



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

01/06/2011

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 002-10

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: Wednesday, January 19, 2011

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jonathan Wright, Douglas County  
Jon Jinings, DLCD Community Services Specialist

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DEPT OF

DEC 30 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: **10-069**

Date of Adoption: **12/22/10**

Date Mailed: **12/29/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **9/02/10**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Goal Exception**

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

**ROBERTS CREEK WATER DIST., request for a Plan Amendment for a Reasons Exception to Statewide Planning Goal 11 to allow the existing Roberts Creek water treatment facility, located just outside of the Green Urban Unincorporated Area (UUA) boundary, to extend a sewer line to the facility in order to meet Environmental Protection Agency (EPA) requirements and replace the plant's failing septic system. The property is designated (PSP) Public/Semipublic and (CT) Tourist Commercial by the Douglas County Comprehensive Plan, is zoned (PR) Public Reserve and (CT) Tourist Commercial, and is subject to the Riparian Vegetation and 100 Year Floodplain Overlays.**

Does the Adoption differ from proposal? No

N/A

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **The property is located on the north side of the South Umpqua River approximately 900 feet east of the State Highway 42, Winston Bridge.** Acres Involved: **2.35**

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

New: **N/A**

Applicable statewide planning goals:

**1**  **2**  **3**  **4**  **5**  **6**  **7**  **8**  **9**  **10**  **11**  **12**  **13**  **14**  **15**  **16**  **17**  **18**  **19**

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. 002-10 (18496) [16475]

**DLCD file No.** \_\_\_\_\_

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

**ODOT, DLCD, ODF&W, Douglas County Fire Dist. No. 2, Williams Gas Pipeline, Quest, Pacific Power, Centurytel, Avista Utilities, Charter Communications, Roberts Creek Water Dist., Green Sanitary, Roseburg School Dist. No. 4.**

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

DEC 28 2010

BARBARA E. NIELSEN, COUNTY CLERK

ORDINANCE NO. 2010-12-04

AN ORDINANCE ADOPTING A COMPREHENSIVE PLAN )  
AMENDMENT FOR AN EXCEPTION TO STATEWIDE PLANNING )  
GOAL 11 TO ALLOW THE EXTENSION OF PUBLIC SEWER SERVICE )  
OUTSIDE OF AN URBAN UNINCORPORATED AREA BOUNDARY. )  
ROBERTS CREEK WATER DISTRICT, APPLICANT, REQUESTED )  
THE EXTENSION OF PUBLIC SEWER SERVICE FROM GREEN )  
SANITARY DISTRICT IN ORDER TO REPLACE THE WATER )  
TREATMENT FACILITY'S FAILING SEPTIC SYSTEM. THE )  
FACILITY IS LOCATED JUST OUTSIDE OF THE GREEN URBAN )  
UNINCORPORATED AREA (UUA) BOUNDARY ON A 2.35 ACRE )  
PARCEL DESCRIBED AS TAX LOT 500 IN SECTION 15C OF T28S, )  
R6W, W.M. PLANNING DEPARTMENT FILE NO. 10-069.

DOUGLAS COUNTY OFFICIAL RECORDS  
BARBARA E. NIELSEN, COUNTY CLERK  
COMMISSIONERS' JOURNAL

CJ 2010-1402

12/28/2010

RECITALS

- A. ROBERTS CREEK WATER DISTRICT, request for a Comprehensive Plan Amendment for a Reasons Exception to Statewide Planning Goal 11 to allow the extension of public sewer service outside of an Urban Unincorporated Area (UUA) boundary. The Exception is required due to the Statewide Planning Goal 11 prohibition on extension of public sewer service outside of urban unincorporated area boundaries. The existing Roberts Creek Water District treatment plant facility is located just outside of the Green UUA. The extension of public sewer service is required from Green Sanitary District in order to replace the water treatment facility's failing septic system, in accordance with Environmental Protection Agency (EPA) requirements. The Roberts Creek Water District water treatment facility is located on a 2.35 acre parcel adjacent to the southwest corner of the Green Urban Unincorporated Area boundary and described as Tax Lot 500 in Section 15C of T28S, R6W, W.M., Property ID No. R38513. Planning Department File No. 10-069.
- B. The Douglas County Planning Commission approved the request at a public hearing held on October 21, 2010, and memorialized its approval in a Findings of Fact and Decision document dated November 18, 2010.
- C. The Board of Commissioners considered the matter on December 22, 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.

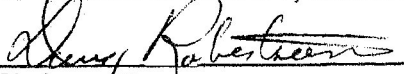
**THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:**

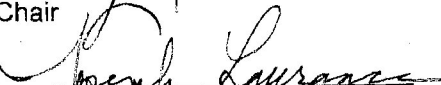
**SECTION ONE:** The requested Comprehensive Plan Amendment for a Reasons Exception to Statewide Planning Goal 11 is GRANTED.

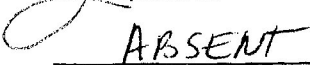
**SECTION TWO:** The "Findings of Fact and Order" of the Board (attached, dated December 22, 2010) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated November 18, 2010), are ADOPTED and by reference made part of this Ordinance.

DATED this 22<sup>nd</sup> day of December, 2010.

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

  
Chair

  
Commissioner

  
Commissioner

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

AN ORDINANCE ADOPTING A COMPREHENSIVE PLAN )  
AMENDMENT FOR AN EXCEPTION TO STATEWIDE PLANNING )  
GOAL 11 TO ALLOW THE EXTENSION OF PUBLIC SEWER SERVICE )  
OUTSIDE OF AN URBAN UNINCORPORATED AREA BOUNDARY. )  
ROBERTS CREEK WATER DISTRICT, APPLICANT, REQUESTED )  
THE EXTENSION OF PUBLIC SEWER SERVICE FROM GREEN )  
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TREATMENT FACILITY'S FAILING SEPTIC SYSTEM. THE )  
FACILITY IS LOCATED JUST OUTSIDE OF THE GREEN URBAN )  
UNINCORPORATED AREA (UUA) BOUNDARY ON A 2.35 ACRE )  
PARCEL DESCRIBED AS TAX LOT 500 IN SECTION 15C OF T28S, )  
R6W, W.M. PLANNING DEPARTMENT FILE NO. 10-069. )

**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 December 22, 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 October 21, 2010, at which the Commission approved the request.
3. The Planning Commission memorialized its decision in a Findings of Fact and Decision document dated November 18, 2010. No appeals of that Decision were filed.
4. At the Board meeting on December 22, 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 December 22, 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 November 18, 2010, the Board finds that the applicable decision criteria, as established in the Staff Report dated October 14, 2010, 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 November 18, 2010.
3. The Board adopts the Planning Commission Findings of Fact and Decision as its own.

**ORDER**

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

DATED this 22<sup>nd</sup> day of December, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

## BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

ROBERTS CREEK WATER DISTRICT, Findings of Fact and Decision, Planning Department File No. 10-069.

This matter came before the Douglas County Planning Commission on October 21, 2010 in Room 216 of the Douglas County Courthouse.

The applicant did not attend the hearing.

The Planning Commissioners present at the hearing were: William Duckett, Victoria Hawks, Brian Parkinson, 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 was filed with the Planning Department at least 73 days prior to October 21, 2010.
2. At least 45 days prior to October 21, 2010, notice of the hearing was sent by mail to the applicant, to all property owners within 500 feet of the property which is the subject of the application, to service providers and governmental agencies and to the Roseburg-Green Planning Advisory Committee (PAC).
3. Notice of the hearing was given by publication in a newspaper of general circulation in the affected area at least 20 days prior to October 21, 2010.
4. At the hearing, the Planning Commission recognized parties in the matter which are contained in the Record on file with the Planning Department.
5. Staff entered Staff Exhibits 1 through 13, including the Staff Report, into the Record and stipulated to the record.

### SUBSTANTIVE FINDINGS OF FACT

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

1. The Planning Commission acknowledges that the applicant's request is for a Plan Amendment for a Reasons Exception to Statewide Planning Goal 11 to allow the existing Roberts Creek water treatment facility to extend a Green Sanitary sewer line to the facility in order to meet Environmental Protection Agency (EPA) requirements and replace the plant's existing septic system.

Findings of Fact/ROBERTS CREEK WATER DISTRICT

Page 2

November 18, 2010

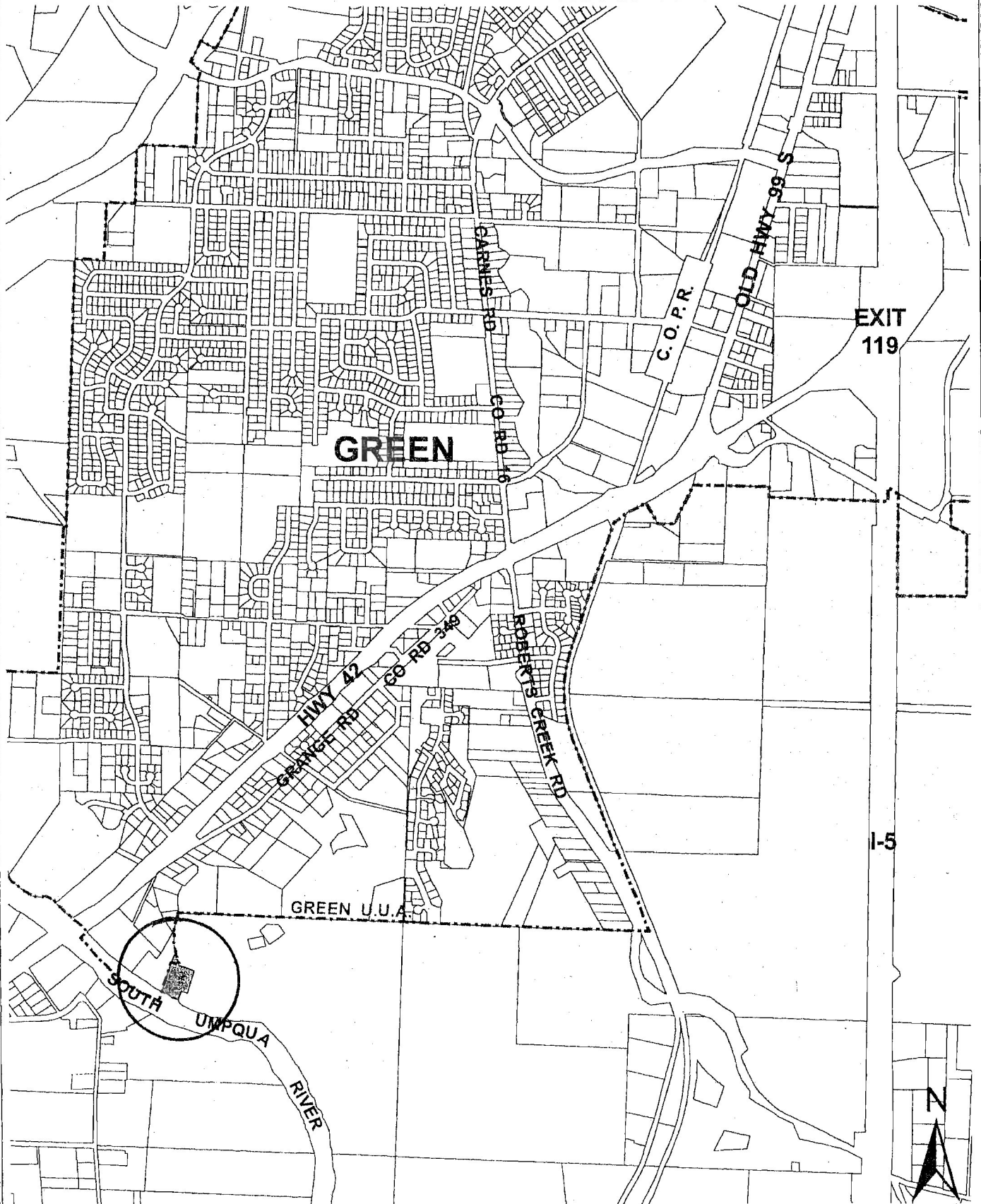
2. Goal 11 is "to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." In relevant part, Goal 11 prohibits the extension of sewer lines from within urban growth boundaries to serve land outside those boundaries unless a local government adopts, through the exceptions process outlined in OAR 660-004, "reasons" that justify why the state policy embodied in the goal should not apply.
3. A Reasons Exception requires a local government to establish that: there is a need for the proposed exception; the proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site; areas which do not require a new exception cannot reasonably accommodate the use; the long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception; and, the proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.
4. The Planning Commission finds that, due to EPA standards for drinking water, Roberts Creek Water District must upgrade the existing water treatment plant facility. The upgrade includes an expansion of the existing plant which requires the relocation of the existing septic system to a new area of the property. Based on an evaluation from Dave Bussen, Senior Environmental Health Specialist, and the topography of the surrounding properties, no alternate location exists that could accommodate said system. The new filtration system required by the EPA treatment facility will require routine maintenance which entails the system being flushed out with up to 12,000 gallons of water, acid and chlorine which can not be recaptured and processed through the water treatment plant; rather, it must be disposed of in a sanitary sewage system. Therefore, even if the existing septic system were to be used or an alternate septic system were able to be installed, the routine flushing would overwhelm the septic system causing septage to surface and potentially run off onto adjacent lands or into the Umpqua River.
5. The Planning Commission further finds that, the Roberts Creek water treatment plant has been in operation in the same location since 1937, long before Goal 11 was in effect. Lack of availability of alternate lands within the UUA prevent the plant from being relocated and necessitate that the plant remain in its current location. Alternate sites were researched for the relocation of the water treatment plant and it was found that no locations are available that can accommodate the use. The current site is zoned appropriately for the use and the site is committed to the treatment plant use.
6. As found in the Staff Report, the Planning Commission finds the proposed Plan Amendment for an Exception to Goal 11, as requested by the applicant, to be consistent with all other applicable Statewide Planning Goals and is necessary to ensure that the treatment facility that serves as the municipal water source for the UUA of Green conforms to health standards for clean drinking water.
7. On the basis of the foregoing findings and with the adoption of the findings of the Staff Report, the Planning Commission concludes that the application meets the criteria for a Comprehensive Plan Amendment as stated in the LUDO, Section 6.500 and Exception criteria as provided by Goal 11 and implemented in the applicable portions of Oregon Revised Statutes (ORS) 197.732 and Oregon Administrative Rules (OAR) 660-004-0020 through 660-004-0022.





VICINITY MAP  
T28S R6W SEC 15

P/D 10-069  
ROBERTS CREEK WATER DIST



EXIT  
119

**GREEN**

GREEN U.J.A.

SOUTH

UMPQUA  
RIVER

I-5

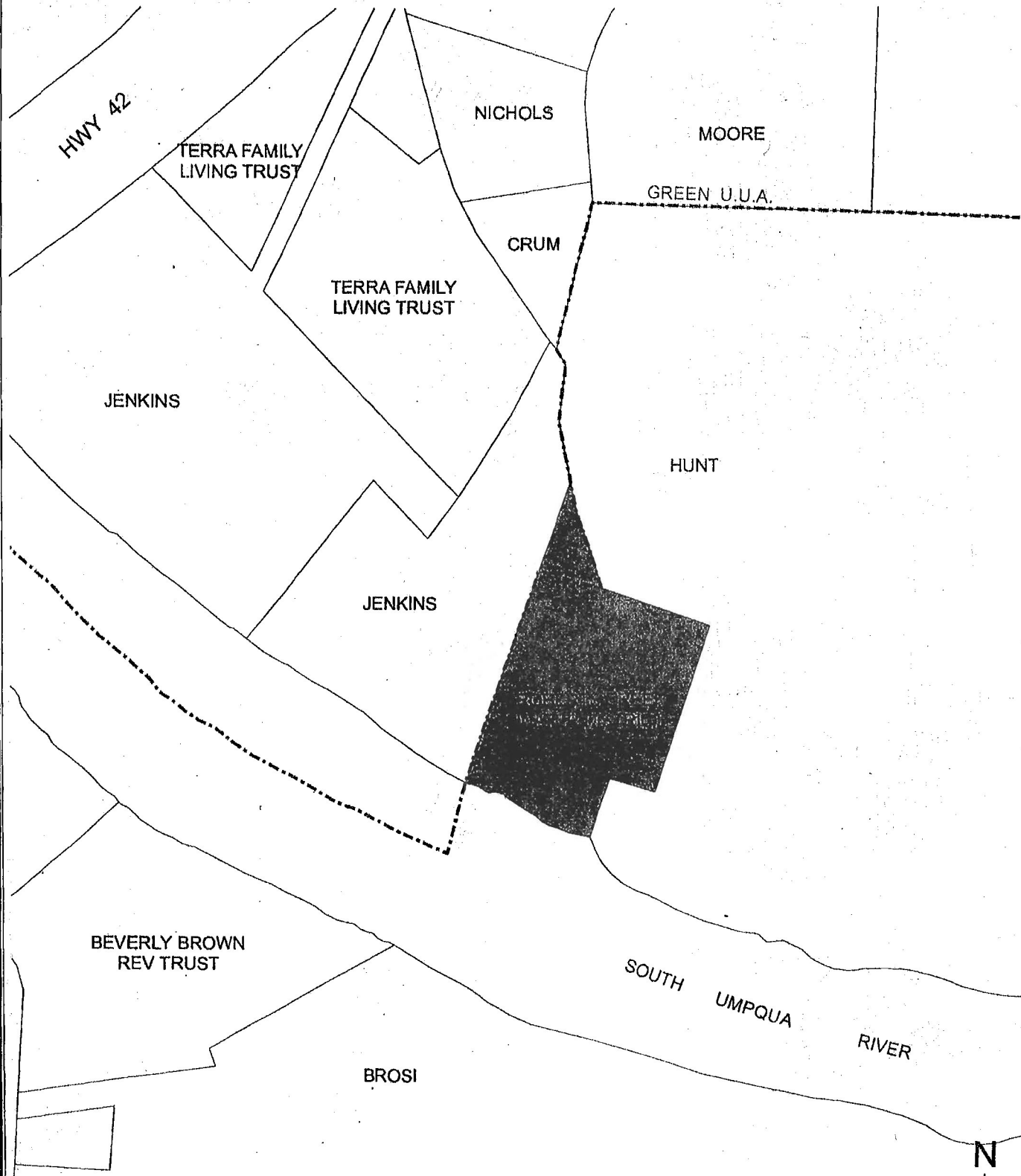
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1" = 1400'

DOUGLAS COUNTY PLANNING DEPARTMENT

ASSESSOR MAP  
T28S R6W SEC 15

P/D 10-069  
ROBERTS CREEK WATER DIST



**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  
**\$ 01.22<sup>0</sup>**  
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000 4289408 DEC 29 2010  
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