



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT



May 4, 2006

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 001-06

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. This amendment was submitted without text. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 17, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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: Gloria Gardiner, DLCD Urban Planning Specialist
Steven Santos, DLCD Economic Development Planning Specialist
Matthew Crall, DLCD Transportation Planner
John Renz, DLCD Regional Representative
Dick Dolgonas, City of Roseburg

<paa> ya/



FORM 2

D L C D 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

(See reverse side for submittal requirements)

DEPT OF

APR 27 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Roseburg Local File No.: ZC-05-14

Date of Adoption: 04-24-06 Date Mailed: 04-26-06

Date the Notice of Proposed Amendment was mailed to DLCD: 12-30-05

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
Land Use Regulation Amendment X Zoning Map Amendment
New Land Use Regulation Other:
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write See Attached.
Lew Marks, LeRoy & Betty Hanna, Perry Murray/Lew Marks, Dan Kees, Dennis Whitten & Dennis Howard, Jim L. Cagle, Kevin Pickenell, KWC Investments, Wayne Lancaster, Kit Burum, Chuck Hobgood, David Hu, Philip & Teresa Moore, Ted and Laura Mauer, Norman Olson, and Dixie Howell, owners, are requesting a zone change from M-1 (Light Industrial) and M-2 (Medium Industrial) to MU (Mixed Use). The MU zone designation better suits the actual uses of the area. The sites are designated Industrial in the City of Roseburg Comprehensive Plan.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write Same. If you did not give notice for the proposed amendment, write N/A.
The adopted amendment includes 9 more parcels (1.67 acres) than the original proposal. As property owners received public notice for the Zone Change, they requested inclusion for their parcels.

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

Zone Map Changed from: Light Industrial (M-1) and Medium Industrial (M-2) to Mixed Use (MU)

Location: The corner of Mulholland Drive and Stewart Parkway, and along Mulholland Drive between Stewart Parkway and Bethel Street. Acres Involved: 12.87

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1, 2, 9, 11, 12, 14

Was an Exception Adopted? Yes: No: X

DLCD File No.: 001-06 (14911)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment

FORTY FIVE (45) days prior to the first evidentiary hearing. Yes: X No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: RUSA, ODOT, DLCD,

City of Roseburg

Local Contact: Dick Dolgonas Area Code + Phone Number: (541) 440-1177

Address: City of Roseburg 900 SE Douglas Avenue

City: Roseburg, Oregon Zip Code+4: 97470-3397

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 (2) Copies** 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. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 3224

**AN ORDINANCE AMENDING THE ROSEBURG ZONING MAP FOR PROPERTY
LOCATED ON MULHOLLAND DRIVE**

THE CITY COUNCIL OF THE CITY OF ROSEBURG, OREGON, finds:

1. That 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.
2. That 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 hearing zone changes.
3. That this Zone Change has been processed pursuant to the Roseburg Land Use and Development Ordinance, Article 38.
4. That the Planning Commission received an application (File No. ZC-05-14) and held a public hearing was on February 6, 2005, after due and timely notice.
5. That on February 22, 2006 the Planning adopted Findings of Fact supporting its decision recommending that the request be approved.
6. That on March 7, 2006 the Planning adopted Revised Findings of Fact supporting its decision recommending that the request be approved, with additional properties as requested by property owners.
7. And the following criteria exist for the zone change:
 1. The rezoning will conform with 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.

8. On the basis of the facts contained in the record, the City Council finds that there is sufficient justification to accept the Planning Commission's recommendation and approve the applicant's request.

THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:

SECTION I. The City Council hereby adopts as its own the Revised Findings of Fact and Decision of the Planning Commission dated March 7, 2006 as shown in Exhibit "A" attached.

SECTION II. The subject real property may be described as Tax Lots 5200, 5300, 5400, 5500, 5600, 5700, 5800, 6000, 6301, 6401, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7500, 7600, 7700, 7800, 7900, 8000/8000A1, 8100, 8200, and 8300, Section 12CD, Township 27 South, Range 6 West, and Tax Lots 800, 801, and 802, Section 12C, Township 27 South, Range 6 West Willamette Meridian, as shown on the map Exhibit "B" and by reference made a part of this ordinance.

SECTION III. The City Council hereby amends the Zoning Map to change the zoning designation from M-1 (Light Industrial) and M-2 (Medium Industrial) to MU (Mixed Use) on parcels listed in Section II and identified in Exhibit "A" attached hereto and made part of this ordinance.

PASSED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2006.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2006.

Mayor

ATTEST:

Recorder

BEFORE THE PLANNING COMMISSION
OF THE CITY OF ROSEBURG

In the matter of the application of Lew Marks,)
LeRoy and Betty Hanna, Perry Murray/Lew Marks,)
Dan Kees, Dennis Whitten and Dennis Howard,)
Jim L. Cagle, Kevin Picknell, KWC Investments,)
Wayne Lancaster, Kit Burum, Chuck Hobgood,)
David Hu, Philip and Teresa Moore, Ted and
Laura Mauer, Norman Olson and Dixie Howell for
a Zone Change from Light Industrial and Medium
Industrial to Mix Use on properties located along
Mulholland Drive, and further described as Tax
Lots 5200, 5300, 5400, 5500, 5600, 5700, 5800,
6000, 6301, 6401, 6500, 6600, 6700, 6800,
6900, 7000, 7100, 7200, 7300, 7500, 7600,
7700, 7800, 7900, 8000/8000A1, 8100, 8200,
and 8300, Section 12CD, Township 27 South,
Range 6 West, and Tax Lots 800, 801, and 802,
Section 12C, Township 27 South, Range 6 West
Willamette Meridian.)

REVISED
FINDINGS
OF FACT
AND DECISION

FILE NO. ZC-05-14

LOCATION: The subject sites are on the corner of Mulholland Drive and Stewart Parkway, and along Mulholland Drive between Stewart Parkway and Bethel Street. The property may be described as Tax Lots 5200, 5300, 5400, 5500, 5600, 5700, 5800, 6000, 6301, 6401, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7500, 7600, 7700, 7800, 7900, 8000/8000A1, 8100, 8200, and 8300, Section 12CD, Township 27 South, Range 6 West, and Tax Lots 800, 801, and 802, Section 12C, Township 27 South, Range 6 West Willamette Meridian.

The Roseburg Planning Commission makes the following findings to support a decision:

Finding No. 1

The applicants, Lew Marks, LeRoy and Betty Hanna, Perry Murray/Lew Marks, Dan Kees, Dennis Whitten and Dennis Howard, Jim L. Cagle, Kevin Picknell, KWC Investments, Wayne Lancaster, Kit Burum, Chuck Hobgood, David Hu, Philip and Teresa Moore, Ted and Laura Mauer, Norman Olson and Dixie Howell, for a Zone Change from Light Industrial and Medium Industrial to Mix Use on properties located generally on the corner of Mulholland Drive and Stewart Parkway, and along Mulholland Drive between Stewart Parkway and Bethel Street.

Finding No. 2

The subject properties are further described as Tax Lots 5200, 5300, 5400, 5500, 5600, 5700, 5800, 6000, 6301, 6401, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7500, 7600, 7700, 7800, 7900, 8000/8000A1, 8100, 8200, and 8300, Section 12CD, Township 27 South, Range 6 West, and Tax Lots 800, 801, and 802, Section 12C, Township 27 South, Range 6 West Willamette Meridian. The subject property was adequately described as required for a Zone Change request.

ORDINANCE NO. 3224 - Exhibit "A" (Findings)

Finding No. 3

The subject property is currently planned Industrial and zoned M-1 (Light Industrial) and M-2 (Medium Industrial).

Finding No. 4

The properties subject to this application are relatively small in size, ranging from 0.25 acre to about 2.5 acres. Most are in the smaller range.

Finding No. 5

Owners of a few of the properties found that potential tenants were not interested in straight industrial uses, but a wider variety of uses encompassing some uses that are more appropriately located in a commercial zone.

Finding No. 6

Notice of the Quasi-Judicial public hearing was mailed to affected property owners a minimum of 20 days before the public hearing and notice was given by publication in the News Review, a newspaper of general circulation, at least 10 days prior to the date of the hearing.

Finding No. 7

This matter came before the Planning Commission for public hearing on February 6, 2006 in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 8

ODOT indicated they had no transportation planning concerns with the proposed project subject to conditions. There were no department or agency comments indicating any issues with the proposal.

Finding No. 9

No letters of remonstrance were received by the Roseburg Community Development Department.

Finding No. 10

Three property owners of adjacent properties indicated a desire to have their properties included after receipt of the notice. Another property owner indicated two intended parcels were not included.

Finding No. 11

Due to the configuration of the properties, no additional notification would have been required had these additional properties been included.

Finding No. 12

The sites are presently developed with buildings used for a variety of commercial, light industrial, and office uses, plus some residential uses.

Finding No. 13

Property to the east has a plan designation of Low Density Residential and is zoned R-1-7.5. Property to the south and southeast has a plan designation of Commercial and is zoned C-3 and includes two motels, offices, a restaurant, etc. To the north is Medium Industrial (M-2).

Finding No. 14

The following criteria is identified in Roseburg Land Use and Development Ordinance Chapter 3 Article 38, Section 3.38.100 pertaining to a zone change:

1. *The rezoning will conform with 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.*

Finding No. 15

Criterion #1 of Section 3.38.100, *The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies*, is addressed as follows:

Conformance with the Land Use Map: The MU zone can be applied to the Industrial Comprehensive Plan designation so no Comprehensive Plan Amendment is needed. The rezoning is therefore in conformance to the land use map.

Economic Growth Policy No. 5

In order to protect and enhance development opportunities for major industrial uses which require large sites, the City and County shall encourage the retention of industrially zoned parcels exceeding 50 acres in land.

As noted, these parcels are considerably smaller than this policy would protect for industrial uses. Due to small parcel sizes, there is no conflict with this policy.

Economic Growth Policy No. 7

The City shall encourage the development of light industrial parks with campus-like design which provide areas for offices, warehousing, distributing, and light manufacturing activities.

Due to existing uses and small parcel sizes, this area is not appropriate for such a light industrial park. It should be noted that this policy does include offices as desired within a light industrial park. Although not appropriate for an industrial park, the policy does indicate that it is not inconsistent to have offices with industrial uses, as would be allowed with this change.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

The properties subject to this zone change have urban services and are centrally located and no service extensions are anticipated. The zone change will allow development consistent with this policy.

On the basis of the foregoing, it can be concluded that the proposed zone change will conform with the Roseburg Urban Area Comprehensive Plan.

Finding No. 16

Criterion #2 of Section 3.38.100, *The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area*, is addressed as follows:

The site is consistent with the current Comprehensive Plan designation of the property. The change in zone from M-1 and M-2 to MU allows a greater mix of commercial uses, which should not be detrimental to the public health, safety, and welfare of the surrounding area.

The purpose of each zone is instructive to envisioning the change. The purpose of each from the LUDO is noted below:

*The **Light Industrial** classification is intended to create, preserve and enhance areas containing secondary manufacturing and related establishments and intense commercial uses with limited external impact.*

*The **Medium Industrial** classification is intended to create, preserve and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.*

*The **Mixed Use** classification is intended to provide areas within which a variety of activity occurs. These areas serve community-wide and regional needs. Because of the potential for high density uses, care is needed to insure that adjacent uses are compatible and do not adversely affect other uses or the carrying capacity of public facilities. The proximity of other uses shall not be a reason for permitted uses to deviate from the standards established in other zones.*

It is also instructive to compare actual uses allowed in these zones. The M-1 and MU are the most similar. Virtually all uses allowed in the M-1 zone are allowed in the MU zone. Additional uses allowed in the MU zone but not in M-1 zone are:

Agricultural supplies and machinery sales rooms, Apparel and other textile products e.g. producing, fabricating of fabrics and related material such as leather (no tanning or finishing), rubberized fabrics, plastics and furs, Auto parts and tool supply stores, Builders supplies, including retail sales of lumber, Commercial laundry, cleaning and dyeing works and carpet and rug cleaning, Commercial storage units, Department or sporting goods store, Dry cleaning facility, General retail sales of previously prepared products, Indoor racquet sports clubs; spas; athletic, exercise, and health clubs, Commercial & Industrial business park subject to property development standards listed under Section 3.24.150, Motel, Public parking and equipment parking not incidental or accessory to another use on the premises, Places of amusement, such as billiard parlors, bowling alleys, drive-in theaters, dance halls, video arcades and miniature golf, Plumbing, heating, electrical and sheet metal shop, Printing, publishing or engraving shop, Public and semi-public buildings and uses, Recycling Center, subject to development standards of Section 3.18.150, Trailer Parks, Warehouses, including buildings for commercial storage of personal property, Professional office (limited to 33% of floor area of building).

Changing from an M-1 to a MU zone allows more commercial uses on the property than currently allowed; changing from an M-2 zone to a MU zone also allows more commercial uses, but also does not allow heavier industrial uses such as chemical and allied products, many manufacturing uses, truck and heavy equipment repair and maintenance now allowed in the current M-2 zone.

While the properties are well serviced by public facilities, the change was found to possibly entail impacts to transportation facilities. This site is accessed from major transportation routes. The Average Daily Traffic (ADT) of Garden Valley Boulevard at Mulholland is 32,000. Mulholland itself has an ADT of 7400. Stewart Parkway west of airport road has an ADT of 15,800. The major area

of concern therefore is not the generation of traffic on Mulholland itself, but rather the impacts to the intersections at either end. According to the latest draft of the Transportation System Plan, the Garden Valley/Mulholland intersection is not listed as exceeding the mobility standards. The Level of Service (LOS) is listed as level "C", with a Volume to Capacity (V/C) rating of 0.80. These are both within the standards established in the draft plan. What is important is how this zone change might impact those ratings.

Of the uses allowed in the MU zone, auto parts and tool supply, sporting goods stores, plumbing, heating, electrical and sheet metal shops, or professional office up to 33% of the floor area of the building are suggested as mostly likely due to lots sizes and location. The applicant has vacant space for rent and has indicated that the most likely tenant is an after-hours facility. These typical or likely uses can be used to anticipate traffic impacts.

The Institute of Transportation Engineers Trip Generation Manual can be used to estimate anticipated traffic for many of these uses. Based on that manual, weekday trip generation for various uses are:

- Auto parts and tool supply, at a weekday peak of 62 trips/hr;
- Sporting goods stores, at a rate of 44 trips/1000 square feet of area;
- Plumbing, heating, electrical and sheet metal shops, not expected to have many trips;
- Professional office (limited to 33% of the floor area of the building), ranging from highest trips from medical/dental at 36 trips/1000 square feet, down to 11 trips/1000 square feet for general office use.

The newer building currently has a vacancy of approximately 4000 square feet. Based on uses suggested, traffic generated would be minor.

The other most likely impact could result from changes in current uses. The largest pieces of ground which would lend themselves to more intensive development are the car lot (which shares the lot with the Coca Cola plant) and the rental yard. The car lot has just over an acre of ground, and the rental yard probably about the same usable area. Assuming the worst case scenario of each developing as medical/dental offices up to the maximum of 33% of the floor area, this could generate up to 500 trips/day, plus traffic generated from the uses for the remaining portions of the buildings. If the remaining portion was used for manufacturing or light industrial use, the result could be an additional 185 trips per day for a total of approximately 685 trips per day.

This result, as a worst case scenario, is not expected to overtax the intersection at Garden Valley and Mulholland. If such a large development were proposed, a traffic impact analysis based on a firm proposal would be undertaken.

Finding No.17

SECTION 3.38.200, *Conditions Relative To The Approval Of A Zone Change*, specifies that reasonable conditions may be imposed, as are necessary to ensure the compatibility of a zone change to surrounding uses and as are necessary to fulfill the general and specific purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

1. Special yards and spaces.
2. Fences and walls.
3. Special parking and/or loading provisions.
4. Street dedication and improvements or bonds in lieu of improvements.

5. Control of points of vehicular ingress and egress.
6. Special provisions for signs.
7. Lighting, landscaping and maintenance of grounds.
8. Control of noise, vibration, odors or other similar nuisances.

Finding No. 18

There were no conditions needed to ensure compatibility or fulfill the purposes of the LUDO.

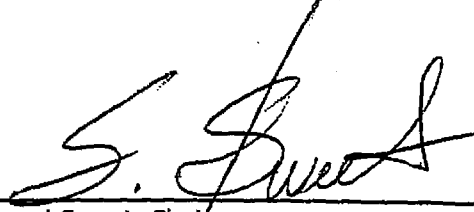
CONCLUSION

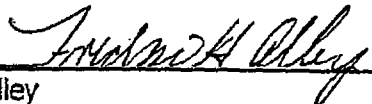
Based on the above Findings of Fact and subject to the conditions noted below, the proposed Zone Change request complies with criteria set forth in Article 38 of the Roseburg Land Use and Development Ordinance. Issues concerning site development and traffic impacts will be addressed at time of application for site plan review.

DECISION

In consideration of the foregoing findings of fact and conclusions, the Planning Commission recommends **APPROVAL** to the City Council of Planning ZC-05-14 for a Zone Change from M-1 (Light Industrial) and M-2 (Medium Industrial) to MU (Mixed Use) for the subject properties.

DATED THIS 7th DAY OF March, 2006


Samuel Sweet, Chair





Fredric Alley
Community Development Director

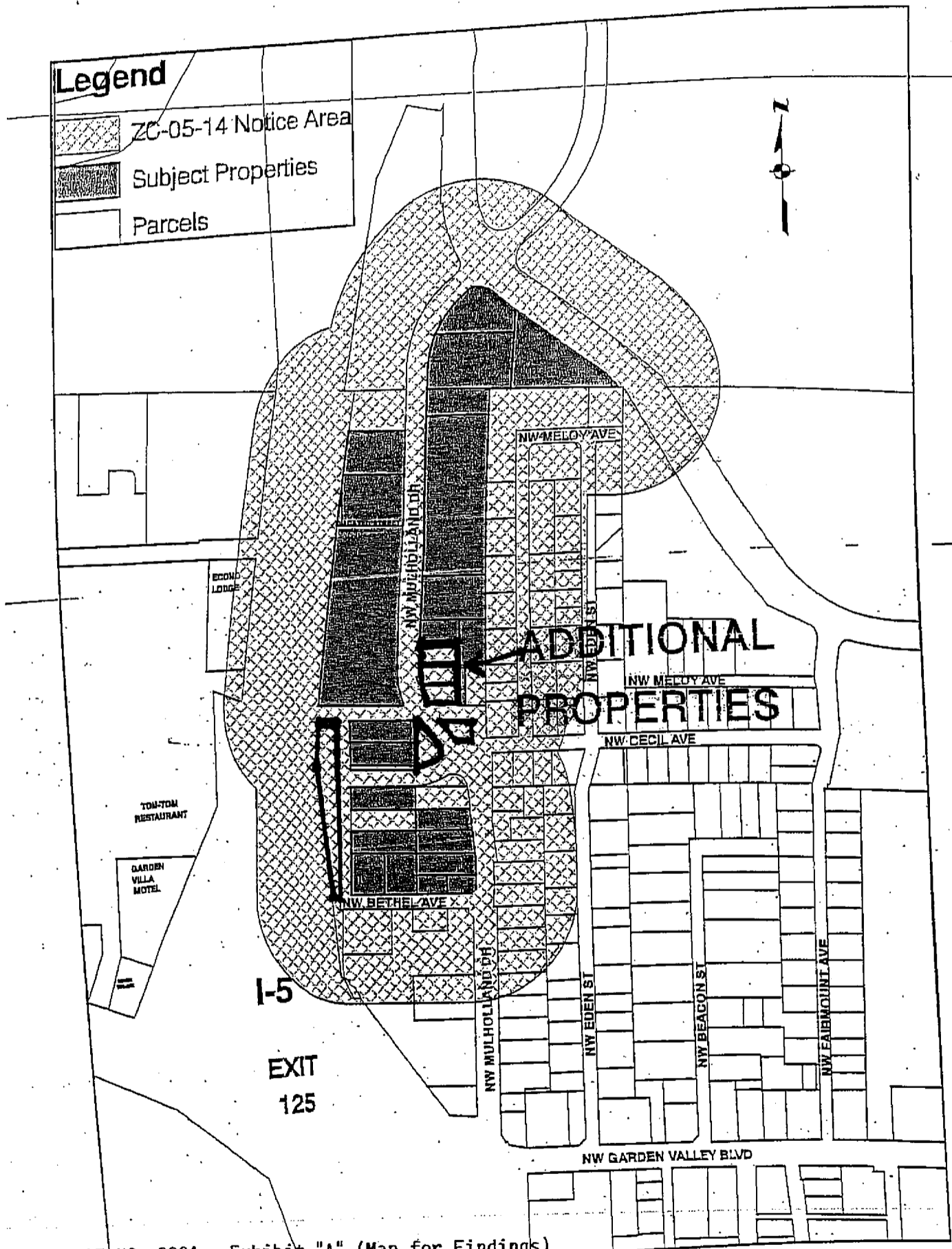
Planning Commission Members:

Samuel Sweet, Chair
Chris Clark
Jim Gamble
Ron Hughes
Don Metzger
Samuel Sweet
Ingrid Weisenbach
Don Dole

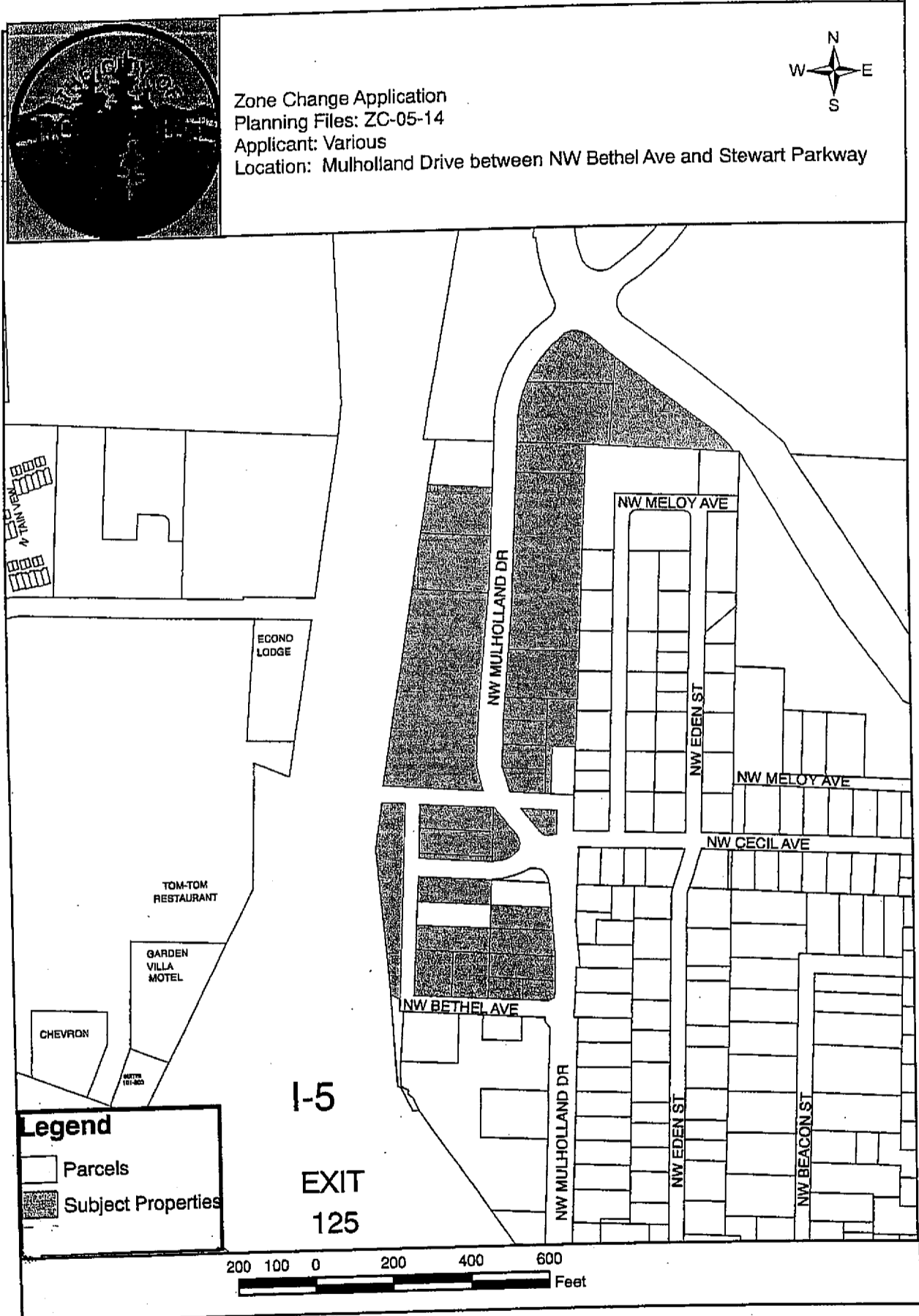
ORDINANCE NO. 3224 - Exhibit "A" (Findings)

Legend

-  ZC-05-14 Notice Area
-  Subject Properties
-  Parcels



ORDINANCE NO. 3224 - Exhibit "A" (Map for Findings)



Map for Planning and Public Notice Purposes
 Not for determining legal ownership or identification of property boundaries.
 File: \\F:\PLANNING\DIK\LANDUSE\ZC\05\ZC-05-14