



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

NOTICE OF ADOPTED AMENDMENT

March 30, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Douglas County Plan Amendment
DLCD File Number 017-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 16, 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> ya/

FORM 2

CORRECTED

D L C D NOTICE OF ADOPTION

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF
LAND CONSERVATION
AND DEVELOPMENT
MAY 27 2007

Jurisdiction: Douglas County Local File No: 06-319
(if no number, use none)

Date of Adoption: March 21, 2007 Date Mailed: March 26, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: December 1, 2006

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: Exception to Goal 3 on 0.24 ac portion
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
A Plan map designation amendment from (AGG) Agriculture to (RC5) Committed - 5 Acre on a 1/4 acre portion of the subject parcel which serves as a roadway, and a zone change from (AW) Agriculture and Woodlot to (5R) Rural Residential - 5 Acre on a 10± acre portion (already designated RC5) of a 10.17 parcel for Michael E. Gardner & Carol F. Brooker-Gardner.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."

Same.

Plan Map Changed From: AGG to RC5

Zone Map Changed From: AW to 5R

Location: Cinbar Road east of the Lookingglass Rural Community Acres Involved: 10+/-

Specify Density: Previous: 1 DU/10 AC New: 1 DU/5 AC

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

Was an Exception Adopted? Yes: No:

=====
DLCD File No: 017-06(15725)

Did the Department of Land Conservation and Development **receive** a Notice of Proposed Amendment **FORTY- FIVE (45) days prior to the first evidentiary hearing?** Yes: X No: ___

If no, do the Statewide Planning Goals apply? Yes: ___ No: ___

If no, did The Emergency Circumstances Require immediate adoption? Yes: ___ No: ___

Affected State or Federal Agencies, Local Government or Special Districts: ODOT, Douglas Electric, Lookingglass Rural Fire District, Qwest, Umpqua Basin Water Association, Winston-Dillard School District No. 116.

Local Contact: Mark Bernard Area Code + Phone Number: (541) 440-4289

Address: Room 106, Justice Building, Douglas County Courthouse

City: Roseburg, Oregon Zip Code + 4: 97470

=====

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need more copies?** You can copy this form on to 8½ x 11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

FORM 2

D L C D NOTICE OF ADOPTION

This form **must be mailed** to DLCD **within 5 working days** after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

MAR 26 2007

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Douglas County Local File No: 06-319
(if no number, use none)

Date of Adoption: March 21, 2007 Date Mailed: March 23, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: December 1, 2006

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: Exception to Goal 3 on 0.24 ac portion
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
A Plan map designation amendment from (AGG) Agriculture to (RC5) Committed - 5 Acre on a 1/4 acre portion of the subject parcel which serves as a roadway, and a zone change from (AW) Agriculture and Woodlot to (5R) Rural Residential - 5 Acre on a 10± acre portion (already designated RC5) of a 10.17 parcel for Michael E. Gardner & Carol F. Brooker-Gardner.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."

Same.

Plan Map Changed From: AGG to RC5

Zone Map Changed From: AW to 5R

Location: Cinbar Road east of the Lookingglass Rural Community Acres Involved: 10+/-

Specify Density: Previous: 1 DU/10 AC New: 1 DU/5 AC

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

Was an Exception Adopted? Yes: No:

DLCD File No: 017-06(15725)

Did the Department of Land Conservation and Development **receive** a Notice of Proposed Amendment **FORTY- FIVE (45) days prior to the first evidentiary hearing?** Yes: No:

If no, do the Statewide Planning Goals apply? Yes: No:

If no, did The Emergency Circumstances Require immediate adoption? Yes: No:

Affected State or Federal Agencies, Local Government or Special Districts: ODOT, Douglas Electric, Lookingglass Rural Fire District, Qwest, Umpqua Basin Water Association, Winston-Dillard School District No. 116.

Local Contact: Mark Bernard Area Code + Phone Number: (541) 440-4289

Address: Room 106, Justice Building, Douglas County Courthouse

City: Roseburg, Oregon Zip Code + 4: 97470

=====

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need more copies?** You can copy this form on to 8½ x 11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

DOUGLAS COUNTY OREGON
FILED

AN ORDINANCE ADOPTING AN AMENDMENT TO THE)
DOUGLAS COUNTY COMPREHENSIVE PLAN MAP AND)
ZONING MAP BASED UPON A PHYSICALLY DEVELOPED)
EXCEPTION TO STATEWIDE PLANNING GOAL 3.)
PLANNING DEPARTMENT FILE NO. 06-319.)

MAR 21 2007

ORDINANCE NO. 2007-03-04
BARBARA E. NELSEN, COUNTY CLERK

RECITALS

- A. Michael E. Gardner & Carol F. Brooker-Gardner, request for a Plan map designation amendment from (AGG) Agriculture to (RC5) Committed - 5 Acre based on a Physically Developed Exception to Goal 3, on a 0.24± acre portion of a 10.17 acre parcel, together with a zone change from (AW) Agriculture and Woodlot and (FG) Exclusive Farm Use - Grazing to (5R) Rural Residential - 5 Acre on a 10± acre portion of a 10.17 acre parcel to allow future development of the property at the 5R density. The site is located on the north side of Lookingglass Road, east of the Lookingglass Rural Community. The property is described as Tax Lots 1100 & 1101 in Section 25C, Township 27S, Range 7W, W.M., Property ID Nos. R25673 and R25689. Planning Department File No. 06-319.
- B. The Douglas County Planning Commission held a hearing to consider the matter on January 18, 2007, and subsequently recommended for approval of the request in a Findings and Decision document dated February 15, 2007.
- C. The Board of Commissioners considered the matter on March 21, 2007, at a hearing held pursuant to Section 6.900.2 of the Douglas County Land Use & Development Ordinance. We affirmed the Planning Commission decision and ordered that the request be granted.

THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:

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

SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated March 21, 2007) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated February 15, 2007), are ADOPTED and by reference made part of this Ordinance.

DATED this 21st day of March, 2007.

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


Chair


Commissioner


Commissioner

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

Michael E. Gardner & Carol F. Brooker-Gardner,)
request for a Plan map designation amendment)
from (AGG) Agriculture to (RC5) Committed - 5 Acre)
and a Goal 3 Exception on a 0.24± acre portion of a)
10.17 acre parcel and a zone change from (AW))
Agriculture and Woodlot and (FG) Exclusive Farm)
Use - Grazing to (5R) Rural Residential - 5 Acre)
on a 10± acre portion of a 10.17 acre parcel to allow)
future subdivision development of the site at the 5R)
density. The site is located on the north side of)
Lookingglass Road. The property is described as)
Tax Lots 1100 & 1101 in Section 25C, Township)
27S, Range 7W, W.M., Property ID Nos. R25673)
and R25689. Planning Department File No. 06-319.)

**FINDINGS OF FACT
AND ORDER**

INTRODUCTION & PROCEDURAL FINDINGS

1. This matter came before the Board of County Commissioners ("the Board") at a public hearing on March 21, 2007, in Room 216 of the Douglas County Courthouse, Roseburg, Oregon, pursuant to Section 6.900.2 of the Douglas County Land Use and Development Ordinance.
2. The matter originally came before the Douglas County Planning Commission on application filed by Michael E. Gardner & Carol F. Brooker-Gardner. The Planning Commission hearing was held on January 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 February 15, 2007. No appeals of that Decision were filed.
4. At the Board meeting on March 21, 2007, the public hearing on this matter was opened and parties were given an opportunity to speak on the record. The Board subsequently deliberated to affirm the Planning Commission decision at the March 21, 2007 public meeting.

FINDINGS

1. Upon considering evidence and exhibits entered as part of the Planning Commission record, including the written submittals from the applicant and parties, the written Staff Report and the Findings and Decision approved by the Planning Commission on February 15, 2007, and in consideration of evidence considered at the March 21, 2007 Board hearing, the Board finds that the applicable decision criteria, as established in the Staff Report dated January 11, 2007, have been adequately addressed by the applicant.
-

ORDER/ Gardner
March 21, 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 February 15, 2007.
3. The Board adopts the Planning Commission Findings and Decision as its own.
4. The description of the property for which the amendment has been approved is as follows:


Beginning at a point located at the Southwesterly corner of Parcel 1 of that Land Partition defined by Douglas County Surveyor's Office Map File Number 1998-0109, Douglas County, Oregon; thence South 00° 01' 58" East 113.55 feet more or less, to a point located at the Northeast corner of a existing right of way boundary of an existing spur road; thence along said right of way boundary, North 89° 58' 37" West 60.00 feet more or less to a point located at the Northwest corner of said existing spur road; thence leaving said right of way boundary and running North 00° 01' 58" West 173.55 feet to a point; thence South 89° 58' 37" East 60.00 feet to a point located on the westerly boundary of said Parcel 1 of said Land Partition 1998-0109; thence running along said westerly boundary, South 00° 01' 58" East 60.00 feet to the point of beginning.


ORDER

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

DATED this 21st day of March, 2007.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON


Chair


Commissioner


Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Michael E. Gardner & Carol F. Brooker-Gardner, Findings of Fact and Decision, Planning Department File No. 06-319.

This matter came on regularly for hearing before the Douglas County Planning Commission on January 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: Rick Barnes, 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 January 18, 2007.
 2. At least 45 days prior to January 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 Callahan Planning Advisory Committee (PAC).
 3. Notice of the hearing was given by publication in a newspaper of general circulation in the affected area at least 20 days prior to January 18, 2007.
 4. At the hearing we recognized the following parties in the matter: Michael E. Gardner & Carol F. Brooker-Gardner, applicants and titleholders; Douglas County Public Works, Vic Cangie; Charles Hansen, adjacent property owner.
 5. Staff entered Staff Exhibits 1 through 13, including the Staff Report, into the Record and gave the oral staff report, stipulating to the Record.
 6. We heard testimony from the applicants, who also stipulated to the Record. During the applicants' testimony, the subject of access from Cinbar Drive arose. The Commissioners suggested that, in response to neighbor concerns, the applicant join the local road maintenance association. The applicants indicated that they agreed with the suggestion to join the local road maintenance association.
 7. Members of the Planning Commission recommended that a condition be added to the Staff Report requiring the applicants to join the Cinbar Drive local road maintenance association.
-

Decision/GARDNER
Page 2
February 15, 2007

8. Seeing no opposition, 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

Based on evidence received, the findings above and the findings contained in the Staff Report, we APPROVED, with an added condition, the request for a Comprehensive Plan Amendment from (AGG) Agriculture to (RC5) Committed - 5 Acre and a Goal 3 Exception on a 0.24± acre portion of a 10.17 acre parcel and a zone change from (AW) Agriculture and Woodlot and (FG) Exclusive Farm Use - Grazing to (5R) Rural Residential - 5 Acre on a 10± acre portion of a 10.17 acre parcel to allow future development of the site at the 5R density, subject to following condition:

1. Prior to any subsequent request for development, the applicants shall join the existing private road maintenance association governing Cinbar Drive. Planning Department electronic comments shall be so noted.

Dated this 15th day of February, 2007.

DOUGLAS COUNTY PLANNING COMMISSION

By: 
Chairman