



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

January 30, 2008

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 008-07



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 14, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
John Renz, DLCD Regional Representative
Mark Bernard, Douglas County

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FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE STAMP

DEPT OF

JAN 25 2008

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Douglas County**

Local file number: **07-136**

Date of Adoption: **1/16/2008**

Date Mailed: **1/24/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/1/2007

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input checked="" type="checkbox"/> Other: Reasons Exception |

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

David & Kelly Roberts, J.H. & Nellie Williams, William & Marlys Laspe, Harvey & Janice Naito, request for a Comprehensive Plan Amendment and Reasons Exception to expand the Riversdale Rural Community Boundary to include four parcels totaling 23.59 acres, with a Plan Map Designation amendment from (RC5) Committed Residential - 5 acre to (RR2) Rural Residential - 2 acre and a Zone Change from (5R) Rural Residential - 5 acre to (RR) Rural Residential - 2 acre.

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

Plan Map Changed from: **RC5**

to: **RR2**

Zone Map Changed from: **5R**

to: **RR**

Location: **Old Garden Valley Road adjacent to the Riversdale RUC** Acres Involved: **24**

Specify Density: Previous: **1/du/5ac** New: **1/du/2ac**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 008-07 (16149)

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

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

Local Contact: **Mark Bernard**

Phone: (541) 440-4289 Extension:

Address: **Room 106, Justice Building**

Fax Number: 541-440-6266

City: **Roseburg**

Zip: **97470-**

E-mail Address: **mabernar@co.douglas.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

DOUGLAS COUNTY OREGON
FILED

JAN 18 2008

BARBARA E. NIELSEN, COUNTY CLERK

In the matter of the request by co-applicants David &)
Kelly Roberts, J.H. & Nellie Williams, William & Marlys)
Laspe, and Harvey & Janice Naito for a Comprehensive)
Plan Amendment and Reasons Exception to expand the)
Riversdale Rural Community Boundary with a Plan map)
amendment from Rural Residential - 5 Acres to)
Residential Committed, and a concurrent zone change)
from Rural Residential - 5 Acres (5R) to Rural)
Residential (RR), on four separate but contiguous)
ownerships totaling 23.59 acres of land located north of)
Old Garden Valley Road about one mile west of its)
intersection with Garden Valley Road, about five miles)
northwest of Roseburg, and described as Tax Lots 1001)
and 1002 in Section 28C of T26S, R06W, W. M., and)
Tax Lots 3300 and 3304 in Section 29, T26, R06W,)
W.M., Douglas County, Oregon; Property I.D. Nos.)
R54403, R54417, R54424, R54431, R54837 and R54830.)
Planning Department File No. 07-136.)

DECISION AND ORDER

INTRODUCTION

This matter came before the Douglas County Board of Commissioners (Board) on appeal by John C. Schnell, Shelley Wetherell, and Friends of Douglas County (appellants). The appellants are seeking review of the September 20, 2007, decision of the Douglas County Planning Commission approving a Comprehensive Plan amendment and a Reasons Exception to expand the Riversdale Rural Community Boundary together with a Plan map amendment from Residential - 5 Acres to Rural Residential Committed and a corresponding zone change from 5R to RR on four contiguous properties totaling 23.59 acres in the Garden Valley area of Douglas County about five miles northwest of Roseburg.

The four ownerships are presently designated "Committed Residential - 5 Acres" by the Douglas County Comprehensive Plan and are zoned Rural Residential - 5 Acres (5R). Each of the four parcels is developed with a single-family dwelling. Properties adjoining to the north of the Roberts, Williams and Laspe parcels are also zoned for residential use at the five acre density. Properties adjoining the south side of the Naito, Williams and Laspe parcels are likewise zoned 5R. A one acre parcel owned by Umpqua Basin Water Association containing a water storage tank adjoins the west boundary of the Roberts property and is zoned Public Reserve (PR). The boundary of the Riversdale Unincorporated Rural Community (URC) is contiguous with the

entire east boundary of the five-acre Williams parcel. Adjoining immediately to the west of Williams is the 5.23 acre Laspe parcel, which in turn directly adjoins the east boundary of the 8.29 acre Roberts parcel. The north boundary of the 5.07 acre Naito parcel adjoins along the south boundary of the Roberts parcel. Most properties inside the adjacent Riversdale URC are designated and zoned for residential use at the two acre density. The co-applicants are jointly requesting that the Riversdale URC boundary be expanded to encompass the four contiguous properties in order to facilitate a zone change to Rural Residential – 2 Acres (RR), which in turn will allow the properties to be partitioned to create additional residential parcels containing not less than two acres each. Only the 8.29 acre Roberts parcel is large enough to allow the creation of more than one new parcel under the requested RR zoning. The amendment is being processed as a “Post-Acknowledgement Plan Amendment” (PAPA). As such, the request is not subject to the periodic review amendment standards contained in OAR Chapter 660, Division 22.

The four parcels comprising the subject territory are presently designated for residential use in the County’s acknowledged Comprehensive Plan and are not subject to the policies set out in the Statewide Agricultural and Forest Lands Goals (Goals 3 & 4). This determination was made when the County originally included the four properties within the Garden Valley/Riversdale Committed Lands Site No. 10, which was subsequently acknowledged by LCDC.

The County has determined that a “reasons” exception is required for the expansion of an unincorporated rural community, even though the land to be added to the rural community has already been the subject of an acknowledged goal exception. The standards and procedures for taking an exception to allow expansion of a URC boundary are set out in OAR Chapter 660, Division 4 (Goal 2 Exception Process). The exception rule describes “*the types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands . . .*” and goes on to identify four specific types of uses that may be permitted on resource land if a “reasons” exception is taken. The Board notes that the land proposed for inclusion in the Riversdale URC in this case is not resource land; nevertheless, it has been the policy and practice of the county to apply the standards for a reasons exception to URC expansion proposals in order to demonstrate that the expansion complies with the Statewide Urbanization Goal (Goal 14).

Goal No. 14 requires local governments to establish urban growth boundaries that separate urban lands from rural lands and requires urban uses to be located within acknowledged urban growth boundaries. Lands within acknowledged rural communities, such as the Riversdale Unincorporated Rural Community, are not considered “urban” and are not directly subject to the policy contained in Goal 14. In Douglas County, residential development in a designated rural community at a density not greater than two acres per dwelling unit has been acknowledged by LCDC to be a “rural” use. Therefore, the proposed expansion of the Riversdale URC does not involve the conversion of rural land to urban use. However, OAR 660-004-0040(7)(a) provides that, while a residential density greater than two acres in rural areas requires an exception to Goal

14, the question of whether a residential density less than two acres complies with the goal depends upon compliance with the exception requirements set out under OAR 660-004-0022(4), Expansion of Unincorporated Communities.

OAR 660-004-0022(4), provides that expansion of an unincorporated community can be justified based on appropriate reasons and facts, including but not limited to, the following:

- a) *A demonstrated need for additional land in the community to accommodate a specific rural use based on Goals 3 – 19 and a demonstration that either:*
 - A) *The use requires a location near a resource located on rural land; or*
 - B) *The use has special features necessitating its location in an expanded area of an existing unincorporated community, including:*
 - ii) *For residential use, the additional land is necessary to satisfy the need for additional housing in the community generated by existing industrial, commercial or other economic activity in the surrounding area. The plan must include an economic analysis showing why the type and density of planned housing cannot be accommodate in an existing exception area or UGB, and is most appropriate at the particular proposed location. The reasons cannot be based on market demand for housing, or on a projected continuation of past rural population distributions.*
- b) *Need must be coordinated and consistent with the comprehensive plan for other exception areas, unincorporated communities, and UGBs in the area. "Area" encompasses those communities, exception areas, and UGBs which may be affected by an expansion of a community boundary, taking into account market, economic, and other relevant factors.*
- c) *Expansion requires demonstrated ability to serve both the expanded area and any remaining infill development potential in the community at time of development with the level of facilities determined to be appropriate for the existing unincorporated community.*

Accordingly, the Planning Commission's September 20, 2007, decision approving expansion of the Riversdale Rural Community and a concurrent zone change from 5R to RR incorporated findings that are intended to demonstrate that the proposed amendment is consistent with the policy set forth in Statewide Goal 14 generally, as well as with the exception requirements set out under OAR 660-004-0022(4) specifically.

On September 28, 2007, the appellants filed a timely Notice of Review appealing the Planning Commission's decision. In their Notice, the appellants assert that the Commission misconstrued and violated applicable law and made findings not supported by substantial evidence in the record demonstrating compliance with the requisite approval standards.

The Board has reviewed the evidence contained in the record, and has given consideration to the findings of fact set out in the Planning Commission's decision. The Board has also considered the arguments presented by the appellants and by the applicants. Our analysis follows.

ANALYSIS AND FINDINGS

First Assignment of Error:

“The Planning Commission misconstrued applicable law, by making findings to Goal 10 which does not apply outside of an Urban Growth Boundary.”

The appellants assert that the Statewide Housing Goal does not apply to land use actions outside of an urban growth boundary, and therefore, they argue, the Planning Commission erred by finding that the proposed land use change will not conflict with the purpose and requirements of Goal 10. The appellants do not cite any legal authority in support of their argument other than to read an excerpt from the Goal that explains how certain of its provisions pertaining to “needed housing” and “buildable lands” are to be implemented within urban growth boundaries. While the Board recognizes that Goal 10 is most often applicable to questions concerning urban housing needs, we find no legal basis for concluding that the goal applies exclusively to urban land or that it does not also apply to issues concerning housing need in acknowledged rural communities lying outside urban growth boundaries. In this instance a principal justification for the proposed amendment is a demonstrated need for additional housing in the Riversdale Rural Community (reference OAR 660-004-0022(4) – “. . . *the additional land is necessary to satisfy the need for additional housing in the community . . .*”). Therefore, we find that the policy contained in the goal requiring the county to ensure there is sufficient land available to provide for needed housing applies to rural communities as well as to urban communities. Nothing in the appellants’ argument provides a basis for the Board to find that the policy contained in Goal 10 does not apply outside an urban growth boundary. In any case, even if the appellants are correct in their assertion that Goal 10 is not applicable, a finding that the proposed change does not conflict with the goal is not crucial to determining compliance with the requisite approval standards for expansion of unincorporated communities as set out under OAR 660-004-0022(4); therefore, any resultant error is harmless.

Second Assignment of Error:

“The Planning Commission misconstrued and violated applicable law, made findings not supported by substantial evidence in the record, in finding compliance with Goal 14.”

The appellants assert that the Planning Commission erred in finding that the proposed land use change complies with the Statewide Urbanization Goal. The appellants have not identified the specific findings to which they assign error, nor have they cited any legal authority in support of their assertion. To the extent their arguments apply to this assignment of error, the appellants simply argue that expansion of an unincorporated rural community has the effect of detracting from urban development that would otherwise occur within an urban growth boundary, contrary to the purpose and intent of Goal 14. Their argument on this point seems to overlook the provisions of OAR 660-004-004(7)(a), Application of Goal 14 to Rural Residential Areas.

OAR 660-004-0040(7)(a), specifically provides for the expansion of a rural community if the expansion does not result in a residential density greater than two acres per dwelling, and if it can be further demonstrated that the expansion complies with the exception requirements prescribed in OAR 660-004-0020(4). Under such circumstances, expansion of a rural community can be found to be consistent with Goal 14.

The findings set out in the Planning Commission's decision identify and address each of the requisite standards for expanding an unincorporated rural community as set out under OAR 660-004-0020(4). Those findings explain in great detail how the evidence in the record is sufficient to demonstrate compliance with the applicable standards. The appellants are, of course, free to disagree with the Commission's findings and conclusions; however, other than simply asserting their disagreement, they offer no alternative evidence or cite any legal authority in support of their assertion of error. Based upon its own review of the evidence in the record, the Board finds that the Planning Commission's findings and conclusions with respect to the applicable approval standards are supported by substantial evidence sufficient to demonstrate compliance with the applicable standards.

Third Assignment of Error:

"The Planning Commission misconstrued facts and made findings not supported by substantial evidence in the record, in finding that the subject properties are contiguous with other lands within the Riversdale Community Boundary."

The appellants assert that because only one of the four properties comprising the subject 23.59 acre territory actually touches the Riversdale URC boundary, the other three properties are not contiguous to the boundary and are therefore not eligible for inclusion in the URC. The appellants cite no legal authority supporting this assertion.

The Board does not understand the appellant's argument on this issue. The record is clear that the owners of the four properties which comprise the proposed expansion area have joined together in submitting a single application. They have not submitted four separate applications. The single application proposes expanding the Riversdale URC to include a single 23.59 acre territory that is contiguous to the URC. Expansion of the URC boundary as proposed will not result in any of the parcels remaining detached from, or otherwise not contiguous with, other properties in the rural community. The Board finds there is no factual or legal basis for assigning error to the Planning Commission's finding that the subject territory is contiguous with other lands in the Riversdale Rural Community.

Forth Assignment of Error:

"The Planning Commission misconstrued and violated applicable law, made findings not supported by substantial evidence in the record, by making finding that inadequately address

the requirements of OAR 660 division 22, specifically to include (but not limited to) 660-022-0020(3)(b)."

The Board does not understand the relevancy of this alleged error. The administrative rule cited by the appellants (OAR 660-022-0020(3)(b)) refers to the inclusion of land that is planned and zoned for farm and forest use within an unincorporated rural community. The land which is the subject of the proposed URC expansion is not planned and designated for farm and forest use; it is presently planned and designated for residential use. The appellants made no effort to explain or clarify the relevance of the cited rule. There is no reference to the cited administrative rule in the Planning Commission's findings. The Board finds there is no factual or legal basis for assigning error to the Planning Commission's findings and decision on this point.

Fifth Assignment of Error (consisting of three sub-assignments of error):

"The Planning Commission misconstrued and violated applicable law, made findings not supported by substantial evidence in the record, in finding that the proposed request complies with OAR 660-004-0022(4), Expansion of Unincorporated Communities.

A. The Planning Commission misconstrued and violated applicable law, made findings not supported by substantial evidence in the record, that the proposed use has special features necessitating its location in an expanded area of the Riversdale Rural Community."

The appellants assert that the Planning Commission misconstrued and violated applicable law; they do not, however, explain what applicable law is violated. They further assert there is not substantial evidence in the record to demonstrate that the proposed use (residential development at a density of two to five acres per dwelling) has special features necessitating its location in the adjacent Riversdale URC. Substantial evidence in the record is evidence that is sufficient to allow a reasonable decision-maker to rely on it in reaching a conclusion that the requisite approval criteria has been satisfied.

The Planning Commission took judicial notice of the Douglas County Comprehensive Plan at the outset of the hearing. Rural Unincorporated Policy No. 5 of the Comprehensive Plan requires the creation of new residential parcels containing between two and five acres to be located within an unincorporated rural community, such as the Riversdale URC. This requirement of the county's Plan is a special feature necessitating the property's inclusion in an expanded area of the rural community. The applicants testified that their proposed use (residential development at a density of two to five acres per dwelling) cannot occur so long as their properties remain outside the Riversdale URC. That testimony is a statement of fact regarding existing law and it constitutes substantial evidence in this context. The appellants have not challenged the validity of the applicant's testimony on that issue, nor have they otherwise presented any arguments to the contrary; they have simply objected to the Planning Commission's finding that the applicants' testimony constitutes substantial evidence sufficient to demonstrate compliance with the approval

standard. The Board finds the evidence in the record is sufficient to allow the Planning Commission to conclude that the proposed use has special features necessitating its inclusion in an expanded area of the rural community. The evidence in the record is substantial.

“B. The Planning Commission misconstrued and violated applicable law by making findings of a need based only on market demand for housing, the LUDO Riversdale Rural Unincorporated Inventory, and a projected continuation of past rural population distributions.”

The appellants assert that the Planning Commission’s findings regarding a need for more housing in the Riversdale URC are based solely on market demand and a projected continuation of past rural population distributions. They further assert that the Planning Commission’s decision relied on the county’s 2006 Rural Lands Inventory. A review of the testimony and evidence submitted to the record by the applicants, as reflected in the Planning Commission’s findings of fact, leaves a different impression than the one represented by the appellants.

OAR 660-004-0022(4) provides that appropriate reasons and facts justifying expansion of an unincorporated community to add more residential land include, in relevant part, the necessity to satisfy the need for additional housing in the community generated by economic activity in the surrounding area. A substantial amount of the Planning Commission’s findings are devoted to the evidence contained in separate economic analysis conducted by both the applicants and Planning Department staff. Generally, the Commission’s findings describe the nature and extent of a wide range of past and present economic activities in the surrounding area that have generated a need for additional housing in the Riversdale unincorporated rural community. More specifically, the analysis shows that economic activity in and around the Riversdale rural Community, including expansion of the Umpqua Basin Water facilities and the Roseburg Country Club, and intensification of resource management activities in the Callahan ridge and lower Garden Valley areas, has contributed to creating a job-related need for additional housing in the Community. While the evidence from the two economic analyses in the record demonstrates there is a need for additional housing in the rural community, nothing in the Commission’s findings say or imply that the identified need is based on market demand, nor that expansion of the rural community is necessitated by market demand, as alleged by the appellants.

The appellant’s second sub-assignment of error alleges the Commission relied on “the LUDO Riversdale Rural Unincorporated Inventory”. While the Board is not aware of any county-adopted inventory with that name, it appears from their testimony at both the evidentiary hearing and the subsequent appeal hearing before the Board, the appellants are referring to the rural community inventory and the rural residential land inventory which were adopted by the county in December of 2006 and made part of the Comprehensive Plan by Ordinance 2006-11-02.

With respect to the appellant's assertion that the Planning Commission relied on the 2006 rural community inventory and the rural residential land inventory, the Board can find no reference to either of these documents in the adopted findings. In a July 19, 2007, letter to DLCD, Planning Department staff explained that although information in the 2006 inventories was used to address the county's local approval criteria concerning need, the inventories were not used to demonstrate compliance with the "reasons" exception requirements of OAR 660-004-0022(4). The letter to DLCD further explains that the exception was predicated on an analysis of recent economic activity in the area. The Planning Commission did not make findings of a need based on the county's 2006 rural community inventory and the rural residential land inventory.

"C. The Planning Commission misconstrued and violated applicable law, made findings not supported by substantial evidence in the record that any purported need can not be accommodated in an existing exception area or urban growth boundary."

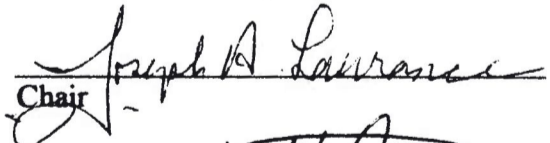
The appellants allege there is not substantial evidence in the record to show that the demonstrated need for additional residential land in the adjoining Riversdale URC can not be accommodated in the Riversdale URC itself (an existing exception area), in any other acknowledged rural community, or within an urban growth boundary. The appellants' assignment of error on this issue can only be sustained by simply ignoring the substantial evidence that's contained in the record which clearly demonstrates the need for additional residential land in the adjoining rural community. Indeed, nearly all of the Commission's findings beginning with Finding No. 16 on page 6 of their decision document and running through Finding No. 32 which ends on page 22 of the document describe the very evidence the appellants claim is missing from the record.

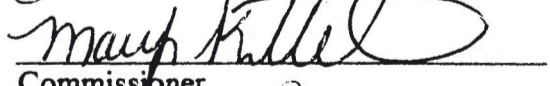
ORDER

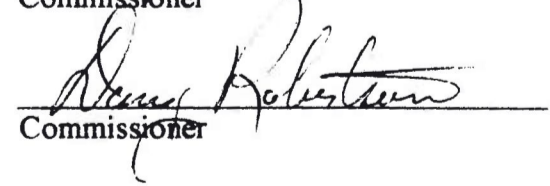
Based on the foregoing analysis, we affirm and adopt the findings of the Planning Commission as our own. The proposed Comprehensive Plan amendment and Reasons Exception to expand the Riversdale Rural Community Boundary with a Plan map amendment from Rural Residential - 5 Acres to Residential Committed, and a concurrent zone change from Rural Residential - 5 Acres (5R) to Rural Residential (RR) are approved as requested.

Date: January 16, 2008

DOUGLAS COUNTY BOARD OF COMMISSIONERS


Chair


Commissioner


Commissioner

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

In the matter of the application of David & Kelly Roberts, J.H.)
& Nellie Williams, William & Marlys Laspe, and Harvey &)
Janice Naito for a Comprehensive Plan Amendment to expand)
the Riversdale Rural Community Boundary with a Plan map)
amendment from Rural Residential – 5 Acres to Residential)
Committed, a “reasons” exception to Statewide Goal 14, and a)
concurrent zone change from Rural Residential – 5 Acres (5R))
to Rural Residential (RR), on four separate but contiguous)
ownerships totaling 23.59 acres of land located north of Old)
Garden Valley Road about one mile west of its intersection with)
Garden Valley Road, about five miles northwest of Roseburg,)
and described as Tax Lots 1001 and 1002 in Section 28C of)
T26S, R06W, W. M., and Tax Lots 3300 and 3304 in Section)
29, T26, R06W, W.M., Douglas County, Oregon; Property I.D.)
Nos. R54403, R54417, R54424, R54431, R54837 & R54830.)
Planning Department File No. 07-136.)

**FINDINGS OF FACT
and
DECISION**

INTRODUCTION & PROCEDURAL FINDINGS

This matter came before the Douglas County Planning Commission for public hearing on July 19, 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 Planning Commission members who were present and participated in the hearing were David Jaques, David Leonard, Rick Barnes, Ed Stratton, James Mast and Rich Raynor. None of the Commission members present disclosed any exparte contacts or potential conflicts of interest in the subject matter. All Commission members present were found to be qualified to participate in the hearing.

The applicants were represented at the hearing by Ron Schofield of Schofield & Associates. Written statements in opposition to the applicants’ request were received from nearby property owners John C. Schnell and Diana Peterson, both of whom were granted party status in the matter. The Department of Land Conservation and Development submitted a letter stating the application does not fully address the “reasons” exception criteria set forth under OAR 660-004-0022(4)(a)(B)(ii), and recommends that the land use change not be approved. Shelly Wetherell, on behalf of herself and Friends of Douglas County, submitted a written statement at the hearing expressing opposition to the request. Ms Wetherell and Friends of Douglas County were also granted party status.

The written staff report issued on July 12, 2007, together with numerous exhibits, was presented to the Planning Commission and entered into the record. The staff report describes the nature of the application, the applicable criteria to be applied to the request, and numerous factual findings. The written report and exhibits 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 a joint application filed by David & Kelly Roberts, J.H. & Nellie Williams, William & Marlys Laspe, and Harvey & Janice Naito, hereinafter referred to as the applicants. The applicants are the titleholders of record of the four respective parcels. The four properties, which total 23.59 acres, are located on the north side of Old Garden Valley Road about one mile west of its intersection with Garden Valley Road, about five miles northwest of Roseburg and adjacent to the westerly boundary of the acknowledged Riversdale Unincorporated Rural Community Boundary.
2. The four ownerships are presently designated "Committed Residential - 5 Acres" by the Douglas County Comprehensive Plan and are zoned Rural Residential - 5 Acres (5R). Each of the four parcels is developed with a single-family dwelling. Properties adjoining to the north of the Roberts, Williams and Laspe parcels are also zoned for residential use at the five acre density. Properties adjoining the south side of the Naito, Williams and Laspe parcel are likewise zoned 5R. A one acre parcel owned by Umpqua Basin Water Association for a water tank adjoins the west boundary of the Roberts property, and is zoned Public Reserve. The boundary of the Riversdale Unincorporated Rural Community (URC) is contiguous with the east boundary of the Williams parcel. Most properties inside the adjacent Riversdale URC are designated and zoned for residential use at the two acre density. The applicants are proposing to expand the adjacent Riversdale URC boundary to encompass their respective properties in order to facilitate a zone change to Rural Residential - 2 Acres (RR), which in turn will allow their properties to be partitioned to create additional residential parcels containing not less than two acres each. Only the 8.29 acre Roberts parcel is large enough to allow the creation of more than one new parcel. The amendment is being processed as a "Post-Acknowledgement Plan Amendment" (PAPA). As such, this PAPA is not considered a Periodic Review Plan Amendment subject to the standards contained in OAR Chapter 660, Division 22.

- 3 The Planning Commission notes that 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 standards for the road used for direct access and provide findings that the proposed amendment is consistent with the County Transportation System Plan.*
 - (b) *The jurisdiction providing direct access (County or ODOT) may required the applicant to submit a Traffic Impact Study certified by a Traffic Engineer that supports the findings used to address §6.500.2.a(1)(a).*
 - 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.*
4. Additionally, if the County proposes to take an exception to any of the Statewide Planning Goals as a prerequisite to approving the proposed amendment, the County's decision must include specific Findings of Fact showing why the exception is justified. The standards and procedures for taking an exception are set out in OAR Chapter 660, Division 4 (Goal 2 Exception Process). The exception rule describes "*the types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands . . .*" and goes on to identify four specific types of uses that may be permitted on resource land if a "reasons" exception is taken by the County. Although the subject properties presently designated for residential use and are not subject to the policies set out in the Statewide Agricultural and Forest Lands Goals (Goals 3 & 4), the County has previously determined that a "reasons" exception is nevertheless required for expansion of an unincorporated rural community. Accordingly, the Planning Commission has developed findings addressing the requisite goal exception criteria. Those findings, which are set forth in a later section of this document, are sufficient to demonstrate that the proposed exception is justified.

5. Douglas County has provided written notice of the requested Plan amendment and zone change to property owners within 250 feet of the subject property not less than forty-five 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 that are 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.
6. 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. This Plan Amendment involves the expansion of the Riversdale Unincorporated Rural Community in order to facilitate development of the subject properties at a density of two acres per dwelling unit. Expansion of an existing rural community requires the County take a "reasons" exception by addressing the exception criteria codified under OAR Chapter 660, Division 4. The Planning Commission has set out separate findings in a later section of this document which specifically address the criteria for a "reasons" exception. Those findings are sufficient to demonstrate that reasons justify an exception for the proposed amendment. The Commission therefore finds that requested Comprehensive Plan Amendment is being evaluated in a manner that assures full compliance with Statewide Goal No. 2.
7. The Planning Commission finds that the subject 23.59 acres of land that comprises the four subject properties has previously been determined by Douglas County not to be farm land as defined by Goal 3, or to otherwise be subject to the policy contained in the Statewide Agricultural Lands Goal. This determination was made when the County included the four properties within the Garden Valley/Riversdale Committed Lands Site No. 10, which was subsequently acknowledged by LCDC. The properties are presently designated and zoned for residential use; therefore, an exception to Goal 3 is not a prerequisite to changing their land use designation and zoning from Rural Residential – 5 Acres to Rural Residential – 2 Acres in conjunction with their inclusion in the adjacent Riversdale Rural Community.
8. The Planning Commission finds that the subject 23.59 acres of land has previously been determined by Douglas County not to be forest land as defined by Goal 4, or to otherwise be subject to the policy contained in the Statewide Forest Land Goal. This determination was made when the County included the properties within the Garden Valley/Riversdale Committed Lands Site No. 10, which was subsequently acknowledged by LCDC. An exception to Goal 4 is not a prerequisite to changing the land use designation and zoning on the four properties from Rural Residential – 5 Acres to Rural Residential – 2 Acres in conjunction with their inclusion in the Riversdale Rural Community.

9. The Planning Commission finds that the applicants have conducted an inventory and evaluation of potential Goal 5 resources on the subject property and in the surrounding area. On the basis of the evidence contained in the record, the Planning Commission finds that the subject property has not been included in any official 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. The Commission therefore concludes that the amendment will not conflict with any Goal 5 resources.
10. The Planning Commission finds that any future development and land use activities on the site will be required to comply with all local, state and federal environmental regulations, thus assuring that the Plan amendment will not adversely impact the carrying capacity of local air sheds, degrade land and water resources or threaten the availability of such resources, further assuring full compliance with Statewide Goal No. 6.
11. The subject property has not been identified in any inventory of areas which have the likely potential to be subjected to natural disasters and hazards. The Federal Flood Insurance Rate Map for the area shows that the elevation of the property puts it well above the flood plain of the South Umpqua River which lies about one-quarter mile to the south. The natural topography of the site does not suggest significant physical constraints to development or the potential of unstable soils or geology. All future development activity on the property will be required to comply with applicable standards established under state and local development regulations, thus assuring compliance with Goal 7.
12. The Commission finds that there has been a previous 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 rural area. The proposed amendment will not conflict with Goal No. 8.
13. 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. The intent of Goal 9 is to ensure that there is sufficient suitable land planned and zoned for commercial and industrial uses. The Planning Commission finds that the proposed Plan amendment and zone change does not involve, or otherwise impact, the County's inventory of lands needed for economic development. The Commission therefore concludes that the amendment will not conflict with the Statewide Economic Development Goal.
14. The Planning Commission finds that the primary purpose of Statewide 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. With respect to rural unincorporated areas of the County, such as the Riversdale Rural Community, the Plan has the stated objective of providing for rural housing where appropriate, and sets out specific policies that are intended to implement this objective. Housing policies that are relevant to the proposed expansion of the Riversdale Rural Community in order to facilitate the development of additional needed rural housing include the following:

1. *Encourage the infilling of developable committed lands.*
2. *Provision of rural housing units shall comply with the Rural Lands Goals and Policies.*
3. *Inventory rural development areas in order to evaluate the availability of vacant land and to monitor the conversion rate of vacant to developed land.*
4. *Housing planning in rural areas shall be implemented with the overall objective of protecting resource oriented uses.*

The applicants are proposing an expansion of the adjacent Riversdale Rural Community to allow a zone change from Rural Residential – 5 Acres (5R) to Rural Residential – 2 Acres (RR), which will permit each of their respective properties to be partitioned to create new residential parcels at the two acre density. Development of the properties as contemplated by the applicants will facilitate the efficient infilling of designated rural residential property in a manner that is consistent with applicable rural lands goals and policies (refer to the discussion of applicable rural residential policies in a later section of this findings document), and will promote the Plan's overall objective of protecting resource oriented uses by concentrating new residential development in an area that is already committed to non-resource uses.

15. The Commission finds that each of the four subject parcels presently contains a single-family dwelling. No existing housing will be displaced as a consequence of the proposed amendment and zone change. The proposed RR zoning will create the potential for each parcel to be partitioned to create additional housing opportunities in the Riversdale/Garden Valley area. The Commission concludes that the proposed Plan amendment and zone change will increase 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.
16. The Planning Commission finds that the subject property is situated in a rural area where public facilities and services are relatively limited, compared with the broad range of services that are available in urban areas. There are no public sanitary sewers in the vicinity of the property; however, the relatively low density of development permitted by the proposed rural residential designation and zoning on both the subject property and other surrounding rural residential properties facilitates the use of individual subsurface septic systems subject to standards established by the Oregon Department of Environmental Quality. A significant number of building permits for new dwellings

have been issued on two acre lots within the Riversdale Rural Community in the last several years, and all of the lots have received approval for individual on-site septic systems, so there is no reason to believe that future parcels on the applicants' properties will have difficulty obtaining approval for new septic systems. The four subject properties, as well as most other properties in the surrounding area are provided domestic water service by Umpqua Basin Water Association. The Association presently maintains an 8-inch water main in Old Garden Valley Road, which intersects with another 8-inch water main that runs along Garden Valley Road. The subject properties are presently served by these existing water mains. The Association has constructed a one-million gallon storage reservoir on a site adjoining the west boundary of the Roberts property. This newer storage tank has significantly improved the level of fire protection available in the Garden Valley/Riversdale rural area, including on the applicants' properties, and is adequate to accommodate the type and density of rural residential development that could result from the proposed Plan amendment and zone change. Fire protection in the area is provided by Douglas County Fire District No. 2. The District's Del Rio Fire Station is located at the intersection of Garden Valley Road and Del Rio Road about one mile to the northeast of subject properties. Other utilities and services, including electricity, telephone and natural gas, are all adjacent to the properties and have sufficient capacity to accommodate the type and level of residential development contemplated by the applicants. The demand for these services will be no greater than that resulting from the historic use of other adjoining and nearby properties lying both within and outside of the adjacent Riversdale Rural Community.

On the basis of the foregoing facts, the Planning Commission finds that the subject properties will be provided with an adequate level of public facilities and services, and that such facilities and services will be delivered in a timely, orderly and efficient manner consistent with the purpose of Statewide Goal No. 11. The Commission further finds 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.

17. The Statewide Transportation Goal is intended to provide a safe, convenient and economic transportation system. 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.

All four of the subject properties gain access from Old Garden Valley Road (County Road No. 6A). The south boundary of the Naito property (Tax Lot 3300) fronts directly the County road, while the other three properties gain access to the County road via private easements across other intervening parcels. The functional classification 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. 6A 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 about a mile west of the subject properties, shows an average of 629 vehicle trips per day, which represents a little more than twelve percent of the functional classification of the road.

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). For a single-family dwelling, trip generation rates are reported as a ratio of 9.5 vehicle trips per day per dwelling unit. The current 5R zoning on the four properties limits their development potential to the four dwellings that currently exist. Based on the maximum potential development density permitted by the proposed RR two-acre zoning, the four properties could accommodate up to a maximum of nine residential parcels, or five more than presently exist, thus resulting in a potential of forty-seven additional vehicle trips per day. As previously noted, Old Garden Valley Road is a designated Minor Collector that is presently carrying only about twelve percent of its designated design capacity. With a reserve capacity of more than 4,000

vehicle trips per day available, the additional traffic volume that could result from the proposed land use change represents less than one percent of the functional reserve capacity for Old Garden Valley Road.

Current traffic volume on Old Garden Valley Road, including peak hour volumes, is well below the designated design capacity for the facility. 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. Subsequent development of the subject properties will be accessed by private driveways that will intersect with the public roads at points acceptable to the Douglas County Public Works Department to ensure public safety.

On the basis of the foregoing, the Planning Commission finds that the proposed Rural Residential land use designation, when taking into consideration the densities and design standards prescribed for uses permitted in the requested RR 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 Commission finds that the County's 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, and therefore concludes that the facts set out above showing compliance with the Transportation System Plan are sufficient to also demonstrate that the proposed amendment is consistent with both Goal 12 and the Transportation Planning Rule.

18. The Planning Commission notes that the statewide energy conservation goal is intended to be applied on 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 Commission finds that the proposed land use change places the subject properties within the boundary of the Riversdale Rural Community where their future development will promote the efficient energy-related use of existing and planned public facilities and services. The four parcels are free of any significant physical constraints that would otherwise require more energy to develop and use the properties than would other land 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.

19. Goal No. 14 requires local governments to establish urban growth boundaries that separate urban lands from rural lands and requires urban uses to be located within acknowledged urban growth boundaries. Lands within acknowledged rural communities, such as the Riversdale Unincorporated Rural Community, are not considered “urban” and are not directly subject to the policy contained in Goal 14. In Douglas County, residential development in a designated rural community at a density not greater than two acres per dwelling unit has been acknowledged by LCDC to be a “rural” use. Therefore, the Planning Commission finds that the proposed Plan amendment and zone change, including the expansion of the adjacent Riversdale Rural Community, does not involve the conversion of rural land to urban use, nor does it otherwise involve an urban growth boundary. The Commission notes, however, OAR 660-004-0040(7)(a) states that, while a residential density greater than two acres in rural areas requires an exception to Goal 14, the question of whether a residential density less than two acres complies with Goal 14 depends upon compliance with the exception requirements set out under OAR 660-004-0022(4) of the Exception Process Rule. Accordingly, the Planning Commission has developed findings addressing the requisite goal exception criteria. These findings, which are set out below, are sufficient to demonstrate that the proposed amendment conforms with Statewide Goal 14 generally, and with the exception requirements set out under OAR 660-004-0022(4) of the Exception Process Rule specifically, and therefore an actual “exception” to the Statewide Urbanization Goal is not required.
20. The Planning Commission takes notice of OAR 660-004-0022(4), Expansion of Unincorporated Communities, which provides that expansion of an unincorporated community can be justified based on appropriate reasons and facts, including but not limited to, the following:
- a) *A demonstrated need for additional land in the community to accommodate a specific rural use based on Goals 3 – 19 and a demonstration that either:*
 - A) *The use requires a location near a resource located on rural land; or*
 - B) *The use has special features necessitating its location in an expanded area of an existing unincorporated community, including:*
 - ii) *For residential use, the additional land is necessary to satisfy the need for additional housing in the community generated by existing industrial, commercial or other economic activity in the surrounding area. The plan must include an economic analysis showing why the type and density of planned housing cannot be accommodate in an existing exception area or UGB, and is most appropriate at the particular proposed location. The reasons cannot be based on market demand for housing, or on a projected continuation of past rural population distributions.*
 - b) *Need must be coordinated and consistent with the comprehensive plan for other exception areas, unincorporated communities, and UGBs in the area. “Area” encompasses those communities, exception areas, and UGBs which may be affected by an expansion of a community boundary, taking into account market, economic, and other relevant factors;*
 - c) *Expansion requires demonstrated ability to serve both the expanded area and any remaining infill development potential in the community at time of development with the level of facilities determined to be appropriate for the existing unincorporated community.*

Summarizing the “reasons” exception standards quoted above, the Planning Commission must adopt findings demonstrating that the proposed use has special features necessitating its location in the community; that there is a need for additional land in the community in order to accommodate the proposed use; that the amendment is consistent with the comprehensive plan; and, that there is a sufficient level of services available to accommodate the use. Addressing the relevant “reasons” exception standards cited above, the Planning Commission sets out the following findings of fact.

21. The Riversdale Unincorporated Rural Community is one of sixteen rural unincorporated communities in Douglas County that have been acknowledged by LCDC pursuant to the 1994 Unincorporated Communities Rule (OAR 660-0022-0010), which identifies four different types of unincorporated communities: 1) “Resort Community”; 2) “Rural Community”; 3) “Rural Service Center”, and 4) Urban Unincorporated Community”. The Riversdale Rural Community conforms to the rule’s definition of an unincorporated rural community. The boundary of an acknowledged rural unincorporated community may be expanded as a post-acknowledgement Comprehensive Plan amendment (PAPA), provided the expansion conform to the standards and procedures prescribed for a “reasons” exception as set forth in OAR 660-004-0020 through 0022. An exception under these sections of the Goal 2 Exceptions Process Rule are applicable to the expansion of an unincorporated rural community, even if an exception to a specific Statewide Goal is not otherwise required.
22. In most instances, when an exception is taken it is done so because the proposed land use change will result in a type of land use activity or development density that is contrary to the policy contained in one or more of the Statewide Goals, such as converting designated farm land to residential use as a consequence of including it within an expanded rural community boundary. With respect to the subject Plan amendment proposal, however, it is important to note that the applicants’ four properties are not designated as farm land, nor are they designated by the Comprehensive Plan for any other category of resource-related use, but are in fact designated and zoned for residential use. Consequently, the proposed expansion of the Riversdale Rural Community to encompass the subject 23.59 acres will not result in the conversion of farm land or forest land, and a specific exception to Goals 3 and 4 is therefore not required. Nevertheless, OAR 660-004-0020 still requires the proposed rural community expansion to follow the prescribed exception process.
23. Additionally, OAR 660-004-0040(7)(a) - *Application of Goal 14 to Rural Residential Areas*, provides that a residential density greater than two acres per dwelling unit always requires an exception to the Statewide Urbanization Goal. The question of whether a lower density likewise requires an exception to Goal 14 depends upon compliance with the exception requirements set out in the Exceptions Process Rule. In other words, if the expansion of the rural community does not result in a residential density greater than two acres per dwelling, and if it can be further demonstrated that the expansion complies with the exception requirements prescribed in OAR 660-004-0020(4), expansion of the rural community can be found to be consistent with Goal 14, and an exception to the administrative rule can be taken. Accordingly, the Planning Commission has

developed findings, as set out herein, which address the requisite exception criteria for expansion of an unincorporated rural community as set out at OAR 660-004-0020(4). These findings demonstrate that the proposed amendment is consistent with Goal 14, and therefore an exception to the Statewide Urbanization Goal is not required for this amendment.

24. *The use has special features necessitating its location in an expanded area of the rural community.*

On the basis of the statements contained in the written application, the Planning Commission finds that the four applicants are jointly proposing to expand the adjacent Riversdale Rural Community to include the 23.59 acres that comprises their four ownerships in order to allow the properties to be partitioned to create additional residential parcels at the two acre density. The County's Comprehensive Plan and implementing land use regulations allow new rural residential developments with a density greater than one dwelling per five acres to occur only within the boundary of an unincorporated rural community, such as the Riversdale Rural Community. The subject properties as a group are contiguous with other lands that are already within the boundary of the Riversdale Unincorporated Rural Community and which are presently zoned RR to allow residential development at a two acre density. Existing public and private infrastructure in the immediate surrounding area is designed and built to accommodate residential development at the two acre density proposed by the applicants. The increase in residential density that would be permitted by the proposed expansion of the adjacent rural community will be consistent with the existing land use pattern and development density presently existing in much of the surrounding area. These factors are sufficient to demonstrate that the proposed use has special features necessitating its location in an expanded area of the rural community.

25. *Pursuant to the policy contained in the Statewide Housing Goal, there is a need for additional housing in the community as a consequence of economic activity in the surrounding area.*

Economic diversification and expansion in central Douglas County, together with the corresponding population growth in the area, has been the principal impetus behind the continuing and growing need for new rural housing opportunities in the Riversdale area, as well as in other rural areas surrounding Roseburg. The Riversdale Rural Community is comprised of non-resource lands developed with a mixture of public, commercial, industrial and a variety of rural residential uses. Public uses include Douglas County Fire District No. 2 Fire Station No. 5, Umpqua Basin Water Association, the Riversdale Grange, Garden Valley Christian Assembly and the Roseburg Country Club; commercial uses consists of River Forks and Riversdale stores and gas stations. Requirements for staffing associated with Umpqua Basin Water Association, the Roseburg Country Club, River Forks and Riversdale stores and the fire station all contribute to the economic activity which creates a job-related need for additional housing within the Riversdale Rural Community.

Resource uses are the major component of economic activity in the area surrounding the Community. Riversdale Rural Community has a pivotal proximity to forest lands and agricultural

lands to the west, which provides an essential nexus to the generation of employment activity and the need for additional housing within the Community.

Forest employment, particularly on the Callahan Ridge commercial forest land to the west of the Community, as well as intensive small woodland management occurring in the area, creates a job-related housing need within the Riversdale Rural Community.

The Riversdale Rural Community is critically located in relation to the fast-growing Garden Valley area. Over the last twenty or more years, build-out of developable lands within the city of Roseburg have pushed the majority of economic development to the area west of Roseburg. As a result, a west-side "bedroom community" has been established, beginning at the I-5 interchange at Stewart Parkway and spreading along the Parkway, Edenbower Boulevard and further west out Garden Valley to the Riversdale Area.

The Statewide Housing Goal requires the County to ensure that there is sufficient land available to provide for the full range of housing needs within the County in order to avoid creating shortages of residential land which would artificially restrict market choices in housing type, price range or location. The Comprehensive Plan states that Douglas County has historically been, and will continue to be, a place where rural living is a way of life, noting that over 50% of the population of Douglas County resides in unincorporated areas, including about 40% of the population that lives in rural areas. To a significant degree, the County's rural planning policies have been based on the assumption that, due in large part to the special economic character of Douglas County, there will continue to be a strong demand for rural living opportunities as economic growth and expansion continues in the future. This policy is reflected in the fact that numerous sites composed of committed (but otherwise undeveloped or underdeveloped) rural lands are recognized in the Comprehensive Plan as being needed to accommodate future rural housing needs. Most of these undeveloped committed rural lands were designated for future housing needs twenty-five years ago when the Plan was originally adopted. Since that time, the vast majority of the designated committed lands in the central-county area surrounding Roseburg have been fully developed in response to the continued economic expansion that was originally predicted. In fact, economic diversification and expansion, and corresponding population growth, in the central-county area has actually exceeded the earlier assumptions that were relied upon when future rural housing needs were first calculated and planned for. As a consequence of the amount of committed rural land in the Riversdale/Garden Valley area that has been subdivided or partitioned, and subsequently developed with housing in just the last decade, only a fraction of the land that was originally set aside in 1982 for future rural housing needs remains available today.

The Housing Element of the Comprehensive Plan addresses the County's responsibility under Goal 10 to ensure that rural areas of the county maintain an adequate supply of buildable land planned and zoned for residential use. With respect to rural unincorporated areas of the County, such as the

Riversdale Rural Community, the Plan has the stated objective of providing for rural housing where appropriate, and sets out specific policies that are intended to implement this objective. Housing policies that are relevant to the proposed expansion of the Riversdale Rural Community in order to facilitate the development of additional needed rural housing include the following:

1. *Encourage the infilling of developable committed lands.*
5. *Provision of rural housing units shall comply with the Rural Lands Goals and Policies.*
6. *Inventory rural development areas in order to evaluate the availability of vacant land and to monitor the conversion rate of vacant to developed land.*
7. *Housing planning in rural areas shall be implemented with the overall objective of protecting resource oriented uses.*

Douglas County has historically been, and continues to be, a place where rural living is a way of life. Over 50% of the population of Douglas County resides in unincorporated areas. To a significant degree, Douglas County's rural planning policies have been based on the assumption that there will continue to be a strong demand for rural living opportunities, thus making it necessary to mitigate the inherent conflicts that arise between rural resource uses and rural residential uses.

In recognition of this fact, and as a part of the County's on-going land use planning program, Douglas County completed a detailed analysis of rural residential land use in April of 1997. That analysis resulted in the identification and designation of three general types of rural residential lands, including "committed lands", "needed lands", and "non-resource lands".

"Committed" lands have subsequently been acknowledged as rural lands that are already built and committed with existing residential uses, and therefore do not provide for future residential needs. "Needed" lands are non-committed rural lands that were found to be needed to provide for future rural residential housing opportunities consistent with the Statewide Housing Goal, as well as with various local planning policies. Both the "committed" and the "needed" residential lands were subjected to the Goal 2 exception process, through which they were acknowledged as being excepted from the policies contained in the Statewide Agriculture Goal (Goal 3) and/or the Statewide Forest Lands Goal (Goal 4). With respect to "non-resource" lands, the Rural Land Use Element of the Comprehensive Plan contains the following statement.

"There are some instances in Douglas County where areas are substantially surrounded by committed lands and other development (such as roads), have a low forest site class potential, are predominately class VI and VII agricultural soils and are not needed to permit farm practices to be undertaken on nearby lands. These lands cannot realistically be designated as agriculture or forest land because of their low productivity potential and proximity to other development that conflicts with agriculture or forest uses. These lands, being somewhat limited in acreage and extent, must be accounted for and placed within appropriate nonresource land use designations."

[Douglas County Comprehensive Plan, 12/05/01, Rural Lands Element, Rural Nonresource Designations, pg. 15-12]

Douglas County's "non-resource" lands were determined to be not subject to the policies contained in Goals 3 and 4, and therefore were not subjected to the Goal 2 exception process. Like the "needed" lands for which an exception was taken, the "non-resource" lands were also determined to be needed for non-resource uses. The rural residential designations and zoning that have been applied to "non-resource" and "needed" lands have subsequently been acknowledged as being in conformance with the statewide planning program without requiring a Goal 2 exception. Most of the designated rural residential lands in Douglas County, regardless of whether they are classified as "committed", "needed" or "non-resource" lands, are identified and described in the County's 1997 Rural Lands Inventory and Analysis which has been incorporated into the acknowledged Comprehensive Plan.

In summary, the Planning Commission finds that economic activity within the Riversdale Rural Community area, intensification of agricultural and forest-related uses in the surround Riversdale area, build-out of developable lands in the city of Roseburg and economic expansion along the west side of the Roseburg urban area and Garden Valley corridor, has created a job-related need for additional housing in the Riversdale Rural Community.

26. *There is a need for additional land in the Riversdale Rural Community to satisfy the need for additional housing in the community.*

The Riversdale Rural Community presently contains a total of 1,471.98 acres, including 1,198.33 acres that is presently zoned for residential development at the two-acre density. Within the rural community there are approximately 500 parcels with an average parcel size of 2.99 acres and a mean parcel size of 2.11 acres. If the Riversdale Rural Community is to provide new opportunities for new housing, particularly of the type and density contemplated by the applicants, additional developable land must be added to the community via expansion. As is discussed in greater detail in the following section of this document, inclusion of the applicants' properties will not require the County to take an exception to the Statewide Agricultural and/or Forest Lands Goals. On the basis of these simple and straightforward facts, it can be concluded that there is a need to add more land to the Riversdale Rural Community to satisfy the identified need for additional housing in the community.

27. *The type and density of the needed additional housing cannot be accommodated in an existing exception area or urban growth boundary.*

The exception criteria for expanding an unincorporated community, as set out at OAR 660-004-0022(4)(b) requires a general finding that the proposed amendment is coordinated and consistent with the Comprehensive Plan for other exception areas, unincorporated communities and UGBs in the area. Findings addressing the more general criteria of coordination and consistency are set out in a later section of this document. Under the more specific "reasons" exception criteria set out under Section 22(4)(B)(ii) of the rule, additional findings must demonstrate that the type and density of housing for which a need has been demonstrated cannot be accommodated in an existing exception

area or urban growth boundary. On its face, the language in the rule seems to be based on the assumption that the proposed site is not presently part of an acknowledged "exception area", and therefore exception areas that have previously been acknowledged must be given a higher priority for inclusion in the rural community in order to accommodate the identified need. With respect to the properties that are the subject of this Plan amendment, however, it must be recognized that the site is in fact part of an acknowledged committed residential lands area that is already designated and zoned for rural residential development, and therefore there is no need to show that the proposed use cannot be accommodated in an existing exception area.

Other than the adjacent Riversdale URC, the nearest unincorporated community is the Melrose URC which is about five miles to the south. The Melrose Rural Community encompasses an area of 627 acres, including approximately 245 separate parcels with an average parcel size of three acres and a mean parcel size of just over two acres.

In addition to the residential lands presently within the Riversdale RUA boundary, other committed lands that are adjacent to, but which presently remain outside the RUA boundary encompasses an area of 804 acres, including 245 separate parcels with an average parcel size of 3.28 acres and a mean parcel size of 2.58 acres. At the present time, 639 acres (80%) of Committed Lands Site No. 10 lying outside the Riversdale RUA boundary is zoned Rural Residential 2 Acres (RR), while 165 acres (20%) remains zoned Rural Residential 5 Acres (5R). The 165 acres of 5R land is composed of 17 separate parcels, of which only three contain sufficient acreage to allow further division. Under their present 5R zoning, these three larger parcels contain sufficient acreage to potentially create up to 16 new dwelling sites, representing an increase of about 6% in the number of dwellings within the committed lands site. If all of the properties that are now zoned 5R were to be rezoned to RR via their inclusion in the Riversdale Rural Community, and then subsequently subdivided into the maximum number of new parcels, a total of only 58 new dwelling sites would result. Again, it should be noted that these potential 58 additional residential lots would come from a large number of widely dispersed parcels that are under separate ownerships. Consequently, it is not practical to view these committed lands as having any kind of realistic potential for accommodating the type and density of development being proposed by the applicants.

Nearly all of the land lying between the Riversdale RUA and the Melrose Rural Community is designated and zoned for resource use. Although both rural communities receive domestic water service from Umpqua Basin Water Association, both areas are served by their own storage and distribution systems, which tend to make the two RUAs function as nearly autonomous areas. Additionally, both the Riversdale and Melrose communities are within the service boundary of Douglas County Fire District No. 2, although the two communities have their own separate fire stations. As a practical matter, there is no overlap or sharing of public facilities and services between the Riversdale RUA and the Melrose Rural Community. The proposed expansion of the Riversdale Rural Community would not be inconsistent with, or otherwise conflict with, the County's

Comprehensive Plan for the Riversdale Rural Community. The Melrose RUA, which is the next closest acknowledged rural community area, will not be affected by the proposed expansion.

The nearest urban growth boundary is that which surrounds the Roseburg urban area, and which at its nearest point is more than five miles away to the southeast. The Roseburg UGB is segregated from the Riversdale Rural Community by large areas of resource land which is neither needed nor suitable to accommodate future urban development via expansion of the UGB. There is no overlap or sharing of public facilities and services between the Riversdale Rural Community and the Roseburg Urban Area. The proposed expansion of the rural community would not be inconsistent with, or otherwise conflict with, the Roseburg Urban Area Comprehensive Plan. The Roseburg UGB will not be affected by the proposed expansion.

28. *The type and density of the planned housing is most appropriate on the subject property.*

As discussed in more detail elsewhere in this document, the 23.59 acres comprising the four subject properties is part of a pre-existing acknowledged committed residential lands site (Garden Valley/Riversdale Committed Lands Site No. 10). All four properties are currently designated "Committed Residential – 5 Acres" by the Douglas County Comprehensive Plan and are presently zoned Rural Residential – 5 Acres (5R). Lands adjoining east are presently within the boundary of the Riversdale Rural Unincorporated Community. The applicants are proposing an expansion of the rural community boundary to encompass their respective properties in order to allow them to be developed with additional residential parcels containing not less than two acres each.

Policies pertaining to lands within Rural Unincorporated Communities are set forth in the Land Use Element of the Douglas County Comprehensive Plan. Rural Residential Policy No. 2 on page 15-40 of the Plan states the following.

2. The Rural Residential – 2 Acre designation is intended to provide for rural home sites in unincorporated rural communities which are identified rural places which serve important functions to rural residents. This designation provides an appropriate rural development density for unincorporated rural communities where rural activities do not require full urban services and lands have been committed to nonresource use or reserved for rural residential expansion. This designation may also be applied to pre-existing committed land areas when parcelization and use, in the same committed land site, is documented to be less than a five acre density.

As is discussed in detail in preceding findings addressing Statewide Goals 11 and 12, the Planning Commission has found that the four subject properties will be provided with an adequate level of public facilities and services, including transportation facilities, and that such facilities and services will be delivered in a timely, orderly and efficient manner. The Commission further finds 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 facility systems and future facility 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.

29. On the basis of the foregoing facts and analysis, the Planning Commission has concluded that there are sufficient reasons demonstrating that the proposed use has special features necessitating its location in an expanded area of the Riversdale Rural Community; that there is a need for additional housing in the community as a consequence of economic activity in the surrounding area; that there is a need for additional land in the community to satisfy the identified need for additional housing; that the type and density of the needed additional housing cannot be accommodated in an existing exception area or urban growth boundary; and that the type and density of the planned housing is most appropriate on the subject properties. These facts are therefore also sufficient to satisfy the "reasons" exception standards set out under OAR 660-0040-0022(4)(B)(ii).
30. The Planning Commission finds that the adjacent Riversdale Rural Community is one of sixteen unincorporated rural communities in Douglas County that have been established in the Comprehensive Plan pursuant to the provisions of OAR Chapter 660, Division 22 (the Rural Communities Rule), and subsequently acknowledged by LCDC. A rural community is defined as an unincorporated community which consists primarily of residential uses but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls and post offices) to the community, the surrounding rural area, or to persons traveling through the area. Lands within the County's designated rural communities are exception lands committed to nonresource use. These lands are referenced in the Comprehensive Plan and are identified in the Douglas County Committed Lands Inventory and Exceptions document. A Goal 2 exception was undertaken for these lands at the time the various rural communities were established within the Comprehensive Plan. There are no resource lands in the developable portion of any of the sixteen rural communities, including the Riversdale Rural Community.
31. The Commission notes that policies concerning the need for rural residential uses are set out in the Rural Lands Element of the Douglas County Comprehensive Plan. The stated objective of the Comprehensive Plan with respect to rural unincorporated communities is "*to provide the opportunity for rural unincorporated communities to establish new uses while preserving the integrity of agricultural and forestry uses in Douglas County.*" Plan policies dealing specifically with rural development occurring at a density greater than one dwelling per five acres are listed on page 15-39 of the Rural Lands Element under Rural Unincorporated Policies. Rural Unincorporated Policy No. 5 requires the County to: "*Guide the application of rural residential lands with a two (2) acre minimum parcel size designation to be located within rural unincorporated communities.*" Therefore, in order for the proposed use of the subject property to be permitted, the Planning Commission finds that it is necessary for the property to first be located within an expanded area of

the adjacent Riversdale Rural Community.

32. Policies concerning the need for rural residential uses are set out in the Rural Lands Element of the Douglas County Comprehensive Plan. The stated objective of the Comprehensive Plan with respect to rural unincorporated communities is *“to provide the opportunity for rural unincorporated communities to establish new uses while preserving the integrity of agricultural and forestry uses in Douglas County.”* Plan policies dealing specifically with rural development occurring at a density greater than one dwelling per five acres are listed on page 15-39 of the Rural Lands Element under Rural Unincorporated Policies. Rural Unincorporated Policy No. 5 requires the County to: *“Guide the application of rural residential lands with a two (2) acre minimum parcel size designation to be located within rural unincorporated communities.”* Therefore, in order for the proposed use of the four subject properties to be permitted, it is necessary that they first be located within an expanded area of the adjacent Riversdale Rural Community. Plan policies directly related to residential development within rural unincorporated communities are set out on page 15-50 of the Comprehensive Plan document as follows:

1. *Assure new uses within rural unincorporated communities do not interfere with resource uses outside of the community.*

The subject properties as a group are contiguous with the boundary of the acknowledged Riversdale Rural Community. Other land adjoining to the north and west are part of the Riversdale Committed Lands Site No. 6C and are presently designated “Committed Residential – 5 Acres” with 5R zoning.

2. *Residential uses in conjunction with a commercial use in rural communities and rural service centers may be permitted.*

The applicants are proposing an expansion of the rural community boundary in order to allow a zone change to the Rural Residential (RR), which in turn, will allow their four respective properties to be developed with additional residential parcels containing at least two acres. The applicants are not proposing, nor would the requested RR zoning permit, commercial uses on the subject properties. Policy No. 2 is not applicable to this request.

3. *Support the conversion of rural residential lands from five (5) acre minimum parcel sizes to two (2) acre minimum parcel sized if the density criteria of the committed residential designation can be successfully demonstrated.*

The density criteria referenced in the preceding Plan policy is set forth on page 15-30 of the Plan document. Inasmuch as the Plan’s density conversion criteria is intended to demonstrate consistency with the corresponding administrative rule language concerning expansion of unincorporated communities as set out at OAR 660-004-0022(4)(c) (*“Expansion requires demonstrated ability to serve both the expanded area and any remaining infill development potential in the community at*

time of development with the level of facilities determined to be appropriate for the existing unincorporated community.”), the following facts are intended to demonstrate compliance with the density conversion criteria prescribed in the Comprehensive Plan, as well as with the criteria set out in the corresponding administrative rule.

1. Septic Suitability – Are area soils capable of handling additional septic drainage?

Predominate soil types on the subject properties, as mapped by the Natural Resources Conservation Service, as well as previous septic site evaluations conducted by DEQ, suggest that the properties have soils capable of handling additional septic drainage at the two acre density proposed by the applicants. Several residential subdivisions have been developed on similar land within the Riversdale Rural Community in the last several years, and all of the lots within those subdivisions have received approval for individual septic systems. Development of the applicants’ properties within the Riversdale Rural Community will facilitate utilizing the most suitable soils for septic drain fields consistent with applicable regulations.

2. Water Availability – Is the area served by a public water system? If so, can additional hookups be accommodated?

The four subject properties, as well as most other properties in the surrounding area are provided domestic water service by Umpqua Basin Water Association. The Association presently maintains an 8-inch water main in Old Garden Valley Road, which intersects with another 8-inch water main that runs along Garden Valley Road. The subject properties are presently served by these existing water mains. The Association has constructed a one-million gallon storage reservoir on a site adjoining the west boundary of the Roberts property. This newer storage tank has significantly improved the level of fire protection available in the Garden Valley/Riversdale rural area, including on the applicants’ four properties, and is adequate to accommodate the type and density of rural residential development that could result from the proposed Plan amendment and zone change.

3. Access – Is the area easily accessible by improved County roads or major thoroughfares?

All four of the subject properties gain access from Old Garden Valley Road (County Road No. 6). The south boundary of the Naito property (Tax Lot 3300) fronts directly the County road, while the other three properties gain access to the County road via private easement across other intervening parcels. 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.*”

4. Energy – Is there an excessive distance between the site and needed services?

The subject properties are situated adjacent to the Riversdale Rural Community which is about five miles from the Roseburg urban area. In addition to water service noted above, the Community provides a range of other services. The Garden Valley Fire Station is located at the intersection of Garden Valley and Del Rio Roads about one mile to the northeast. Development and use of the four subject properties at the proposed two acre density will not result in any greater use of energy than would occur if they were to be developed at their present five acre density outside the rural community.

5. Effect on Agricultural or Forest Land – Based on the nature of surrounding resource operations, would additional development within the committed land site create a significant hardship on those surrounding uses?

The subject properties are contiguous with the boundary of the acknowledged Riversdale Rural Community. Other surrounding lands are part of the Garden Valley/Riversdale Committed Lands Site No. 10 and are presently designated “Committed Residential – 5 Acres” with SR zoning.

6. Effect on Goal 5 Considerations – Would additional development with the committed land site have a significant impact on Goal 5 Resources?

There are no inventoried Goal 5 resource sites on any of the subject properties, nor are there inventoried Goal 5 resources on any of the surrounding or near-by properties. Development and use of the properties at the proposed two acre density will not impact Goal 5 resources. (Refer to the discussion under Statewide Goal 5, above, for a more detailed analysis of Goal 5 resources.)

7. Fire Protection – Does the site have adequate through access, and is it within a rural fire district boundary?

The four subject properties are within the boundary of Douglas County Rural Fire District No. 2. The District’s Garden Valley Fire Station is located about one mile to the northeast at the intersection of Garden Valley and Del Rio Roads. Umpqua Basin Water Association maintains a one million gallon water storage reservoir on a site adjacent to west boundary of the Roberts property. This new storage tank has significantly improved the level of fire protection in the area, including on the four subject properties. Access to the properties from Old Garden Valley Road is presently adequate, and future access to accommodate development at the proposed two acre density will be built to meet or exceed access requirements specified by fire district authorities.

8. Slope – Is the site located on excessive slopes?

The subject 23.59 acres occupies a south-facing hillside overlooking Old Garden Valley Road. Although some portions of the hillside are quite steep, there are areas suitable to accommodate dwelling sites. Topographic conditions do not represent significant constraints development at

the two acre density contemplated by the proposed RR zoning.

9. Hazards – Is the site subject to any natural hazards (such as mass movement or flooding)?

The subject properties have not been identified in any inventory of areas which have the likely potential to be subjected to natural disasters and hazards. The Federal Flood Insurance Rate Map for the area shows that the elevation of all four properties puts them well above the flood plain of the North Umpqua River which lies about one-quarter mile to the south. The natural topography of the land does not suggest significant physical constraints to development or the potential of unstable soils or geology. All future development activity on the subject properties will be required to comply with applicable standards established under state and local development regulations.

10. Land Use Conflicts with Industry/Commercial – Would additional residential development create a significant economic hardship on surrounding industrial or commercial development?

There are no industrial properties in the adjacent Riversdale Rural Community or on other lands in the area, nor are any industries planned for the area. The only commercial use within the Riversdale Rural Community is the Riversdale Store located at the intersection of Garden Valley and Curry Roads about two miles to the southeast of the subject properties. No other commercial sites are planned for the area. The additional residential development that would be allowed by the requested two acre zoning would not impact existing or future commercial or industrial development.

On the basis of the facts presented in the foregoing analysis, it has been demonstrated that the density conversion criteria for unincorporated rural communities, as set forth on page 15-30 of the Comprehensive Plan, can be satisfied on the subject 23.59 acre site. The requested Plan amendment and zone change from a five acre residential density to a two acre residential density is therefore consistent with Rural Community Policy No. 3. The preceding facts further serve to demonstrate that the amendment provides a reasonable opportunity to satisfy the need for additional land in the Riversdale Rural Community in order to accommodate the proposed use.

33. In addition to the criteria to be addressed when proposing an amendment to the Comprehensive Plan, the Land Use and Development Ordinance 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.*

Addressing the zone change criteria cited above, the Commission adopts the following findings:

34. The Planning Commission finds that the requested change in zoning from Rural Residential – 5 Acres to Rural Residential - 2 Acres on the subject 23.59 acre site is predicated on a concurrent request to include the property within the boundary of the adjacent Riversdale Rural Community with a Plan map designation of “Rural Residential – 2 Acre”. If the applicants’ Plan amendment is approved, the requested zone change will conform with the amended Comprehensive Plan map. Findings demonstrating that the requested change in zoning will conform with applicable policies found throughout the Comprehensive Plan, are included in preceding sections of this Findings & Decision document. The Planning Commission concludes that the rezoning will conform with the applicable sections of the Comprehensive Plan.
35. Specific findings addressing the suitability of the subject site for the proposed zone and the intended use are included in preceding sections of this Findings & Decision document. Those specific findings demonstrate that the subject property is well suited for the proposed Rural Residential – 2 Acre zoning with respect to physical characteristics of the property, availability of necessary and appropriated public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities. The Planning Commission concludes that the site is suitable for the proposed zone and its intended use.
36. Specific findings addressing the public health, safety and welfare aspects of changing the zoning on the subject property are included in preceding sections of this Decision & Findings document. Those findings demonstrate that there is a sufficient level of public services and facilities available to the property; that 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 provide in a timely, orderly and efficient manner and that public roads in the area are adequate to accommodate the additional traffic resulting from the zone change
37. On the basis of the foregoing findings, the Planning Commission ultimately concludes that the proposed Comprehensive Plan amendment and zone change comply with the applicable statewide planning goals, that the amendment provides a reasonable opportunity to satisfy a local need for a different land use, and that the subject property is well suited for the proposed land use.


DECISION

The Planning Commission deliberated to a decision on July 19, 2007. Commissioner Raynor moved for approval of the proposed Comprehensive Plan amendment, goal exception and zone change. Commissioner Stratton seconded the motion. A vote was taken and the motion passed.

On the basis of the Findings of Fact enumerated herein, the applicant's request for an amendment of the Douglas County Comprehensive Plan including expansion of the Riversdale Rural Community, together with the requested corresponding zone change, is hereby **APPROVED** subject to the condition that the applicants/property owners shall record with the Douglas County Clerk, a "Resource Management Covenant," waiving their rights, and the rights of any heirs, successors or assigns, to object to standard, legal resource management activities on adjacent and nearby lands, in accordance with LUDO §3.5.160.3.

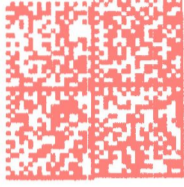
Dated this 20th day of September, 2007.

DOUGLAS COUNTY PLANNING COMMISSION


Chair

**CLATS COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470**

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