



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 010-07



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

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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
For DLCD Use Only

Jurisdiction: **Douglas County**

Local file number: **07-213**

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

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".
James & Sharon Scott, request for a Plan Map Designation change 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, on a 18.83 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: **AGG**

to: **RR5**

Zone Map Changed from: **FG**

to: **5R**

Location: **Hatfield Drive north of Dixonville RUC**

Acres Involved: **19**

Specify Density: Previous: **1 DU/19 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 file No. 010-07 (16358)

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

ODOT, Douglas Fire Protection Association, DC Fire District No. 2, Comspan Communications, 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 your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

DOUGLAS COUNTY OREGON
FILED

DEC 20 2007

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. 07-213.)

ORDINANCE NO. 2007 - 12 - 04
BARBARA E. NIELSEN, COUNTY CLERK

RECITALS

- A. James & Sharon Scott, request for a Comprehensive Plan 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 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 18.83 acre parcel to allow development at the 5R density. The property is located off of Hatfield Drive north of the Dixonville Rural Community, and is described as Tax Lot 800 in Section 13C of T27S, R5W, W.M., Property I.D. Nos. R67045 & R66982. Planning Department File No. 07-213.
- B. The Douglas County Planning Commission held a hearing to consider the matter on October 18, 2007, and subsequently recommended for approval of the request in a Findings and Decision document dated November 15, 2007.
- C. The Board of Commissioners considered the matter on December 19, 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:

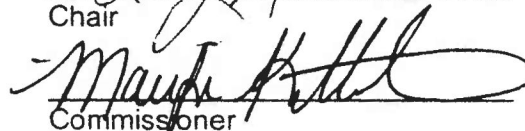
SECTION ONE: The requested Comprehensive Plan Map Amendment, Zone Map Amendment and Nonresource Determination are GRANTED.

SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated December 19, 2007) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated November 15, 2007), are ADOPTED and by reference made part of this Ordinance.

DATED this 19th day of December, 2007.

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


Chair


Commissioner

ABSENT

Commissioner

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

James & Sharon Scott, request for a)
Comprehensive 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 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 18.83 acre parcel located at the)
intersection of Hatfield Drive and the North Umpqua)
Highway. The property is described as Tax Lot 800)
in Section 13C of T27S, R5W, W.M., Property I.D.)
Nos. R67045 & R66982 . Planning File No. 07-213.)

**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 James & Sharon Scott. 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.

ORDER/Scott
December 19, 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 November 15, 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 19th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON


Chair


Commissioner

ABSENT

Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

James & Sharon Scott, Findings of Fact and Decision, Planning Department File No. 07-213.

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's representative was present at the hearing.

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

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 500 feet of the property which is the subject of the application, to service providers and governmental agencies and to the North Umpqua 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: James & Sharon Scott, applicants and titleholders; Garry & Junne Haas, trustees and titleholders; Stephen & Norma Heiser, trustees and titleholders; Mark Garrett, Schofield & Associates, Applicant's Representative; the Oregon Department of Transportation, Tom Guevara; Douglas County Fire District No. 2, Josep Pedrola; Douglas County Public Works, Vic Cangie.
5. Staff entered Staff Exhibits 1 through 15, including the Staff Report, into the Record and gave the oral staff report.
6. We heard testimony from Mark Garrett, applicant's representative, who also stipulated to the Record.
7. We moved to adopt the findings of the Staff Report, with amendments, 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/SCOTT
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 (AGG) Agriculture to (RR5) Rural Residential - 5 and a concurrent Zone Change from (FG) Exclusive Farm Use - Grazing to (5R) Rural Residential - 5 Acre, on an 18.83 acre parcel to allow development at the 5R density subject to following condition:

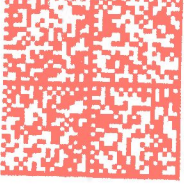
1. The applicant shall be required to record a Resource Management Covenant as a condition of any subsequent requests for development. Planning Department electronic comments will noted accordingly.

Dated this 15th day of November, 2007.

DOUGLAS COUNTY PLANNING COMMISSION

By: 
Chairman

US COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
UGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470



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DEC 26 2007

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DLCD
635 CAPITOL ST, NE SUITE 150
SALEM OR 97301