



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

### NOTICE OF ADOPTED AMENDMENT

April 28, 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 016-07



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: May 13, 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

<paa> ya/

# Notice of Adoption

DEPT OF  mailed

APR 23 2008

LAND CONSERVATION AND DEVELOPMENT

DATE STAMP

For DLCD Use Only

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

Jurisdiction: **Douglas County**

Local file number: **07-282**

Date of Adoption: **4/16/2008**

Date Mailed: **4/22/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 11/30/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Singletree Investments adoption of a Plan map designation amendment from (RC-2) Committed - 2 Acre to (IN) Industrial and a zone change from (RR) Rural Residential - 2 to (MRC) Rural Community Industrial on a 2.40 acre portion of a 3.62 acre parcel to allow the future establishment of a truck maintenance and repair facility.

Does the Adoption differ from proposal? No

Plan Map Changed from: **RC2**

to: **IN**

Zone Map Changed from: **RR**

to: **MRC**

Location: **Stocks Lane within the Dixonville RUC**

Acres Involved: **2**

Specify Density: Previous: **1 DU/2 AC**

New: **IN**

Applicable statewide planning goals:

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

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. 016-07 (16560)

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

ODOT, Douglas County Fire District No. 2, Qwest, Pacific Power, Avista Utilities, Charter Communications, Dixonville Water Association, Glide School District No. 12

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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**

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## 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.

APR 17 2008

BEFORE THE BOARD OF COMMISSIONERS  
OF DOUGLAS COUNTY

BARRARA E. NIELSEN, COUNTY CLERK

Re: SINGLETREE INVESTMENTS, request )  
for a Plan Amendment from (RC2) Committed )  
Residential-2 Acre to (IN) Industrial and a )  
Zone Change from (RR) Rural Residential-2 to )  
(MRC) Rural Community Industrial on a 2.40 )  
acre portion of a 3.62 acre parcel in the )  
Dixonville Rural Community. PD File # 07-282 )

ORDER  
PD File No. 07-282

SINGLETREE INVESTMENTS ("applicant") requested a Comprehensive Plan Amendment from (RC2) Committed Residential -2 Acre to (IN) Industrial and a Zone Change from (RR) Rural Residential-2 Acre to (MRC) Rural Community Industrial on a 2.40 acre portion of a 3.62 acre parcel, to allow the establishment of a truck maintenance and repair facility. The property is located at the intersection of Stocks lane and the North Umpqua Highway in the Dixonville Rural Community. The Douglas County Planning Commission ("Commission") heard the matter on January 17, 2008, and approved the request in a 5 to 1 vote. The Commission signed Findings of Fact at the February 21, 2008 Planning Commission meeting.

Wm. Gary & Cheryl Kinnett, Dan & Leah Willis, Carrie Boothe, Terry Damewood, Sharyon Dake and Carol Damewood, opposition parties in the matter, collectively filed a timely appeal of the Commission Decision.

The Board members individually reviewed the procedural facts in the Record. In their Decision, the Commission applied the Design Review Overlay to the property, by which the Planning Department would ministerially mitigate compatibility impacts of the proposed use at the development stage. The Commission included specific requirements for the applicant to install screening of the use from residential properties along the north and east property lines, and for a drainage control plan to ensure no adverse impact on adjacent properties. The Commission found that the objectors' environmental and access concerns would be addressed through the State permitting process. The Commission also found that an alternative sites analysis was not a criterion for the requested Plan Amendment, as no exception was involved. Having reviewed the Record, the Board members determined the Planning Commission Decision contains a thorough Record and did not deem it necessary to hold an additional hearing before the Board. The Board also considered that, if the parties choose a higher level of review, eliminating the Board hearing will expedite the process. The Board opted to decline review of this matter.

Review by the Board of Commissioners is controlled by Douglas County Land Use and Development Ordinance ("LUDO") Section 2.700.8:

*"Review by the Board is discretionary. After a Notice of Review is filed, the Board may choose to either: 1) allow review, in which case, the Board shall*

*decide to either hear the matter itself and set a date for holding the review hearing, or the Board may, for any reason, appoint a Hearings Officer to review the matter and make a final local decision in the Board's place, or; 2) decline to review the matter, so long as the appealed decision does not involve a Plan Amendment of land designated agricultural or forest land or a goal exception. If Board review of a matter is declined, the lower decision shall stand. If Board review of a matter is declined, the Board shall adopt an order so stating, but the order need not state any reason for the Board's decision to decline review."*

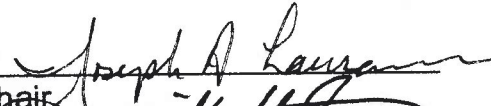


Review is discretionary so long as the application does not involve either a Plan Amendment of land designated agricultural or forest land, or a goal exception. In the case of the subject Plan Amendment, no goal exception or land designated agricultural or forest land is involved.

In the Board of Commissioners' discretion, review is declined. Because we decline review, the Commission's Decision – in the words of LUDO §2.700.8 – "shall stand." In other words, it is affirmed. The Commission's Decision of February 21, 2008 is attached hereto and incorporated herein as the County's final decision.

Review is declined.

Dated: April 16, 2008

DOUGLAS COUNTY BOARD OF  
COMMISSIONERS

By   
Chair  
By   
Commissioner  
By   
Commissioner

## BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

SINGLETREE INVESTMENTS, Findings of Fact and Decision, Planning Department File No. 07-282.

This matter came on regularly for hearing before the Douglas County Planning Commission on January 17, 2008 in Room 216 of the Douglas County Courthouse.

The applicant was present at the hearing.

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

The Planning Commission takes official notice of the following:

1. The Douglas County Comprehensive Plan, including the implementing Douglas County Land Use and Development Ordinance, adopted by the Douglas County Board of Commissioners December 31, 1980, effective April 1, 1981, and as later amended, which has been acknowledged by the Land Conservation and Development Commission on December 21, 1982, and by Compliance Acknowledgment Order 83-ACK-12 dated January 18, 1983.
2. The records of the Planning Department of Douglas County concerning publication and mailing of notice.

### FINDINGS OF FACT

1. Application was filed with the Planning Department at least 30 days prior to January 17, 2008.
2. At least 20 days prior to January 17, 2008, notice of the hearing was sent by mail to the applicant, to all property owners within 250 feet of the property which is the subject of the application, to service providers and governmental agencies and to the Elk Creek Planning Advisory Committee (PAC).
3. Notice of the hearing was given by publication in a newspaper of general circulation in the affected area at least 20 days prior to January 17, 2008.
4. At the hearing we recognized the following parties in the matter: Singletree Investments, applicant; Robert Murray, applicant's representative; Carl & Cynthia Herberger, titleholders; Oregon Department of Transportation, Tom Guevara; Carol Damewood, neighbor; Desiree Hammett, neighbor speaking on behalf of Terry Damewood; Carrie Boothe, neighbor; Ron and Jodee Reed, neighbors; Daniel & Leah Willis, neighbor, Cheryl Kinnett & William Gary Kinnett, neighbors; Sharyon Dake, adjacent property owner; Lee Buffington, neighbor and the Roseburg-Green PAC.
5. Staff entered Staff Exhibits 1 through 13, including the Staff Report, into the Record and gave the oral staff report.
6. We heard testimony from Robert Murray, applicant's representative, who submitted Applicant's Exhibit 1 into the record, photographs of properties near the subject property and outlined the nature of the proposed use of the subject property as a freight truck yard and terminal facility including access, building orientation and lighting, number of employees, visual screening, traffic impacts, noise, engine run times, drainage and effluent and hazardous materials disposal. During

testimony by the applicant's representative, the subject of alternative sites arose, an evaluation staff noted was not necessary for consistency with the Statewide Planning Goals because an exception was not required in this matter. Discussion ensued about the intent and application of the Design Review Overlay recommended in the staff report entered into the record and Staff Exhibit No. 4. Questions about the subject of the photos entered into the record by the applicant's representative, objects in the Deer Creek watershed, were addressed. We then discussed the letter received from Tom Guevara of ODOT considering drainage and the location of the subject property's point of access onto Stocks Lane outside the intersection influence area of the North Umpqua Highway.

7. Testimony was heard from Carol Damewood who stated that the subject property was not suitable for industrial uses and should remain zoned for residential uses. She added that the proposed use is incompatible with surrounding uses because of noise, suitability for septic systems, potential for water pollution and number of employees proposed. Desiree Hammett testified that the proposed use is too close to existing residential areas, expressed concern about air quality and ground water contamination and raised traffic safety issues. Carrie Boothe voiced concerns that contaminants and effluent might enter the ground water table and drain from the property through a culvert under the North Umpqua Highway through her property to Deer Creek. Leah Willis then testified that the area around the subject property was originally designated for residential use and quoted the local need approval criteria. She then stated that she had conducted an alternative sites analysis and submitted Opposer's Exhibit No. 1, a listing of available industrial properties in the vicinity of the subject property. She noted that there were numerous sites available that could support the use proposed by the applicant without the need to change the zoning of the subject property. Cheryl Kinnett testified that with many available industrial properties, the residential character of the neighborhood should be preserved. She continued by expressing concerns about poor drainage and runoff issues. William Gary Kinnett testified about the existence of easements through the subject property serving several properties to the east. He then stated that he had sought the opinion of residents in Dixonville and along the North Umpqua Highway and submitted Opposer's Exhibit No. 2, a petition signed by citizens opposed to the proposal. Mr. Kinnett then stated that there were nine available industrially zoned properties in the area and, therefore, no local need existed to support a zone change from a rural residential designation.
8. Members of the Planning Commission discussed the feasibility of locating the proposed truck freight yard and terminal facility at existing industrially-zoned sites. Discussion ensued about the size, configuration and location of industrially-zoned sites and Chairman Jaques reminded Mr. Kinnett that an exhaustive alternative sites analysis was not part of the approval criteria under the statewide planning goals.
9. Sharyon Dake testified that traffic at the intersection of Buckhorn Road and Hatfield Drive approximately three miles away would be impacted by the proposal. She then questioned the number of trucks at the gas and weigh station quoted by the applicant. Ms. Dake expressed concerns about potentially contaminated runoff moving through the culvert on the North Umpqua Highway to Deer Creek. She also mentioned a 30 foot easement along the north side of the subject property and the fact that residents in the area would like to retire there free of the noise the proposed use would generate. Lee Buffington then testified that a traffic safety issue at Melba

February 21, 2008

would be exacerbated by the proposed use. He then stated that an effective visual screen (a fence) should be encouraged and noted that, in the event the site could not support a septic system, a holding tank and a pumping service could be utilized.

10. Robert Murray, applicant's representative, addressed issues raised by opponents to the proposal by first speaking to local need. He expressed his desire to find a permanent home for his business at its current level of operation. Discussion ensued between the applicant's representative and Planning Commission members regarding the drainage aspects of a comment letter from Tom Guevara of ODOT entered into the record as Staff Exhibit 13. Mr. Murray continued by addressing concerns raised by opponents of the proposal including traffic, noise, drainage, disposal of hazardous materials and contaminants, visual screening and quality of life issues for the surrounding area. We deliberated, discussing land use compatibility, environmental concerns (addressed through state permitting processes), the available transportation infrastructure, access and visual and auditory impacts (mitigated through application of the Design Review Overlay with a possible vegetative buffer) and we moved to adopt the findings of the Staff Report, concluding that the application meets the criteria for a Plan Amendment and Zone Change as provided in Section 6.500.2 and Section 3.38.100.2 of the Douglas County Land Use and Development Ordinance, and as set forth in the Statewide Planning Goals and applicable Oregon Administrative Rules.


### DECISION

Based on evidence received, testimony heard and the above findings, we hereby APPROVE the request for a Comprehensive Plan Amendment from (RC2) Committed - 2 Acre to (IN) Industrial and a concurrent Zone Change from (RR) Rural Residential to (MRC) Rural Community Industrial on a 2.40± acre portion of a 3.62 acre parcel to allow the establishment of a freight truck yard and terminal on the subject property with the application of the Design Review Overlay and subject to the following conditions:

1. Application of the Design Review Overlay shall include, among other things, fencing or vegetative screening installed along the north and east side of the subject property to minimize adverse impacts on nearby properties.
2. A drainage plan covering the entirety of the subject property must be completed to the satisfaction of the Douglas County Planning Department as part of a ministerial review under the Design Review Overlay prior to any structural development on the subject property.

Dated this 21<sup>st</sup> day of February, 2008.

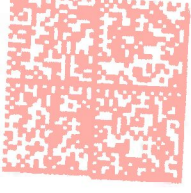
DOUGLAS COUNTY PLANNING COMMISSION

By:   
Chairman



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

NEOPOST



**\$1.14**  
APR 22 2008  
US POSTAGE  
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**ATTN: PLAN AMENDMENT SPECIALIST  
DLCD  
635 CAPITOL STREET NE STE 150  
SALEM OR 97301-2540**