



Oregon
Theodore R. Kubagowski, 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

04/07/2009

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

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: Douglas County Plan Amendment
DLCD File Number 016-07R

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: Monday, April 20, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Mark Bernard, Douglas County
Doug White, DLCD Community Services Specialist

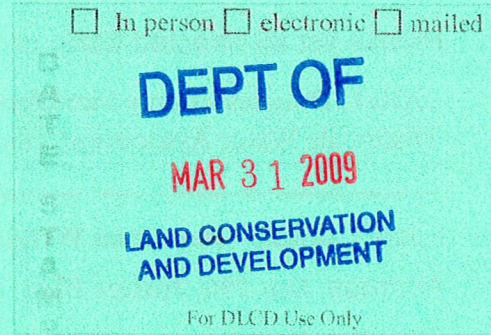
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FORM 2

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



Jurisdiction: **Douglas County**

Local file number: **07-282**

Date of Adoption: **3/25/2009**

Date Mailed: **3/30/2009**

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

- | | |
|--|--|
| <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 type="checkbox"/> Other: |

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

Singletree Investments (on remand from LUBA), 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 parcel to allow the future establishment of a truck maintenance and repair facility.

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

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:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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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. 016-07R(16560)[14921] [R-15458]

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

Local Contact: **Jonathan Wright**

Phone: (541) 440-4289 Extension:

Address: **Rm 106, Justice Bldg, Douglas**

Fax Number: **541-440-6266**

City: **Roseburg**

Zip: **97470-**

E-mail Address: **jmwright@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.

MAR 25 2009

BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY

BARBARA E. NIELSEN, COUNTY CLERK

Re: SINGLETREE INVESTMENTS, remand)
from the Land Use Board of Appeals (LUBA) of)
a request for a Plan Amendment from (RC2))
Committed Residential -2 Acre to (IN) Industrial)
and 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 in the)
Dixonville Rural Community. PD File # 07-282.)

ORDER

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 freight trucking facility at the intersection of Stocks lane and the North Umpqua Highway in the Dixonville Rural Community. The request was originally approved in a final local Decision dated April 16, 2008, when the Board declined to review the matter, thus affirming the Planning Commission's February 21, 2008 Decision to approve the request. The final local Decision was appealed to LUBA, who, on August 5, 2008, remanded the matter to the County, sustaining a single assignment of error, that being that the County did not adequately demonstrate the amendment provides a "reasonable opportunity to satisfy a local need for a different land use."

The Douglas County Planning Commission ("Commission") held a remand hearing to consider the sustained assignment of error on January 15, 2009, and again approved the request. The Commission issued their Findings of Fact and Decision document on February 19, 2009. Ann B. Kneeland, Attorney representing Wm. Gary & Cheryl Kinnett, Dan & Leah Willis, Carrie Boothe, Terry Damewood, Sharyon Dake and Carol Damewood, opposition parties in the matter, filed a timely appeal of the Commission's remand Decision.

The Board members individually reviewed the procedural facts in the Record, and determined the Planning Commission Record was thorough and the Commission's Decision adequately addressed the remand criteria. The Board members also considered that, given this is an appeal on remand, the parties will likely again proceed to a higher level of review, and the process will be expedited by eliminating the Board hearing. Based on these considerations, 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."

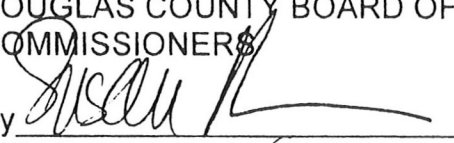
Review is discretionary so long as the application does not involve either a Plan Amendment of land designated agricultural or forest land, or a goal exception. In the case of the subject Plan Amendment, no goal exception or land designated agricultural or forest land is involved.

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 19, 2009 is attached hereto and incorporated herein as the County's final decision.

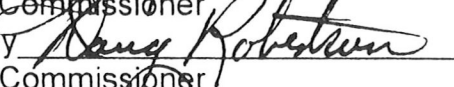
Review is declined.

Dated: March 25, 2009

DOUGLAS COUNTY BOARD OF
COMMISSIONERS

By 
Chair

By 
Commissioner

By 
Commissioner

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

In the matter of the remand of the Planning)
Commission's decision approving a request by Singletree)
Investments for a Comprehensive Plan Amendment from)
(RC2) Committed Residential – 2 Acre to (IN))
Industrial, and a concurrent 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)
located on the north side of State Highway 138)
immediately east of its intersection with Stocks Lane in)
the Dixonville Rural Community, and more particularly)
described as Tax Lot 500 in Section 23B of T27S,)
R05W, W.M., Douglas County, Oregon; Property I.D.)
No. R33788. Planning Department File No. 07-282.)

**FINDINGS OF FACT
AND DECISION**

INTRODUCTION & PROCEDURAL FINDINGS

This matter came before the Planning Commission on January 15, 2009 on remand from the Oregon Land Use Board of Appeals (LUBA). LUBA's Final Opinion & Order (LUBA No. 2008-066) was issued August 8, 2008, following an appeal of the Planning Commission's February 21, 2008 decision approving a Comprehensive Plan Amendment and Zone Change.

Background

The applicant in this matter, Singletree Investments, submitted an application for a Comprehensive Plan Amendment and concurrent Zone Change on the subject property on November 5, 2007. The applicant is in the process of purchasing the subject 2.40 acre property from Carl & Cynthia Herberger, subject to the requested Plan amendment and zone change first being approved by Douglas County. The applicant intends to develop the property with a freight truck yard and related facilities. Mr. & Mrs. Herberger have granted written authorization to Singletree Investments to seek the land use change. A public hearing on the applicant's request was held before the Planning Commission on January 17, 2008. Following the hearing, the Planning Commission approved the Plan amendment and zone change subject to conditions requiring site design review prior to development of the property. The Commission's written Findings of Fact and Decision was adopted on February 21, 2008.

William 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 Planning Commission's decision. The appeal was referred to the Douglas County Board of Commissioners who, on April 16, 2008, declined review of the matter. The appellants subsequently appealed the County's decision to the Oregon Land Use Board of Appeals (LUBA). In their appeal to LUBA, the appellants asserted that, in granting the applicant's request, the County had 1) misconstrued and misapplied the Transportation Planning Rule by not adequately considering potential impacts on local transportation facilities; 2) had granted the land use change without sufficient evidence demonstrating that there is a local need for a different land use on the subject property; and 3) had not adequately demonstrated that the property is suited to the proposed land use.

On August 5, 2008, LUBA issued a Final Opinion and Order (LUBA No. 2008-066) denying the opposers' assignment of error pertaining to the Transportation Planning Rule, and also denying their assignment of error concerning site suitability. However, LUBA agreed with the opposers' argument that there is not sufficient evidence in the record to support the County's finding that a local need exists for a different land use on the property. Consequently, LUBA remanded the matter back to the County to further address the "local need" standard.

Remand Issue: Insufficient Evidence Demonstrating A Local Need

The review and approval criteria for a Comprehensive Plan amendment are set forth under Section 6.500(2) of the Douglas County Land Use and Development Ordinance (LUDO). Section 6.500(2)(b) of LUDO establishes the following approval requirement pertaining to the issue of "local need":

"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."

As explained above, LUBA concluded that there was not sufficient evidence in the record to support the Planning Commission's earlier finding that the "local need" standard had been met. In its remand order, LUBA stated in relevant part:

"Whether the amendment 'provides a reasonable opportunity to satisfy a local need for a different land use' seems to call for findings of fact and property-specific reasoning to establish (1) that there is a local need for a different land use and (2) that the amendment 'provides a reasonable opportunity to satisfy [the identified] local need'."

Accordingly, the purpose of the remand proceeding was to provide the applicant with an opportunity to present the Planning Commission with additional factual information and evidence demonstrating that there is a local need for a different land use on the subject 2.40 acre site, and

to show that the land use change being proposed provides a reasonable opportunity to satisfy the identified local need. The scope of the remand was narrowly limited to this one issue. No new or additional issues were raised by the parties during the remand proceeding.

The written staff report issued on January 8, 2009, together with numerous exhibits, was presented to the Planning Commission during the January 15, 2009, remand hearing. The staff report describes the nature of the application, provides pertinent background information pertaining to the appeal and subsequent remand, and proposes a number of Findings of Fact. The written report and the exhibits entered into the record are on file with the Planning Department.

The Planning Commission first received testimony from the applicant and the applicant's representative. Testimony on behalf of the applicant was entered into the record in both written and oral form. The Commission also received written and oral testimony from several of the opposers in the matter. The names and addresses of all parties who participated in the remand hearing are on file with the Planning Department.

SUBSTANTIVE FINDINGS OF FACT

Findings Demonstrating Local Need for a Different Land Use

On the basis of the testimony and evidence contained in the whole record, the Planning Commission adopts the following findings of fact.

1. The applicant testified he owns a freight trucking business that has operated in Douglas County since the early 1980s. He explained that his business is not dissimilar from many other small privately-owned trucking operations based in the county. The business presently maintains a fleet of six freight trucks and is able to keep all of the vehicles and their drivers employed on a full-time basis. The applicant stated that a large percentage of his freight hauling jobs come from many of the wood products manufactures located in Douglas County and include Roseburg Forest Products, Douglas County Forest Products, Keller Lumber Company, DR Johnson Lumber, C & D Lumber Company, Swanson Manufacturing (Sun Studs), and Murphy Plywood. According to the applicant, other local manufactures that rely on his business to transport their products to distant markets include Alcan Cable, RomTech, United Pipe & Supply, and Willamette Graystone, and more recently the company has been transporting freight for several of the area's large retail outlets, including both Home Depot and Lowes. The applicant further explained that the movement of agricultural products into and out of the area also helps to keep his trucks on the road, ensuring that local producers can get their farm products to market in the timeliest and most efficient manner possible, thus

reinforcing the continued economic viability of many of the area's farm operations. Over the years, the applicant's trucks have hauled farm products to and from Kruse Farms, Dillard Farms and Laurence Gardens, as well as other local retail outlets. Locally grown produce and hay is transported to markets throughout the northwest during the summer months, while fresh cut Christmas trees destined for markets in southern California are shipped later in the year. The importation of fresh fruits and vegetables, principally from California, also ensures that the applicant's big rigs and their drivers remain employed throughout the year.

2. The Planning Commission finds that although Douglas County's local economy has experienced significant diversification via the establishment of many new kinds of businesses during the past several decades, historically it has been, and continues to be, grounded in resource-based industries, including principally forest management and harvest operations, wood products manufacturing, livestock ranching and farm operations. A major segment of the local economy also encompasses a growing number of so-called secondary or support industries that provide a wide range of logistical and support services necessary to permit the primary industries to develop new products, identify and cultivate new markets, and operate more efficiently by staying focused on their core business. Arguably, one of the most crucial of these secondary industries is a flexible, reliable and economical transportation system capable of moving a wide array of products to and from the county's primary industries.
3. In earlier times, Douglas County's resource-based industries relied principally on fixed railroad networks to transport most of their commodity-type products to major markets and distribution points across the country. In today's modern economy, however, local freight trucking operations have played an increasingly important role in facilitating local manufacturers' need to get specialized or time-sensitive products to increasingly diverse, specialized, and widely dispersed markets and end-users. Local trucking businesses are able to provide our primary industries with a greater degree of reliability, flexibility and timely access to the many small but increasingly specialized markets that are emerging in our modern economy than can be achieved by traditional fixed transportation networks (i.e., railroads). Without the presence of an efficient, flexible and reliable local truck transportation support system, the county's primary manufacturing and other resource-related businesses would simply be unable operate as they presently do. It is within this context that numerous small to medium-size freight trucking businesses have been created and continue to thrive in our area despite the difficulties that arise from a rapidly changing and often uncertain economic environment. It is therefore imperative that local public policy actions (such as approving needed land use changes) recognize and facilitate the continued viability of these local transport operations by ensuring an adequate supply of appropriately zoned sites of suitable sizes, types, locations, and service levels.

4. The applicant testified that two years ago his business lost its lease on a rented industrial property in the unincorporated Green District south of Roseburg and he began searching for a suitable property that he could purchase and develop to provide a permanent home for his operations. In the mean time, he relocated the business to a rented site near the Roseburg Municipal Airport and continued his search for a more suitable permanent location. In 2007, the applicant contacted Carl & Cynthia Herberger, the owners of the subject 2.40 acre parcel, and inquired about the possibility of purchasing the site for his business.
5. Evidence contained in the record shows that the subject 2.40 acre site is situated within the boundary of the unincorporated Dixonville Rural Community. The Dixonville Rural Community is one of sixteen rural unincorporated communities in Douglas County that have been acknowledged by LCDC pursuant to the Unincorporated Communities Rule (OAR 660-0022-0010). The boundary of the Dixonville Rural Community encompasses approximately 820 acres, with most of the land falling within three general land use categories: 1) rural residential; 2) rural industrial; and 3) heavy industrial. (There are a few small developed parcels at the center of the rural community that are also zoned for commercial and public use.) Most of the land zoned for residential use is located along the south side of the North Umpqua Highway, as well as around the central portion of the rural community. According to an inventory conducted by the Planning Department of the County's rural communities (Douglas County Rural Community Inventory, May 2006) about 434 acres, or 53% of the land within the Dixonville Rural Community, is zoned for residential use, of which 108 acres remains vacant and developable. The Roseburg Forest Products Dixonville mill site, which is zoned for heavy industrial use, occupies nearly 256 acres at the far eastern end of the rural community. Although the mill ceased operations several years ago, the site is being retained and marketed as a single large parcel in hopes of attracting one or more new businesses that require a large amount of land; consequently, the site is not available for small-scale business operations such as a two or three acre trucking facility.
6. The Planning Commission finds that there is about 37 acres zoned for rural industrial use within the Dixonville Rural Community, nearly all of which is concentrated north of the North Umpqua Highway between Temple Brown Road and Stocks Lane at the westerly end of the rural community and immediately adjacent to the subject 2.40 acre site. (One industrially-zoned parcel is located on the south side of the highway across from its intersection with Stocks Lane.) The applicant submitted to the record a parcel-by-parcel analysis of the entire 37-acre block of rural industrial land. The analysis shows that this industrially-zoned area is comprised of thirteen separate ownerships that range in size from 0.70 acres (Bradley) to 14.96 acres (Whitker Logging). Factors considered in the submitted analysis include size and configuration, topographic constraints, the status and suitability of access for large freight

trucks, the degree and type of existing development, and the availability of the property to the market (e.g., owner's willingness to sell at current fair market price). The applicant testified that the inventory and analysis shows a lack of industrially-zoned sites within the Dixonville Rural Community that are suitable to accommodate businesses similar to own, and further serves to demonstrate that there is a local need for a different land use on the subject site (reference Applicant's Exhibit A).

7. On the basis of the information presented in the applicant's inventory and analysis, the Planning Commission finds that among the thirteen industrially-zoned ownerships, all but three are physically developed, either with existing industrial uses, or with occupied dwellings. The three vacant ownerships (Brewer, Werner and Howard) are all situated in the north/central portion of the industrially-zoned area and adjoin each other to form a contiguous vacant tract containing approximately nine and one-quarter acres. (A fourth parcel located on the south side of the highway has been developed as a contractor's equipment storage yard, though the owner is presently not occupying the site and it therefore appears to be vacant; however, this 1.70 acre parcel is not large enough to accommodate the applicant's business and otherwise is not available to the market.) Although the three contiguous vacant parcels north of the highway are relatively open and level, and thus potentially suitable for future development, all three are land-locked and segregated from the public road system by intervening developed properties, and they lack both the type and degree of legal and physical access needed to accommodate a freight trucking operation. At its closest point, the North Umpqua Highway is about 700 feet south of the vacant three-parcel tract, while Temple Brown Road lies about 600 to the west. The northerly-most vacant parcel (Brewer, 2.18 ac.) has very restricted access via a narrow private driveway that extends easterly from the northerly terminus of Temple Brown. The second vacant parcel (Howard, 3.84 ac.) lies immediately to the south of the Brewer parcel, and it too is land-locked, with no developed access of any sort. The third vacant parcel (Werner, 2.58 ac.) lies directly south of the Howard property, and like it, appears to be land locked with no physical access developed. Even if a private access road sufficient to meet the requirements of the applicant's trucking facility could be constructed from the public road system to the center of 37 acre industrial area where the three vacant parcels are located, the roadway would have to pass through several other properties via easements that presently do not exist. The applicant testified that, given the distance and the degree of improvement required to accommodate large long-haul trucks, even if access easements across the intervening properties could be secured, it would be economically impossible for most small businesses to construct suitable access.
8. The Planning Commission heard testimony from a number of opposing parties who argued that because the applicant's trucking operation serves a variety of businesses located

throughout Douglas County, his business does not necessarily have to be sited on the subject property, or for that matter, to even be located within the Dixonville Rural Community. They argued that there may be other sites in other parts of the county that could satisfy the local need for a business like the applicant's. They assert that by limiting his study of existing industrial sites to only those located in the Dixonville Rural Community, the applicant's analysis is too small and too narrow in scope to adequately demonstrated a local need for a different land use on the subject site, or to otherwise show that the identified need cannot be satisfied elsewhere in the county. With respect to this issue, the Commission finds that while LUDO provides that "*a demonstration of need for the change may be based upon special studies or other factual information*", LUDO does not prescribe the size or scope of such studies. The Commission finds the factual information contained in the applicant's analysis to be geographically relevant and sufficiently property-specific to demonstrate that there is a local need for a different land use on the subject property and that the proposed amendment provides a reasonable opportunity to satisfy the identified local need.

9. The opposers also argued that the applicant failed to present sufficient evidence showing that the subject site is "*best suited for the proposed use as compared to other available properties*". The Planning Commission finds that, although LUDO only requires a determination that the subject property is suited to the proposed land use, LUDO requires a determination that the site is "*best suited*" for the use as compared to other available properties when an exception to one or more of the statewide planning goals is being taken. Because an exception is not required in this proposed land use change, the "*best suited*" criterion is not applicable.
10. On the basis of the facts contained in the applicant's analysis, the Planning Commission finds that the current inventory of industrially-zoned properties in the unincorporated Dixonville Rural Community is not sufficient to provide a reasonable opportunity to satisfy the local need to facilitate the continued viability of the full range of economic activity in the area, including specifically local freight transport operations, by ensuring an adequate supply of appropriately zoned sites of suitable sizes, types, locations, and service levels. While there are numerous sites within the Dixonville Rural Community that are presently zoned to allow industrial uses and activities, the inventory does not presently include a site that will satisfy the size, configuration, location, accessibility and service level requirements of a small freight transport business having the same operational characteristics as the applicant's business. Using a broader perspective, it is also apparent that the present inventory of MRC-zoned industrial sites in the area lacks the degree of diversity necessary to accommodate the full range of economic activity that might otherwise take place there, including most notably, sites having direct or easy accessibility to the state highway. When businesses are unable to secure a suitable site locally, the alternative of having to locate in another market outside the county becomes economically more feasible, and consequently the local

economy fails to capture the new enterprise. A truly diversified inventory of both suitable and available MRC-zoned sites would represent a much greater opportunity to attract new local businesses to the area, thus promoting overall economic growth in the community.

Findings Demonstrating Subject Site Provides Opportunity to Satisfy Local Need

11. The Planning Commission heard credible testimony and received substantial material evidence supporting the suggestion that the current zoning on the site does not accurately or appropriately reflect the type and degree of change that has occurred in the surrounding and nearby area over the course of the past twenty-five years since the property was originally zoned for residential use. These geographically-specific circumstances included the incompatible level of noise associated with the adjacent high speed, high volume state highway fronting the site; the close proximity of numerous industrial uses and activities located just to the west of the property, as well as the prospect of more such uses and activities in the future; and, the close proximity of a major point of access (Stocks Lane) to and from the North Umpqua Highway for heavy trucks using the weigh scales and bulk fueling facilities on the adjacent industrial property.
12. The Commission finds that the site's current residential zoning represents a significant impediment to allowing the land to be used in a manner appropriate for its location, physical characteristics and geographic setting, and thus it remains unable to satisfy the identified local need for a different and more appropriate use at that location. The proposed land use change will provide a reasonable opportunity to satisfy a local need for a different land use on the site.
13. The Planning Commission finds that the subject 2.40 acre site possesses specific characteristics that are necessary to accommodate a use having the same kinds of operational requirements as those required by the applicant's business. The Commission also finds that the identified local need for a site possessing these characteristics, regardless of which specific business ultimately uses the site, cannot be satisfied without first changing the Comprehensive Plan designation and zoning on the parcel as proposed.

On the basis of the foregoing findings, the Planning Commission concludes that there is a local need for a different land use on the subject property, and that the proposed Plan amendment and zone change provides a reasonable opportunity to satisfy the identified local need.

DECISION

The Planning Commission deliberated to a decision on January 15, 2009. Commissioner Raynor moved to re-approve the proposed Comprehensive Plan amendment and zone change subject to the same conditions of approval set out in the Commission's original decision of February 21, 2008. Commissioner Stratton seconded the motion. A vote was taken and the motion passed.

On the basis of the evidence and facts contained in the whole record, including the Findings of Fact enumerated in this document, the applicant's request for a Comprehensive Plan Amendment from (RC2) Committed Residential – 2 Acre to (IN) Industrial, and a concurrent Zone Change from (RR) Rural Residential – 2 Acre to (MRC) Rural Community Industrial is hereby **APPROVED** subject to the following conditions:

1. Application of the Design Review Overlay shall include 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.

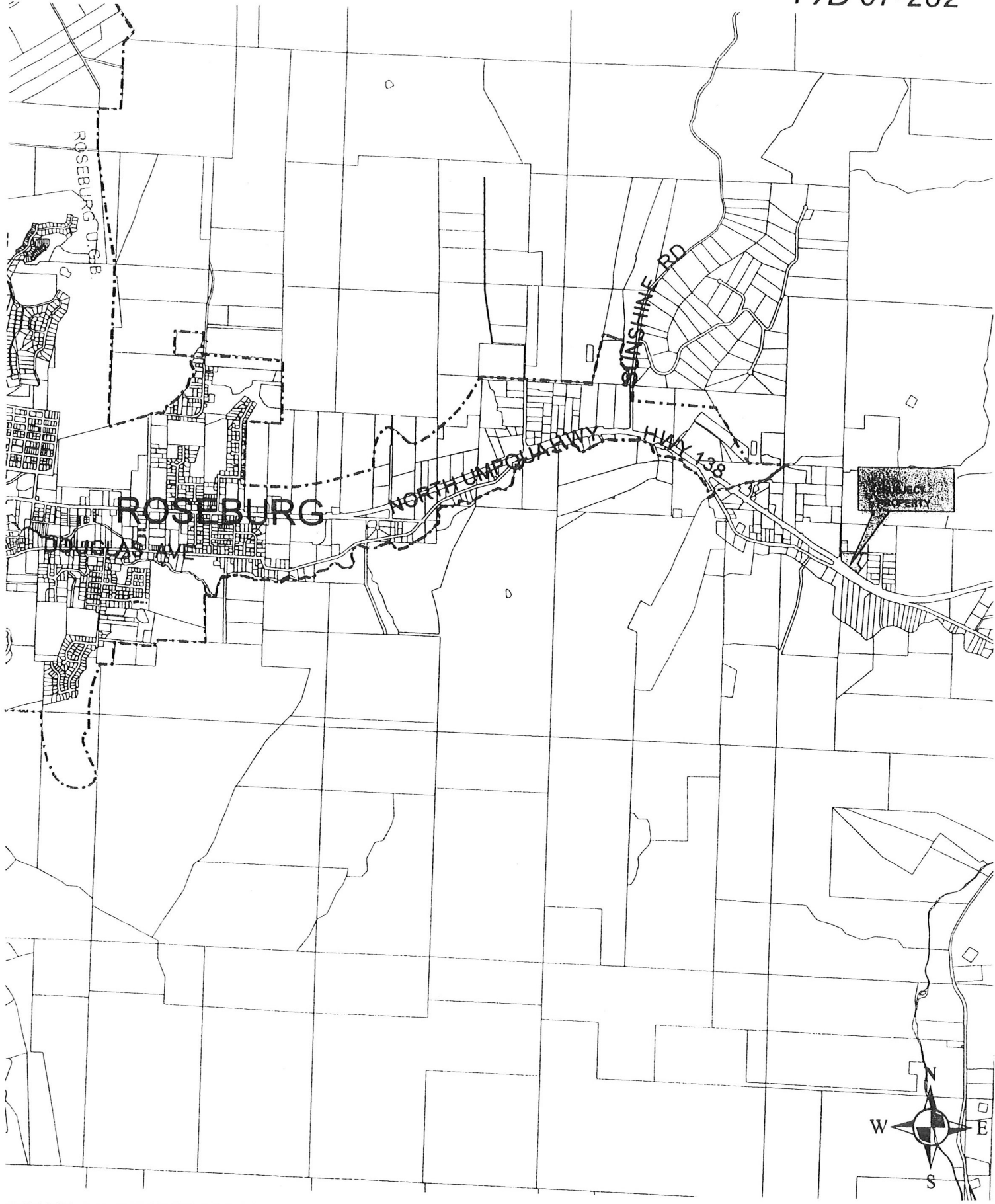
Dated this 19th day of February, 2009.

DOUGLAS COUNTY PLANNING COMMISSION


Chair

VICINITY MAP
T27S R5W SEC 23

HERBERGER
P/D 07-282



DOUGLAS COUNTY PLANNING DEPARTMENT

1" = 3000'

ASSESSOR MAP
T27S R5W SEC 23

HERBERGER
P/D 07-282

Plan
CE



END OF DOCUMENT

