



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 020-06

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

DEPT OF

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

MAR 27 2007

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: Douglas County Local File No: 06-325
(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: Non-resource Determination
(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 (FFT) Farm/Forest Transitional to (RR5) Rural Residential - 5 and a zone change from (FF) Farm Forest to (5R) Rural Residential - 5 Acre, together with a Determination that the property is Non-resource land and not subject to the Agricultural and Forest Land goals and on the County's Goal 14 exception for new 5 acre designations, with a Supplemental Goal 14 Exception specific to the subject property for Robin & Lesa Ray

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: AG to RC5

Zone Map Changed From: FC-1 and FG to 5R

Location: Garden Valley Road west of the Roseburg Urban Growth Area Acres Involved: 10.5+/-

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

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

Was an Exception Adopted? Yes: No:

DLCD File No: 020-06(15728)

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, ODF&W, Douglas County Fire District No. 2, Qwest, Charter Communications, Pacific Power, Avista Utilities, Umpqua Basin Water Association, Roseburg School District No. 4

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

DEPT OF

MAR 26 2007

D L C D NOTICE OF ADOPTION

LAND CONSERVATION AND DEVELOPMENT

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

(See reverse side for submittal requirements)

Jurisdiction: Douglas County Local File No: 06-325 (if no number, use none)

Date of Adoption: March 21, 2007 (Must be filled in) Date Mailed: March 23, 2006 (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: Non-resource Determination (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 (FFT) Farm/Forest Transitional to (RR5) Rural Residential - 5 and a zone change from (FF) Farm Forest to (5R) Rural Residential - 5 Acre, together with a Determination that the property is Non-resource land and not subject to the Agricultural and Forest Land goals and on the County's Goal 14 exception for new 5 acre designations, with a Supplemental Goal 14 Exception specific to the subject property for Robin & Lesa Ray

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: AG to RC5

Zone Map Changed From: FC-1 and FG to 5R

Location: Garden Valley Road west of the Roseburg Urban Growth Area Acres Involved: 10.5+/-

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

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

Was an Exception Adopted? Yes: No: X

DLCD File No: 020-06 (15728)

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, ODF&W, Douglas County Fire District No. 2, Qwest, Charter Communications, Pacific Power, Avista Utilities, Umpqua Basin Water Association, Roseburg School District No. 4

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

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per ORS 197.610, OAR Chapter 660 - Division 18.

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DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
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2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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**BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON**

DOUGLAS COUNTY OREGON
FILED

AN ORDINANCE ADOPTING AMENDMENTS TO THE)
DOUGLAS COUNTY COMPREHENSIVE PLAN MAP AND)
ZONING MAP BASED UPON A NONRESOURCE)
DETERMINATION FOR GOALS 3 AND 4 AND ON THE)
COUNTY'S GOAL 14 EXCEPTION FOR NEW 5 ACRE)
DESIGNATIONS, TOGETHER WITH A SUPPLEMENTAL)
GOAL 14 EXCEPTION SPECIFIC TO THE SUBJECT)
PROPERTY; PLANNING DEPARTMENT FILE NO. 06-325)

MAR 21 2007

ORDINANCE NO. 2007 - 03 - 03

BARBARA E. NIELSEN, COUNTY CLERK

RECITALS

- A. Robin & Lesa Ray, request for a Comprehensive Plan Amendment from (AG) Agriculture to (RC5) Committed - 5 Acre and a concurrent Zone Change from (FC-1) Exclusive Farm Use-Cropland and (FG) Exclusive Farm Use-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 the County's Goal 14 Exception for New 5 Acre Designations, together with a supplemental Goal 14 Exception specific to the subject property, on an 10.47 acre parcel to allow future division of the property into two parcels, each of which will contain a dwelling. The property is located on either side of Old Garden Valley Road, County Road No. 6A, west of the Riversdale Rural Community, and is described as Tax Lots 100 & 1200 in Sections 28C & 32A of T26S, R6W, W.M., Property I.D. Nos. R54389 & R54396.
- B. The Douglas County Planning Commission held a hearing to consider the matter on January 18, 2007, and subsequently recommended approval of the request in a Findings and Decision document dated February 22, 2007.
- C. The Board of Commissioners considered the matter on March 21, 2007, at a hearing held pursuant to Section 6.900.2 of the Douglas County Land Use & Development Ordinance. We affirmed the Planning Commission decision and ordered that the request be granted.

THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:

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

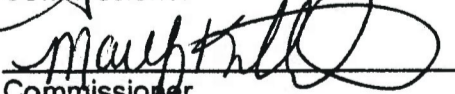
SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated March 21, 2007) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated February 22, 2007), are ADOPTED and by reference made part of this Ordinance.

DATED this 21st day of March, 2007.

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


Chair


Commissioner


Commissioner

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

Robin & Lesa Ray, request for a Comprehensive)
Plan Amendment from (AG) Agriculture to (RC5))
Committed - 5 Acre and a concurrent Zone Change)
from (FC-1) Exclusive Farm Use-Cropland and (FG))
Exclusive Farm Use-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)
the County's *Goal 14 Exception for New 5 Acre*)
Designations, together with a supplemental Goal 14)
Exception specific to the subject property, on a)
10.47 acre parcel to allow future division of the)
property into two parcels, each of which will contain)
a dwelling. The property is bifurcated by Old Garden)
Valley Road, County Road No. 6A, and is described)
as Tax Lots 100 & 1200 in Sections 28C & 32A of)
T26S, R6W, W.M., Property I.D. Nos. R54389 &)
R54396. Planning Department File No. 06-325.)

**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 Robin & Lesa Ray. 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 22, 2007. No appeals of that Decision were filed.
4. At the Board meeting on March 21, 2007, the public hearing on this matter was opened and parties were given an opportunity to speak on the record. The Board subsequently deliberated to affirm the Planning Commission decision at the March 21, 2007 public meeting.

FINDINGS

1. Upon considering evidence and exhibits entered as part of the Planning Commission record, including the written submittals from the applicant and parties, the written Staff Report and the Findings and Decision approved by the Planning Commission on

ORDER/ Ray
March 21, 2007
Page 2

February 22, 2007, and in consideration of evidence considered at the March 21, 2007 Board hearing, the Board finds that the applicable decision criteria, as established in the Staff Report dated January 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 February 22, 2007.
3. The Board adopts the Planning Commission Findings and Decision as its own.

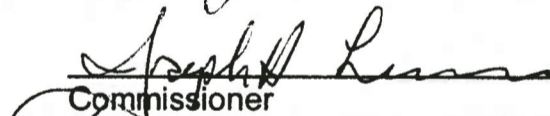
ORDER

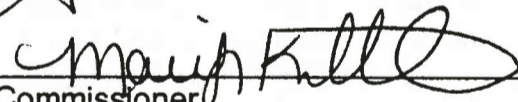
Based on the foregoing, it is hereby ordered by the Board of Commissioners that the Planning Commission decision is affirmed and the application is GRANTED.

DATED this 21st day of March, 2007.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON


Chair


Commissioner


Commissioner

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

In the matter of the application of Robin and Lesa Ray)
for a Comprehensive Plan map amendment from)
Agriculture 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 supplemental Goal)
14 Exception specific to the subject property, on a)
10.47 acre parcel located along both sides of Old)
Garden Valley Road approximately one mile west of)
its intersection with Garden Valley Road, and)
described as Tax Lots 100 & 1200 in Sections 28C &)
32A of T26S, R06W, W. M., Douglas County,)
Oregon. Property I. D. Nos. R54389 & R54396;)
Planning Department File No. 06-325.

**FINDINGS OF FACT
AND DECISION**

INTRODUCTION & PROCEDURAL FINDINGS

This matter came before the Douglas County Planning Commission for public hearing on January 18, 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, Robin and Lisa Ray, were present at the public hearing and were represented by their land use consultant, Schofield & Associates.

The Planning Commission members who were present and participated in the hearing are David Jaques, Brian Parkinson, Rick Barnes, Ed Stratton, James Mast and Rich Raynor. None of the Commission members present disclosed any ex parte contacts or potential conflicts of interest in the subject matter. All Commission members present were found to be qualified to participate in the hearing.

A written statement in opposition to the applicants' request was submitted to the record by Bob and Joyce Aldrich, who did not attend the hearing but were granted party status by the Commission. A

written statement was also submitted by the Douglas County Public Works Department noting that the applicants will have to obtain an access permit prior to any subsequent development of the subject property.

The written staff report issued on January 11, 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 Robin and Lisa Ray, 1389 Old Garden Valley Road, Roseburg, Oregon, 97470, herein referred to as the applicants. The applicants are also the owners of the property. The subject property is a 10.47 acre parcel located along both sides of Old Garden Valley Road about one mile west of its intersection with Garden Valley Road approximately five miles northwest of Roseburg. The property is identified in the Douglas County Assessor's records as Tax Lots 100 and 1200 in Section 32A, Township 26S, Range 06W, W. M; Assessor's I.D. Nos. R54396 and R54389.
2. The property is divided into two parts by Old Garden Valley Road which spits the parcel generally in a north/south direction. About four acres, or 38 percent of the property, is east of the County road in the low-lying flood plain of the nearby North Umpqua River, while about six and one-half acres, or approximately 62 percent of the parcel, occupies a steep hillside and ridge above the west side of the road. The Comprehensive Plan map identifies two different land use designations on the property, as does the zoning map for the area. The smaller portion lying to the east of the County road is designated as Agriculture Cropland which is implemented with F-1 zoning. The larger portion of the parcel occupying the steep

ridge to the west of the road is designated Agriculture Grazing and is zoned Farm Grazing (FG). The difference between these two Plan designations and zoning classifications is discussed more fully in a later section of this document.

3. In November of 2000, Douglas County granted a land use permit to allow a non-farm dwelling to be built on the subject 10.47 acre property (reference Planning Department File No. 00-163). The permit was approved because the County determined that the proposed dwelling site is composed of soils that are generally unsuitable for producing crops, grazing livestock or growing merchantable tree species. The County's determination of general unsuitability was based on the findings of an analysis and report prepared by a consulting soil scientist on behalf of the property owners. The County also determined that construction of a dwelling on the property will not materially alter the existing land use pattern in the surrounding area, nor would it otherwise interfere with or increase to cost of farming practices being conducted on other properties in the area.
4. The subject property is located in an area that is developed with numerous residential parcels containing non-resource related dwellings. In fact, there are at least forty-five dwellings within a one-quarter mile radius of the applicants' parcel. The nearest dwelling is about 100 feet from the parcel's north boundary, while another is about 300 feet from the northeast corner. A dwelling is situated about 300 feet south of the southeast corner, and another about 300 feet from the south boundary. Eight other dwellings are located between 500 and 800 feet from the property's south boundary, while another is situated about 500 feet north of the property's north boundary. Numerous other non-resource dwellings are located further to the south and east.
5. The Planning Commission finds that the applicants' property is located in an area of the County that is composed of a variety of mixed uses, including small rural residential properties developed with single-family dwellings on parcels ranging in size from one-half acre to ten acres, together with larger parcels that are used to varying degrees for farm use, including the growing of crops and the raising of livestock. The westerly boundary of the Riversdale Rural Community lies about 300 feet to the east of the applicants' property. Most of the land within the nearby rural community is zoned for rural residential use at a two acre density, while much of the land surrounding, but lying outside the rural community boundary, is designated and zoned for rural residential use at a five acre density. In fact, property adjoining the applicants' north boundary is presently zoned Rural Residential – 5 Acres (5R), as is other contiguous land lying further to the northeast. To the south, there are seven residentially-zoned (5R) parcels that average less than one acre in size, each containing a single-family dwelling. As noted above, altogether there are about forty-five existing

dwellings within a quarter-mile radius of the applicants' property. Other surrounding and nearby lands that are not devoted to rural residential use are zoned Farm Grazing (FG) and Farm Cropland (F-1).

6. The Commission finds that the Agricultural and Rural Lands Element of the Comprehensive Plan notes that “. . . two types of farmland, grazing land and cropland, exist in Douglas County.” The Plan explains that “*Croplands consist largely of areas having existing irrigation and accompanying water rights or potential irrigation. Cropland areas are generally characterized by areas of predominately Class I and II Soil Conservation Service [now NRCS] Capability soils and floodplain areas.*” The Plan further explains that “*Lands designated Agricultural Cropland (AGC) by the Comprehensive Plan and zoned EFU-C (F-1) include existing intensive commercial agricultural operations.*” By implication, lands designated as grazing land are those which do not meet the criteria for being classified as “cropland” because they are not irrigated and do not have water rights to facilitate irrigation. Furthermore, grazing lands tend to occupy upland areas having lower value soils. Because Douglas County is not participating in Oregon’s “marginal lands” program, lands with limited or marginal suitability for farm use have been grouped together with higher value farm lands, and consequently are subject to the same land use restrictions as those imposed on the County’s more suitable farm lands.
7. According to the application filed by the applicants, they are requesting the Comprehensive Plan map amendment and zone change in order to allow the subject 10.47 acre property to be partitioned into two separate parcels of not less than five acres each. One of the two proposed parcels will be developed with a dwelling at the site atop the ridge west of the County road which the Planning Department previously approved for a non-farm dwelling in 2000, while the a second dwelling site will be established on a site on the east side of the road within the newly created second parcel. Authorization for the first dwelling was granted by the County in November of 2000 as a non-farm dwelling (reference Planning Department File No. 00-163). The second dwelling on the second parcel will be built on an elevated pad that has already been approved to accommodate a large accessory building. The applicants intend to construct the second dwelling on the previously approved building site for the accessory building.
8. 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 10.47 acre site 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.

9. 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 twenty 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 Callahan Planning Advisory Committee, as well as to affected state and local agencies, and other individuals and organizations otherwise

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.

10. 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 10.46 acres of land from an agricultural 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 not farm land as defined by both the Statewide Agricultural Goal (Goal 3) and the Douglas County Comprehensive Plan. Consequently, the Commission finds that the proposed Plan Amendment and Zone Change can be approved without an exception to Goal 3. 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.
11. 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 10.47 acre property is not farmland as defined under Goal 3 and OAR 660-033-0020(1)(a).

- a. According to the official soils data sheets published by the Natural Resources Conservation Service (NRCS), which are based on an Order III survey, the subject 10.47 acre parcel appears to be composed of two different soil types. As noted previously, the parcel is divided generally in a north/south direction by Old Garden Valley Road, with about two-thirds of the property occupying a steep ridge west of the road and the balance lying in the lower floodplain area east of the road. The NRCS soils map for the area shows the lower easterly one-third of the parcel to be composed of soil in the Glide series (NRCS No. 83A). Glide soil is described by NRCS as an ashy alluvium deposit found on high flood plain areas along the North Umpqua River. The soil is generally quite deep (60 inches or more) and is highly suitable for cropland use where irrigation is available. The Glide series has an NRCS Agricultural Capability Rating of Class I. The portion of the applicants' property containing this farm class soil is a narrow strip of land (approximately 150 feet wide by 1,000 feet long) running along the east side of the County road. At one time, this four-acre strip of land was part of a much larger agricultural unit lying between the County road and the North Umpqua River that was managed as a commercial walnut orchard. Today, only about a dozen old and unproductive walnut trees remain on the four acre site, as most of the original orchard was removed by a previous owner and that portion of the land is now under a separate ownership and is developed as a residential home site.

- b. The portion of the property lying to the west of the County road is of an entirely different character from the four acres on the east side of the road, in that it occupies a steep ridge that rises abruptly from the roadway with large areas of exposed rock visible over much of the site. The official NRCS soils map for the area identifies this steep portion of the property as being composed of soils in the Speaker-Nonpareil Complex (NRCS No. 230E). This complex is described by NRCS as being composed of undifferentiated areas of Speaker and Nonpareil soils which occur on hillsides and ridge tops with slopes that range between 3 percent and 30 percent. According to NRCS, where it is present, the Speaker soil within the "complex" is classified as having an Agricultural Capability Rating of Class III, while the undifferentiated Nonpareil component has a Capability Rating of Class VI. As the degree of hillside slope increases, the percentage of Speaker soil in the complex decreases and the Nonpareil component become more dominate. Where slopes exceed 30 percent, the entire complex is given a Capability Rating of Class VI (NRCS No 230F), because the Speaker component becomes virtually nonexistent on such steep ground. On the subject property, about two-thirds of the land occupies a hillside with a slope that exceeds 30 percent (in fact much of the applicants' land above the County road has a slope in excess of 40 percent), thus placing most of the site within the Class VI category, regardless of how the soils might otherwise be mapped.

- c. Recognizing the apparent discrepancy between the way the site is characterized by the NRCS soils map and the actual topography of the hillside, the applicants retained the services of an ARCPACS-certified professional consulting soil scientist who conducted a detailed Order I survey of the property. The soil expert's written report, dated January 17, 2007, was entered into the record during the hearing. The report explains that contrary to the official NRCS soils map, about eighty-five percent of the westerly 6½ acres above the road is actually composed of soils in the "Nonpareil", "Dickerson" and "Rock Outcrop" series (NRCS No. 166E - Class VI; No. 53 E & G - Class VII; and, No. 221 - Class VIII, respectively), while the balance consists of isolated small pockets of Class III "Speaker" soil that, if aggregated together, totals less than one acre. Due to the severe steepness of the slopes on the site, together with the very shallow, dry and rocky nature of the soils, the soil scientist's report concludes that the 6½ acre portion of the property lying west of the County road is predominately Class VI, VII and VIII non-farm soils that are unsuitable for agricultural use.
- d. The Commission notes that 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, existing and future availability of water for farm irrigation purposes. As described in the soil scientist's report, the soils on the site are quite shallow, ranging between 8 and 17 inches over the underlying bedrock where soil is present, with other areas having no soil at all as evidenced by exposed bedrock and rock outcrops. Natural soil fertility on the site is quite limited due to the relatively small amount of naturally-occurring organic matter and biological activity in these shallow soils. This natural limitation is a direct consequence of the very steep, excessively dry and extremely rocky character of the site. Attempts to improve fertility via land management activities would likely prove counter-productive because cultivation or livestock grazing on the shallow soils that occur on the site's steep slopes would accelerate displacement of the thin surface layer, thus promoting erosion and further degrading the already limited fertility of the soil. The majority of the property consists of hillside with slopes in excess of 30%, which precludes the use of farm equipment necessary to modify the soil and improve its fertility, or to otherwise enhance the land's agricultural capability.
- e. The portion of the property lying above the County road has no water for irrigation. While other lands along the North Umpqua River have water rights for irrigation, these rights do not extend beyond the County road. Even if water for irrigation were available, the elevation of the portion of the property lying above the County road would render irrigation of the site impracticable. Very steep and shallow soils with significant areas of exposed rock, together with limited natural fertility and an inability to correct this condition though the application of agronomic inputs, including the lack of water for irrigation, are

all major factors that make the property unsuitable for any kind of farm use. These factors are sufficient to allow the Commission to conclude that the land does not fall within the Goal 3 definition of farm land.

12. On the basis of the findings and conclusions contained in the written report prepared by the applicants' soil expert, which are incorporated here by reference, the Planning Commission finds that 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, shallow soils, unavailability of water for irrigation, climate or parcel size. The interaction of all of these features on the subject property limit its potential for farm use, including grazing and crop production. 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.
13. The Commission finds that although the land use pattern in the surrounding area is somewhat varied, as is typical for areas having such diverse geographical characteristics, the predominate use in the area is rural home sites on relatively small nonresource parcels. There are 48 parcels within a quarter mile radius of the subject property. These surrounding and nearby parcels range in size from about one-quarter acre up to fifteen acres, although only four (less than 10%) are larger than ten acres, resulting in an overall average parcel size of about five acres, which is roughly the same development density that would be permitted as a consequence of the applicants' requested zone change on their 10.47 acre parcel. Nearly all of these nearby properties are developed with single-family dwellings. In addition, the majority of these surrounding properties are presently zoned for residential use under the Rural Residential – 2 Acre zone (within the nearby Riversdale Rural Community), or a Rural Residential – 5 Acres outside the rural community boundary. On the basis of the surrounding land use pattern, the Commission concludes that the subject property cannot be used for farm or forest use in conjunction with other properties in the area, nor is the subject property needed in order to permit farm or forest uses on other adjacent or nearby properties.
14. 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 forestland 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 forestlands 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.

As noted in the Commission’s Findings of Fact pertaining to Goal 3, above, the applicants’ property is divided by the County road, with about four acres lying east of the road and 6½ acres west of the road. The applicant’s soil expert submitted a report based on an Order I survey explaining that the westerly 6½ acres above the road is composed almost entirely of soils in the Nonpareil, Dickerson and Rock Outcrop series. Due to the very shallow and dry nature of the soils, as well as the amount exposed rock outcrops throughout the site, the soil scientist’s report concludes that the 6½ acre portion of the applicant’s property lying north and west of the County road is not suitable for growing commercial tree species.

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 published inventory document contains various tables describing the physical and geographic characteristics of each soil type, including a table entitled and “Forestland Productivity” (Table 8). The publication explains that the Forestland Productivity table only 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. None of the four soil types occurring on the applicants’ property, including the portions on both sides of the County road, are included on the NRCS Forestland Productivity table. As previously explained, the Productivity table includes only those soils types known to support or otherwise

be suitable for forestland use.

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 entered into the record, 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 concludes that 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.

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. There are no streams, either perennial or intermittent, or permanent water bodies 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. 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 facts, the Planning Commission concludes that the subject property is not forestland as defined by either Statewide Goal 4 or the Douglas County Comprehensive Plan. 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.

15. 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 10.47 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.

16. 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.
17. The Commission finds that approximately four acres of the subject 10.47 acre property lies within the 100-year flood plain of the nearby North Umpqua River. The elevation of the balance of the property 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, including regulations governing development within identified flood plain areas, thus assuring compliance with Goal 7.
18. 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.

19. 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.
20. 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 10.47 acre site is presently vacant. 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 two residential home sites. 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.
21. 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

enforced by the Oregon Department of Environmental Quality. The property is located in an area that is served with domestic water by Umpqua Basin Water Association. A 6-inch water main passes through the property within the public road right-of-way to provide service to other surrounding and nearby properties. Fire protection in the area is provided by Douglas County Fire District No. 2. 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.

22. The statewide transportation goal is generally intended to be applied on a countywide basis. 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 directly from Old Garden Valley Road (County Road No. 6). The functional classifications of transportation facilities within Douglas County, including Old Garden Valley Road, are identified in Table 13-1 of the Transportation Element of the Comprehensive Plan. County Road No. 6 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 Old Garden Valley Road was conducted by the Douglas County Public Works Department in October of 1999. That count, which was taken at Milepost 6.70 near the road's intersection at River Forks Park just west of the subject property, shows an average of 629 vehicle trips per day, which represents a little more than twelve 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 only one additional single-family dwelling over what is currently permitted on the site. The subject property can therefore be expected to generate less than 10 ADT, which represents less than one percent of functional reserve capacity for Old Garden Valley 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. Old Garden Valley 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. 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 Old Garden Valley Road 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.

23. 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 rural residential area 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.
24. Goal No. 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.

25. 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.
 - b. The Planning Commission has set out Findings of Fact in preceding sections of this document which demonstrate that the subject 10.47 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 predominate use in the surrounding area is rural home sites on relatively small nonresource parcels. There are 48 parcels within a quarter mile radius of the subject property. These surrounding and nearby parcels range in size from about one-quarter acre up to fifteen acres, although only four (less than 10%) are larger than ten acres, resulting in an overall average parcel size of about five acres, which is roughly the same development density that would be permitted as a consequence of the applicants' requested zone change on their 10.47 acre parcel. Nearly all of these nearby properties are developed with single-family dwellings. In addition, the majority of these surrounding properties are presently zoned for residential use

under the Rural Residential – 2 Acre zone (within the nearby Riversdale Rural Community), or a Rural Residential – 5 Acres outside the rural community boundary.

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.

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 and use and that the property is suited to the proposed.

26. 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 FC to 5R on the subject property is predicated on a concurrent request to amend the Comprehensive Plan map designation from Farm Grazing and Farm Cropland 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 January 17, 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 Agriculture 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 supplemental Goal 14 Exception specific to the subject property, is hereby **APPROVED**.

Dated this 22nd day of February, 2007.

DOUGLAS COUNTY PLANNING COMMISSION


Chair