



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

December 28, 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 009-07



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: January 16, 2008

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> ya/

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

DATE STAMP
DEPT OF
DEC 27 2007
LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: **Douglas County**

Local file number: **07-204**

Date of Adoption: **12/19/2007**

Date Mailed: **12/26/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/30/2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

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

Garrett Trust and Russell Wilson adoption of a Plan map designation amendment from (RMD) Medium Density Residential to (RHD) High Density Residential and a zone change from (R-1) Single-Family Residential to (R-2) Multiple Family Residential on two parcels totaling 0.41 acres to allow future development of the property at the R-2 density.

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

Plan Map Changed from: **RMD**

to: **RHD**

Zone Map Changed from: **R-1**

to: **R-2**

Location: **Carnes Road within the Green UUA**

Acres Involved: **0.41**

Specify Density: Previous: **6 DU/AC**

New: **21 DU/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 # 009-07 (16357)

DLCD file No. _____

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

ODOT, Douglas County Fire District No. 2, Qwest, Pacific Power, Avista Utilities, Green Sanitary District, Roberts Creek Water District, Roseburg School District No. 4

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 your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

DOUGLAS COUNTY CLERK
FILED

DEC 20 2007

BARBARA E. NIELSEN, COUNTY CLERK

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

AN ORDER to affirm the Findings of Fact and)
Decision of the Planning Commission for an)
Amendment to the Douglas County)
Comprehensive Plan Map from (RMD) Medium)
Density Residential to (RHD) High Density Residential)
together with a Zone Change from (R-1) Single-Family)
Residential to (R-2) Multiple Family Residential)
on a 0.41 acre parcel located in the UUA of Green.)
Applicant: Garrett Trust & Russell Wilson.)
Planning Department File No. 07-204.)

**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 December 19, 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 the Garrett Trust & Russell Wilson. The Planning Commission hearing was held on October 18, 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 November 15, 2007. No appeals of that Decision were filed.
4. At the Board meeting on December 19, 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 December 19, 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 November 15, 2007, and in consideration of evidence considered at the December 19, 2007 Board hearing, the Board finds that the applicable decision criteria, as established in the Staff Report dated October 11, 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 November 15, 2007.
3. The Board adopts the Planning Commission Findings and Decision as its own.


ORDER/Garrett Trust
December 19, 2007
Page 2

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 19th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON



Chair



Commissioner

ABSENT

Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Garrett Trust & Russell Wilson, Findings of Fact and Decision, Planning Department File No. 07-204.

This matter came on regularly for hearing before the Douglas County Planning Commission on October 18, 2007 in Room 216 of the Douglas County Courthouse.

The applicant was present at the hearing.

The Planning Commissioners present at the hearing were: David Leonard, Brian Parkinson, David Jaques, Ed Stratton, James Mast and Rich Raynor.

The Planning Commission takes official notice of the following:

1. The Douglas County Comprehensive Plan, including the implementing Douglas County Land Use and Development Ordinance, adopted by the Douglas County Board of Commissioners December 31, 1980, effective April 1, 1981, and as later amended, which has been acknowledged by the Land Conservation and Development Commission on December 21, 1982, and by Compliance Acknowledgment Order 83-ACK-12 dated January 18, 1983.
2. The records of the Planning Department of Douglas County concerning publication and mailing of notice.

FINDINGS OF FACT

1. Application was filed with the Planning Department at least 73 days prior to October 18, 2007.
2. At least 45 days prior to October 18, 2007, notice of the hearing was sent by mail to the applicant, to all property owners within 100 feet of the property which is the subject of the application, to service providers and governmental agencies and to the Roseburg-Green Planning Advisory Committee (PAC).
3. Notice of the hearing was given by publication in a newspaper of general circulation in the affected area at least 20 days prior to October 18, 2007.
4. At the hearing we recognized the following parties in the matter: Garrett Trust & Russel Wilson, applicants; Mark R. & Sabrina K. Garrett, The Garrett Trust & Russel Wilson, titleholders; Douglas County Public Works Department, Vic Cangie; Douglas County Fire District No. 2, Josep Pedrola; Roseburg-Green PAC.
5. Staff entered Staff Exhibits 1 through 14, including the Staff Report, into the Record and gave the oral staff report, stipulating to the Record.
6. We heard testimony from the applicant, who also stipulated to the Record.
7. Seeing no opposition, we moved to adopt the findings of the Staff Report, concluding that the application meets the criteria for a Plan Amendment and Zone Change as provided in Section 6.500.2 and Section 3.38.100.2 of the Douglas County Land Use and Development Ordinance, and as set forth in the Statewide Planning Goals and applicable Oregon Administrative Rules.

Decision/GARRETT TRUST
Page 2
November 15, 2007

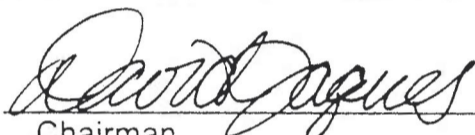
DECISION

Based on evidence received, the findings above and the findings contained in the Staff Report, we APPROVED the request for a Comprehensive Plan Amendment from (RMD) Medium Density Residential to (RHD) High Density Residential and a concurrent Zone Change from (R-1) Single-Family Residential to (R-2) Multiple Family Residential on a 0.41 acre parcel to allow future development of the property at the R-2 density, subject to the following condition:

1. Application of the Design Review Overlay shall be restricted to include only criteria related to the establishment of a duplex on each of the two parcels comprising the subject property including access, parking and circulation. Planning Department electronic comments shall be so noted.

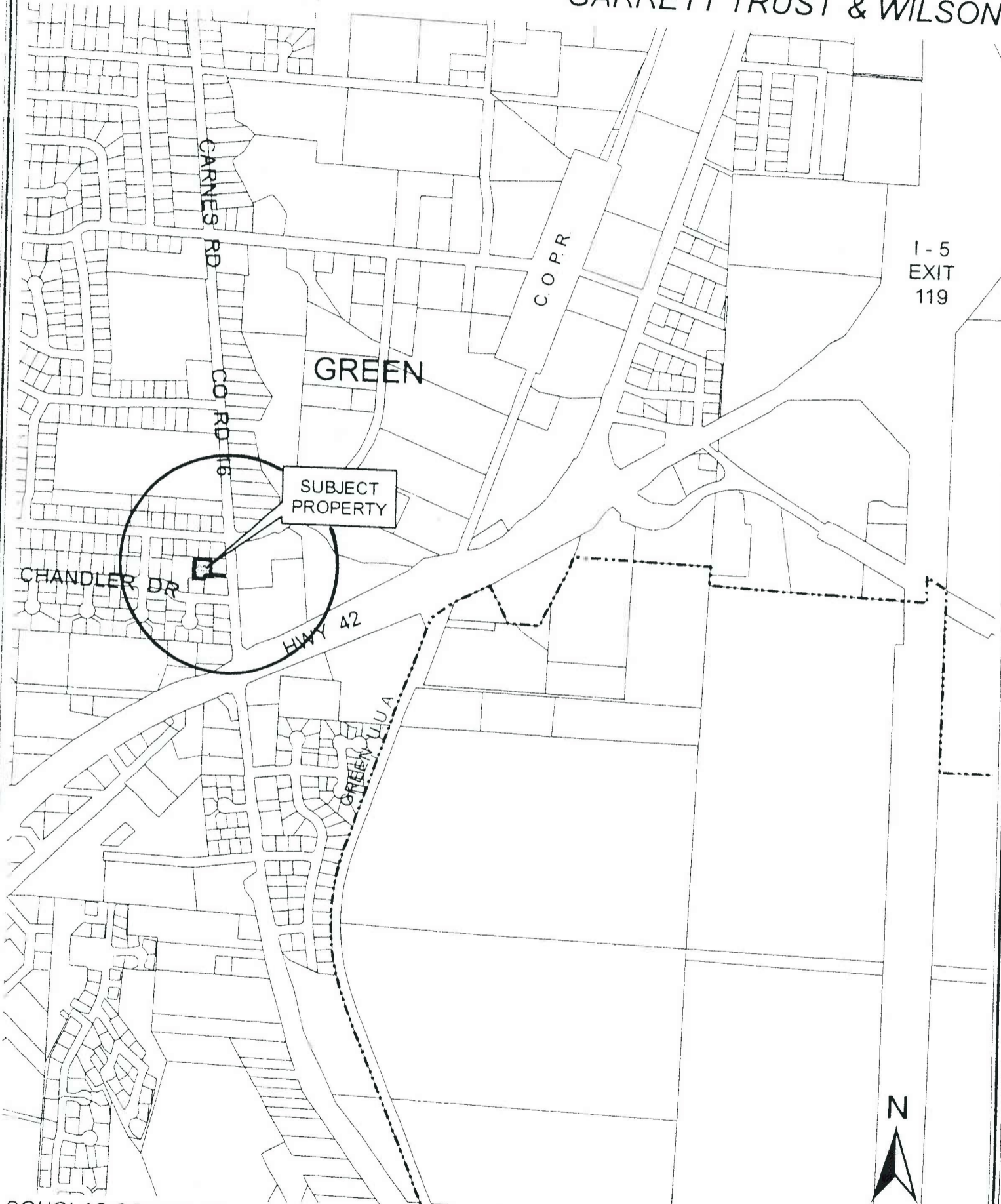
Dated this 15th day of November, 2007.

DOUGLAS COUNTY PLANNING COMMISSION

By: 
Chairman

VICINITY MAP
T28S R6W SEC 11

P/D 07-204
GARRETT TRUST & WILSON



DOUGLAS COUNTY PLANNING DEPARTMENT

N
1" = 800'

**NTY PLANNING DEPARTMENT
06, JUSTICE BUILDING
COUNTY COURTHOUSE
EBURG, OR 97470**

NEOPOST



\$1.14

DEC 26 2007

US POSTAGE

First-Class Mail

MAILED FROM 97470

048J0085002878

**ATTN: PLAN AMENDMENT SPEC.
DLCD
635 CAPITOL STREET NE SUITE 150
SALEM OR 97301**