.

- b. Domestic water service is available to serve the level of development contemplated by the proposed land use change. The applicant has purchased several water service options from Dixonville Water Association. The City of Roseburg will be taking over the water system and is presently preparing to improve much of the existing system. The City has agreed to honor the service options that have been pre-purchased by the applicant.
- c. Access to the subject property is via an existing private road that extends south to the property from its intersection with Buckhorn Road. The private road lies within a 60-foot wide access strip that was created for roadway purposes. The applicant will improve the existing road and construct new roads to the standards prescribed by Douglas County for the number of parcels to be served by those roads.
- d. The subject property is located within one mile of the Roseburg urban growth boundary and is within one-quarter mile of numerous industrial and commercial properties located along the Diamond Lake Blvd. corridor east of the city. The property is within five minutes drive time of a wide range of needed services including commercial, medical, gasoline and employment, all located in the nearby city of Roseburg. The proposed land use change will not result in the introduction of a new kind of land use into the area, but instead will allow the efficient utilization of existing service infrastructure to promote efficient energy utilization.
- e. The subject property is contiguous the boundary of the Dixonville Unincorporated Rural Community. There are about thirty dwellings on residentially-zoned property within one-quarter mile of the property, including a number of residential parcels that directly adjoin the applicant's property. The subject property occupies a small valley that is surrounded by high ridges that serve to segregate and buffer it from other farm and forest properties in the broader surround area. Access to the property is directly from Buckhorn Road and does not pass through other resources lands. Water to serve future development on the property will be provided by the Dixonville public water system from an existing main line in Buckhorn Road.

- f. The subject property has not been included in any inventory of needed open space or scenic areas, nor has it been identified in the Comprehensive Plan as having any historic, cultural or significant natural resources which need to be preserved and/or protected.
 - g. The westerly half of the property occupies an east-facing hillside that has slopes that generally range between 12% and 30%, with a few isolated areas having slopes in excess of 30%. Most of the northerly and easterly portion of the property, however, has nearly flat to very gently-sloping ground that represents no impediment to the development of the property as contemplated by the applicant. The topographic characteristics of most of the property do not represent significant physical constraints to its intended use. There is no evidence of unstable soils or geology. Any future development activity on the property will be required to comply with all applicable standards established under state and local development regulations.
 - h. There is a significant amount of commercial and industrial development in the general area of the applicants' property; however, these existing uses and activities are concentrated along the Diamond Lake Blvd. between one-quarter mile and one mile away, where they will be unaffected by the intended residential use of the property. The property is segregated and buffered from the nearby industrial uses by intervening residential uses that are developed along Buckhorn Road. The property is also isolated by Deer Creek, which lies between the property and the industrial/commercial corridor.
 - i. The subject property is situated in a rural area where public facilities and services are relatively limited, compared with the broad range of services that are available inside urban areas, including the Roseburg urban area located about one mile to the west. There are no public sanitary sewers available to the property; however, the relatively low density of development permitted by the proposed rural residential designation and zoning on the subject property and other surrounding rural properties facilitates the use of individual subsurface septic systems subject to standards established by the Oregon Department of Environmental Quality. The applicant has already purchased a number of service connection options from the Dixonville Water Association. Although the Dixonville system is being taken over by the City of Roseburg, the City has agreed to honor those service commitments. Fire protection in the area is provided by Douglas County Fire District No.2 from the district's fire station located in Dixonville about one mile east of the applicant's property. The demand for other utilities and services, including electricity and communications, will be no greater than that resulting from the historic use of other adjoining and nearby rural residential properties.
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- j. Environmental Consequences: Any future land use activities on the property will be required to comply with all local, state and federal environmental regulations, thus assuring that the proposed Comprehensive Plan Amendment and Zone Change will not adversely impact the carrying capacity of local air sheds, degrade land and water resources or threaten the availability of such resources.
- k. Economic Consequences: The proposed amendment will help promote the goal of ensuring an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of residential uses consistent with Plan policies. The future division and associated residential development of the one new parcel to be created as a consequence to the proposed land use change will also provide jobs in the construction industry and associated services.
- l. Social Consequences: This proposed amendment to Rural Residential 5 Acre will provide for low density residential development in an open space environment in order to encourage the continued existence of rural family home life in Douglas County. The proposed amendment also provides transition from rural residential development to resource areas of the county.
- m. Energy Consequences: The subject property is located immediately adjacent to an established rural residential area where its future development will promote the efficient energy-related use of existing and planned public facilities and services.
- n. Compatibility: There are about thirty residential parcels within a quarter mile radius of the subject property, principally to the north, northwest and northeast. These nearby residential properties are within the boundary of the Dixonville Unincorporated Rural Community and range in size from about one-half acre up to five acres, although the average parcel size is about two and one-half acres, which is about twice the development density that would be permitted as a consequence of the applicants' requested zone change. Nearly all of these nearby residential properties are zoned for residential use under the Rural Residential – 2 Acre designation and are developed with single-family dwellings. Properties lying to the south, east and west are zoned for farm and forest uses; however, as previously explained, the applicants' property occupies a small valley that is surrounded by high ridges that serve to segregate and buffer it from other farm and forest properties in the broader surround area. Access to the property is directly from Buckhorn Road and does not pass through other resources lands.

The relatively low density of development permitted by the proposed rural residential designation and zoning on the subject property and other surrounding rural properties facilitates the use of individual subsurface septic systems subject to standards established

by the Oregon Department of Environmental Quality. The applicant has purchased several water service options from Dixonville Water Association. The City of Roseburg will be taking over the water system and is presently preparing to improve much of the existing system. The City has agreed to honor the service options that have been pre-purchased by the applicant. Access to the subject property is via an existing private road that extends south to the property from its intersection with Buckhorn Road. The private road lies within a 60-foot wide access strip that was created for roadway purposes. The applicant will improve the existing road and construct new roads to the standards prescribed by Douglas County for the number of parcels to be served by those roads. The property is within five minutes drive time of a wide range of needed services including commercial, medical, gasoline and employment, all located in the nearby city of Roseburg.

The proposed land use change will not result in the introduction of a new kind of land use into the area, but instead will allow the efficient utilization of existing service infrastructure to promote efficient energy utilization. The subject property has not been included in any inventory of needed open space or scenic areas, nor has it been identified in the Comprehensive Plan as having any historic, cultural or significant natural resources which need to be preserved and/or protected. The topographic characteristics of most of the property do not represent significant physical constraints to its intended use, nor is there any evidence of unstable soils or geology. Any future development activity on the property will be required to comply with all applicable standards established under state and local development regulations.

19. LUDO Section 6.500(2) requires Comprehensive Plan amendment proposals to demonstrate that the requested land use change will provide a reasonable opportunity to satisfy a local need for a different land use. LUDO further provides that a demonstration of need for the change may be based upon special studies or other factual information. Addressing these criteria, the Planning Commission makes the following findings.
 - a. The Planning Commission notes that it is the policy of the State of Oregon to preserve and maintain designated resource lands for farm and forest use. This policy is also articulated in the Douglas County Comprehensive Plan and is implemented with a variety of land regulations, which discourage or prohibit the establishment of additional nonresource-related development in rural areas of the county. At the same time, the Comprehensive Plan also recognizes that there is a public need to provide opportunities for nonresource-related residential uses in rural areas. Both statewide planning policy, and local planning regulations, establish standards and procedures which enable the County to strike a reasonable balance between the policy of preserving farm and forest land and the recognized need to provide opportunities for residential uses in rural areas.
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- b. The Planning Commission has set out Findings of Fact in preceding sections of this document which demonstrate that the subject 74.27 acre site does not meet the definition of either farm land or forest land as those terms are defined in Statewide Goals 3 and 4 and the Douglas County Comprehensive Plan. The Commission's Findings, which are based on facts which justify excepting the applicants' property from the restrictions of the statewide agricultural and forest lands goals, are consistent with both statewide and local planning policy which recognizes that there is a public need to facilitate rural residential development in rural areas of Douglas County where resource related uses are not practicable. The adoption of findings which justify excepting the applicant's property from the restrictions of the statewide agricultural and forest lands goals is consistent with both statewide and local planning policy which recognizes that there is a public need to facilitate rural residential development in rural areas of Douglas County where resource related uses are not practicable. The predominate use in the surrounding area is rural home sites on relatively small nonresource parcels. There are more than two dozen parcels within a quarter mile radius of the subject property. These surrounding and nearby nonresource residential parcels range in size from about one-quarter acre up to five acres, resulting in an overall average parcel size of about two and one-half acres, which is about double development density that would be permitted as a consequence of the applicants' requested zone change on their 74.27 acre property. On the basis of the surrounding land use pattern, it can be concluded that the request Plan amendment and zone change will be consistent with the County's policy which recognizes that there is a public need to facilitate rural residential development in rural areas of Douglas County where resource related uses are not practicable.
 - c. On the basis of the surrounding land use pattern, the Planning Commission finds that the requested Plan amendment and zone change will be consistent with the County's policy which recognizes that there is a public need to facilitate rural residential development in rural areas of Douglas County where resource related uses are not practicable.
 - d. The Commission further finds that approval of the requested Plan Amendment and Zone Change on the subject property, as compared with other properties in rural areas, will mitigate future public need to convert other higher value resource land to non-resource use through the introduction of Rural Residential zoning and the subsequent increase in the amount of non-resource residential uses in resource areas. Based on the facts set forth in this document the Planning Commission concludes that conversion of the subject property to a rural residential designation will provide a reasonable opportunity to satisfy a local need for the requested use and that the property is suited to the proposed.
20. In addition to the criteria to be addressed when proposing an amendment to the

Comprehensive Plan, the Land Use and Development Ordinance (LUDO) also establishes criteria that must be considered when a change in zoning is proposed. The criteria for a zone change is found in LUDO at Section 3.38.100, and requires the Planning Commission to find that:

- a. *The rezoning will conform with the applicable sections of the Comprehensive Plan;*
- b. *The site is suitable to the proposed zone; and,*
- c. *There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.*

On the basis of the facts contained in the record, the Planning Commission finds that the requested change in zoning from FG and FF to 5R on the subject property is predicated on a concurrent request to amend the Comprehensive Plan map designation from Farm Forest Transitional to Committed Residential – 5 Acres. If the Plan Amendment request is approved, the Zone Change will conform to the amended Comprehensive Plan map. Findings demonstrating that the requested change in zoning will conform to applicable policies found throughout the Comprehensive Plan are included in preceding sections of this document. The Planning Commission therefore concludes that the rezoning will conform to the applicable sections of the Comprehensive Plan.

Findings addressing the suitability of the subject site for the proposed zone and the intended use are set out in preceding sections of this document. Those earlier findings demonstrate that the subject property is well suited for the proposed 5R zoning with respect to the physical characteristics of the property, availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from unstable geology, etc., and compatibility with adjacent and nearby land use activities. The Commission therefore concludes that the site is suitable for the requested 5R zoning and its intended use.

Specific findings addressing the public health, safety and welfare aspects of changing the zoning on the subject property are set out in preceding sections of this document. Those findings demonstrate that there is a sufficient level of public services and facilities available to the property; that the zone change will not adversely impact the carrying capacity of local air sheds, degrade land and water resources or threaten the availability of such resources; that the subject property has not been identified as having the potential to be subjected to natural disasters and hazards; that the subject property is not needed for public recreational facilities; that the zone change will not significantly impact the existing housing stock in the surrounding area, result in population growth or increase the demand for housing beyond previous projections; that the Zone Change will not adversely impact the present or future provision of public facilities and service in

the surrounding area; that the full range of services appropriate for the type of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner and that public roads in the area are adequate to accommodate the potential additional traffic resulting from the Zone Change.

On the basis of the foregoing findings, the Planning Commission ultimately concludes that the proposed amendment complies with the applicable statewide planning goals, that there is a public need for a change of the kind in question, and that such need will be best served by changing the Plan designation and zone on the subject property as compared with other available property.

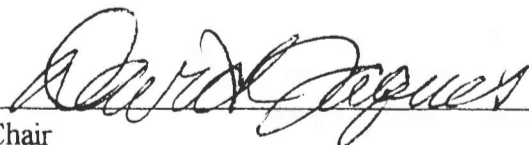
DECISION

The Planning Commission deliberated to a decision on July 19, 2007. Commissioner Raynor moved for approval of the proposed Comprehensive Plan amendment. Commissioner Mast seconded the motion. A vote was taken and the motion passed.

On the basis of the Findings of Fact enumerated herein, the applicants' request for a Comprehensive Plan map amendment from Farm Forest Transitional to Committed 5-Acres together with a concurrent Zone Change from Exclusive Farm Use – Grazing (EFU-G) and Exclusive Farm Use – Cropland (FC-1) to Rural Residential – 5 Acre (5R), based upon a determination that the property is non-resource land and is not subject to the Statewide Agricultural and Forest Lands Goals, together with a determination that the land use change is consistent with the County's Goal 14 Exception for New 5 Acre Designations, is hereby **APPROVED** subject to the condition that the applicants/property owners shall record with the Douglas County Clerk, a "Resource Management Covenant," waiving their rights, and the rights of any heirs, successors or assigns, to object to standard, legal resource management activities on adjacent and nearby lands, in accordance with LUDO §3.5.160.3.

Dated this 20th day of September, 2007.

DOUGLAS COUNTY PLANNING COMMISSION


Chair