



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Director's Office Fax (503) 378-5518

Main Fax: (503) 378-6033

Web Address: <http://www.lcd.state.or.us>



NOTICE OF ADOPTED AMENDMENT

February 21, 2012

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Riddle Plan Amendment
DLCD File Number 002-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, March 7, 2012

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. 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 DATE SPECIFIED ABOVE.**

cc: Kathleen Wilson, City of Albany
Angela Lazarean, DLCD Urban Planner
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

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

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	FEB 16 2012
	LAND CONSERVATION AND DEVELOPMENT For Office Use Only

Jurisdiction: **City of Riddle**

Local file number: **CPA/ZC 2011-01**

Date of Adoption: **2/13/2012**

Date Mailed: **2/15/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 11/18/2011

☐ 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".

The amendment changed the zoning of a 12 acre parcel of a 44 acre lot from R-1 Single Family Residential to M-1 Light Industrial

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

Plan Map Changed from: **R-1**

to: **M-1**

Zone Map Changed from: **R-1**

to: **M-1**

Location: **1757 Riddle By-Pass Road (Changed from 1951)**

Acres Involved: **12**

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...

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. 002-11 (19159) [16941]

DLCD file No. _____

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

City of Riddle

Local Contact: **Kathleen Wilson**

Phone: (541) 874-2571 Extension:

Address: **PO Box 143 - 647 First Avenue**

Fax Number: **541-874-2625**

City: **Riddle**

Zip: **97469-**

E-mail Address: **coriddle@frontiernet.net**

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:

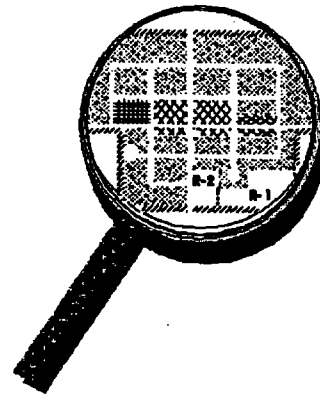
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

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.

APPLICATION FOR ZONING AMENDMENT

City File No. CPA/ZC 2011 Date Application Received: _____ Fee Paid: _____

Please complete this application and return it to City Hall with the correct application fee. If you are unsure about any item on this application, feel free to call or stop by City Hall for assistance. This application must be evaluated for completeness before it can be processed, so please provide all the requested information before returning it to City Hall. Thank you for helping the City of Riddle achieve its community enhancement goals.



Nature of Zoning Ordinance Amendment Requested:

☐ Text ☒ Map ☐ Both

1. Applicant for the Zoning Ordinance Amendment

Name: LANCE PICKLE Phone: 541-863-2518
Address: PO BOX 952 RIDDLE OR

Titleholder of Subject Property (if different than applicant)

Name: _____ Phone: _____
Address: _____

Contract Purchaser, Lessee, or Other Party with Interest in the Subject Property

Name: _____ Phone: _____
Address: _____

2. Directions to the Property (to allow City officials to view the site, if needed)

1757 RIDDLE BYPASS RD.

3. Assessor's Description of the Property (available from the County Assessor's office)

Township: 30S Range: 6W Section: 14 Tax Lot No(s): (1500)
Tax Account No(s): R37250

4. Present Parcel Size(s) and Use(s):

44 ac. - 32 zoned woodland, open space, agriculture. 12 ac. zoned R1.

5. Existing Structures: 1 Residential Units, _____ Commercial Bldgs., _____ Other

6. Existing Physical Characteristics of the Subject Property

Road Frontages and Access: yes

Parcel Dimensions: _____

Utilities and Infrastructure: power, water (city)

Stormwater Drainage: yes

Topography and Slopes: 12 acre parcel slopes from 0° to 25°

Streams, Ponds, and Wetlands: NO

Dominant Ground Cover: grass + trees

Neighboring Land Uses: WOBA, R1, M1

7. EXISTING Zoning Map Designations by Parcel: 12 ac. RE LOT 1500
THAT ARE ZONED R1

8. PROPOSED Zoning Map Designations by Parcel: RE ZONE THE 12 AC.
TO M1

9. The zoning designation (such as Urban Residential) for any given lot on the Zoning Map should coincide with the most appropriate designation on the Comprehensive Plan Map (i.e. Residential). Because of the need to maintain logical correspondence between the Zoning and Comprehensive Plan Maps, most zone changes require both a Zoning Map amendment and a Comprehensive Plan Map amendment. Answer the following two questions to see if your map amendment proposal requires a Comprehensive Plan Map amendment in addition to a Zoning Map amendment.

☐ Will your proposed Zoning Map amendment create or perpetuate an inconsistency between the revised Zoning Map designation and the existing Comprehensive Plan Map designation for the same lot(s)? NO

☐ Will the proposed Zoning Map amendment affect land which is outside the present Urban Growth Boundary (UGB)? NO

If the answer to either question is YES, you will also need to complete an application for a Comprehensive Plan amendment. Check with City staff for verification.

10. For Proposed Zoning Ordinance Text Amendments (if applicable), provide the exact text of the existing language which you want the City to remove or replace, along with the appropriate references for locating that text in the Zoning Ordinance. Then provide the exact language which you are proposing as a substitute for the removed text. If you propose to insert text only, provide a line or two of the existing text on either side of the insertion point (for context), underline or bracket the new text, and provide appropriate references for locating that portion of text in the Zoning Ordinance.

NOTE: The Zoning Ordinance is a principal implementation tool of the Comprehensive Plan. Any text change which creates an inconsistency between the Zoning Ordinance and the Comprehensive Plan will trigger the requirement for a corresponding Comprehensive Plan amendment. *If the proposed text change is likely to cause such an inconsistency, you will also need to complete an application for a Comprehensive Plan amendment.* City staff can help you determine whether a Comprehensive Plan amendment will be required.

EXISTING Language: Not applicable, no language
change.

PROPOSED Language: Not applicable.

11. Explain exactly why the requested Zoning Ordinance map or text amendment is consistent with the Comprehensive Plan. Reference the specific goals and policies of the Comprehensive Plan for which complete consistency is at all uncertain. _____

The requested zone change is compliant with current zoning ordinances and the current Comprehensive Plan. The property has Riddle-Bypass Road Frontage across the road from an M1 development.

12. Explain clearly how the requested Zoning Ordinance amendment will not adversely impact adjacent properties, your neighborhood, or the City in general.

The subject property is now being used for repair and storage facility, which has had no adverse impact to adjacent properties, neighbors or the city of Riddle.

13. Give specific reasons why you believe the requested Zoning Ordinance amendment is in the public interest.

The 12 acres zoned R1 as of now is being used for light industrial under a conditional use permit. The 12 acres is adjacent to M1 zoned property. For what the property is being used for would meet the requirements to be zoned M1A. Seasonal RV (private for employees only) would reduce housing cost and increase revenue for the city through city water usage fees.

14. Please attach the following required items to this application:

☒ Assessor's map(s) showing the entire property outlined in bold or otherwise highlighted.

☒ A true and legal description of the property proposed to be rezoned.

☒ A complete or partial copy of the current Riddle Zoning Map on which all proposed changes are clearly indicated.

- ☐ A complete mailing list containing the names and mailing addresses of all property owners whose land lies entirely or partly within 100 feet of your property lines.

SIGNATURE REQUIRED

I (We), LANCE PICKLE, am (are) the title holder or contract purchaser (under a duly executed written contract) of the property described in this application and hereby certify that the statements and information contained herein are in all respects true, complete, and correct to the best of my (our) knowledge and belief. I understand that the full application fee must be paid to the City before this application will be processed, and that any additional costs incurred by the City in processing this application are my responsibility. I hereby agree to pay all application processing costs in full, and within the time specified by the City (or within 30 days of the billing date if no time is specified).

SIGNED: Lance B Pickle DATE: 3-14-11

A lessee or agent of the property owner may sign this application provided that written permission from the property owner is provided below.

I (We), _____, do not have any objection to
(TITLE HOLDER(S))

_____ proceeding with this zone change request.
(LESSEE OR AGENT)

SIGNED: _____ DATE: _____

98-28582

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That M.W. LEASING, INC.

BOOK 1584 PAGE 349

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by LANCE CORPORATION

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the improvements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of DOUGLAS and State of Oregon, described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF AS IF FULLY WRITTEN HEREIN

TO HAVE and to HOLD the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances subject to Exhibit "A" attached

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 115,000.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, this grantor has executed this instrument this 15th day of December, 19 98; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

STATE OF OREGON

County of DOUGLAS

Jss.

On this 15th day of December,

19 1998,

before me appeared P. J. WASHBURN

M. W. LEASING, INC.

BY: P. J. WASHBURN, PRESIDENT

duly sworn, did say that he, the said P. J. WASHBURN

is the PRESIDENT President, and he, the said

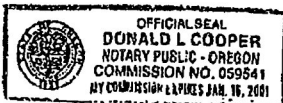
is the of M. W. LEASING

the within named Corporation, and that the said instrument was signed in behalf of said Corporation by authority of its Board of Directors, and P. J. WASHBURN and

acknowledge said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my

Official seal the day and year last above written.



My Commission Expires

Notary Public for Oregon

M.W. LEASING, INC.

P.O. BOX 936

ROSEBURG, OR 97470

Grantor's Name and Address

LANCE CORPORATION

Grantee's Name and Address

After recording return to:

LANCE CORPORATION

Name, Address, Zip

Until a change is requested all tax statements shall be sent to the following address.

LANCE CORPORATION

P.O. BOX 936

ROSEBURG, OR 97470

Name, Address, Zip

Space Reserved
For
Recorder's Use

STATE OF OREGON,

County of

I certify that the within instrument

received for record on the -

day of

o'clock M., and recorded in

book/folio/volume No. on

page or as fee/file/instru-

ment/microfilm/reception No.

Records of Deeds of said County

Witness my hand and seal of

affixed.

Name Title

By Deputy

Beginning at the quarter corner common to Sections 14 and 23, Township 30 South, Range 6 West, Willamette Meridian, Douglas County, Oregon; thence North 89° 30' East along the south line of said Section 14, a distance of 432.5 feet to the most westerly southwest corner of lands conveyed to Beatrice A. Sowersby by Recorder's No. 71-13575, Records of Douglas County, Oregon; thence North 36° 39' East along said Sowersby lands 1056 feet to the most northerly corner thereof; thence North 42° West 1580 feet, more or less, to the north-south centerline of said Section 14; thence South along said north-south centerline 2020 feet, more or less, to the point of beginning.

All that portion of the South half of the Southeast quarter of Section 14 and that portion of the North half of the Northeast quarter of Section 23, Township 30 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, described as follows: Beginning at a point on the section line between said Sections 14 and 23, which bears North 89° 30' East 432.5 feet from the quarter common to said Sections 14 and 23, said point also being on the north line of the Helena A. Riddle property, as described in Volume 97, Page 498, Deed Records of Douglas County, Oregon; thence North 89° 30' East 207.12 feet to the northeast corner of the Helena A. Riddle property; thence South 38° 55' East along said Riddle property 727.98 feet to the northwesterly line of the property conveyed to Claud A. Riddle and wife, as described in Volume 97, Page 549, Deed Records of Douglas County, Oregon; thence North 36° 39' East 374.22 feet to the most northerly line of said Claud Riddle property; thence South 38° East along the northeasterly line of said Claud Riddle property 29 feet to the westerly right of way line of the Riddle by-pass County Road No. 263; thence Northerly along said right of way, 600 feet, more or less, to the southwesterly line of property conveyed to Joe V. Nagles and wife, as described in Volume 154, Recorder's No. 76868, Deed Records of Douglas County, Oregon; thence North 42° West along the southwesterly line of said Nagles land and the continuation thereof, 730 feet, more or less, to a point which is North 36° 39' East of the point of beginning; thence South 36° 39' West 10° 6 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM a parcel of land in the Northeast quarter, Section 23, Township 30 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, and being more particularly described as follows: Beginning at a 5/8 inch iron rod that bears North 89° 30' 00" East 639.62 feet and South 39° 08' 28" East 517.49 feet from the quarter section corner common to Sections 14 and 23, Township 30 South, Range 6 West, Willamette Meridian; thence North 37° 05' 29" East 440.76 feet to a 5/8 inch iron rod; thence South 39° 08' 28" East 206.05 feet to a 5/8 inch iron rod on the westerly right of way of County Road No. 263; thence along said right of way, South 16° 43' 13" West 83.00 feet to a 3/4 inch iron pipe; thence leaving said right of way, North 38° 00' 00" West 29.00 feet to a 5/8 inch iron rod; thence South 37° 05' 29" West 370.63 feet to a 5/8 inch iron rod; thence North 39° 08' 28" West 206.94 feet to the point of beginning.

ALSO EXCEPTING THEREFROM any portion of the herein described property lying within the right of way of County Road No. 263, as disclosed by Douglas County Road Docket 915.

continued

SUBJECT TO:

1. Roads and highways and the rights of the public therein.
2. Right of way for pipelines, including the terms and provisions thereof, as set out in Volume 63, Page 260A, Page 260B, and Page 329, Deed Records of Douglas County, Oregon, duly conveyed to Pine Springs Water Co. by instrument recorded May 18, 1948, Recorder's No. 77817, Deed Records of Douglas County, Oregon. (We are unable to determine if this affects the property described herein.)
3. Right of way for pipeline, including the terms and provisions thereof, granted to Pine Springs Water Company by instrument recorded May 18, 1948, Recorder's No. 77816, Deed Records of Douglas County, Oregon. (We are unable to determine if this affects the property described herein.)
4. Easement, including the terms and provisions thereof, granted by Lora B. Willis to Pacific Power & Light Company, dated May 4, 1965, and recorded May 12, 1965, in Book 349, Recorder's No. 65-5882, Records of Douglas County, Oregon.
5. Right of way, including the terms and provisions thereof, granted by Beatrice A. Sowersby to Pacific Power and Light Company, recorded March 8, 1968, in Book 405, Recorder's No. 68-2283, Records of Douglas County, Oregon.
6. Easement, including the terms and provisions thereof, granted by Robert C. Jenkins and Pearl E. Jenkins, husband and wife, to California-Pacific Utilities Co., recorded November 4, 1968, in Book 417, Recorder's No. 68-11882, Records of Douglas County, Oregon.
7. Easements and reservations as set out in Memorandum of Contract from Happy Hills Estates recorded April 24, 1991, in Book 1134, Page 404, Recorder's No. 91-6115, Records of Douglas County, Oregon.

STATE OF OREGON) ss
COUNTY OF DOUGLAS)
I, DOYLE SHAVER JR., COUNTY CLERK AND
RECORDER OF CONVEYANCES, DO HEREBY CERTIFY
THAT THIS INSTRUMENT WAS RECORDED

98 DEC 17 PM 2:20

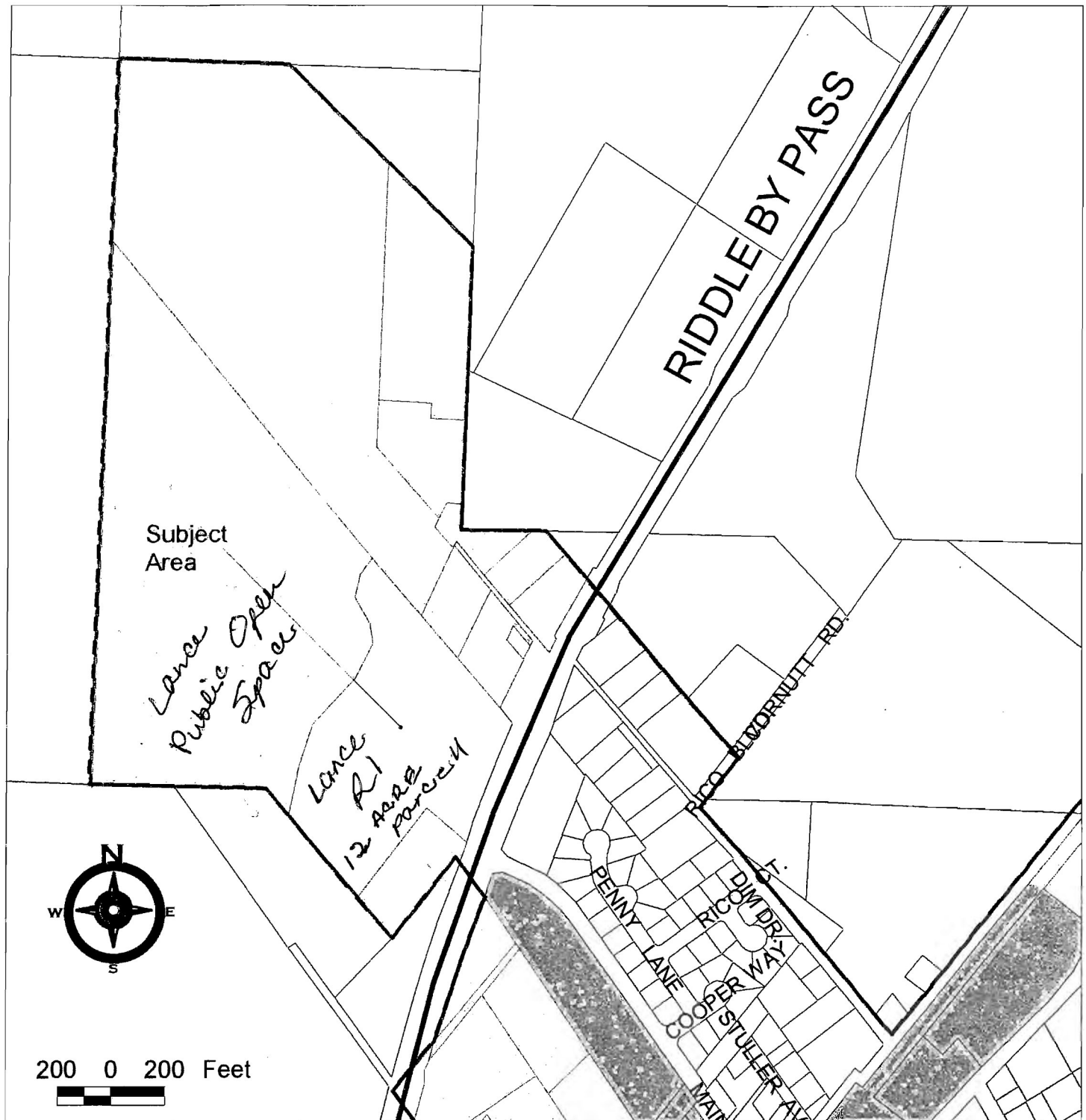
DOYLE SHAVER JR.
DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY *Thomas P. Fitch*
DEPUTY

DEC 17 1998
350
5400

98-28582



Riddle Comp Plan Future Land Use Map



City Limits
U.G.B.



Public and Open Space



Commercial



Residential Mobile Home



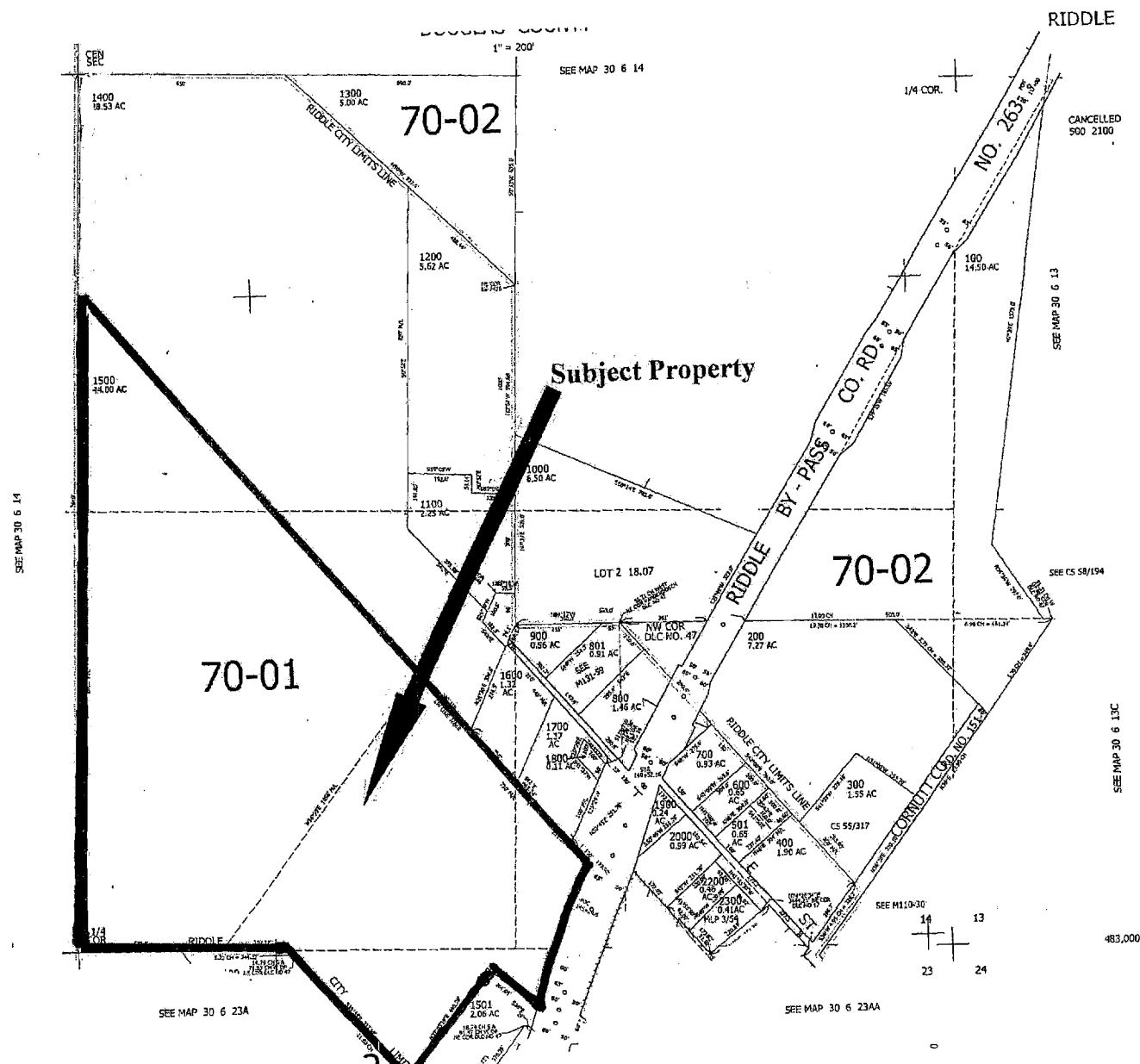
Residential Multi-Family



Residential Single-Family

Industrial





- City of Riddle -

(541) 874-2571 P.O. Box 143 * Riddle, Oregon 97469 Fax (541) 874-2625 E-mail: coriddle@frontiernet.net

City
Government

Notice of Public Hearing

Public
Works

Water
Quality

Re: Zone Change City of Riddle, Oregon

November 30, 2011

Dear Property Owner,

Wastewater
Treatment

Water
Treatment

Parks and
Recreation

Public
Education

This letter is provided as notice that an application for revised zone change has been received by the City of Riddle. The proposed zone change will affect a portion of Tax Lot 1500-the affected 12-acre area is shown on the map at the end of this letter. The zone change will include the developable area of 1757 Riddle By-Pass Road, Tax Lot 1500, that is not constrained by steep slopes. The proposed zone change is from R1-Residential Single Family to M1-Light Industrial. This letter notifies property owners within 100 feet of the subject property.

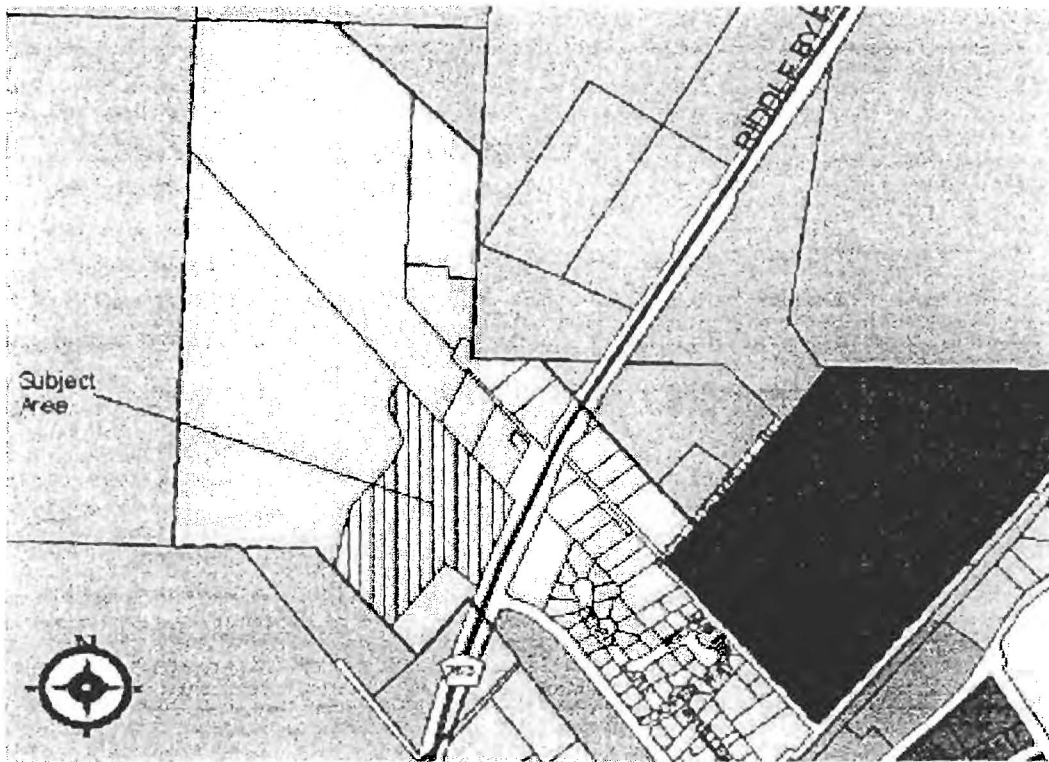
The City Council of the City of Riddle will review the zone change request at a public hearing on Monday, December 19, 2011 at 7:00 p.m. in the Council Chambers in the Riddle City Hall, located at 647 First Avenue, Riddle, Oregon.

The purpose of the hearing is to take public testimony, either written or oral, on the request for the zoning change. The action will change a portion of the subject property's existing zoning designation (R1-Residential Single Family) to M1-Light Industrial, allowing the current use of the property without a conditional use permit. The requested action will assign the Future Land Use designation of M1-Light Industrial to the subject area on the City's Comprehensive Plan map.

The guidelines and decision criteria for the requested land use actions are in the City's Comprehensive Plan and Municipal Code, as well as Statewide Planning Goals. Participants may present evidence and rebut opposing testimony at the hearing. Prior to the hearing, a participant may request that a record be kept open so that more evidence may be submitted. After the record is closed, no further testimony will be heard. Those who do not raise an issue related to this request in person or by letter by the close of the hearing will waive their right to appeal the decision to the Oregon State Land Use Board of Appeals (LUBA). Persons giving testimony that is not sufficiently specific for the City Council to respond to will also waive their right to appeal to LUBA. All written statements must be filed with the Riddle City Council, PO Box 143, Riddle, OR 97469, no later than 5:00 PM on Friday, December 16, 2011. The written statement must contain the name, address, and the telephone number of the person filing the statement; how the person qualifies as a party to the decision; comments the party wishes to make with respect to the request under consideration; and whether the person desires to be heard at the public hearing.

All documents, evidence, and applicable criteria to be used by the City may be inspected at Riddle City Hall. The Staff Report will be available for inspection prior to the hearing. Copies of all documents are available at a reasonable cost. For more information, contact Kathleen Wilson, Riddle City Hall, PO Box 143, Riddle, OR 97469, or call 541-874-2571.

City of Riddle



Affidavit of Publication

The News-Review

OF DOUGLAS COUNTY

Roseburg, Oregon

ISSUED DAILY EXCEPT SATURDAY

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

I, SAM HOLLENBECK, being first duly sworn, depose and say that I am the Business Manager, of The News-Review, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Roseburg in the aforesaid county and state; that the

#11678 Public Hearing Notice

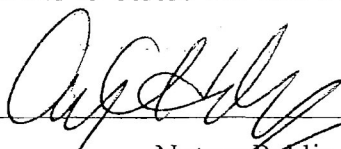
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 1 successive and consecutive days in the following issue:

December 14, 2011

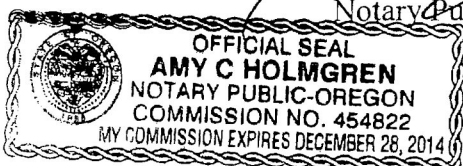
The fee actually charged by such newspaper for such publication is \$ 124.74.



Subscribed and sworn to before me this 14th day of December, 2011.



Notary Public of Oregon



The City Council of the City of Riddle will review a zone change request at a public hearing on Monday, December 19, 2011 at 7:00 p.m. in the Council Chambers in the Riddle City Hall, located at 647 First Avenue, Riddle, Oregon. The zone change will apply to a 12-acre developable area of 1757 Riddle By Pass Road, Tax Lot 1500, that is not constrained by steep slopes. The proposed zone change is from R1-Residential Single-Family to M1-Light Industrial. The purpose of the hearing is to take public testimony, either written or oral, on the request for the zoning change. The action will change a portion of the subject property's existing zoning designation from R1-Residential Single-Family to M1-Light Industrial, allowing the current use of the property without a conditional use permit. The requested action will assign the Future Land Use designation of M1-Light Industrial to the subject area on the City's Comprehensive Plan map. The guidelines and decision criteria for the requested land use actions are in the City's Comprehensive Plan and Municipal Code, as well as Statewide Planning Goals. Participants may present evidence and rebut opposing testimony at the hearing. Prior to the hearing, a participant may request that a record be kept open so that more evidence may be submitted. After the record is closed, no further testimony will be heard. Those who do not raise an issue related to this request in person or by letter by the close of the hearing will waive their right to appeal the decision to the Oregon State Land Use Board of Appeals (LUBA). Persons giving testimony that is not sufficiently specific for the City Council to respond to will also waive their right to appeal to LUBA. All written statements must be filed with the Riddle City Council, PO Box 143, Riddle, OR 97469, no later than 5:00 PM on Friday, December 16, 2011. The written statement must contain the name, address, and the telephone number of the person filing the statement; how the person qualifies as a party to the decision; comments the party wishes to make with respect to the request under consideration; and whether the person desires to be heard at the public hearing. All documents, evidence, and applicable criteria to be used by the City may be inspected at Riddle City Hall. The Staff Report will be available for inspection prior to the hearing. Copies of all documents are available at a reasonable cost. For more information, contact Kathleen Wilson, Riddle City Hall, PO Box 143, Riddle, OR 97469, or call 541-874-2571. #11678 Pub Date December 14, 2011

- City of Riddle -

(541) 874-2571 P.O. Box 143 * Riddle, Oregon 97469 Fax (541) 874-2625 E-mail: coriddle@frontiernet.net

City
Government

Public
Works

Water
Quality

Wastewater
Treatment

Water
Treatment

Parks and
Recreation

Public
Education

Notice of Second Public Hearing

Re: Second Public Hearing on Zone Change

December 28, 2011

Dear Property Owner(s),

As requested at the Public Hearing on December 19, 2011, the record has been left open in order to take additional testimony on the application for a zone change from R1 Single Family Residential to M1 Light Industrial on 12 acres of property owned by Lance Pickle located at 1757 Riddle By-Pass Road.

A second Public Hearing to accept additional testimony, either written or oral, concerning this Zone Change Application will be held on Wednesday, January 11, 2012, at 7:00 pm in the Council Chambers in Riddle City Hall located at 647 First Avenue. The guidelines and decision criteria for the requested land use action are in the City's Comprehensive Plan and Municipal Code, as well as Statewide Planning Goals. Participants may present evidence and rebut opposing testimony at the hearing. Prior to the hearing a participant may request that a record be kept open so that more evidence may be submitted. After the record is closed, no further testimony will be heard. Those who do not raise an issue related to this request in person or by letter by the close of the hearing will waive their right to appeal the decision to the Oregon State Land Use Board of Appeals (LUBA). Persons giving testimony that is not sufficiently specific for the City Council to respond to will also waive their right to appeal to LUBA. All written statements must be filed with the Riddle City Council, PO Box 143, Riddle, OR 97469, no later than 4:00 pm Friday, January 6, 2012. The written statement must contain the name, address, and the telephone number of the person filing the statement; how the person qualifies as a party to the decision; comments the party wishes to make with respect to the request under consideration; and whether the person desires to be heard at the public hearing.

All documents, evidence, and applicable criteria to be used by the City may be inspected at Riddle City Hall. The Staff Report will be available for inspection prior to the hearing. Copies of all documents are available at a reasonable cost. For more information, contact Kathleen Wilson, Riddle City Hall, PO Box 143, Riddle, OR 97469, or call 541-874-2571.

Sincerely,

Kathleen Wilson
Riddle City Recorder

City of Riddle
Staff Report

TO: Mayor William Duckett and the Riddle City Council

Kathy Wilson, City Recorder

FROM: Crystal Shoji, AICP, Shoji Planning, LLC

Staff Report includes reference to information provided by City Staff.

DATE: November 3, 2011

HEARING DATE: December 19, 2011, 7:00 pm

PROPOSAL This application is for a Comprehensive Plan and zone map amendment. The proposal is to redesignate and rezone a portion of a 44-acre parcel, of which 12 acres is zoned R-1, Single Family Residential Zone, and 32 acres is zoned Woodland-Open Space-Agricultural District. The proposal is to redesignate and rezone the 12 acres from Residential, R-1 Single-Family Residential Zone to M-1 Light Industrial Zone in order to allow seasonal worker housing on-site with the existing industrial use. Mr. Pickle has indicated that the seasonal residents will work in the shop and provide maintenance for equipment. The intent of the zone change is two-fold: 1) To allow the seasonal worker housing in order to accommodate employees who provide service to the existing industrial use; 2) To bring the nonconforming conditional use permit into compliance. See application, Attachment A.

APPLICANTS/OWNERS: Lance B. and Verona M. Pickle

(Application signed by Lance Pickle)

P.O. Box 852

Riddle, OR 97469

See Deed, Attachment B.

SUBJECT PROPERTY AND LOCATION:

Assessor's Map # T30S, R6W, Sec. 14D, Tax Lot 01500; See map, Attachment C. The 12-acre portion of the lot proposed for the amendment, which is on the southeast portion of subject property is not clearly defined in that no property survey or mapping of the acreage has been provided, but the configuration is shown on excerpt from the City Zoning Map prepared by HBH, dated October 2006, Attachment D, and visible on the aerial, Attachment

E. Subject Property is located at 1951 Riddle By-Pass Road,
Riddle, OR 97469.

provided in regular font (not italicized).

Within this report, words quoted from the Riddle Zoning Ordinance are provided in italics. Information that has been prepared or paraphrased is

City of Riddle Title XV: Land Usage.

153.059 Amendments.

(A)Initiation. An amendment to the text of this chapter or to a zoning map may be initiated by the Council, by the Planning Commission, or by application of a property owner, using forms prescribed by the City Engineer for completeness. The Commission shall conduct a public hearing on the proposed amendment at its earliest meeting after it is proposed and shall, within 40 days after the hearing, recommend to the Council approval, disapproval, or modification of the proposed amendment.

Finding: This proposed amendment is initiated by the property owner, Lance Pickle.

153.060 Discretionary Permits

(C) Time Limit on decisions.

(1) The final decision, including any appeals to the City Council, on any applications for discretionary permits applied for under this chapter or Chapter 152, or any combinations thereof, shall be made within 120 days of the date the application(s) is(are) deemed complete. The 120-day period may be extended at the request of the applicant. The 120 days applies only to the decisions wholly within authority and control of the city. Exempted from this time limit are plan and land use regulation amendments or adoptions of new regulations that are required to be submitted to the Department of Land Conservation and Development Director by O.R.S. 197.610(1).

Finding: The time limits set forth in the Ordinance comply with ORS 127, which provides additional guidance to the City.

Finding: The proposal is for a map amendment for 12 acres of a larger 44-acre parcel. The 44-acre parcel currently has split zoning. The 12 acres that is proposed for light industrial zoning in this application is currently zoned R-1, Single-Family Residential Zone; the 32 acres zoned Woodland-Open Space-Agricultural District is expected to maintain the current zoning. See City Zoning Map prepared by HBH, dated October 2006, Attachment D.

Finding: While the split zoning of any parcel is not an ideal situation, changing the zoning of 12 acres of the large parcel would not exacerbate the situation. There are no regulations in the Riddle Zoning Ordinance that prohibit split zoning.

Finding: The 12-acre portion of the lot is currently being used for light industrial use under a nonconforming conditional use permit from the City of Riddle. A shop building is located on the property for storage, maintenance and repair of equipment that the property owner uses for logging. The proposed light industrial zone will allow the current use of the property as a permitted conforming use and the conditional use permit will be unnecessary.

Finding: Subject property was annexed in 1960. On October 21, 2000, the 12 acres was changed from an open space designation to R-1, Single-Family Residential.

Finding: The 12-acre portion of the lot is across Riddle By-pass Road from properties within the City including two zone designations: (1) Single-Family Residential Zone and (2) Commercial, referenced within the zoning ordinance as C-1 General Commercial Zone. Unincorporated property to west of the 12 acres proposed to be rezoned is zoned F-G Farm Use-Grazing by the Douglas County Land Use Development Ordinance, Section 3.3.000, which allows farm use, propagation and harvesting of forest products and other buildings and accessory buildings provided in conjunction with farm use. Other property within the City south of the Riddle By-Pass Road, and within the vicinity is zoned Industrial.

Finding: The City of Riddle Zoning Map prepared by HBH, dated October 2006 is being used for reference. It includes the zone entitled, "Industrial," but it does not include any property in a zone entitled, "M-1, Light Industrial."

Finding: The City of Riddle Zoning Ordinance, Section 153.034, includes a zone entitled, "M-1 Light Industrial Zone," but it does not make reference to a zone entitled "Industrial."

Finding: In order to rezone 12 acres as M-1 Light Industrial Zone, it will be necessary to confirm that the M-1 Light Industrial Zone is the current industrial zone of the City, and that the map is not specific as to the name of the zone.

City of Riddle Title XV: Land Usage.

153.074 Notice of Public Hearing.

(A) By Commission.

When the Commission is required to hold a public hearing, notice of the hearing shall be given in the following manner:

(1) Each notice of a hearing on a conditional use, a variance or amendment to a map initiated by a property owner (or his or her agent) shall be mailed to all owners of property within 100 feet from the exterior boundary of the property for which the application has been made. For this purpose, the names and addresses of owners as shown on the records of the County Assessor may be used.

(2) Each notice of a hearing on an amendment to the text of this chapter on an amendment to the map, initiated by the Council or the Commission, shall be published at least 1 time in a newspaper of general circulation in the city not more than 12 days nor less than 3 days preceding the hearing. If the Commission deems it advisable, notice may also be sent to property owners as provided in division (A)(1) of this section.

Finding: Section 153.059: Zoning, states that the Planning Commission holds a public hearing, and makes a recommendation to the City Council, and then the City Council makes the decision. When there is no Planning Commission, it is appropriate for the City Council to hold an extra hearing and make decisions regarding proposals for amendment without recommendation for the Planning Commission.

Finding: A copy of the mailed hearing notice to comply with Section 153.074 (A)(1) is included as Attachment F.

Finding: The proposed amendment is quasi-judicial in nature because it is limited in scope --12 acres in one ownership. While the proposed amendment that is the subject of this application has not been initiated by the Council or the Commission as addressed in Section 153.074 (A)(2), it is appropriate to provide the newspaper notice that is set forth in Section 153.074 (A)(2) to provide opportunity for public comment. See newspaper notice, Attachment G.

Finding: The proposed amendment is both a Comprehensive Plan Map designation amendment and a zone map amendment because the two maps are the same within the City of Riddle. The amendment is for the 12-acre portion of the property for which the designation in the Comprehensive Plan and the zoning designation are, R-1, Single-Family Residential.

Finding: Subject property in its entirety is within the City Limits and the Urban Growth Boundary (UGB), adjacent to both the City Limits and the Urban Growth Boundary.

ORS 197.610 Local government notice of proposed amendment or new regulation; exceptions; report to commission.

(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing. The director shall notify persons who have requested notice that the proposal is pending.

(2) When a local government determines that the goals do not apply to a particular proposed amendment or new regulation, notice under subsection (1) of this section is not required. In addition, a local government may submit an amendment or new regulation with less than 45 days' notice if the local government determines that there are emergency circumstances requiring expedited review. In both cases:

(a) The amendment or new regulation shall be submitted after adoption as provided in ORS 197.615 (1) and (2);

Finding: Notice of this proposed zone change was forwarded to DLCD to comply with the requirements of ORS 197.610.

Finding: The Statewide Planning Goals have limited application to the proposed amendment. The application is being processed as a quasi-judicial.

197.615 Local government notice of adopted amendment or new regulation; content; notice by director.

(1) A local government that amends an acknowledged comprehensive plan or land use regulation or adopts a new land use regulation shall mail or otherwise submit to the Director of the Department of Land Conservation and Development a copy of the adopted text of the comprehensive plan provision or land use regulation together with the findings adopted by the local government. The text and findings must be mailed or otherwise submitted not later than five working days after the final decision by the governing body. If the proposed amendment or new regulation that the director received under ORS 197.610 has been substantially amended, the local government shall specify the changes that have been made in the notice provided to the director. If the text and findings are mailed, they shall include a signed statement by the person mailing them indicating the date of deposit in the mail.

(2)(a) On the same day that the text and findings are mailed or delivered, the local government also shall mail or otherwise submit notice to persons who:

(A) Participated in the proceedings leading to the adoption of the amendment to the comprehensive plan or land use regulation or the new land use regulation; and

(B) Requested of the local government in writing that they be given such notice.

(b) The notice required by this subsection shall:

(A) Describe briefly the action taken by the local government;

(B) State the date of the decision;

(C) If delivered by mail, include a certificate of mailing containing a statement signed by the person mailing it indicating the date the notice was deposited in the mail;

(D) List the place where and the time when the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation, and findings, may be reviewed; and

(E) Explain the requirements for appealing the action of the local government under ORS 197.830 to 197.845.

Finding: It is the City of Riddle's intent to comply with ORS 197.615 in regards to any adopted Comprehensive Plan and zone map amendment.

Riddle, Oregon -Comprehensive Land Use Plan

This section includes wording from the Riddle, Oregon Comprehensive Land Use Plan and findings of compliance.

EXISTING LAND USE (page 81)

Residential uses

Vacant land suitable for residential development is plentiful in the city, but only a few building sites are provided with the necessary sewer, water, and streets. Until these service lines are extended, construction will be minimal.

Finding: Subject property has City water and power, but it does not have City sewer service. Subject property is on the north side of the Riddle By-Pass road, Co. Rd No 265. Because any

sewer service would need to cross the road to service to the property, it is unlikely that this property will be developed for residential use in the near future.

Land Use Classifications (page 86)

Residential

To provide areas suitable and desirable for single-and multiple-family residential uses which have or will need public water and sewerage services, commercial and educational support facilities, and employment opportunities. Zoning maps can delineate various types of residential uses where there is a need for that separation.

Industrial

To provide areas suitable and desirable for those industrial activities needed to maintain or improve area economy and employment. Industrial areas are generally located where service and transportation improvements are available, and development is compatible with surrounding area uses.

As used above, the terms “suitable” and “desirable” have specific meaning. The suitability of a particular use classification in any given location was determined after considering existing uses, availability of services and utilities, natural limitations and similar factors. The desirability of a particular use classification in any given location was determined after considering the social, economic and political characteristics important in establishing the need or demand for various uses on alternative sites.

Note that these use classifications are general in nature. Further specification of uses in each classification should be made by a zoning map and related ordinance provisions. It is also within the intent of this plan to allow for certain compatible mixes of commercial and residential uses, both in the residential areas (as home occupations) and in commercial areas (as second story residential over commercial buildings).

Finding: Subject property is “suitable” for industrial zoning because industrial use will maintain and improve the area economy and employment. At this time there is an existing industrial farm/forest use on the site, and the City would like to enhance that use.

Finding: Subject property is “desirable” for the industrial classification because the rezone from residential to industrial will provide social benefits by providing needed seasonal housing for employees.

Finding: Subject property is suitable for industrial use because it is located where transportation improvements are available, where industrial use already exists, and on a site that is compatible with surrounding area uses.

Finding: Alternative sites for the proposed use are not available because the use is already on subject property, and the rezone and redesignation of the Comprehensive Plan for subject property will contribute to the economy of the City of Riddle by allowing the use to continue and to be enhanced.

Finding: Alternative sites for the seasonal housing are not available because seasonal housing to serve this particular use is not available elsewhere within the City.

I. LAND USE (page 92)

A.

Policies

11. That compatibility of anticipated uses with surrounding area development will be evaluated in making planning-related decisions.

12. That public need will be established before plan changes or related requests are approved, and that the burden of proof be borne by the requestor.

13. That alternative sites and alternative uses will be considered in making land-use decisions.

Finding: The proposed light industrial land use designation and zoning is compatible with surrounding area development for a number of reasons. 1) There is industrial zoning within the vicinity; 2) The proposed zoning is compatible with adjacent natural resource zoning of Douglas County; 3) The Riddle By-Pass road serves as a buffer between the 12 acres proposed for light industrial and residentially zoned property; 4) Industrial zoning is across the road to the south.

Finding: There is need for seasonal housing. There are no existing RV Parks within the City of Riddle that serve as seasonal RV Parks.

Finding: The City has developed standards that will allow seasonal housing on employment lands under very specific conditions. The applicant has need of seasonal employees, and the seasonal employees have need for housing that is suitable for seasonal use.

Finding: Alternative uses for subject property have been available under the current residential zone since 2000 when the 12 acres was so designated. Single-Family Residential use is not practical for the property due to the location of the Riddle By-Pass, which separates the 12 acres and the remaining 32 acres of Tax Lot 01500 from the public sewer system.

Finding: Seasonal housing is not the same as permanent housing, and it is not practical to maintain seasonal housing that comes and goes within a residential zone. The City does not allow RV Parks or any similar use within the R-1 Zone.

Finding: The only zone that allows for seasonal residential use is the M-1, Light Industrial Zone.

V. SOCIO-ECONOMIC (page 97)

A.

Policies

1.

That development will be encouraged which will improve employment opportunities providing desirable living conditions in the area are not diminished by such development.

2. That those employment opportunities will be encouraged which are compatible

with existing and anticipated uses as shown on the plan.

3.

That decisions related to employment opportunities will take into account (1) alternative sites for proposed uses, and (2) alternative uses for possible sites.

Finding: The City of Riddle is in need of economic development and employment opportunities. The Oregon Employment Department shows a seasonally adjusted Douglas County unemployment rate of 13.6% for September 2011, which is 4% higher than that shown for the State of Oregon as a whole. The City of Riddle is concerned about future opportunities for employment for its citizens, and would like to encourage economic development.

Finding: The zone change from residential to industrial will improve employment opportunities in two ways: 1) A nonconforming industrial use that provides employment currently exists on subject property, and the zone change will allow for the use to be maintained, expanded and enhanced in the future; 2) The housing for seasonal workers that serve as employees for the industrial use will be an expansion and enhancement of the industrial use.

VI. HOUSING (page 97)

A.

Policies

4.

That a range of housing prices and a variety of housing types and locations will be encouraged.

5.

That buffer strips be used to separate residential areas from conflicting land uses.

Finding: The Riddle Oregon Comprehensive Land Use Plan encourages a variety of housing types and locations, and the proposed zone change will accommodate and encourage seasonal worker housing, which is not currently available.

Finding: The Riddle By-Pass, which has an approximate 135 ft. right-of-way adjacent to the Pickle property (information from the Douglas County Public Works Department) provides a buffer strip so that there will be no conflicting uses; no other buffer strip is necessary.

Finding: The M-1 Light Industrial Zone (B) Outside storage, states that outside storage abutting or facing a residential zone shall be enclosed by a sight-obscuring fence, but the requirement can be waived if the zone change is allowed for the following reasons: 1) The shop use is an existing use; 2) The Riddle By-Pass road provides a wide buffer and the 12 acres is not directly adjacent to residentially zoned property.

RECOMMENDATIONS

When the City Council has held their hearing(s), if it pleases the Council, the Council may make a decision to carry out one or a combination of the following:

Recess the hearing to allow for more information or testimony as set forth in the City's

Zoning Ordinance, Section 153.075 and state the time and date that the hearing is to be resumed so that it is not necessary to advertise the hearing a second time.

Adopt the language as presented within this staff report based upon the findings set forth in both the staff report and the application; add additional findings from testimony at the meeting and from City Council observations in order to support the amendment; approve the Comprehensive Plan and zone map amendment based upon all of the findings. Determine that no zone text change is needed at this time. Provide findings from the testimony and from City Council reasoning and observations that show where the staff report is in error in order to justify denying the amendment; deny the Comprehensive Plan and zone map amendment based upon all of these findings.

BEFORE THE RIDDLE CITY COUNCIL

RECEIVED
JAN - 6 2012

1:00 PM
H.R.

In the matter of the application of Lance Pickle for a)
Comprehensive Plan map amendment from Low)
Density Residential to Industrial together with a)
concurrent Zone Change from Single-Family)
Residential (R-1) to Light Industrial (M-1) on a 12)
acre portion of a 44-acre parcel located on the west)
side of Riddle By-Pass Road where it intersects with)
Main Street at 1951 Riddle By-Pass Rd., and described)
as part of Tax Lot 1500 in Section 14D of Twp. 30S,)
R06W, W. M., Douglas County, Oregon; also)
identified by Assessor's Property I.D. No. R37250.)
City of Riddle File No. CPA/ZC 2011-01.)

**FINDINGS OF FACT
AND DECISION**

INTRODUCTION & PROCEDURAL FINDINGS

This matter first came before the Riddle City Council for public hearing on December 19, 2011. The purpose of the hearing was for the City Council to receive evidence and testimony related to a Comprehensive Plan Amendment and Zone Change application, and to render a decision in response to the applicant's request. Due to the current number of vacant positions on the Riddle Planning Commission, the matter was not reviewed by Commission but was referred directly to the City Council. All requirements pertaining to individual and public notice of the Council hearing, as well as the opportunity for all parties to participate and be heard in the matter, have been met.

Mayor William Duckett, as well as Councilors Jim Brokenborough, Jane Mitchell, Brooke Rainwater and Debbie Carnes were present and participated in the December 19th hearing. None of participants disclosed any exparte contacts or potential conflicts of interest in the subject matter and all were found to be qualified to participate in the hearing.

The applicant, Lance Pickle, was present at the hearing and testified in his own behalf. Ed Dickerson and Tor Anderson testified in support of the applicant's request. Corrine Egan, Mary and Donald McReynolds, and Melvin and Nancy Worchester testified in opposition to the request. Mr. & Mrs. Worchester also submitted a written statement in opposition to the zone change. The addresses of all those who participated in the hearing are on file in the office of the City Recorder. In addition to his written and oral testimony, Melvin Worchester requested that the hearing be continued to a later date to give him time to prepare additional testimony. The Council granted the request and continued the hearing to January 11, 2012.

At the initial hearing on December 19, 2011, the City Planner's written staff report, dated October 26, 2011, was presented to the City Council. The staff report describes the nature of the application, the applicable review criteria to be applied to the request, and numerous proposed Findings of Fact. The written report was entered into the record and is on file in the office of the City Recorder. The City Council hereby adopts and incorporates herein by reference the findings contained in the written staff report. In addition to the findings contained in the staff report, the City Council also hereby adopts the findings set out in this Findings of Fact & Decision document. In the event certain factual information contained in the staff findings differs from the information described in the findings enumerated in this document, the information contained in this document shall be regarded as the factual basis for the City Council's decision.

The City Council takes official notice of the following:

1. The City of Riddle Comprehensive Plan adopted by the Riddle City Council on June 24, 1980, as subsequently amended, and the City of Riddle Use and Development Ordinance as adopted by the City Council and subsequently amended and acknowledged by the Land Conservation and Development Commission.
2. The official records of the Riddle City Recorder concerning the publication and mailing of notice of the hearing.

SUBSTANTIVE FINDINGS OF FACT

1. This matter came before the Riddle City Council on an application filed by Lance B. Pickle, P. O. Box 852, Riddle, Oregon. Mr. Pickle is hereinafter referred to as the applicant. The applicant and his wife, Verona M. Pickle, are the record owners of the subject property. The Comprehensive Plan Amendment and Zone Change request applies only to the 12-acre portion of the applicant's 44-acre property that is currently zoned R-1. The R-1 zone extends from the property's frontage along Riddle By-Pass Road westerly approximately eight hundred feet and encompasses approximately 12 acres. The 32 acre balance of the property lying further to the west is zoned Woodland-Open Space-Agriculture (WOA), and is not included in the applicant's request.
2. Although the entire 44 acre property was annexed to the City of Riddle in 1960, it remained zoned for farm and forest use until October of 2000, at which time the City changed the zoning on the subject twelve acre portion from Woodland-Open Space-Agriculture (WOA) to Single-Family Residential (R-1). However, in 1998, two years prior to the zoning being changed to R-1, the applicant applied for a Conditional Use Permit (CUP) to allow him to

operate an equipment maintenance, storage and repair facility for his small independent logging business (reference File No. CUP-01-98). The CUP was subsequently approved by the Planning Commission on June 28, 1999. The CUP also authorized the applicant to construct a 30X60 foot industrial shop building on a site located about 350 feet west of Riddle By-Pass Road. Access to the existing shop building is via a private driveway from the county road. The applicant has been operating the maintenance and repair facility on the property for the past fourteen years.

3. As noted above, the City changed the zoning on the easterly 12 acres of the applicant's property in October of 2000 from WOA to R-1. As a consequence of the zone change, the applicant's maintenance and repair operation, including the 30X60 foot shop building, which had been authorized by the City two years earlier, was reclassified as a "nonconforming use" pursuant to §153.057 of the Zoning Ordinance because the facility is neither an outright-permitted use, nor a conditionally-permitted use, in the R-1 zone. The applicant's existing facility is, however, an outright permitted use in the Light Industrial (M-1) zone. If granted, the requested Plan amendment and zone change from R-1 to M-1 would restore the property's conforming use status. Furthermore, the City recently amended the zoning ordinance to allow a Recreational Vehicle Park for Seasonal Workforce Housing as a Temporary Conditional Use in the M-1 zone (reference Ordinance No. 432). The applicant has testified that if the requested zone change to M-1 is approved, he intends to submit an application to the City pursuant to §153.054 of the zoning ordinance requesting a Temporary Conditional Use Permit to allow up to five recreational vehicles to be parked on the industrial site to provide seasonal housing for his employees who work at the maintenance and repair facility.
4. The City Council notes that the applicant's Plan amendment and zone change request is independent and separate of any subsequent land use application that he may or may not choose to submit to the City at a future time. The question of whether or not a Temporary Conditional Use Permit for a Recreational Vehicle Park for Seasonal Workforce Housing on the subject property should be granted is outside the scope of the Comprehensive Plan amendment and zone change request now before the City Council and is therefore not within the purview of the current proceeding. Furthermore, approval of the applicant's Plan amendment and zone change application shall not be interpreted as imposing upon the City any obligation to approve a Temporary Conditional Use Permit for the subject property in the future. Any such future application, if submitted, will be reviewed against the applicable approval criteria established for the specific use, and any decision to approve such a permit at that time shall be based upon evidence demonstrating conformance to the applicable approval criteria.

5. The subject property is part of a cluster of about ten parcels that are located on the west side of Riddle By-Pass Road within Riddle's city limits and urban growth boundary. Other properties on the west side of By-Pass Road, which are located further to the north and south this cluster, are outside the city limits and UGB and are designated by the Douglas County Comprehensive Plan for rural farm and forest use and are zoned Farm Forest (FF) and Farm Grazing (FG). Among the ten city parcels lying west of the county road, only the subject 12 acre portion of the applicant's parcel, together with a separate two acre parcel (Tax Lot 1501) that adjoins its southeast corner, are presently zoned Single-family Residential (R-1). The balance of the city properties west of the county road and lying generally to the north and west of the subject 12 acres are all zoned Woodland-Open Space-Agriculture (WOA). Although the area is inside the city limits and designated for residential use by the Riddle Comprehensive Plan, most the parcels remain zoned WOA because they presently have limited development potential due to the unavailability of city sewer service. Due to the significant distance to the nearest existing city sewer mains, as well as the high cost associated with overcoming local topographic conditions, the City has previously determined that it is economically unfeasible to extend sanitary sewers beyond Riddle By-Pass Road to serve the small amount of development that exists there. Consequently, the City presently has no plans to extend sewer service west of Riddle By-Pass Road. The half-dozen dwellings that presently exist there, together with the applicant's shop building, are all served by individual on-site septic systems. Until such time that sanitary sewer service is extended to the west side of the By-Pass Road, the opportunity for new development will be limited.
6. The subject 12 acre site occupies a moderately-sloping hillside that was excavated and leveled to form a flat bench in its northwesterly portion. The applicant's existing equipment maintenance and repair facility occupies this excavated area at a site approximately 350 feet west of the county road. The applicant's south property line, which is co-terminus with the city limits, lies about 500 feet to the south of the shop building, while the north property line is more than 200 feet to the north of the building. Beyond the applicant's north boundary, several single-family dwellings occupy individual parcels that range between one and two acres in size. Most of these dwellings, which gain their access via the westerly extension of "E" Street from Riddle By-Pass Road, sit well below the level of the applicant's shop building, and range between 300 feet and 1,000 from the building.
7. Some of the owners of these parcels to the north testified that they were opposed to the zone change due to the incompatible nature of the applicant's existing industrial facility. Melvin and Nancy Worcester testified that the applicant's existing industrial use of his property is not compatible with the residential use of their property. They further testified that the zone change will diminish and devalue their property and other surrounding properties. They also

asserted that the applicant has not complied with the terms of the Conditional Use Permit that was granted by the Riddle Planning Commission in June of 1999. The official record of the Planning Commission's June 28, 1999, decision shows that the CUP was approved subject to the following conditions:

"The Commission discussed placing the building on the NW end of property. The Commission decided the building had to be 200 feet from residential property. The applicant shall plant trees near the building. Reduce the ground mound and plant ground cover on this. The fill dirt shall be 50 feet from the property line and a 2 to 1 slope. Trees shall be planted 12 feet apart on edge of prepared site area. The building shall not be over 35 feet tall. No further conditions were made."

With respect to the subject property's compliance with the conditions of approval imposed by the 1999 CUP, the City Council finds that the applicant's shop building is sited on the northwest portion of the property and is not less than 200 feet from any residential property. The building does not exceed 35 feet in height. The building site ("ground mound") was excavated to lower the profile of the building and the material was graded to create a surrounding fill slope that does not exceed a 2 to 1 slope. The toe of the fill slope is more than 50 feet from all surrounding property lines. The fill slope was subsequently planted with stabilizing vegetative ground cover. The applicant planted Douglas fir trees not less than 12 feet apart within a 100-foot wide buffer strip between the shop building and the residential properties located to the north. Over the course of the past dozen years many of trees have died and have not been replaced. Although the Planning Commission did not expressly require the applicant to replace any of the trees that die, or otherwise expressly say that the trees are to be maintained in a healthy condition, such a requirement might reasonably be inferred; otherwise, the City Council finds that the applicant has complied fully with the conditions of his CUP. The applicant testified that he intends to plant additional trees in the buffer strip and has recently consulted with a local nursery regarding the use of a different specie of evergreen tree that would be more suitable for creating a visual screen and will be more likely to survive on the site.

8. The opposers argue that the requested zone change should not be approved because the existing use of the subject property is incompatible with their residential property, and because it will diminish and devalue their property. In their written testimony, opposers Melvin and Nancy Worcester describe a number of alleged adverse impacts that have resulted from the applicant's existing use of his property. Although the opposers assert that the alleged incompatible impacts have existed on the site ever since the applicant's maintenance and repair facility was first established there more than a dozen years ago, they have not presented substantial evidence demonstrating that the alleged impacts to their property have in fact

occurred, nor have they satisfactorily explained how denying the zone change (while allowing the applicant to continue operating his existing business on the property, which he is legally entitled to do), would in any way mitigate the specific impacts they allege have occurred in the past.

9. The City Council finds that the requested change in zoning from R-1 to M-1 on the subject twelve acre site is predicated on a concurrent request to amend the Comprehensive Plan map designation from "Low Density Residential" to "Industrial". If the applicant's proposed Plan amendment request is approved, the requested zone change will conform to the amended Comprehensive Plan map. Findings demonstrating that the requested change in zoning will conform to applicable policies found throughout the Comprehensive Plan are included in the written staff report which has been entered into the record and incorporated into this Findings of Fact & Decision document by reference. On the basis of those findings, the City Council concludes that the rezoning will conform to the applicable policies of the Comprehensive Plan.
10. Findings addressing the suitability of the subject site for the proposed Industrial designation and M-1 zoning are also included in the staff report which has been entered into the record and incorporated herein by reference. Those findings demonstrate that the subject site is well suited for the proposed Light Industrial zoning with respect to the physical characteristics of the property, availability of necessary and appropriated public facilities and services, adequate access and accessibility to local transportation facilities, and compatibility with adjacent and nearby land use activities. The City Council therefore concludes that the site is suitable for the proposed zone and its intended use.
11. Specific findings addressing the public health, safety and welfare aspects of changing the Comprehensive Plan designation and zoning on the subject property are set out in this Findings of Fact & Decision document, as well as in the findings contained in the written staff report that is incorporated herein by reference. Those specific findings demonstrate that there is a sufficient level of public services and facilities available to the property; that 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; that the site is physically and topographically well-suited for the proposed industrial use; that the site is not needed for other types of urban uses, including single-family residential use; that the zone change will not significantly impact the existing housing stock in the surrounding area, result in unplanned population growth or increase the demand for housing beyond previous projections; that the zone change will not adversely impact the present or future provision of public facilities and service in the surrounding area; that the range of urban services appropriate for the type of land use activity being conducted on the site can be provide in a timely, orderly and efficient

ORDINANCE NO. 433

AN ORDINANCE AMENDING THE CITY OF RIDDLE ZONING MAP AND
DECLARING AN EMERGENCY.

THE CITY COUNCIL OF THE CITY OF RIDDLE DECLARES AS FOLLOWS:

Section 1: AMENDMENT OF ZONING MAP. The City of Riddle Zoning Map is hereby amended as shown in Exhibit C and as described below:

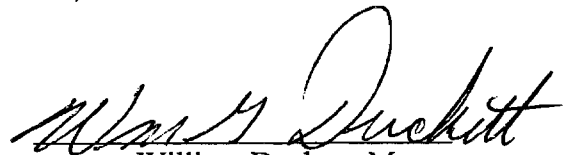
The Zoning Map designation for 12- acres of the subject property abutting Riddle By-Pass Road is changed from R1 Single Family Residential to M1 Light Industrial. The subject property is described on the Douglas County Assessor's Map as Tax Lot 1500, in Township 30S, Range 06W, Section 14D.

Section 2: FINDINGS OF FACT. The Findings of Facts and Decisions adopted by the City Council support this action and are by reference made part of this Ordinance.

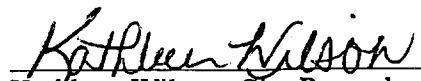
Section 3: EMERGENCY: Whereas it is necessary that this Ordinance become effective immediately, an emergency is hereby declared to exist and this Ordinance shall be fully effective upon its passage by the common council and approval by the Mayor.

PASSED BY THE CITY COUNCIL this 13th day of February, 2012.

SIGNED BY THE MAYOR this 13th day of February, 2012.


William Duckett, Mayor

ATTEST:


Kathleen Wilson, City Recorder

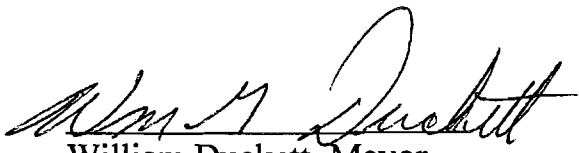
RESOLUTION

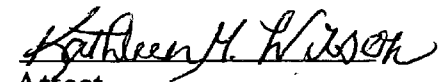
No. 2012-1

WHEREAS: The City Council has approved a Zoning Amendment Application by Lance Pickle at a Public Hearing held on January 11, 2012

BE IT RESOLVED: That the City of Riddle has approved a Zone Change from R-1 Single Family Residential to M-1 Light Industrial on twelve acres of a forty-four acre parcel owned by Lance and Verona Pickle described as T30s, R6W, Sec. 14D, Tax Lot 1500 located at 1757 Riddle By-Pass Road.

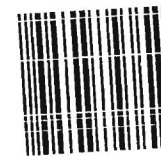
DATED: February 13, 2012


William Duckett, Mayor


Attest



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City of Riddle
PO Box 143
Riddle, OR 97469

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

DEPT OF

FEB 16 2012

LAND CONSERVATION
AND DEVELOPMENT