



# Oregon

Theodore R. Kubongski, 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

2/1/2010

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

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** Douglas County Plan Amendment  
DLCD File Number 003-09

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:** Friday, February 12, 2010

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:** Jonathan Wright, Douglas County  
Jon Jinings, DLCD Community Services Specialist  
John Renz, DLCD Regional Representative

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**FORM 2**

**DLCD**

# Notice of Adoption

**DEPT OF**

**JAN 25 2010**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Douglas County**

Local file number: **09-062**

Date of Adoption: **1/20/10**

Date Mailed: **1/22/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **10/02/09**

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".

**Richard & Marcia Sumner, request for a Comprehensive Plan Amendment from (FFT) Farm Forest Transitional to (CO) Commercial and Zoning Map Amendment from (FF) Farm Forest to (CRE) Rural Commercial based on a Nonresource Determination, together with a Conditional Use Permit to re-authorize the existing development on the property, "On The River RV Park," as a conforming use in the Rural Commercial zone, located on the entire 10.28 acre subject property.**

Does the Adoption differ from proposal? No

N/A

Plan Map Changed from: **FFT**

to: **CO**

Zone Map Changed from: **FF**

to: **CRE**

Location: **South side of Highway 99, just outside of the south east portion of the Urban Unincorporated Area (UUA) boundary of Dillard.**

Acres Involved: **10.28**

Specify Density: Previous: **N/A**

New: **N/A**

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 checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <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 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.** \_\_\_\_\_

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

**ODOT, DLCD, ODF&W, DSL, DFPA, Winston - Dillard Fire Dist., Quest, Pacific Power, Avista Utilities, Charter Communications, Winston - Dillard School District.**

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Local Contact: **Jonathan Wright**

Phone: **(541) 440-4289** Extension: **N/A**

Address: **Rm 106, Justice Bldg, Douglas County Courthouse** Fax Number: **541-440-4289**

City: **Roseburg**

Zip: **97470**

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

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009



BEFORE THE BOARD OF COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

DOUGLAS COUNTY OREGON  
FILED

AN ORDINANCE ADOPTING AN AMENDMENT TO THE  
DOUGLAS COUNTY COMPREHENSIVE PLAN MAP  
AND ZONING MAP FROM FARM FOREST TRANSITIONAL (FFT)  
TO COMMERCIAL (CO) AND (FF) FARM FOREST TO RURAL  
COMMERCIAL (CRE) ON A 10.28 ACRE UNIT OF LAND, BASED  
ON A NONRESOURCE DETERMINATION, TOGETHER WITH A  
CONDITIONAL USE PERMIT TO RE-AUTHORIZE THE EXISTING  
DEVELOPMENT ON THE PROPERTY AS A CONFORMING USE IN  
THE RURAL COMMERCIAL ZONE. THE SUBJECT PROPERTY IS  
LOCATED ON OLD HIGHWAY 99 SOUTH, SOUTHEAST OF THE  
DILLARD UUA, AND IS DESCRIBED AS A PORTION OF TAX LOT  
100 IN SECTION 3 OF T29S, R6W, W.M.. PD FILE NO. 09-062  
APPLICANTS: RICHARD & MARCIA SUMNER.

JAN 20 2010  
ORDINANCE NO. 2010-01 - 01  
BARBARA E. NIELSEN, COUNTY CLERK

DOUGLAS COUNTY OFFICIAL RECORDS  
BARBARA E. NIELSEN, COUNTY CLERK  
COMMISSIONERS' JOURNAL  
01/20/2010  
CJ 2010-66

RECITALS

- A. RICHARD & MARCIA SUMNER, request for a Comprehensive Plan Map Amendment from (FFT) Farm Forest Transitional to (CO) Commercial and Zone Change from (FF) Farm Forest to (CRE) Rural Commercial based on a Nonresource Determination, together with a Conditional Use Permit to re-authorize the existing development on the property, "On The River RV Park," as a conforming use in the Rural Commercial zone. The subject property is a 10.28 acre unit of land located on the south side of Old Highway 99 South, County Road No. 387, just southeast of the Dillard Urban Unincorporated Area (UUA) boundary, and is described as a portion of Tax Lot 100 in Section 3 of T29S, R6W, W.M., Property I.D. No. R65275 (PT). Planning Department File No. 09-062.
- B. The Douglas County Planning Commission approved the request at a public hearing held on November 19, 2009, and memorialized its approval in a Findings of Fact and Decision document dated December 10, 2009.
- C. The Board of Commissioners considered the matter on January 20, 2010, at a hearing held pursuant to Section 6.900.2 of the Douglas County Land Use & Development Ordinance. The Board affirmed the Planning Commission decision and ordered that the request be granted.

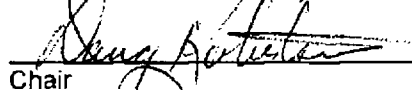
**THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:**

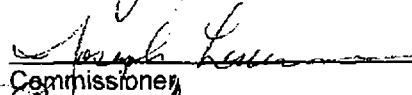
SECTION ONE: The requested Comprehensive Plan Map Amendment, Zone Map Amendment and Conditional Use Permit are GRANTED.

SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated January 20, 2010) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated December 10, 2009), are ADOPTED and by reference made part of this Ordinance.

DATED this 20<sup>th</sup> day of January, 2010.

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

  
Chair

  
Commissioner

  
Commissioner

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

Richard & Marcia Sumner, request for a Comprehensive )  
Plan Amendment from (FFT) Farm Forest Transitional to )  
(CO) Commercial and Zoning Map Amendment from (FF) )  
Farm Forest to (CRE) Rural Commercial based on a )  
Nonresource Determination, together with a Conditional )  
Use Permit to re-authorize the existing development on )  
the property, "By The River RV Park," as a conforming )  
use in the Rural Commercial zone. The property is a )  
10.28 acre unit of land located on the south side of Old )  
Highway 99 South, County Road No. 387, southeast of the )  
Dillard Urban Unincorporated Area boundary, and is )  
described as a portion of Tax Lot 100 in Section 3 of T29S, )  
R6W, W.M., Property ID No. R65275(PT). PD No. 09-062. )

**FINDINGS OF FACT  
AND ORDER**

**INTRODUCTION & PROCEDURAL FINDINGS**

1. This matter came before the Board of County Commissioners ("the Board") at a public hearing on January 20, 2010, in Room 216 of the Douglas County Courthouse, Roseburg, Oregon, pursuant to Section 6.900.2 of the Douglas County Land Use and Development Ordinance.
2. The matter came before the Douglas County Planning Commission in a public hearing held on November 19, 2009, at which the Commission approved the request.
3. The Planning Commission memorialized its decision in a Findings of Fact and Decision document dated December 10, 2009. No appeals of that Decision were filed.
4. At the Board meeting on January 20, 2010, the public hearing on this matter was opened and parties were given an opportunity to speak on the Record. The Board deliberated to affirm the Planning Commission decision at the January 20, 2010 public meeting.

**FINDINGS**

1. Upon considering evidence and exhibits contained in the Planning Commission Record, including the written submittals from the applicant and parties, the written Staff Report and the Findings and Decision approved by the Planning Commission on December 10, 2009, the Board finds that the applicable decision criteria, as established in the Staff Report dated November 12, 2009, have been adequately addressed by the applicant.
2. The Board finds that the relevant facts raised in this matter support the conclusions and decision reached by the Planning Commission in their Findings and Decision, dated December 10, 2009.
3. The Board adopts the Planning Commission Findings and Decision as its own.

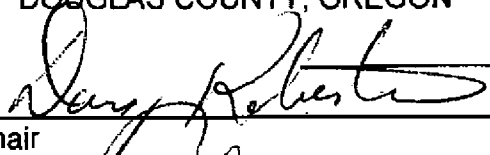
4. The description of the property for which the amendment has been approved is contained in the attached **Exhibit A**.

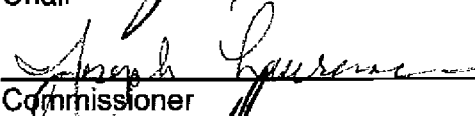
**ORDER**

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

DATED this 20<sup>th</sup> day of January, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

## Exhibit A

Beginning at a Point which is the northeasterly property corner of Land Partition M102-53 as recorded in Douglas County Surveyor's Office from which the 1/4 Corner common to Section 34, Township 28 South and Section 3, Township 29 South, Range 6 West, Willamette Meridian bears North  $67^{\circ}31'36''$  West a distance of 2875.76 ft.; thence South  $11^{\circ}04'51''$  East a distance of 140.86 ft to a Point; thence South  $05^{\circ}19'18''$  East a distance of 71.34 ft to a Point; thence South  $01^{\circ}15'38''$  West a distance of 311.22 ft to a Point; thence South  $00^{\circ}48'41''$  West a distance of 295.86 ft to a Point; thence North  $88^{\circ}54'34''$  West a distance of 133.94 ft to a Point; thence North  $08^{\circ}25'58''$  East a distance of 227.52 ft to a Point; thence North  $00^{\circ}00'00''$  East a distance of 125.99 ft to a Point; thence North  $90^{\circ}00'00''$  West a distance of 93.86 ft to a Point; thence South  $01^{\circ}33'50''$  East a distance of 140.55 ft to a Point; thence South  $82^{\circ}25'37''$  West a distance of 346.75 ft to a Point; thence North  $77^{\circ}16'19''$  West a distance of 528.82 ft to a Point; thence North  $26^{\circ}09'43''$  West a distance of 93.11 ft to a Point; thence North  $87^{\circ}09'48''$  East a distance of 269.55 ft to a Point; thence North  $58^{\circ}01'50''$  East a distance of 249.97 ft to a Point; thence North  $29^{\circ}28'59''$  East a distance of 175.77 ft to a Point; thence North  $21^{\circ}17'22''$  East a distance of 160.84 ft to a Point; thence North  $89^{\circ}58'34''$  East a distance of 339.33 ft to a Point; thence North  $89^{\circ}58'34''$  East a distance of 103.02 ft to the Point of Beginning; containing 10.28 acres more or less, all located in the East 1/2 of Section 3, Township 29 South, Range 6 West, Willamette Meridian, Douglas County, Oregon.

## BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Richard & Marcia Sumner, Findings of Fact and Decision, Planning Department File No. 09-062.

This matter came on regularly for hearing before the Douglas County Planning Commission on November 19, 2009 in Room 216 of the Douglas County Courthouse.

The applicant was present at the hearing.

The Planning Commissioners present at the hearing were: William Duckett, Dave Leonard, Brian Parkinson, Rich Raynor, George Sandberg and Cindy Simmons.

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.

### PROCEDURAL FINDINGS OF FACT

1. Application for the Plan Amendment was filed with the Planning Department at least 73 days prior to the November 19, 2009 Planning Commission meeting.
2. At least 45 days prior to November 19, 2009, notice of the proposed Plan Amendment was sent to the Department of Land Conservation and Development, and notice of the Public Hearing to be held in the matter was sent by mail to the applicant, to all property owners within 500 feet of the property, to service providers and governmental agencies and to the Douglas 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 November 19, 2009.
4. At the hearing we recognized the following parties in the matter: Richard & Marcia Sumner, applicant & titleholder; Mark Garrett, applicants' representative.
5. Staff entered Staff Exhibits 1 through 15, including the Staff Report, into the Record and stipulated to the Record.
6. We heard testimony from the applicants' representative, Mark Garrett, who stated that the applicants were satisfied and agreed with the findings of the Staff Report and the evidence in the Record; they too would stipulate to the Record.
7. We closed the public portion of the hearing and deliberated to a decision.



8. Commissioner Parkinson moved to adopt the findings of the Staff Report and approve the request; Commissioner Duckett seconded the motion. The motion passed unanimously.

**DECISION**

Based on evidence received, the findings above and the findings contained in the Staff Report, we hereby APPROVE the request for a Plan Amendment from Farm Forest Transitional (FFT) to Commercial (CO) and a Zone Change from Farm Forest (FF) to Rural Commercial (CRE), on a 10.28 acre parcel, based on a determination that the property is non-resource land, together with a Conditional Use Permit to re-authorize the existing development on the property, "On The River RV Park" as an RV park under the requested "Rural Commercial" zoning.

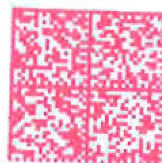
Dated this 10<sup>th</sup> day of December, 2009.

DOUGLAS COUNTY PLANNING COMMISSION

By:   
Chairman

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

DLCD  
ATTN: PLAN AMENDMENT SPEC.  
635 CAPITOL STREET NE SUITE 150  
SALEM OR 97301-2540



UNITED STATES POSTAGE  
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