



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

October 22, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Roseburg Plan Amendment
DLCD File Number 008-08



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: November 4, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Marion J. Thompson, City of Roseburg

<paa> ya/

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **Roseburg**

Local file number: **ZC-08-04**

Date of Adoption: **10/13/2008**

Date Mailed: **10/14/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 7/3/2008

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".

Zone change for approximately 0.42 acres from light industrial to mixed use to provide greater flexibility allowing a mixture of industrial and commercial uses instead of strictly industrial. There is no development occurring as a part of this action.

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

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

to:

Zone Map Changed from: **Light Ind (M-1)**

to: **Mix Use (MU)**

Location: **171 NE Exchange Avenue**

Acres Involved: **0.42**

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

New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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?

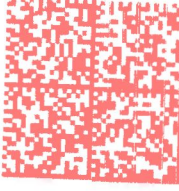
Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 008-08 (~~1191~~) (16992)

City of Roseburg
900 S.E. Douglas Avenue
Roseburg, Oregon 97470-3397



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10/14/2006

Mailed From 97470

US POSTAGE

Attn: Plan Amendment Specialist
Department of Land Conservation &
Development
635 Capitol Street NE, Suite 150
Salem OR 97301-2540

DLCD file No. _____

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

ODOT

Local Contact: **Marion J Thompson, AICP**

Phone: (541) 440-1177 Extension: 253

Address: 900 SE Douglas Ave

Fax Number: 541-440-1185

City: **Roseburg**

Zip: **97470-**

E-mail Address:

mthompson@cityofroseburg.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) 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**

2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 3291

**AN ORDINANCE DECLARING A CHANGE TO THE ZONING MAP
FOR 0.41 ACRES OF LAND LOCATED AT
171 NE EXCHANGE AVENUE**

WHEREAS, the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996; and

WHEREAS, the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for land use application hearings; and

WHEREAS, the Planning Commission received the application (File No. ZC-08-4) and held a Quasi-Judicial public hearing after due and timely notice.

WHEREAS, the Planning Commission has adopted Findings of Fact supporting a recommendation to approve the request; and

NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:

SECTION 1: The City Council hereby takes official notice of the Planning Commission Findings of Fact and Decision dated September 2, 2008, recommending the request be granted without conditions and providing details supporting approval as required by Section 3.38.100 of the Land Use and Development Ordinance, including:

ZONE CHANGE CRITERIA:

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 states the approving authority may grant a zone change only if the following is found:

1. The rezoning will conform to the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.
2. The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan map and policies finds the following:

- A. Consistent with Comprehensive Plan Growth Policies for orderly development, the subject property is within the Roseburg Urban Growth Boundary and is designated by the Roseburg Urban Area Comprehensive Plan Map for Industrial (IND) uses.

- B. The Land Use and Development Ordinance matrix notes appropriate zone classifications for areas designated IND includes M-1, M-2, (Heavy Industrial) M-3 and MU, thus the proposed MU zone is available for implementing the IND plan designation.
- C. Consistent with Comprehensive Plan Economic Growth Policies, the current Zone implementing the Comprehensive Plan is M-2 allowing a variety of industrial uses including such things as contractor's yard, lumberyard, welding and machine shop, and wholesale businesses. The requested MU zone, which is also compatible with the IND Comprehensive Plan designation, permits the same uses allowed in the M-2 zone as well as allowing such uses as a department store, general retail sales, and professional offices that occupy no more than 33% of a multi-use structure.
- D. Consistent with the adopted Transportation System Plan (TSP) rights-of-way exist within the area to adequately serve development of the property. Any development proposal would be subject to compliance with the adopted Transportation System Plan policies, as well as Land Use and Development Ordinance criteria in place at the time of an application. Based on current and proposed zoning there would be no significant differences in V/C. City water service is provided in keeping with the City's water rules. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and this property lies within the UGB. Public Works and the Fire Department have no objections or issues relative to the zone change.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

The proposed Mixed Use (MU) zone will implement the IND Comprehensive Plan designation. The physical characteristics of the property, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, compliance with adopted LUDO development standards, and compatibility with adjacent and nearby land use activities eliminates concerns that cannot be adequately mitigated under LUDO if and when further development should be proposed.

There are sufficient levels of public services and facilities available to the property. The zone change will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject property has not been identified as being needed for public recreational facilities.

The zone change will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan based on the existing IND designations that will not be altered by this action. The Zone Change will not adversely impact the present or future provisions of public facilities and services in the surrounding area. The full range of services appropriate for the types of land use activity contemplated is available or can be provided in a timely, orderly and efficient manner. Public right-of-way in the area will adequately accommodate current and future improvements designed to handle potential traffic resulting from the zone change.

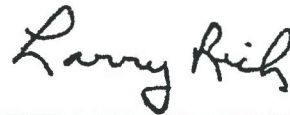
SECTION 2: The City Council hereby amends the Roseburg Zoning Map for the following property:

Township 27 South, Range 06 West, Willamette Meridian, Section 12AC, Tax Lot 1402, with a current street address of 171 NE Exchange Avenue

SECTION 3: The City Council hereby amends the Roseburg Zoning Map by changing the Light Industrial (M-1) district to Mixed Use (MU) for the subject parcel, as described above and as shown on the map labeled Exhibit "1" attached hereto and made part of this ordinance.

PASSED BY THE CITY COUNCIL THIS 13TH DAY OF OCTOBER, 2008.

APPROVED BY THE MAYOR THIS 13TH DAY OF OCTOBER, 2008.



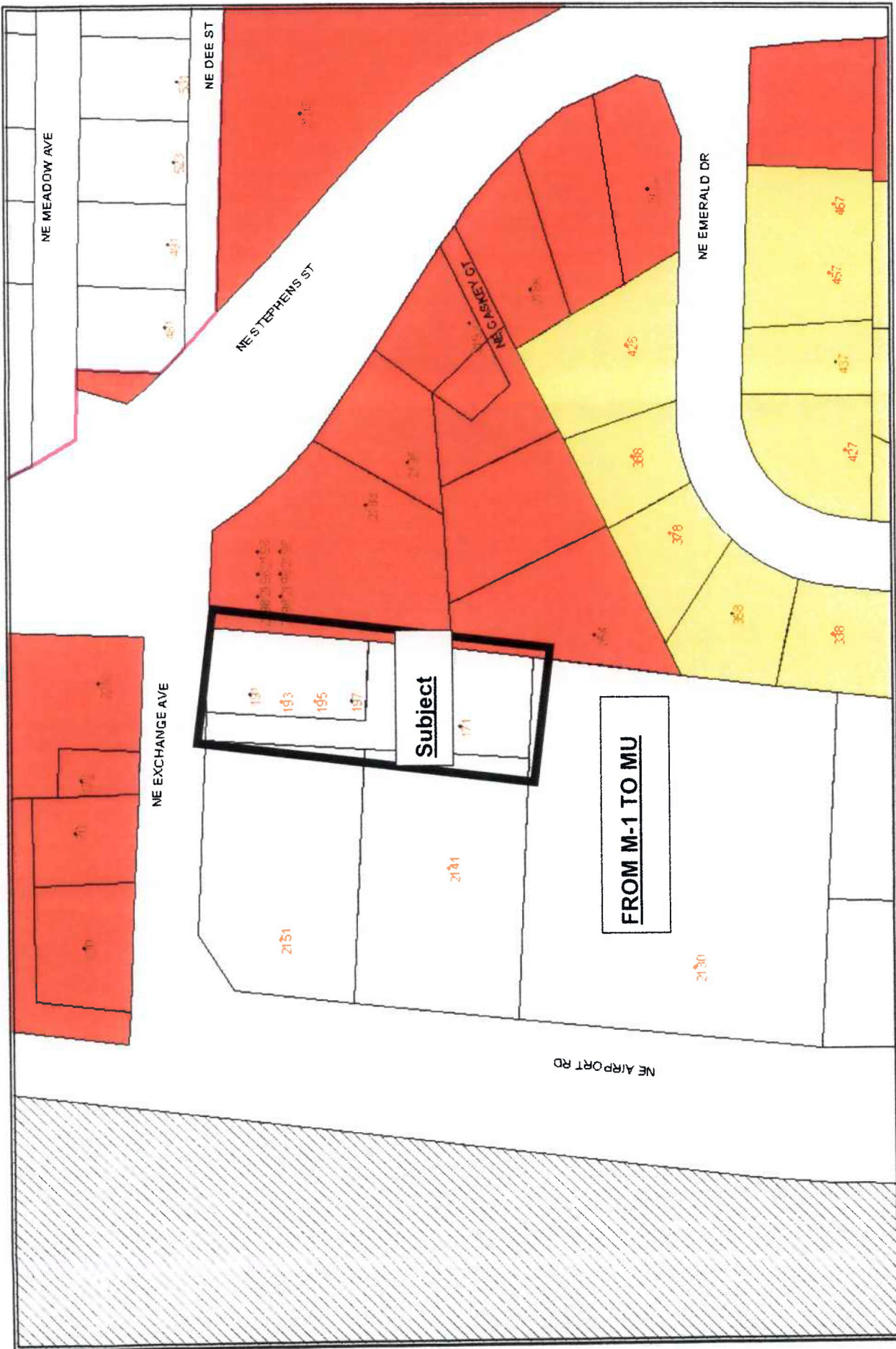
Mayor

ATTEST:



City Recorder

Exhibit "1" – Zoning Map



FILE NO. ZC-08-4 - ZONE MAP - EXHIBIT "1"