



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

February 2, 2007

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 007-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 20, 2007**

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative  
Dick Dolgonas, City of Roseburg

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FORM 2

# DLCD

## 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

In person  electronic  mailed

DATE  
DEPT OF  
JAN 30 2007  
STAMP  
LAND CONSERVATION  
AND DEVELOPMENT  
For DLCD Use Only

Jurisdiction: **City of Roseburg**

Local file number: **ZC06-3**

Date of Adoption: **1/22/2007**

Date Mailed: **1/26/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **12/5/2007**

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".

Adoption of an ordinance to change the zoning on property currently under development as part of Sunset View Subdivision. The requested Zone Change is from R-1-7.5 (7500 SF minimum lot size) to R-1-6 (6000 SF minimum lot size).

The subject parcel is approximately 14.48 acres located north of the intersection of Sunset Lane and Barager Avenue.

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

Plan Map Changed from:

to:

Zone Map Changed from: **R-1-7.5**

to: **R-1-6**

Location: **north of intersection of Sunset Lane and Barager**

Acres Involved: **14.48**

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

DLCD # **007-06(15557)**

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** \_\_\_\_\_

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

Local Contact: **Dick Dolgonas**

Phone: (541) 440-1177 Extension:

Address: **900 SE Douglas Ave**

Fax Number: **541-440-118**

City: **Roseburg**

Zip: **97470-**

E-mail Address: **dolgonas@ci.roseburg.or.us**

## **ADOPTION SUBMITTAL REQUIREMENTS**

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

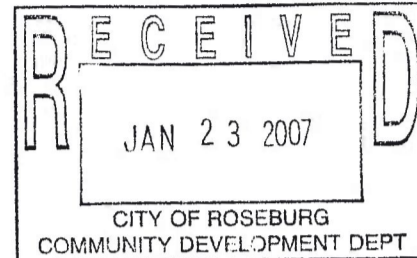
1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax

your request to: (503) 378-5518; or Email your request to **[maru.ulloa@state.or.us](mailto:maru.ulloa@state.or.us)** - ATTENTION:  
PLAN AMENDMENT SPECIALIST.

<http://www.lcd.state.or.us/LCD/forms.shtml>

Updated November 27, 2006

FILE



**ORDINANCE NO. #3254**

AN ORDINANCE AMENDING THE ROSEBURG ZONING MAP FOR PROPERTY  
LOCATED NORTH OF SUNSET LANE AND BARAGER AVENUE

**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-06-3) and held a public hearing was November 6, 2006, after due and timely notice.
5. That on November 20, 2006 the Planning adopted Findings of Fact supporting its decision recommending that the request be approved.
6. 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 Findings of Fact and Decision of the Planning Commission dated November 20, 2006 as shown in Exhibit "A" attached.

SECTION II. The subject real property may be described as T27 R05W WM S7CB TL1000, T27 R05W WM S7CB TL 3400, and T27 R5W WM S7 TL 1101 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 Single-Family Residential R-1-7.5 to Single-Family Residential R-1-6 on parcels listed in Section II and identified in Exhibit "B" attached hereto and made part of this ordinance.

PASSED BY THE CITY COUNCIL THIS 22ND DAY OF JANUARY, 2007.

APPROVED BY THE MAYOR THIS 22ND DAY OF JANUARY, 2007.

Larry Rich  
Mayor

ATTEST:

Shirley R. Cox  
Recorder

BEFORE THE PLANNING COMMISSION  
OF THE CITY OF ROSEBURG

In the matter of the application of Jerry L. ) FINDINGS  
Tabor Building, Inc. by Ben Tatone, agent for a ) OF FACT  
Zone Change from R-1-7.5 to R-1-6 on ) AND DECISION  
properties located east of Joseph Lane Middle )  
School, north of the intersection of Sunset ) FILE NO. ZC-06-3  
Lane and Barager Avenue, and further )  
described as T27 R05W WM S7CB TL1000, )  
T27 R05W WM S7CB TL 3400, and T27 R5W )  
WM S7 TL 1101. )

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

**Finding No. 1**

The applicant, Jerry L. Tabor Building, Inc. represented by Ben Tatone for a Zone Change from Single-Family Residential (R-1-7.5) to Single-Family Residential (R-1-6) on properties located east of Joseph Lane Middle School, north of the intersection of Sunset Lane and Barager Avenue. The property may be described as T27 R05W WM S7CB TL1000, T27 R05W WM S7CB TL 3400, and T27 R5W WM S7 TL 1101.

**Finding No. 2**

The subject property was adequately described as required for a Zone Change request.

**Finding No. 3**

The subject property currently has a Comprehensive Plan Designation of Low-Density Residential.

**Finding No. 4**

The 14.48 acre property subject to this application, as shown on Exhibit 1, is a portion of Preliminary Subdivision Application S-04-7, approved for 54 lots.

**Finding No. 5**

The primary differences between the current zone and the proposed zone is a smaller lot size and reduced front setback in the proposed 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 November 6, 2006 in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

**Finding No. 8**

There were no department or agency comments indicating any issues with the proposal.

Residential land use designations specified in the Comprehensive Plan within the City limits shall be zoned in accordance with such designation. Residential land use designations outside the City limits shall be implemented in the manner prescribed by an Urban Growth Management Agreement jointly adopted by Douglas County and the City of Roseburg.

As previously noted, this zone change is in accordance with the Comprehensive Plan designation.

**Finding No. 13**

The Planning Commission finds the application meets zone change criteria 2 (The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area) as follows:

This zone change would not alter the current subdivision plan and all public health, safety, and welfare issues were addressed in the engineering, design, and development of the subdivision.

The site has a Comprehensive Plan designation accommodating the requested zoning. The subdivision is nearing completion, meaning lots are already laid out and services provided to the lots. Therefore, the effect of the zone change is to have all property in the subdivision with the same zone. Because the lot sizes will not change, the outcome will be that all lots in the subdivision have the same setback requirements. In the R-1-6 zone, the front and street side setbacks are 15 feet, whereas in the R-1-7.5 zone these setbacks are 20 feet. The change in zoning, resulting in a reduced allowable front setback, will ensure help assure suitability of the site with respect to the public health, safety and welfare of the surrounding area by limiting the amount of hillside cutting needed to site homes.

**Finding No. 14**

Section 3.38.200 of the Land Use and Development Ordinance provides for the ability to impose reasonable conditions on the zone change to ensure the compatibility of a zone change to surrounding uses and as are necessary to fulfill the general and specific purposes of the Land Use and Development Ordinance.

**Finding No. 15**

The Planning Commission finds the change will conform to the all criteria provided density does not change and no additional lots are created.

**DECISION**

In consideration of the foregoing findings of fact and conclusions, the Planning Commission recommends **APPROVAL** to the City Council of application ZC-06-3 for a Zone Change from Single-Family Residential (R-1-7.5) to Single-Family Residential (R-1-6) for the subject properties subject to the following condition:

The number of lots shall not exceed 54 as currently approved per subdivision number S-04-7.

DATED THIS 20 DAY OF NOVEMBER, 2006

  
\_\_\_\_\_  
Samuel Sweet, Chair



**PROPOSED CHANGE**

**AREA**

