



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

02/22/2011

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 005-10

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: Friday, March 04, 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  
Amanda Punton, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DEPT OF

FEB 14 2011

LAND CONSERVATION AND DEVELOPMENT 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: **10-093**

Date of Adoption: **2/9/11**

Date Mailed: **2/11/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **11/23/10**

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".

**MICHAEL & PAMELA FREED, request for a Plan Amendment to amend site No. 63 (98± acre site) of the Douglas County (MRI) Mineral Resources Inventory to remove 30± acres (Freed Ownership), based on the absence of aggregate resource on the tract, and Zone Change to remove the (MO) Mineral Resources Overlay from the site, together with a (CUP) Conditional Use Permit for a winery in conjunction with a planted vineyard on the subject tract. The tract is designated (AGC) Agriculture by the Douglas County Comprehensive Plan, is zoned (F1) Exclusive Farm Use Cropland 20-Acre and is subject to the MO, Riparian Vegetation and 100 Year Floodplain Overlays.**

Does the Adoption differ from proposal? No

N/A

Plan Map Changed from: **MRI Designation Applied** to: **MRI Designation Removed**

Zone Map Changed from: **MO Overlay Applied** to: **MO Overlay Removed**

Location: **The property is located on the east side of the private extension of Hooten Road, along the South Umpqua River, approximately 500 feet east of the Winston City Limits. Acres Involved: 35.91**

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. 005-10 (18619) [16511]

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

**ODOT, DLCD, ODF&W, DSL, City of Winston, Winston-Dillard Rural Fire Dist., Qwest, Pacific Power, Avista Roseburg, Charter Communications, Winston-Dillard School Dist.**

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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: **541-440-6266**

City: **Roseburg**

Zip: **97470**

E-mail Address: **[jmwright@co.douglas.or.us](mailto: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

FEB 10 2011

BARBARA E. NIELSEN, COUNTY CLERK

AN ORDER to affirm the Findings of Fact and Decision )  
of the Planning Commission in the matter of the )  
"MICHAEL & PAMELA FREED" request for a Plan )  
Amendment to amend Site No. 63 of the Douglas )  
County Mineral Resources Inventory to remove the )  
30± acre Freed ownership based on the absence of )  
mineral resource on the tract and a Zone Change )  
to remove the Mineral Resources Overlay from the tract, )  
together with a Conditional Use Permit (CUP) for a )  
winery in conjunction with a planted vineyard on the tract. )  
The property is approximately 500 feet east of the Winston )  
City Limits and is described as Tax Lots 500 and 600 in )  
Section 22D of T28S, R6W, W.M.; Property ID Nos. )  
R57159 & R57173. PD File No. 10-093. )

**ORDER**

The Douglas County Board of Commissioners being informed that the Douglas County Planning Commission, on January 13, 2011, and on request from the above captioned applicant, approved a Plan Amendment to amend Site No. 63 of the Douglas County Mineral Resources Inventory to remove therefrom the property described below (Freed ownership tract), based on the absence of mineral resource on the tract, together with a Zone Change to remove the Mineral Resources Overlay from the tract accordingly and a Conditional Use Permit (CUP) for a winery in conjunction with a planted vineyard on the tract. The subject tract is located on the private extension of Hooten Road, along the South Umpqua River, approximately 500 feet east of the Winston City Limits.

Pursuant to Section 6.900.1 of the Douglas County Land Use and Development Ordinance, the Board of Commissioners hereby affirms the Findings of Fact and Decision of the Planning Commission (Exhibit B, dated January 13, 2011, attached).

The Mineral Resources Inventory (MRI), Site No. 63, shall be amended to remove the 30± Freed ownership tract, listed in the MRI as Tax Lots 500 and 600 in Section 22D of Township 28S, Range 6W, W.M.; Property ID Nos. R57159 and R57173, respectively.

The Mineral Resources Overlay shall be removed from the 30± Freed ownership tract, described in the attached Exhibit "A."

Based on the aforementioned Findings of Fact and Decision as affirmed, the Board of Commissioners hereby GRANTS the requested Plan Amendment to amend Site No. 63 of the Douglas County Mineral Resources Inventory to remove the Freed ownership tract

FINDINGS OF FACT & DECISION/FREED

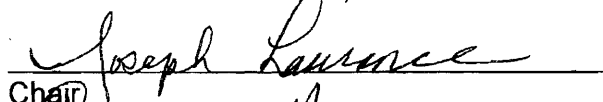
February 9, 2011

Page 2

based on the absence of mineral resource on the tract, and Zone Change to remove the Mineral Resources Overlay from the tract accordingly, together with a Conditional Use Permit for a winery in conjunction with a planted vineyard on the tract, and Orders that such Amendment shall be filed in the County Court Journal, and the Douglas County Mineral Resources Inventory and Mineral Resources Overlay shall be amended accordingly.

Dated this 9th day of February, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

  
Chair

  
Commissioner

  
Commissioner

4-25  
Order No.: 83833

## EXHIBIT "A"

Lot 10, Civil Bend Orchard Tracts, Douglas County, Oregon, and Lot 9 of said Civil Bend Orchard Tracts, EXCEPTING THEREFROM the North 4 acres of said Lot 9, Civil Bend Orchard Tracts, in Section 22, Township 28 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, which is more particularly described as follows: Beginning at the northwest corner of said Lot 9, and running thence North 89° 18' East 10.0 feet along the north line of said Lot 9 to a 3/4 inch iron pipe; thence continuing North 89° 18' East 774.9 feet along said lot line to the center of the South Umpqua River; thence running upstream along the center of said river, South 10° 40' East 80.7 feet and South 8° 34' West 142.0 feet; thence leaving said river and running South 89° 18' West 809.8 feet on a line parallel to the north line of said Lot 9 to a 1 inch iron pipe on the west line of said lot; thence running North 8° 04' East 221.9 feet along the west line of said Lot 9 to the place of beginning, all lying in Douglas County, Oregon.

T28S, R6W, Sec. 22D, T1S 500 &amp; 600

END OF DOCUMENT

EXHIBIT "B"  
**BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION**

MICHAEL & PAMELA FREED, Findings of Fact and Decision, Planning Department File No. 10-093.

This matter came before the Douglas County Planning Commission on January 13, 2011 in Room 216 of the Douglas County Courthouse.

The applicant did not attend the hearing.

The Planning Commissioners hearing the matter were: William Duckett, Javier Goirigolzarri, Victoria Hawks, Dave Leonard, Brian Parkinson and George Sandberg.

The Planning Commission takes official notice of the following:

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

**FINDINGS OF FACT**

1. Application was filed with the Planning Department at least 73 days prior to January 13, 2011.
2. At least 45 days prior to January 13, 2011, 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 January 13, 2011.
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 14, including the Staff Report, into the Record and stipulated to the record.
6. With no opposition testimony presented at the hearing, we closed the public portion of the hearing and commenced deliberation on the application.
7. A motion was made to approve the requested Plan Amendment, Zone Change and Conditional Use Permit. The motion passed.

## 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 to amend site No. 63 (98± acre site) of the Douglas County (MRI) Mineral Resources Inventory to remove 30± acre Freed property and Zone Change to remove the (MO) Mineral Resources Overlay from the site, together with a (CUP) Conditional Use Permit for a Winery in conjunction with a planted vineyard on the property, subject to the following conditions:

1. The Winery shall be operated and conducted in substantial conformance with the characterization of the use as presented in the application. Any uses in conjunction with the Winery must promote the sale of wine produced at the Winery and shall comply with the requirements of LUDO §1.090 a. through h. under the definition of Winery, Accessory Uses.
2. The applicant/property owner(s) of the subject property shall record with the County Clerk's Office a restrictive covenant for resource management, "Resource Management Covenant" to protect adjacent and nearby property owners' rights to conduct legal resource management activities and practices to include mining.
3. The applicants will need to obtain an access permit from Public Works confirming that the access of Hooted Road onto Winston Section Road meets County standards.
4. The owner(s) of the subject property shall agree to participate in a private maintenance program for Hooted Road and the private extension of Hooted Road, which obligates the owner(s), their heirs, successors and assigns, to participate in any private maintenance program which may be formed by the users of the road, and to share the cost of maintenance in proportion to the benefits to their respective property.
5. The proposed change in use of the agricultural building to a Winery shall be done in accordance with the provisions of Article 30 of the Land Use and Development Ordinance (LUDO) and the appropriate Building Code(s) for conversion of a structure within the 100 Year Floodplain and Floodway.
6. Any sign(s) placed in conjunction with the Winery shall conform to the sign requirements contained in the property development standards of the FC-1 zone.
7. The applicants shall provide a floor plan for the Winery that indicates the square footage of the tasting room area, together with a site plan indicating the total number of employees, including the owner(s), who will operate the use, and shall depict on the site plan the appropriate number of 9' X 11' parking spaces to meet the requirements of Article 35.
8. Off-street parking for the Winery and any associated accessory uses shall be provided and maintained in accordance with the requirements of LUDO §3.35.200.



January 13, 2010

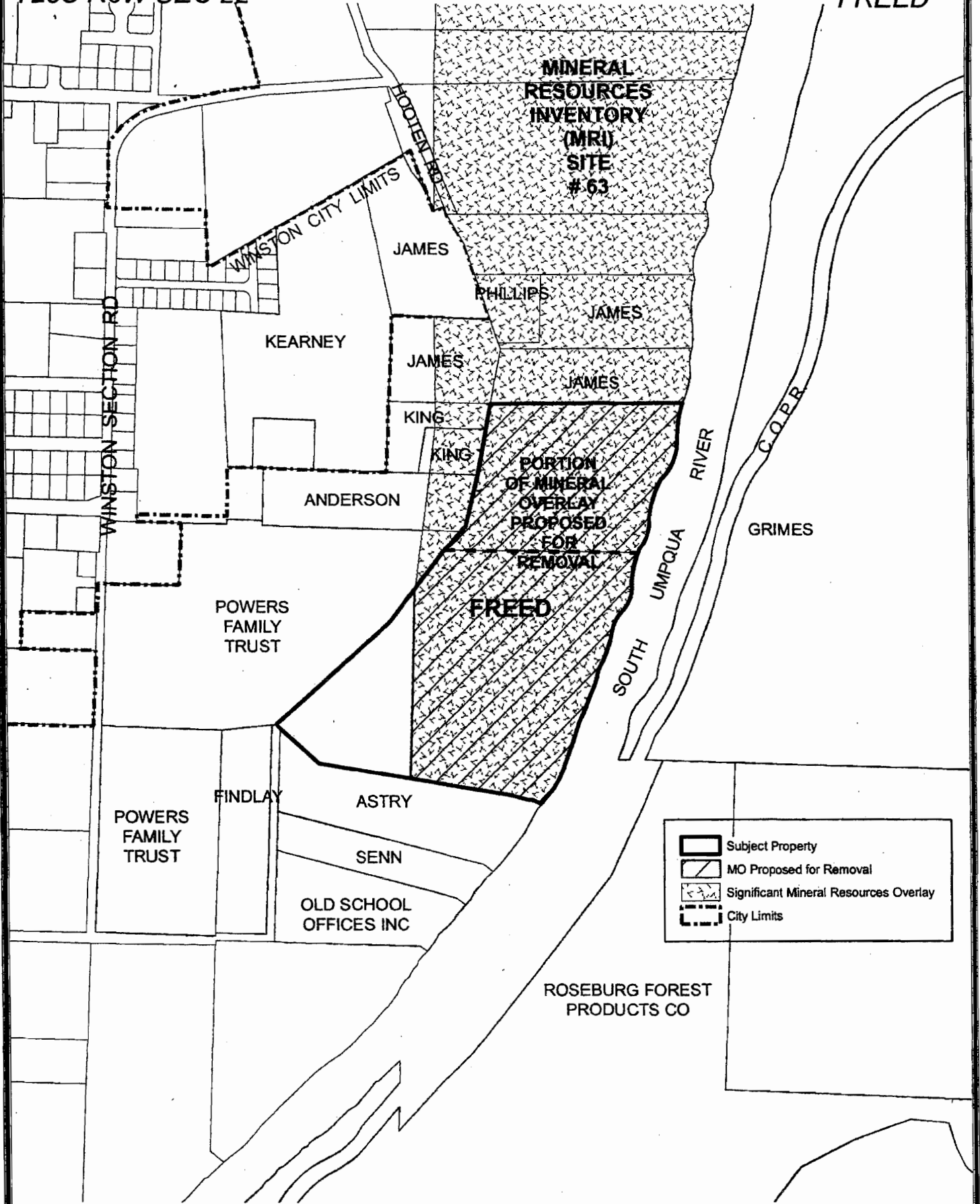
9. Once the twelve (12) day appeal period has expired and the required conditions of approval have been met, the applicants shall obtain a Planning Clearance Worksheet for the conversion (change in use) of the agricultural building to the Winery. Planning Clearance will allow the applicant to proceed with the Building Department for the required permit(s).

Dated this 13<sup>th</sup> day of January, 2011.

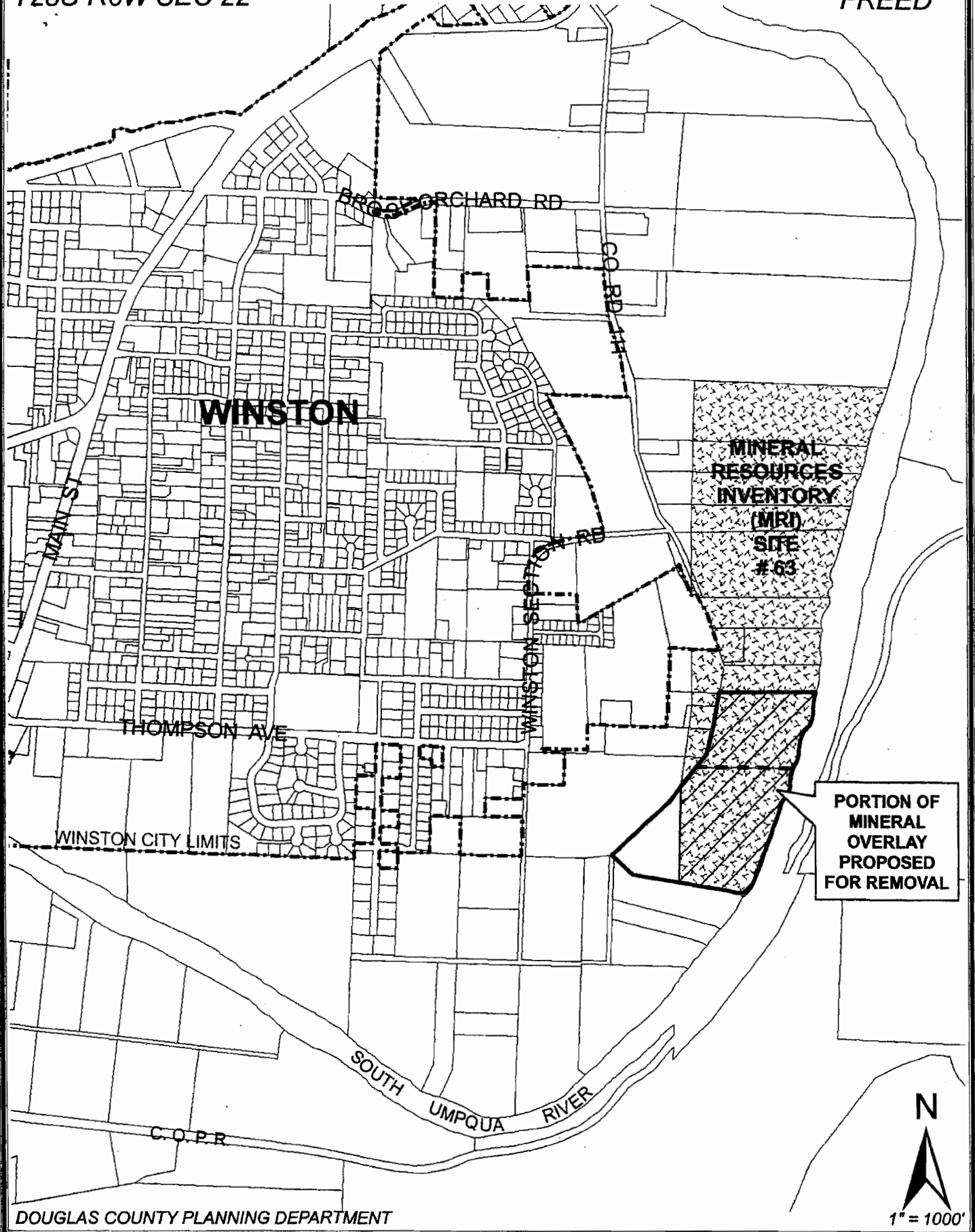
DOUGLAS COUNTY PLANNING COMMISSION

By: 

Chairman



	Subject Property
	MO Proposed for Removal
	Significant Mineral Resources Overlay
	City Limits



AS COUNTY PLANNING DEPARTMENT  
ROOM 100, JUSTICE BUILDING  
DOUGLAS COUNTY COURTHOUSE  
ROSEBURG, OR 97470



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

DEPT OF

FEB 14 2011

LAND CONSERVATION  
AND DEVELOPMENT