



# 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](http://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 021-06



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

DLCD NOTICE OF ADOPTION

DEPT OF

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

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Douglas County Local File No: 06-326 (if no number, use none)

Date of Adoption: March 21, 2007 (Must be filled in) Date Mailed: March 26, 2007 (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

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 Debell Bros. LLC.

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: FFT to RR5

Zone Map Changed From: FF to 5R

Location: Summit Drive just south of the Roseburg Urban Growth Area Acres Involved: 109+/-

Specify Density: Previous: N/A 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: 021-06(15729)



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 Forest Protective Association, Douglas County Fire District No. 2, Qwest, Charter Communications, Pacific Power, Avista Utilities, City of Roseburg Water System, Roseburg School District No. 4, City of Roseburg Community Development

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](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.



FORM 2

DEPT OF

MAR 26 2007

LAND CONSERVATION AND DEVELOPMENT

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(See reverse side for submittal requirements)

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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 Debell Bros. LLC.

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

Debell Bros. LLC, request for a Comprehensive )  
Plan Amendment from (FFT) Farm/Forest )  
Transitional to (RR5) Rural Residential - 5 and a )  
concurrent Zone Change from (FF) Farm Forest to )  
(5R) Rural Residential - 5 Acre, based upon a )  
Determination that the property is non-resource land )  
and is not subject to Agricultural and Forest Land )  
Goals, and on the County's *Goal 14 Exception for* )  
*New 5 Acre Designations*, together with a )  
supplemental Goal 14 Exception specific to the )  
subject property, to allow development at the 5R )  
density on a 108.99 acre parcel located at the end )  
of Summit Drive, a local street, immediately south )  
of the Roseburg city limits. The property is described )  
as Tax Lot 200 in Section 30 of T27S, R5W, W.M., )  
Property I.D. No. R69936. Planning Dept. File #06-326.)

**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 Debell Bros. LLC. 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/ Debell  
March 21, 2007  
Page 2

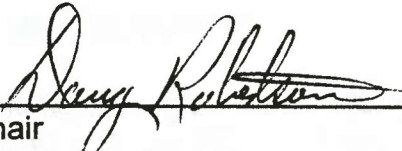
2. The Board finds that the relevant facts raised in this matter support the conclusions and decision reached by the Planning Commission in their Findings and Decision, dated February 15, 2007.
3. The Board adopts the Planning Commission Findings and Decision as its own.

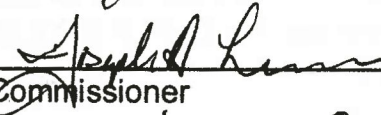
**ORDER**

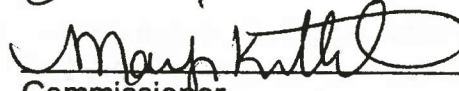
Based on the foregoing, it is hereby ordered by the Board of Commissioners that the Planning Commission decision is affirmed and the application is GRANTED.

DATED this 21<sup>st</sup> day of March, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

  
Chair

  
Commissioner

  
Commissioner



## BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Debell Bros. LLC, Findings of Fact and Decision, Planning Department File No. 06-326.

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 Roseburg-Green Planning Advisory Committee (PAC).
3. Notice of the hearing was given by publication in a newspaper of general circulation in the affected area at least 20 days prior to January 18, 2007.
4. At the hearing we recognized the following parties in the matter: Debell Bros. LLC, applicant and titleholder, Mark Garrett, Schofield & Associates, Applicant's Representative; the Oregon Department of Land Conservation and Development, Douglas White; the City of Roseburg, Brian Davis; Alan Schwartz and Beverly Schwartz, adjacent property owners; Douglas County Fire District No. 2, Josep Pedrola; Douglas County Public Works, Vic Cangie.
5. Staff entered Staff Exhibits 1 through 14, 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. During testimony by the applicant's representative, the subject of access from Summit Drive, the only proposed access point, arose. Finding Number 12 of the Staff Report addresses the existence of a one foot street plug precluding access from Summit Drive. The applicant's representative entered Applicant's Exhibit 1, Bargain and Sale Deed granting an easement over the one foot street plug to the applicants, into the Record. The applicant's representative also entered into the Record Applicant's Exhibit 2, a letter from Tim Snyder, Real Estate Broker with All State Real Estate, attesting to the need for new rural residential lands to satisfy current market demand




7. Testimony was heard from Alan Schwartz who stated that Goal 4 criteria were not met because the subject property had recently been logged, evidence of its suitability as forest land. Mr. Schwartz also expressed concerns about potential geologic hazards (remarking that the City of Roseburg's Geologic Hazard overlay applies to adjacent areas), about hazards posed by wildfire and about safety issues related to the passage of construction vehicles along steep city streets during anticipated future development of the subject parcel.
8. Members of the Planning Commission inquired about the feasibility of a second access point linking the road network in Ramp Canyon to the proposed access on Summit Drive for the purpose of emergency vehicle access and evacuation during natural disasters. Staff responded with a discussion of the topological constraints inhibiting the construction of such a road.
9. Members of the Planning Commission proposed that a second access point through Ramp Canyon be explored as part of any future development proposal.
10. Mark Garrett, applicant's representative, addressed issues raised by Mr. Schwartz during his initial testimony. Issues raised by Mr. Schwartz concerning steep, unstable slopes and fire hazards will be addressed as part of any future land use action to develop the subject property. We deliberated, discussing access and topography and 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 the request for a Comprehensive Plan Amendment from (FFT) Farm/Forest Transitional to (RR5) Rural Residential - 5 and a concurrent Zone Change from (FF) Farm Forest to (5R) Rural Residential - 5 Acre, based upon a Determination that the property is non-resource land and is not subject to Agricultural and Forest Land Goals and on 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 108.99 acre parcel to allow development at the 5R density, provided that a second access point through Ramp Canyon be pursued as part of any future development proposal and 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.

be 

Dated this 15<sup>th</sup> day of February, 2007.

DOUGLAS COUNTY PLANNING COMMISSION

By: 

Chairman