



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: March 15, 2016

Jurisdiction: Douglas County

Local file no.: 15-056

DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/11/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 43 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

004-15 {24167}
DEPT OF
FOR DLCD USE
File No.: **MAR 10 2016**
Received
LAND CONSERVATION
AND DEVELOPMENT

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: DOUGLAS COUNTY

Local file no.: **15-056**

Date of adoption: 02/24/16

Date sent: 3/8/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/07/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

NO

Local contact (name and title): CHERYL GOODHUE, PLANNING MANAGER

Phone: 5414404289

E-mail: cagoodhu@co.douglas.or.us

Street address: RM 106 JUSTICE BLDG, COURTHOUSE

City: ROSEBURG

Zip: 97470-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from FFT to IN 32 acres. A goal exception was required for this change.
- Change from change. to acres. A goal exception was required for this change.
- Change from change. to acres. A goal exception was required for this change.
- Change from to acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 22-6-12/1600 2465 ST HWY 38, DRAIN

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from FF	to ME	Acres: 32
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): SAME AS ABOVE

List affected state or federal agencies, local governments and special districts: N/A

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

BOARD ORDINANCE & ORDER, PLANNING COMMISSION FINDINGS OF FACT, MAP ATTACHMENTS

BEFORE THE BOARD OF COMMISSIONERS, DOUGLAS COUNTY, OREGON

AN ORDINANCE ADOPTING A PLAN AMENDMENT AND ZONE CHANGE)
FROM FARM FOREST TRANSITIONAL TO INDUSTRIAL WITH A ZONE)
CHANGE FROM (FF) FARM FOREST TO (ME) RURAL INDUSTRIAL BASED) **ORDINANCE #2016-02-01**
ON AN IRREVOCABLY COMMITTED EXCEPTION ON A 31.90 ACRE)
PROPERTY LOCATED ON STATE HIGHWAY 38, WEST OF YONCALLA)
APPLICANT: ROBERT & REBECCA RUNDELL; PLANNING FILE NO. 15-056)

RECITALS

- A. Robert & Rebecca Rundell, request for a Plan Map Amendment from (FFT) Farm Forest Transitional to (IND) Industrial and Zone Change from (FF) Farm Forest to (ME) Rural Industrial based on an Irrevocably Committed Exception on a 31.90 acre property to appropriately to reflect historic, long-term industrial use of the property which has committed the site to nonresource use and to allow for rural industrial uses to occur on the property.
- B. The Douglas County Planning Commission held a public hearing in the matter on January 21, 2016 and signed a Findings of Fact and Decision document approving the request on the same day.
- C. The Board of Commissioners considered the matter on February 24, 2016 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.

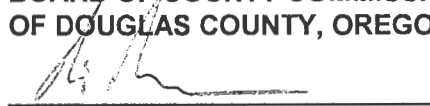
THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:

SECTION ONE: The Robert & Rebecca Rundell request as captioned above is GRANTED. The Plan Amendment and Zone Change approvals shall be filed in the County Court Journal. The Comprehensive Plan Map shall be changed accordingly for the subject property as described in the attached **Exhibit A**.

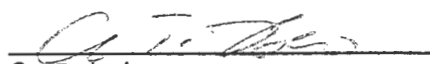
SECTION TWO: The "Findings of Fact and Order" of the Board (attached, dated February 24, 2016) and the "Findings of Fact and Decision" of the Douglas County Planning Commission (attached, dated January 21, 2016), are ADOPTED and, by reference, made part of this Ordinance.

DATED this 24th day of February, 2016.


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



Chair



Commissioner



Commissioner

DOUGLAS COUNTY OREGON
FILED

MAR 02 2016

PATRICIA K. HITT, COUNTY CLERK

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

Robert & Rebecca Rundell, request for a Plan Amendment)
from (FFT) Farm Forest Transitional to (IND) Industrial and)
Zone Change from (FF) Farm Forest to (ME) Rural Industrial)
based on an Irrevocably Committed Exception on a 31.91)
acre property located on State Highway 38, approximately)
one mile west of Drain. The property is described as Tax Lot)
1600 in Section 12 of T22S, R6W, WM; Property ID R36175.)

**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 February 24, 2016, 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 Robert & Rebecca Rundell. The Planning Commission's public hearing was held on January 21, 2016 and the Commission signed a Findings of Fact and Decision Document dated same. No appeal of the Planning Commission decision was filed.
3. At the Board meeting on February 24, 2016, 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 February 24, 2016 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 January 21, 2016, and in consideration of proceedings of the February 24, 2016 Board hearing, the Board finds that the applicable decision criteria, as established in the Staff Report dated January 14, 2016, 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 January 21, 2016
3. The Board adopts the Planning Commission Findings of Fact and Decision, attached hereto, as its own.

FINDINGS OF FACT & ORDER
Robert & Rebecca Rundell; PD 15-056
February 24, 2016
Page 2

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.

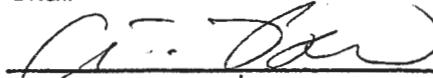
The Plan Amendment and Zone Change approvals shall be filed in the County Court Journal and the Douglas County Comprehensive Plan map shall be changed accordingly for the subject property, as described in the attached **Exhibit A**.

DATED this 24th day of February, 2016.

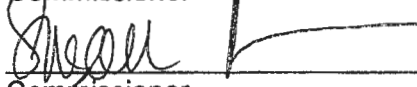
BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON



Chair



Commissioner



Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Robert and Rebecca Rundell request for a Plan Amendment from (FFT) Farm Forest Transitional to (IND) Industrial and Zone Change from (FF) Farm Forest to (ME) Rural Industrial based on an Irrevocably Committed Exception on a 31.91 acre unit of land located on State Highway 38 approximately one mile west of Drain, Findings of Fact and Decision, Planning Department File No. 15-056.

This matter came on regularly for hearing before the Douglas County Planning Commission on January 21, 2016 in Room 216 of the Douglas County Courthouse, Roseburg Oregon.

The applicant's representative was present at the hearing.

The Planning Commissioners present at the hearing were: Mark Brosi, William Duckett, Javier Goigolzarri, Darreld Murphy, George Seonbuchner and Carl Sweeden.

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 21, 2016 Planning Commission meeting.
2. At least 35 days prior to January 21, 2016, 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 North County 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 21, 2016.
4. The parties qualified in this matter are on record with the Planning Department.
5. At the public hearing, staff entered Staff Exhibits 1 through 14 into the Record and gave the staff report.
6. The Planning Commission heard testimony from the Applicant's Representative, who agreed with the findings of the Staff Report.
7. The Planning Commission considered written testimony from an adjacent property owner with regard to the potential for traffic impacts along State Highway 38 resulting from the proposed amendment, as well as the safety of multiple existing access points serving the site. The

January 21, 2016

Commission found that coordination with ODOT, who has jurisdiction over the state facility, had occurred as part of the pre-application process for the proposed amendment. ODOT's September 24, 2015 letter addressing potential traffic generation and accesses for the amendment states ODOT does not believe the plan amendment and zone change will produce traffic that results in a significant effect on the function and capacity of State Highway 38. ODOT has met with the property owner regarding consolidation of the multiple access points serving the site. In order to ensure safe access to the site for rural industrial uses, the applicant will be required to obtain a final road approach permit from ODOT, which incorporates consolidation as determined by ODOT, as a condition of approval of the requested Zone Change.

8. With no further testimony, Vice Chair Brosi closed the public portion of the hearing.
9. Based on the preceding findings, it was moved and seconded to adopt the findings of the Staff Report and approve the request; the motion passed.

DECISION

Based on the preceding findings, the findings contained in the Staff Report and evidence contained in the entire Record, we hereby APPROVE the request for a Plan Amendment from (FFT) Farm Forest Transitional to (IND) Industrial and Zone Change from (FF) Farm Forest to (ME) Rural Industrial based on an Irrevocably Committed Exception, to allow rural industrial uses on the property, as consistent with the ME zone, subject to the following condition:

1. The applicant shall obtain a final road approach permit from ODOT prior to the Zone Change to ME becoming effective. *The final road approach shall incorporate consideration of consolidation of access, as well as possible signage if determined appropriate by ODOT.*
- Dated this 21st day of January, 2016.

DOUGLAS COUNTY PLANNING COMMISSION

By: _____


Chair

EXHIBIT "A"

Beginning at the intersection of the west line of the Southeast quarter of the Southwest quarter of Section 12, Township 22 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, with the northerly right of way line of the Umpqua Highway, said point being 40 feet distant Northerly from (when measured at right angles to) the centerline of the said highway at Engineer's Station 1678+15.3; said point also being 57.8 feet North and 1349.2 feet East of the southwest corner of said Section 12; thence North along the west line of the said Southeast quarter of the Southwest quarter of Section 12, a distance of 1200.0 feet; thence South 35° 04' East a distance of 1042.0 feet to a point on the northerly right of way line of the Umpqua Highway, said point being 40 feet distant Northerly from the centerline of said highway; thence along said right of way line on the arc of an 1185.92 foot radius curve left (the long chord of which curve bears South 50° 06' West 32.6 feet) a distance of 32.6 feet; thence South 49° 19' West along the said right of way line a distance of 67.4 feet; thence continuing along the said right of way line on the arc of a 1392.4 foot radius curve right (the long chord of which curve bears South 61° 38' West 594.0 feet) a distance of 598.6 feet to the point of beginning.

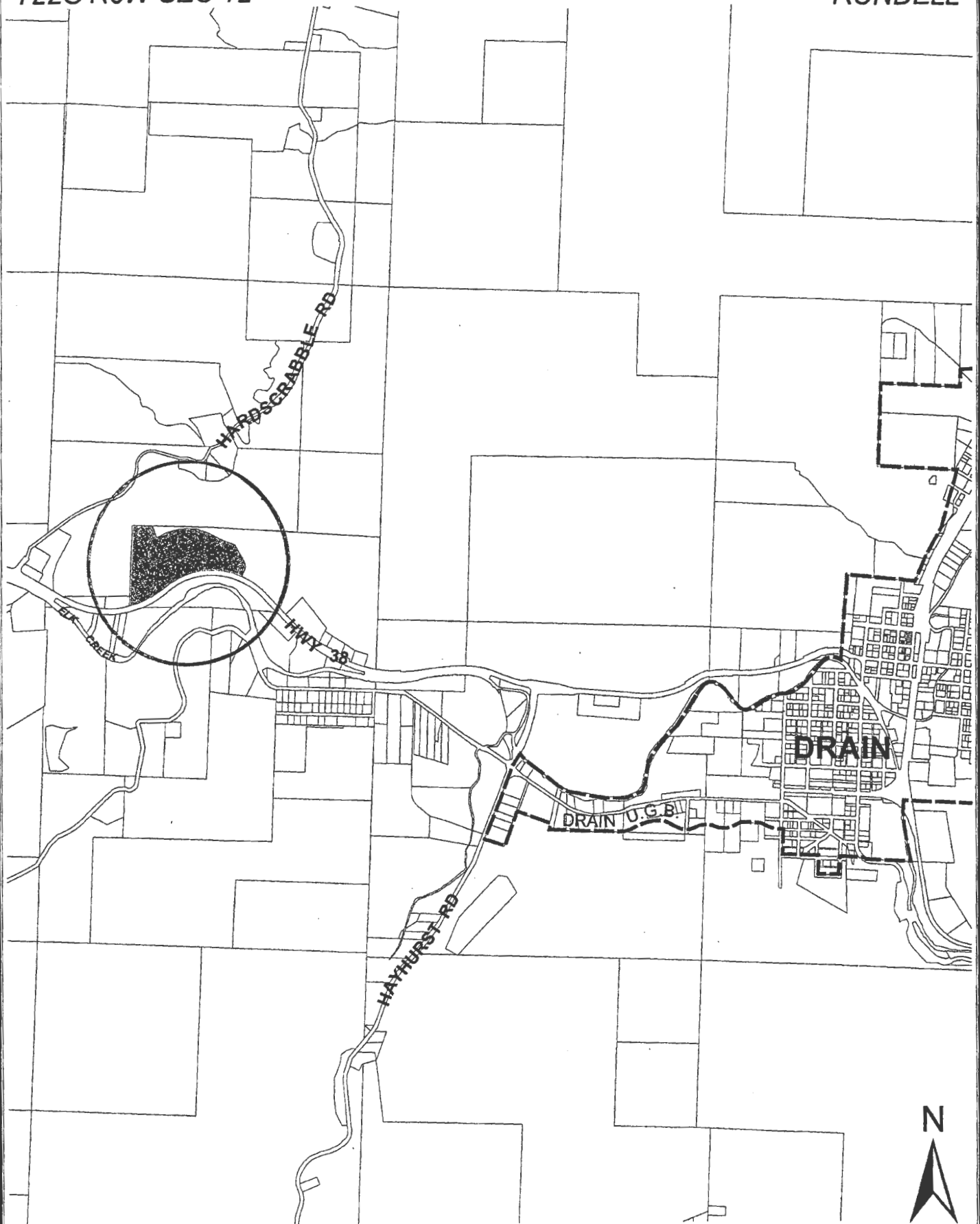
Also beginning at a 2 1/2 inch x 48 inch iron pipe on the northerly right of way line of the Umpqua Highway 40.0 feet opposite at right angles from the centerline at Engineer's Station 1686+49.3, from which the quarter corner to Sections 12 and 13 bears South 61° 30' East 799.1 feet; thence North 20° 35' West 755.7 feet to a 2 1/2 inch iron pipe; thence North 61° 19' 30" East 188.8 feet to a 2 1/2 inch iron pipe; thence North 68° 42' East 87.3 feet to a 2 1/2 inch iron pipe; thence North 78° 51' East 184.0 feet to a 2 1/2 inch iron pipe; thence North 88° 39' 30" East 190.6 feet to a 2 1/2 inch iron pipe; thence South 76° 01' East 253.3 feet to a 2 1/2 inch iron pipe; thence South 66° 44' East 250.3 feet to a 2 1/2 inch iron pipe; thence South 70° 52' 30" East 188.3 feet to a 2 1/2 inch iron pipe; thence South 30° 58' 30" East 307.3 feet to a 2 1/2 inch iron pipe; thence South 17° 31' East 85.0 feet to a 2 1/2 inch iron pipe; thence South 2° 39' 30" West 49.9 feet to a 2 1/2 inch iron pipe; thence South 23° 24' West 128.5 feet to a 1 inch X 20 inch iron bolt in the northerly right of way line of said highway, opposite and 40.0 feet distance from, at right angles to centerline Engineer's Station 1698+03.4; thence along said right of way line on the arc of a 5° curve to the left (the long chord of which bears South 83° 11' West 1144.60 feet) a distance of 1194.4 feet to the place of beginning, in Section 12, Township 22 South, Range 6 West, Willamette Meridian, Douglas County, Oregon.

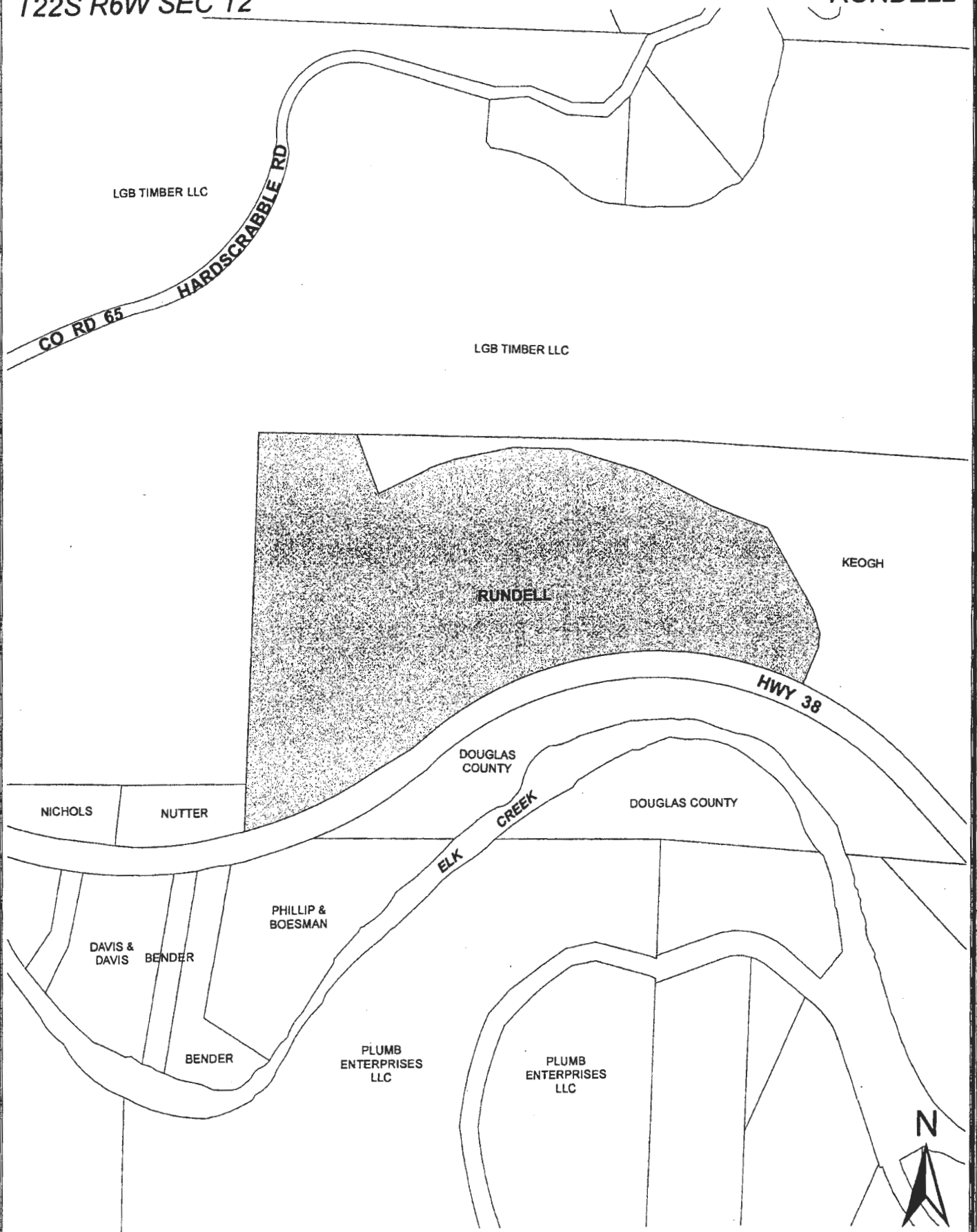
Also the following: Beginning at a 2 1/2 inch x 48 inch iron pipe in the northerly right of way line of the Umpqua Highway, 40.0 feet opposite at right angles from the centerline at Engineer's Station 1686+49.3 from which the quarter corner to Sections 12 and 13, Township 22 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, bears South 61° 30' East 799.1 feet; thence North 20° 35' West 755.7 feet to a 2 1/2 inch iron pipe and continuing to the north line of the Southeast quarter of the Southwest quarter of said Section 12; thence Westerly along said north line of the Southeast quarter of the Southwest quarter to the northwest corner thereof; thence Southerly along the westerly line of said Southeast quarter of the Southwest quarter to a point 1200.0 feet North of the intersection of said westerly line with the northerly right of way line of the Umpqua Highway, last said point being 40.0 feet opposite at right angles from the centerline at Engineer's Station 1678+15.3 said point being the most northerly point of a parcel of land described in Volume 123, Page 417, Deed Records of Douglas County, Oregon; thence South 35° 04' East 1042.0 feet along the northeasterly line of said parcel described in Volume 123, Page 417, to a point on the northerly right of way line of the Umpqua Highway, said point being the southeast corner of the aforesaid parcel; thence Easterly along the northerly right of way line of said highway to the place of beginning, in Section 12, Township 22 South, Range 6 West, Willamette Meridian, Douglas County, Oregon.

VICINITY MAP
T22S R6W SEC 12

STAFF EXHIBIT NO. 6

P/D 15-056
RUNDELL





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



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

