



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

03/29/2012

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 003-11

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: Thursday, April 12, 2012

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: Johnathan Wright, Douglas County
Jon Jinings, DLCD Community Services Specialist
Katherine Daniels, DLCD Farm/Forest Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

MAR 26 2012

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**

Local file number: **11-060**

Date of Adoption: **3/21/2012**

Date Mailed: **3/22/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/22/2012

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".

PAT ANDERES, request for a Plan Amendment and Zone Change based on a Nonresource Determination and a demonstration of consistency with the 5 Acre Designation .

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

Plan Map Changed from: **FFT**

to: **RR5**

Zone Map Changed from: **FF**

to: **RR**

Location: **0 Old Melrose Road, Roseburg OR 97471-T27-R06W-S21**

Acres Involved: **43**

Specify Density: Previous: **1DU/80AC**

New: **1DU/5AC**

Applicable statewide planning goals:

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

35-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. 003-11 (19066) [16986]

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

ODOT, City of Roseburg, DFPA, Williams Gas Pipeline, Roseburg School District No. 4, Umpqua Basin Water Association, Charter Communications, Pacific Power, Avista Utilities.

Local Contact: **Jonathan Wright**

Phone: (541) 440-4289 Extension:

Address: **RM106, Justice Bldg, Courthouse**

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

City: **Roseburg**

Zip: **97470-**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

MAR 21 2012

BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

PATRICIA K. HITT, COUNTY CLERK

AN ORDINANCE ADOPTING A PLAN AMENDMENT AND)
ZONING CHANGE BASED ON A NONRESOURCE)
DETERMINATION FOR GOALS 3 AND 4, AND A)
DEMONSTRATION OF CONSISTENCY WITH THE)
COUNTY'S 5-ACRE RURAL RESIDENTIAL)
DESIGNATION ON REQUEST BY PATRICIA ANDERES)
PLANNING DEPARTMENT FILE NO. 11-060.)

ORDINANCE NO. 2012 - 03 - 01

RECITALS

- A. Patricia J. Anderes, request for a Plan Amendment from (FFT) Farm/Forest Transitional to (RR5) Rural Residential - 5 Acre, and Zone Change from (FF) Farm Forest to (5R) Rural Residential - 5, based on a Determination that the property is nonresource land, together with a demonstration of consistency with the County's 5-Acre Designation, on a 43.75 acre parcel located on Old Melrose County Road No. 13B, west of Roseburg.
- B. The Douglas County Planning Commission held a public hearing to consider the matter on January 12, 2012, and subsequently approved the request in a Findings of Fact and Decision document dated February 16, 2012.
- C. The Board of Commissioners considered the matter on March 21, 2012, 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 Plan Amendment and Zone Change are GRANTED. The Plan Amendment and Zone Change shall be filed in the County Court Journal and the Douglas County Comprehensive Plan and Zoning maps shall be changed accordingly for the subject property, as described in the attached **Exhibit A**.

SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated March 21, 2012) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated February 16, 2012), are ADOPTED and, by reference, made part of this Ordinance.

DATED this 21st day of March, 2012.

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


Chair


Commissioner


Commissioner

H:\a_staff\la_cheryl\BC ORDINANCE ANDERES 11-060.wpd

DOUGLAS COUNTY OFFICIAL RECORDS
PATRICIA K. HITT, COUNTY CLERK
COMMISSIONERS' JOURNAL

03/21/2012

CJ 2012-212

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

Patricia J. Anderes, request for a Plan Amendment)
from (FFT) Farm/Forest Transitional to (RR5))
Rural Residential - 5 Acre and Zone Change from)
(FF) Farm Forest to (5R) Rural Residential - 5,)
based on a determination that the property is non-)
resource land and is not subject to Agricultural and)
Forest Land Goals, and on a demonstration of)
consistency with the County's 5 Acre Designation, to)
allow development at the 5R density on a 43.75)
acre parcel located on Old Melrose County Rd.)
No. 13B, west of Roseburg. The property is described)
as Tax Lot 100 in Section 21 of T27S, R6W, W.M.,)
Property ID R18177; Planning Department File No. 11-060.)

**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 March 21, 2012, 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 originally came before the Douglas County Planning Commission on application filed by Patricia J. Anderes. The Planning Commission’s public hearing was held on January 12, 2012, at which time the Commission approved the application.
3. The Planning Commission memorialized its decision to approve the request in a Findings of Fact and Decision document dated February 16, 2012. No appeal of the Planning Commission decision was filed.
4. At the Board meeting on March 21, 2012, the public hearing on this matter was opened and parties were given an opportunity to speak on the record. The Board subsequently deliberated to a decision to affirm the Planning Commission decision at the March 21, 2012 public meeting.

FINDINGS

1. Upon considering evidence and exhibits entered as part of the Planning Commission record, including the written submittals from the applicant and parties, the written Staff Report and the Findings of Fact and Decision signed by the Planning Commission on February 16, 2012, and in consideration of proceedings of the March 21, 2012 Board hearing, the Board finds that the applicable decision criteria, as established in the Staff Report dated January 5, 2012, have been adequately addressed by the applicant.

2. The Board finds that the relevant facts raised in this matter support the findings, conclusions and decision reached by the Planning Commission in their Findings of Fact and Decision, dated February 16, 2012.
3. The Board adopts the Planning Commission Findings of Fact and Decision, attached hereto, 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.

The Plan Amendment and Zone Change shall be filed in the County Court Journal and the Douglas County Comprehensive Plan and Zoning maps shall be changed accordingly for the subject property, as described in the attached **Exhibit A**.

DATED this 21st day of March, 2012.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON



Chair



Commissioner



Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Patricia Anderes, Findings of Fact and Decision, Planning Department File No. 11-060.

This matter came on regularly for hearing before the Douglas County Planning Commission on January 12, 2012 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, Javier Goirgolzarri, Victoria Hawks, Darreld Murphy, George Seonbuchner and Romey Ware.

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 January 12, 2012 Planning Commission meeting.
2. At least 45 days prior to January 12, 2012, 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 Callahan 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 12, 2012.
4. The parties qualified in this matter are on record with the Planning Department.
5. With no one in opposition to the matter, Staff entered Staff Exhibits 1 through 14, including the Staff Report, into the Record.
6. The Planning Commission heard testimony from the Applicant, Patricia Anderes and the Applicant's Representative, Jean Olson, who agreed with the findings of the Staff Report and the evidence in the Record. Each concluded, based on their individual experience with the property and the written testimony from various experts contained in the Record, that the property is nonresource land.
7. Commissioner Seonbuchner questioned Mrs. Olson, regarding the property's ability to be developed with dwellings given her testimony regarding the steep terrain of the property. Mrs. Olson stated that she sees no issue with the construction of up to eight dwelling on the subject 43 acre property.

8. With no further testimony, Chairman Goirgolzarri closed the public portion of the hearing.

SUBSTANTIVE FINDINGS OF FACT

On the basis of the testimony and evidence contained in the whole Record, the Planning Commission adopts the following Findings of Fact:

9. The Planning Commission finds, based on the National Resource Conservation Service (NRCS) mapping, the written testimony and analysis from Steve Wert, Consulting Soils Scientist, and two letters from Mark Lyman, Doctor of Veterinary Medicine, owner of the Two Bit Cattle Company and a letter from Joseph L. Sonka of the Sonka Ranch, that the subject property is not suitable for farm use, nor is it necessary to permit farm practices to be undertaken on adjacent or nearby lands. Therefore, the subject property does not qualify for protection under Goal 3.
10. The Planning Commission finds, based on a forest capability analysis from Warren R. Weathers, Registered Professional Forester and Certified General Appraiser, that the subject property as a whole is capable of producing 30 cubic feet per acre per year of commercial wood fiber, a growth rate well below the Douglas County Comprehensive Plan defined threshold for commercial forest lands of 50 cubic feet per acre per year, and is not necessary to permit forest operations or practices to occur on adjacent or nearby lands. Therefore, the subject property does not qualify for protection under Goal 4.
11. The proposed amendment changes the Plan designations of the subject property from Agriculture to Rural Residential - 5 Acre. In 2003, Douglas County adopted a County-wide Goal 14 Exception which was acknowledged by the State through the post-acknowledgment exception process, and which has been affirmed by the State Land Use Board of Appeals (*Friends of Douglas County vs. Douglas County, Great American Properties, LUBA No. 2005-045, Sept. 8, 2005*). The County-wide Exception establishes that a 5-acre minimum parcel size is rural in Douglas County; therefore, a Goal 14 Exception is not required when applying the 5 Acre designation. As part of the application for approval involving the designation of new lands for 5 acre development, the applicant must demonstrate how the proposed site is consistent with the County's acknowledged Goal 14 exception. The applicant has submitted a Goal 14 Addendum which is specific to the subject property, to demonstrate that application of the 5-acre designation to the subject property is consistent with the County-wide Exception. In the Addendum, the applicant has reviewed the subject property against the ten density criteria to demonstrate consistency with the County-wide Exception. The Planning Commission finds that, the proposed amendment is consistent with the County-wide Exception with regard to the ten density aspects and that application of the Rural Residential 5-acre Designation is appropriate for the subject property.
12. The Planning Commission concludes that the subject request is consistent with all other applicable Statewide Planning Goals.
13. The Planning Commission finds that, the applicant has addressed consistency with the Comprehensive Plan, site suitability and promotion of the general public health, safety and welfare, thus demonstrating conformance with the applicable Zone Change criteria.

14. Based on the aforementioned findings, Commissioner Ware 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 preceding findings contained herein and the findings contained in the Staff Report, we hereby APPROVE the request for a Plan Amendment from (FFT) Farm Forest Transitional to (RR5) Rural Residential - 5 Acre and Zone Change from (FF) Farm Forest to (5R) Rural Residential - 5 Acre, based on a Nonresource Determination and a demonstration of consistency with the County's Rural Residential - 5 Acre Designation, on a 43.75 acre parcel.

Dated this 16th day of February, 2012.

DOUGLAS COUNTY PLANNING COMMISSION

By: _____

Chairman

EXHIBIT A

The Northerly 20 chains of the Northeast quarter, Section 21, Township 27 South, Range 6 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING THEREFROM all that portion of Section 21, Township 27 South, Range 6 West, Willamette Meridian, described as beginning at a point in the East line of Section 21 from which the Northeast corner thereof bears North 1° 03' 36" West 158.30 feet; thence South 0° 56' 30" East along the East line of said Section, 1145.93 feet to a 3/4 inch iron rod; thence South 89° 00' 24" West 125 feet; thence North 0° 56' 30" West 1146.04 feet; thence North 89° 03' 30" East 125.32 feet to the point of beginning.

ALSO EXCEPTING that portion in the county road and that portion of the Northeast quarter of Section 21, Township 27 South, Range 6 West, Willamette Meridian that lies Northeasterly of the Northeasterly right of way line of Melrose County Road No. 13.

ALSO EXCEPTING a parcel of land lying in Sections 21 and 22, Township 27 South, Range 6 West, Willamette Meridian, and being a portion of that property described in Instrument No. 68-648 as recorded in the Deed Records of Douglas County, Oregon, said parcel being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod in the Southwesterly right of way line of County Road No. 13 from which point the Northeast corner of the above said Section 21 bears North 40° 07' 19" East 80.07 feet; thence along said Southwesterly right of way line South 46° 05' 56" East 138.88 feet to a 5/8 inch iron rod; thence leaving said Southwesterly right of way line South 89° 03' 30" West 170.87 feet to a 5/8 inch iron rod; thence South 0° 56' 30" East 1146.04 feet to a 5/8 inch iron rod; thence North 89° 00' 24" East 125.0 feet to a 5/8 inch iron rod; thence South 0° 56' 30" East 21.90 feet to a 3/4 inch iron rod; thence South 88° 51' 26" West 1231.92 feet to a 5/8 inch iron rod; thence North 1° 16' 17" West 9.06 feet to a 5/8 inch iron rod; thence North 35° 22' 34" West 294.65 feet to a 5/8 inch iron rod; thence North 11° 24' 30" West 219.05 feet to a 5/8 inch iron rod; thence North 35° 21' 24" East 383.36 feet to a 5/8 inch iron rod; thence North 29° 46' 40" East 209.09 feet to a 5/8 inch iron rod; thence North 33° 57' 55" East 152.95 feet to a 5/8 inch iron rod; thence North 41° 46' 50" East 248.91 feet to a 5/8 inch iron rod; thence parallel to and 60 feet South of the North line of the above said Section 21 North 88° 39' 21" East 795.65 feet to the point of beginning.

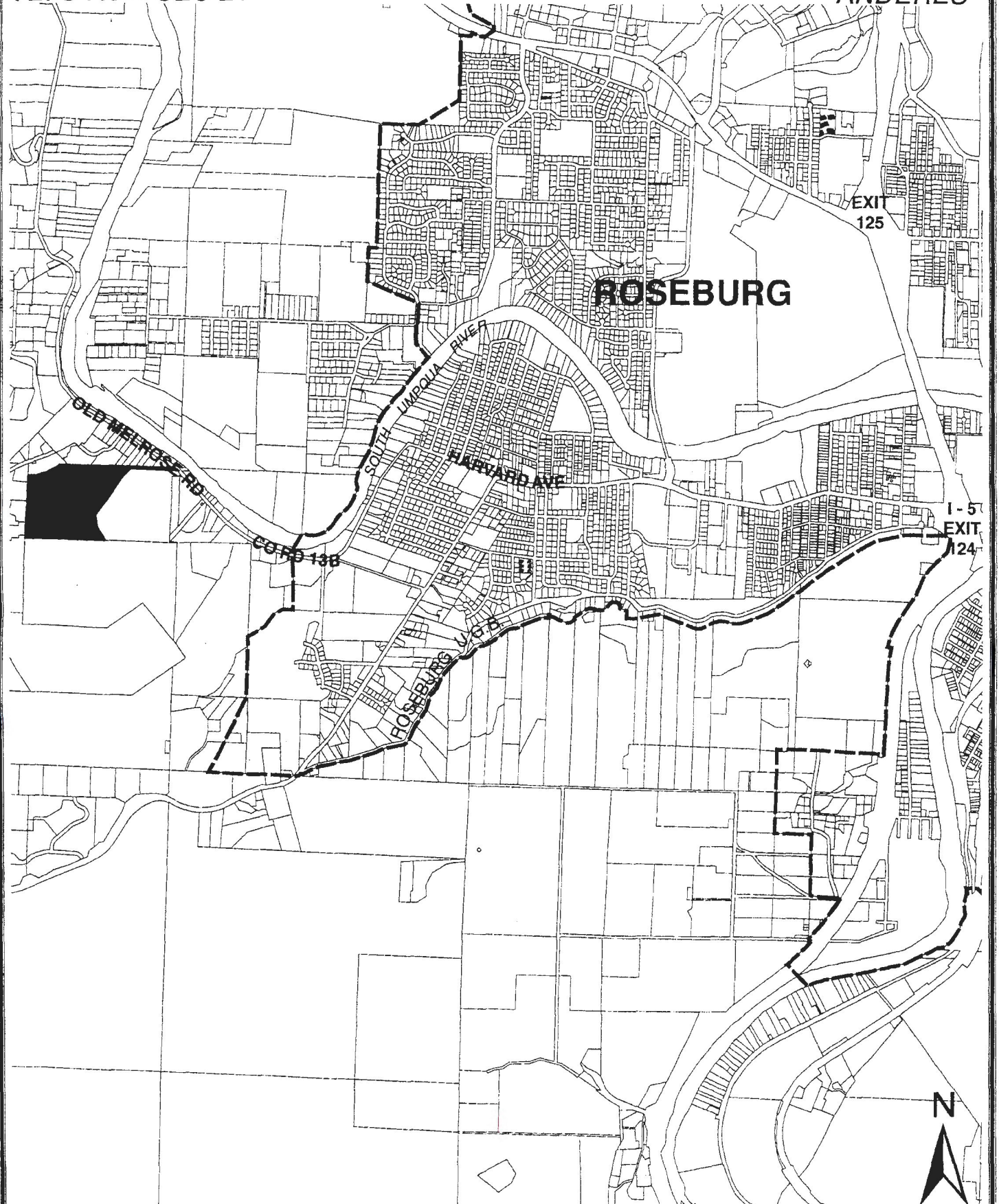
ALSO EXCEPTING a parcel of land lying in Section 16 and 21, Township 27 South, Range 6 West, Willamette Meridian, and being a portion of that property described in Instrument No. 2003-033504 as recorded in the Deed Records of Douglas County, Oregon, said parcel being more particularly described as follows:

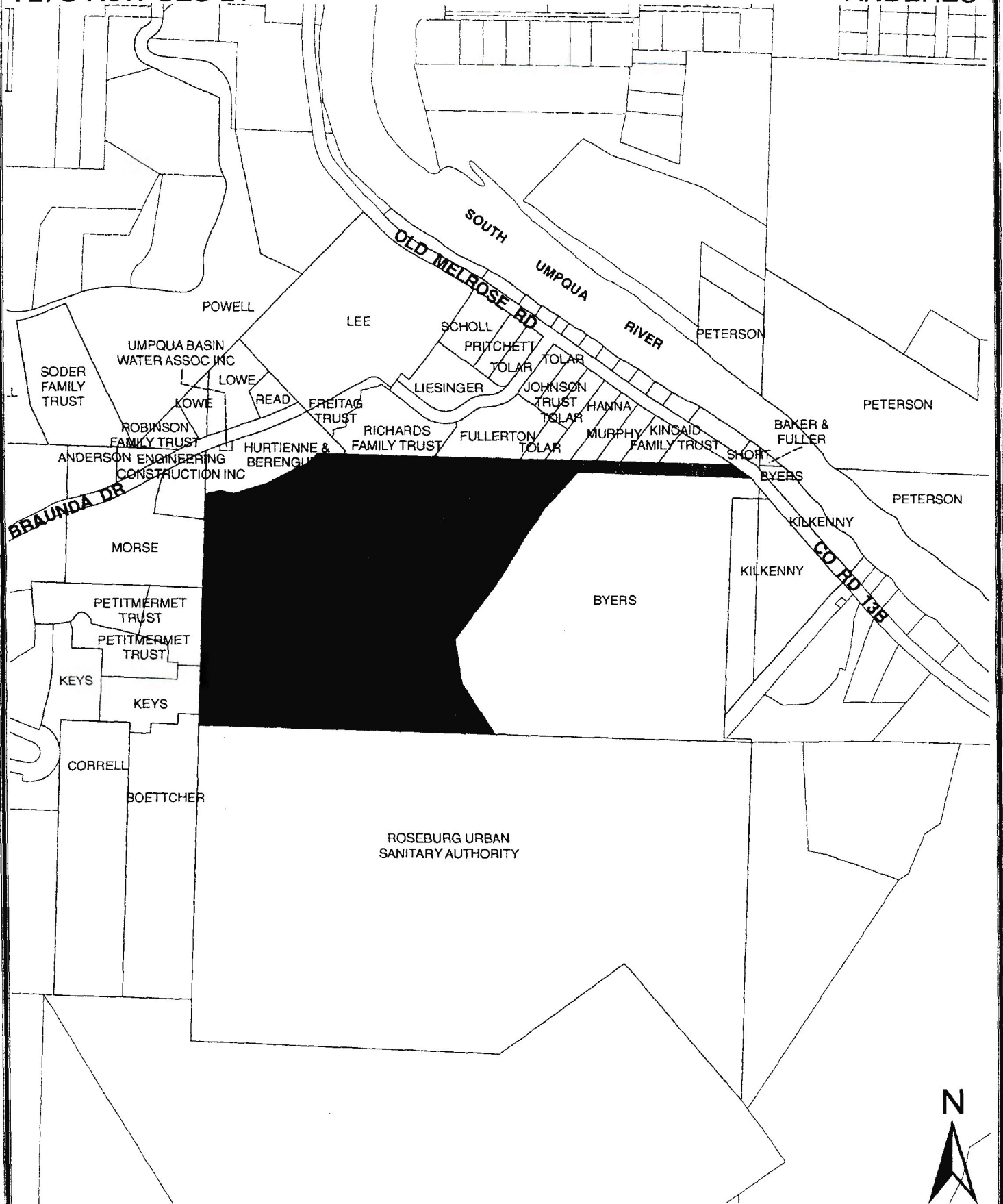
BEGINNING at the quarter corner common to Sections 16 and 21, Township 27 South, Range 6 West, Willamette Meridian, Douglas County, Oregon; thence South 0° 06' 21" West 1.82 feet, more or less, to a point in the Southerly right of way line of Braunda Drive and the TRUE POINT OF BEGINNING; thence South 0° 06' 21" West 209.63 feet to a 5/8 inch iron rod; thence North 75° 09' 26" East 73.60 feet to a 5/8 inch iron rod; thence South 78° 24' 57" East 66.17 feet to a 5/8 inch iron rod; thence North 71° 03' 29" East 173.26 feet to a 5/8 inch iron rod; thence North 61° 03' 09" East 137.34 feet to a 5/8 inch iron rod; thence North 65° 08' 42" East 69.63 feet to a 5/8 inch iron rod; thence North 49° 55' 46" East 43.06 feet to a 5/8 inch iron rod; thence North 37° 50' 28" East 32.95 feet to a 5/8 inch iron rod set in the Southerly line of said Section 16; thence South 89° 58' 56" East along the Southerly line of said Section 16, 123.80 feet to a 5/8 inch iron rod as established in LAND PARTITION NO. 1990-0057, Partition Plat Records, Douglas County, Oregon and as shown on Property Line Adjustment Survey M120-60, Records of the Douglas County Surveyor's Office; thence North 33° 54' 35" East 16.62 feet to a 5/8 inch iron rod; thence North 45° 30" West 268.89 feet to a 5/8 inch iron rod set in the Southerly line of said Braunda Drive; thence Southwesterly along said right of way line as follows: Along the arc of a 1261.31 foot radius curve right (the long cord of which bears South 64° 39' 33" West 205.55 feet) 205.77 feet to a 5/8 inch iron rod and South 69° 15' 20" West 236.41 feet to a 5/8 inch iron rod set in the East line of the Umpqua Basin Water Association, Inc., an Oregon corporation property as described in Book 415, Page 368, Records of Douglas County, Oregon, Recorder's No. 68-10306; thence along the boundaries of said property as follows: South 0° 01' 04" West along said East line 48.69 feet to the Southeast corner of said property, thence North 89° 58' 56" West along the South line of said property 59.99 feet to the Southwest corner of said property and North 0° 01' 04" East along the West line of said property 25.95 feet to a point in the Southerly line of said Braunda Drive; thence South 69° 15' 20" West along said right of way line 7.60 feet to a 5/8 inch iron rod; thence along the arc of a 798.11 foot radius curve left (the long cord of which bears South 66° 57' 25" West 64.02 feet) 64.03 feet and along the arc of a 798.11 foot radius curve left (the long cord of which bears South 64° 48' 41" West 4.27 feet) 4.27 feet to the TRUE POINT OF BEGINNING

VICINITY MAP
T27S R6W SEC 21

STAFF EXHIBIT NO. 6

P/D 11-060
ANDERES





MAR 21 2012

BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

PATRICIA K. HITT, COUNTY CLERK

AN ORDINANCE ADOPTING A PLAN AMENDMENT AND)
ZONING CHANGE BASED ON A NONRESOURCE)
DETERMINATION FOR GOALS 3 AND 4, AND A)
DEMONSTRATION OF CONSISTENCY WITH THE)
COUNTY'S 5-ACRE RURAL RESIDENTIAL)
DESIGNATION ON REQUEST BY PATRICIA ANDERES)
PLANNING DEPARTMENT FILE NO. 11-060.)

ORDINANCE NO. 2012 - 03 - 01

RECITALS

- A. Patricia J. Anderes, request for a Plan Amendment from (FFT) Farm/Forest Transitional to (RR5) Rural Residential - 5 Acre, and Zone Change from (FF) Farm Forest to (5R) Rural Residential - 5, based on a Determination that the property is nonresource land, together with a demonstration of consistency with the County's 5-Acre Designation, on a 43.75 acre parcel located on Old Melrose County Road No. 13B, west of Roseburg.
- B. The Douglas County Planning Commission held a public hearing to consider the matter on January 12, 2012, and subsequently approved the request in a Findings of Fact and Decision document dated February 16, 2012.
- C. The Board of Commissioners considered the matter on March 21, 2012, 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 Plan Amendment and Zone Change are GRANTED. The Plan Amendment and Zone Change shall be filed in the County Court Journal and the Douglas County Comprehensive Plan and Zoning maps shall be changed accordingly for the subject property, as described in the attached **Exhibit A**.

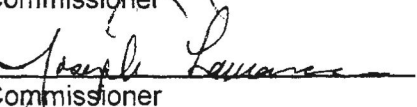
SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated March 21, 2012) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated February 16, 2012), are ADOPTED and, by reference, made part of this Ordinance.

DATED this 21st day of March, 2012.

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


Chair


Commissioner


Commissioner

H:\a_staff\la_cheryl\BC ORDINANCE ANDERES 11-060.wpd

DOUGLAS COUNTY OFFICIAL RECORDS
PATRICIA K. HITT, COUNTY CLERK
COMMISSIONERS' JOURNAL

03/21/2012

CJ 2012-212

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

Patricia J. Anderes, request for a Plan Amendment)
from (FFT) Farm/Forest Transitional to (RR5))
Rural Residential - 5 Acre and Zone Change from)
(FF) Farm Forest to (5R) Rural Residential - 5,)
based on a determination that the property is non-)
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consistency with the County's 5 Acre Designation, to)
allow development at the 5R density on a 43.75)
acre parcel located on Old Melrose County Rd.)
No. 13B, west of Roseburg. The property is described)
as Tax Lot 100 in Section 21 of T27S, R6W, W.M.,)
Property ID R18177; Planning Department File No. 11-060.)

**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 March 21, 2012, 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 originally came before the Douglas County Planning Commission on application filed by Patricia J. Anderes. The Planning Commission's public hearing was held on January 12, 2012, at which time the Commission approved the application.
3. The Planning Commission memorialized its decision to approve the request in a Findings of Fact and Decision document dated February 16, 2012. No appeal of the Planning Commission decision was filed.
4. At the Board meeting on March 21, 2012, the public hearing on this matter was opened and parties were given an opportunity to speak on the record. The Board subsequently deliberated to a decision to affirm the Planning Commission decision at the March 21, 2012 public meeting.

FINDINGS

1. Upon considering evidence and exhibits entered as part of the Planning Commission record, including the written submittals from the applicant and parties, the written Staff Report and the Findings of Fact and Decision signed by the Planning Commission on February 16, 2012, and in consideration of proceedings of the March 21, 2012 Board hearing, the Board finds that the applicable decision criteria, as established in the Staff Report dated January 5, 2012, have been adequately addressed by the applicant.

2. The Board finds that the relevant facts raised in this matter support the findings, conclusions and decision reached by the Planning Commission in their Findings of Fact and Decision, dated February 16, 2012.
3. The Board adopts the Planning Commission Findings of Fact and Decision, attached hereto, 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.

The Plan Amendment and Zone Change shall be filed in the County Court Journal and the Douglas County Comprehensive Plan and Zoning maps shall be changed accordingly for the subject property, as described in the attached **Exhibit A**.

DATED this 21st day of March, 2012.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON



Chair



Commissioner



Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Patricia Anderes, Findings of Fact and Decision, Planning Department File No. 11-060.

This matter came on regularly for hearing before the Douglas County Planning Commission on January 12, 2012 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, Javier Goirgolzarri, Victoria Hawks, Darreld Murphy, George Seonbuchner and Romey Ware.

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 January 12, 2012 Planning Commission meeting.
2. At least 45 days prior to January 12, 2012, 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 Callahan 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 12, 2012.
4. The parties qualified in this matter are on record with the Planning Department.
5. With no one in opposition to the matter, Staff entered Staff Exhibits 1 through 14, including the Staff Report, into the Record.
6. The Planning Commission heard testimony from the Applicant, Patricia Anderes and the Applicant's Representative, Jean Olson, who agreed with the findings of the Staff Report and the evidence in the Record. Each concluded, based on their individual experience with the property and the written testimony from various experts contained in the Record, that the property is nonresource land.
7. Commissioner Seonbuchner questioned Mrs. Olson, regarding the property's ability to be developed with dwellings given her testimony regarding the steep terrain of the property. Mrs. Olson stated that she sees no issue with the construction of up to eight dwelling on the subject 43 acre property.

8. With no further testimony, Chairman Goirgolzarri closed the public portion of the hearing.

SUBSTANTIVE FINDINGS OF FACT

On the basis of the testimony and evidence contained in the whole Record, the Planning Commission adopts the following Findings of Fact:

9. The Planning Commission finds, based on the National Resource Conservation Service (NRCS) mapping, the written testimony and analysis from Steve Wert, Consulting Soils Scientist, and two letters from Mark Lyman, Doctor of Veterinary Medicine, owner of the Two Bit Cattle Company and a letter from Joseph L. Sonka of the Sonka Ranch, that the subject property is not suitable for farm use, nor is it necessary to permit farm practices to be undertaken on adjacent or nearby lands. Therefore, the subject property does not qualify for protection under Goal 3.
10. The Planning Commission finds, based on a forest capability analysis from Warren R. Weathers, Registered Professional Forester and Certified General Appraiser, that the subject property as a whole is capable of producing 30 cubic feet per acre per year of commercial wood fiber, a growth rate well below the Douglas County Comprehensive Plan defined threshold for commercial forest lands of 50 cubic feet per acre per year, and is not necessary to permit forest operations or practices to occur on adjacent or nearby lands. Therefore, the subject property does not qualify for protection under Goal 4.
11. The proposed amendment changes the Plan designations of the subject property from Agriculture to Rural Residential - 5 Acre. In 2003, Douglas County adopted a County-wide Goal 14 Exception which was acknowledged by the State through the post-acknowledgment exception process, and which has been affirmed by the State Land Use Board of Appeals (*Friends of Douglas County vs. Douglas County, Great American Properties, LUBA No. 2005-045, Sept. 8, 2005*). The County-wide Exception establishes that a 5-acre minimum parcel size is rural in Douglas County; therefore, a Goal 14 Exception is not required when applying the 5 Acre designation. As part of the application for approval involving the designation of new lands for 5 acre development, the applicant must demonstrate how the proposed site is consistent with the County's acknowledged Goal 14 exception. The applicant has submitted a Goal 14 Addendum which is specific to the subject property, to demonstrate that application of the 5-acre designation to the subject property is consistent with the County-wide Exception. In the Addendum, the applicant has reviewed the subject property against the ten density criteria to demonstrate consistency with the County-wide Exception. The Planning Commission finds that, the proposed amendment is consistent with the County-wide Exception with regard to the ten density aspects and that application of the Rural Residential 5-acre Designation is appropriate for the subject property.
12. The Planning Commission concludes that the subject request is consistent with all other applicable Statewide Planning Goals.
13. The Planning Commission finds that, the applicant has addressed consistency with the Comprehensive Plan, site suitability and promotion of the general public health, safety and welfare, thus demonstrating conformance with the applicable Zone Change criteria.

14. Based on the aforementioned findings, Commissioner Ware 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 preceding findings contained herein and the findings contained in the Staff Report, we hereby APPROVE the request for a Plan Amendment from (FFT) Farm Forest Transitional to (RR5) Rural Residential - 5 Acre and Zone Change from (FF) Farm Forest to (5R) Rural Residential - 5 Acre, based on a Nonresource Determination and a demonstration of consistency with the County's Rural Residential - 5 Acre Designation, on a 43.75 acre parcel.

Dated this 16th day of February, 2012.

DOUGLAS COUNTY PLANNING COMMISSION

By: _____

Chairman

EXHIBIT A

The Northerly 20 chains of the Northeast quarter, Section 21, Township 27 South, Range 6 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING THEREFROM all that portion of Section 21, Township 27 South, Range 6 West, Willamette Meridian, described as beginning at a point in the East line of Section 21 from which the Northeast corner thereof bears North $1^{\circ} 03' 36''$ West 158.30 feet; thence South $0^{\circ} 56' 30''$ East along the East line of said Section, 1145.93 feet to a $3/4$ inch iron rod; thence South $89^{\circ} 00' 24''$ West 125 feet; thence North $0^{\circ} 56' 30''$ West 1146.04 feet; thence North $89^{\circ} 03' 30''$ East 125.32 feet to the point of beginning.

ALSO EXCEPTING that portion in the county road and that portion of the Northeast quarter of Section 21, Township 27 South, Range 6 West, Willamette Meridian that lies Northeasterly of the Northeasterly right of way line of Melrose County Road No. 13.

ALSO EXCEPTING a parcel of land lying in Sections 21 and 22, Township 27 South, Range 6 West, Willamette Meridian, and being a portion of that property described in Instrument No. 68-648 as recorded in the Deed Records of Douglas County, Oregon, said parcel being more particularly described as follows:

BEGINNING at a $5/8$ inch iron rod in the Southwesterly right of way line of County Road No. 13 from which point the Northeast corner of the above said Section 21 bears North $40^{\circ} 07' 19''$ East 80.07 feet; thence along said Southwesterly right of way line South $46^{\circ} 05' 56''$ East 138.88 feet to a $5/8$ inch iron rod; thence leaving said Southwesterly right of way line South $89^{\circ} 03' 30''$ West 170.87 feet to a $5/8$ inch iron rod; thence South $0^{\circ} 56' 30''$ East 1146.04 feet to a $5/8$ inch iron rod; thence North $89^{\circ} 00' 24''$ East 125.0 feet to a $5/8$ inch iron rod; thence South $0^{\circ} 56' 30''$ East 21.90 feet to a $3/4$ inch iron rod; thence South $88^{\circ} 51' 26''$ West 1231.92 feet to a $5/8$ inch iron rod; thence North $1^{\circ} 16' 17''$ West 9.06 feet to a $5/8$ inch iron rod; thence North $35^{\circ} 22' 34''$ West 294.65 feet to a $5/8$ inch iron rod; thence North $11^{\circ} 24' 30''$ West 219.05 feet to a $5/8$ inch iron rod; thence North $35^{\circ} 21' 24''$ East 383.36 feet to a $5/8$ inch iron rod; thence North $29^{\circ} 46' 40''$ East 209.09 feet to a $5/8$ inch iron rod; thence North $33^{\circ} 57' 55''$ East 152.95 feet to a $5/8$ inch iron rod; thence North $41^{\circ} 46' 50''$ East 248.91 feet to a $5/8$ inch iron rod; thence parallel to and 60 feet South of the North line of the above said Section 21 North $88^{\circ} 39' 21''$ East 795.65 feet to the point of beginning.

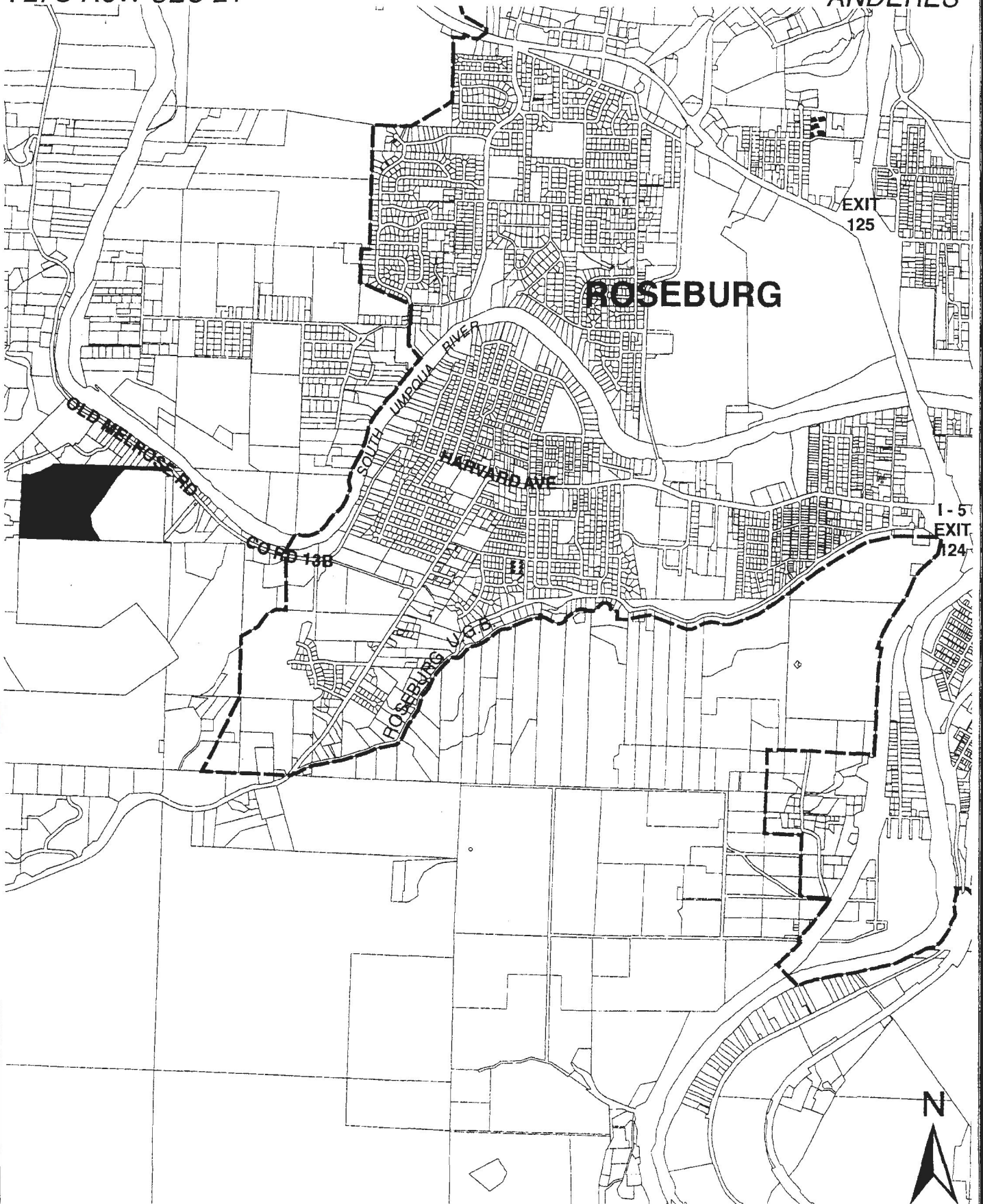
ALSO EXCEPTING a parcel of land lying in Section 16 and 21, Township 27 South, Range 6 West, Willamette Meridian, and being a portion of that property described in Instrument No. 2003-033504 as recorded in the Deed Records of Douglas County, Oregon, said parcel being more particularly described as follows:

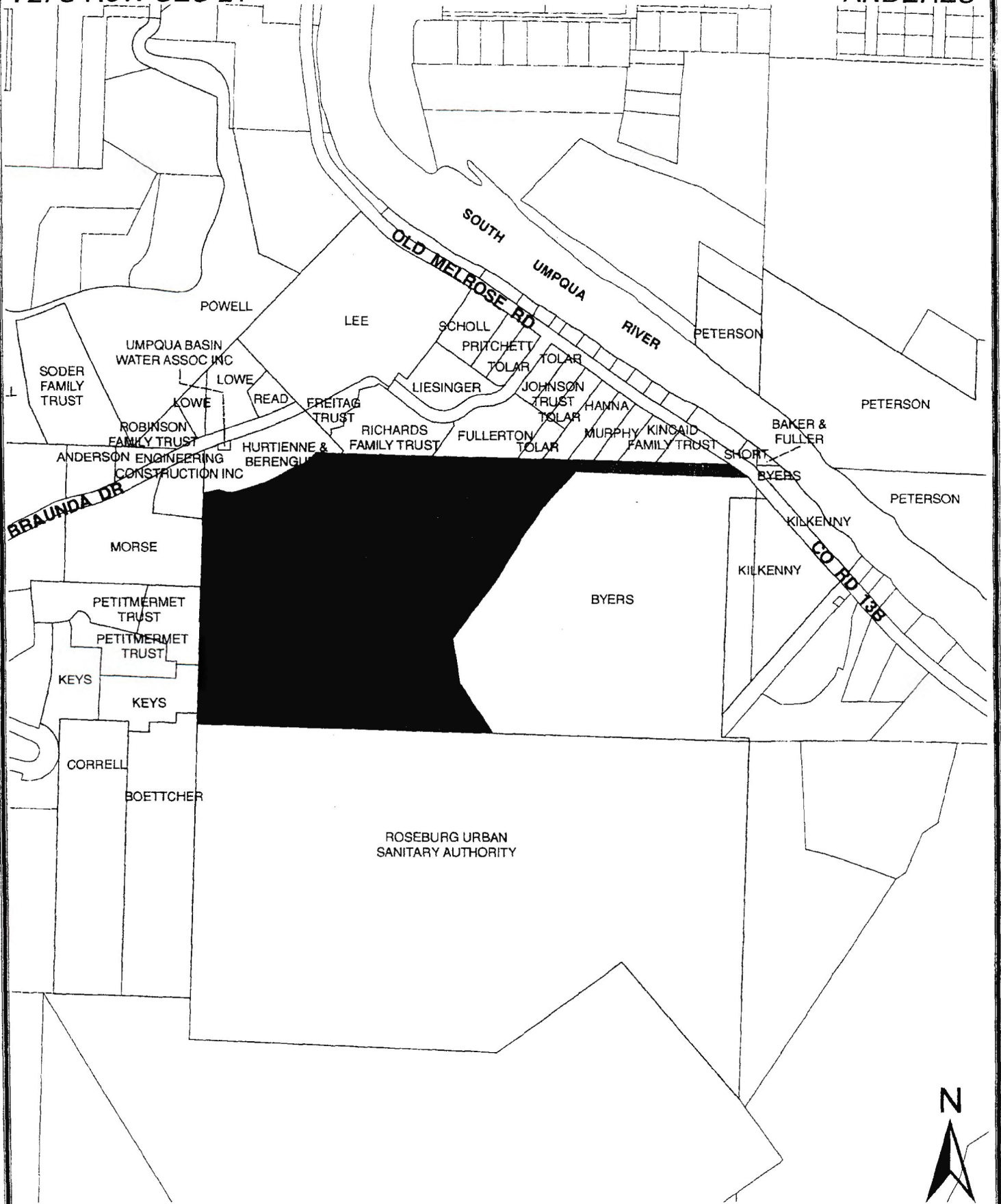
BEGINNING at the quarter corner common to Sections 16 and 21, Township 27 South, Range 6 West, Willamette Meridian, Douglas County, Oregon; thence South $0^{\circ} 06' 21''$ West 1.82 feet, more or less, to a point in the Southerly right of way line of Braunda Drive and the TRUE POINT OF BEGINNING; thence South $0^{\circ} 06' 21''$ West 209.63 feet to a $5/8$ inch iron rod; thence North $75^{\circ} 09' 26''$ East 73.60 feet to a $5/8$ inch iron rod; thence South $78^{\circ} 24' 57''$ East 66.17 feet to a $5/8$ inch iron rod; thence North $71^{\circ} 03' 29''$ East 173.26 feet to a $5/8$ inch iron rod; thence North $61^{\circ} 03' 09''$ East 137.34 feet to a $5/8$ inch iron rod; thence North $65^{\circ} 08' 42''$ East 69.63 feet to a $5/8$ inch iron rod; thence North $49^{\circ} 55' 46''$ East 43.06 feet to a $5/8$ inch iron rod; thence North $37^{\circ} 50' 28''$ East 32.95 feet to a $5/8$ inch iron rod set in the Southerly line of said Section 16; thence South $89^{\circ} 58' 56''$ East along the Southerly line of said Section 16, 123.80 feet to a $5/8$ inch iron rod as established in LAND PARTITION NO. 1990-0057, Partition Plat Records, Douglas County, Oregon and as shown on Property Line Adjustment Survey M120-60, Records of the Douglas County Surveyor's Office; thence North $33^{\circ} 54' 35''$ East 16.62 feet to a $5/8$ inch iron rod; thence North $45^{\circ} 30''$ West 268.89 feet to a $5/8$ inch iron rod set in the Southerly line of said Braunda Drive; thence Southwesterly along said right of way line as follows: Along the arc of a 1261.31 foot radius curve right (the long cord of which bears South $64^{\circ} 39' 33''$ West 205.55 feet) 205.77 feet to a $5/8$ inch iron rod and South $69^{\circ} 15' 20''$ West 236.41 feet to a $5/8$ inch iron rod set in the East line of the Umpqua Basin Water Association, Inc., an Oregon corporation property as described in Book 415, Page 368, Records of Douglas County, Oregon, Recorder's No. 68-10306; thence along the boundaries of said property as follows: South $0^{\circ} 01' 04''$ West along said East line 48.69 feet to the Southeast corner of said property, thence North $89^{\circ} 58' 56''$ West along the South line of said property 59.99 feet to the Southwest corner of said property and North $0^{\circ} 01' 04''$ East along the West line of said property 25.95 feet to a point in the Southerly line of said Braunda Drive; thence South $69^{\circ} 15' 20''$ West along said right of way line 7.60 feet to a $5/8$ inch iron rod; thence along the arc of a 798.11 foot radius curve left (the long cord of which bears South $66^{\circ} 57' 25''$ West 64.02 feet) 64.03 feet and along the arc of a 798.11 foot radius curve left (the long cord of which bears South $64^{\circ} 48' 41''$ West 4.27 feet) 4.27 feet to the TRUE POINT OF BEGINNING

VICINITY MAP
T27S R6W SEC 21

STAFF EXHIBIT NO. 6

P/D 11-060
ANDERES





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



DEPT OF

MAR 26 2012

**LAND CONSERVATION
AND DEVELOPMENT**

**ATT PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL STREET NE SUITE 150
SALEM OR 97301-2540**

