



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

January 18, 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 004-06

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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 31, 2007

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
John Renz, DLCD Regional Representative
Dick Dolgonas, City Of Roseburg

<paa> ya/

FORM 2

DLCD

in person electronic mailed

DEPT OF

Notice of Adoption

JAN 11 2007

LAND CONSERVATION AND DEVELOPMENT

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

For DLCD Use Only

Jurisdiction: **City of Roseburg**

Local file number: **CPA 06-1**

Date of Adoption: **1/8/2007**

Date Mailed: ~~1/9/2007~~ **1/10/07**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **8/18/2006**

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".

A 2.5-acre parcel outside Roseburg city limits but inside Roseburg UGB had a split comp plan designation of Commercial (2.2 ac) and High-Density Residential (0.3 acres). The amendment changed the 0.3 acres to Commercial, consistent with the rest of the parcel.

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

Plan Map Changed from: **High-density Res.**

to: **Commercial**

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

to: **N/A**

Location: **2661 NE Stephens Street Roseburg, OR 97470**

Acres Involved: **0**

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
<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 checked="" 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

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 004-06 (15478)

DLCD file No. _____

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

ODOT, Roseburg Urban Sanitary Authority, Douglas County

Local Contact: **Brian Davis**

Phone: (541) 672-6234 Extension:

Address: **900 SE Douglas Ave**

Fax Number: - -

City: **Roseburg**

Zip: **97470-**

E-mail Address: **bdavis@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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 3251

AN ORDINANCE DECLARING THE COMPREHENSIVE PLAN MAP AMENDMENT OF 0.30 ACRES OF A 1.1-ACRE PARCEL OWNED BY LYDA, LLC LOCATED AT 2661 NE STEPHENS STREET.

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

WHEREAS, the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Comprehensive Plan Amendment applications; and

WHEREAS, the Planning Commission received the application (File No. CPA-06-1) and held a Quasi-Judicial public hearing after due and timely notice.

WHEREAS, the Planning Commission has adopted Findings of Fact supporting its recommendation that the applicant's request be granted; and

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

SECTION 1. The City Council hereby adopts as its own Planning Commission Findings of Fact and Decision, without Conditions, dated November 6, 2006, which recommended the request be granted.

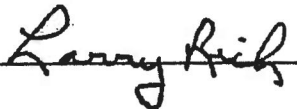
SECTION 2. The City Council hereby amends the Roseburg Comprehensive Plan Map the following property:

Tax lot 2500 of Township 27 South, Range 6 West, Section 12AA, 2661 NE Stephens Street or Property ID No. 43964

SECTION 3. The City Council hereby amends the Roseburg Comprehensive Plan Map by applying the Commercial (COM) designation to the entire subject parcel, as described above and as shown on the map labeled Exhibit "A" attached hereto and made part of this ordinance.

PASSED BY THE CITY COUNCIL THIS 8th DAY OF January, 2007.

APPROVED BY THE MAYOR THIS 8th DAY OF January, 2007.



Mayor
ATTEST:



City Recorder

BEFORE THE PLANNING COMMISSION
OF THE CITY OF ROSEBURG

IN THE MATTER of the application filed)
by Doug Lyda, LCC, applicant,)
represented by Ron Schofield and)
Associates, requesting a Comprehensive)
Plan Map Amendment from High-density)
Residential to Commercial on 0.30 acres)
of a 1.11-acre parcel located at 2661 NE)
Stephens Street and further identified as)
tax lot 2500 of Douglas County)
Assessor's Map 27-06-12AA.)

FINDINGS OF FACT
AND DECISION

FILE NO. CPA-06-01

Finding No. 1

This is a request to amend the Roseburg Comprehensive Plan Map from High-density Residential to Commercial on 0.30 acres of the easterly portion of a 1.11-acre parcel.

Finding No. 2

The subject property is adequately described for Commission consideration.

Finding No. 3

The applicant made said request in due format as provided by the City of Roseburg, applicable to a Comprehensive Plan Map Amendment.

Finding No. 4

This matter came before the Planning Commission for public hearing on October 16, 2006 in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 5

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance (LUDO) No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 6

The requested Comprehensive Plan Map Amendment complies with applicable Statewide Planning Goals based on the following:

1. Goal 1, Citizen Involvement: The requested amendment was processed in a manner that assures compliance with Statewide Goal No. 1, Citizen Involvement. Notice of the quasi-judicial hearing was given by publication in the News-Review, a newspaper of general circulation, at least 15 days prior to the date of the public hearing. Public notice was mailed to owners of properties within 300 feet of the subject property at least 15 days

prior to the date of the hearing. No remonstrances against the Comprehensive Plan amendment were received.

2. Goal 2, Land Use Planning: The requested amendment was evaluated in a manner to assure compliance with Goal 2. The City of Roseburg has established policies and procedures that require a detailed evaluation of proposals to amend its Comprehensive Plan. Specific criteria and standards have been set forth, by which the applicant's amendment request was evaluated.
3. Goal 3, Agricultural Lands: No agricultural lands exist on the subject property
4. Goal 4, Forest Lands: No forest lands exist on the subject property.
5. Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources: No inventoried Goal 5 resources exist on the property.
6. Goal 6, Air, Water and Land Resources Quality: The subject property is situated in an area where the full range of urban services is available, including public water and public sewer service.
7. Goal 7, Areas Subject to Natural Disasters and Hazards: The east boundary of the property is defined by Newton Creek, and a small portion of the rear (east) property is in the regulatory 100-year flood plain. Appropriate safeguards, such as elevation certification, flood proofing, are required in this area for new construction.
8. Goal 8, Recreation Needs: The requested amendment will not disrupt or conflict with areas identified by the Comprehensive Plan that meet Roseburg's recreation needs.
9. Goal 9, Economy of the State: Within the Roseburg Urban Area, commercial and industrial zoning has been applied to lands containing existing commercial and industrial uses, as well as to a limited amount of undeveloped land that is intended to accommodate future commercial and industrial development.
10. Goal 10, Housing: Residential development is generally unsuitable at this site due to issues of access and compatibility with adjacent uses. Furthermore, removing the High-density Residential portion of the subject property from the buildable lands inventory for residential development will reduce available land by 0.3 acres, an insignificant amount that will have little or no effect on the existing inventory.
11. Goal 11, Public Facilities and Services: Based on existing public service delivery systems and plans that are in place, public facilities and services are available to support requirements of the purpose and intent of Goal 11.
12. Goal 12, Transportation: Based on the functional classification and existing service levels of adjacent and nearby transportation facilities, the requested amendment will be consistent with Goal 12 in that the amendment results in no change to the identified function, capacity, and performance levels of existing transportation facilities.
13. Goal 13, Energy: The subject property is situated within the established urban area where subsequent development will promote the efficient energy-related use of existing and planned transportation facilities, consistent with Goal 13.

14. Goal 14, Urbanization: Inclusion of the property within the Urban Growth Boundary (UGB) demonstrates the City's legislative intent to allow urban development to occur on the site.

Finding No. 7

The requested Comprehensive Plan Map Amendment complies with applicable policies of the Comprehensive Plan based on the following:

1. Economic Policies:

- No. 4, Commercial and Industrial Land Supply

The requested plan amendment does not diminish the need for additional Industrial/Commercial lands within the Roseburg UGB in that existing businesses are precluded from expanding, or new businesses are precluded from being established.

2. Public Facilities and Services Policies:

- No. 1, Use of Comprehensive Plan
- No. 2, Timing of development based on availability of urban services
- No. 7, Efficiency of water services
- No. 8, Fire hydrants
- No. 9, Efficiency of sewer lines
- No. 16, Agency coordination

A full range of urban services appropriate for the subject property's requested commercial land use classification is available and can be provided in a timely, orderly and efficient manner consistent with the intent and purpose of Public Facilities Policies Nos. 1, 2, 7, 8, 9 and 16.

3. Transportation Policies:

- No. 1, Preference to the use and improvement of existing facilities
- No. 2, Character of neighborhoods preserved
- No. 3, Minimization of impact; encouragement of alternate transportation modes

The requested amendment does not change existing or planned transportation facility classification(s), and therefore meets the intent and purpose of Transportation Policies Nos. 1, 2, and 3

4. Commercial Development Policies:

- No. 4, Proximity to major arterials
- No. 5, Encouragement of clustered development
- No. 6, Convenience of access
- No. 8, Availability of public facilities
- No. 10, Parking and loading
- No. 12, Landscaped separation
- No. 15, Exterior lighting

The requested amendment will provide for the continuation of a long-established commercial use on the property that does not promote strip development and uses existing facilities, consistent with the intent and purpose of Commercial Development Policies Nos. 4, 5, 6, 8, 10, 12, and 15.

Finding No. 8

A public need exists for the Comprehensive Plan amendment, and the public will be best served by changing this portion of the subject parcel as compared with other available property in the UGB. There is a preliminary identified shortage of land zoned for commercial use within the UGB at the present time. The subject site is inventoried for residential development but is unsuitable given the physical layout of the property and adjacent land uses. Changing the designation from High-density Residential to Commercial would remove that inconsistency and provide both the City and the County a more accurate and factual basis for planning future land uses.

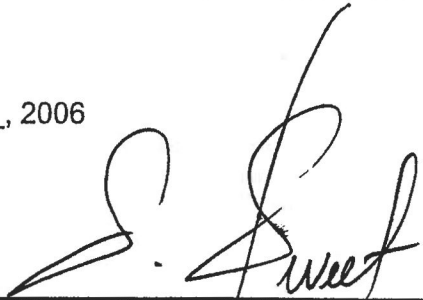
CONCLUSION

The applicant brought this request for a Comprehensive Plan Amendment before a Public Hearing and based on the above findings and substantiation that the proposal will meet requirements, the proposed request will comply with criteria set forth in Article 6 of the City of Roseburg Land Use and Development Ordinance.

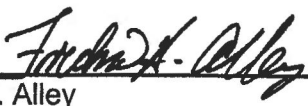
DECISION

In consideration of the foregoing Findings of Fact and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File CPA-06-1, a Comprehensive Plan Amendment under Section 6.150 of the City of Roseburg Land Use and Development Ordinance.

DATED THIS 6 DAY OF NOVEMBER, 2006

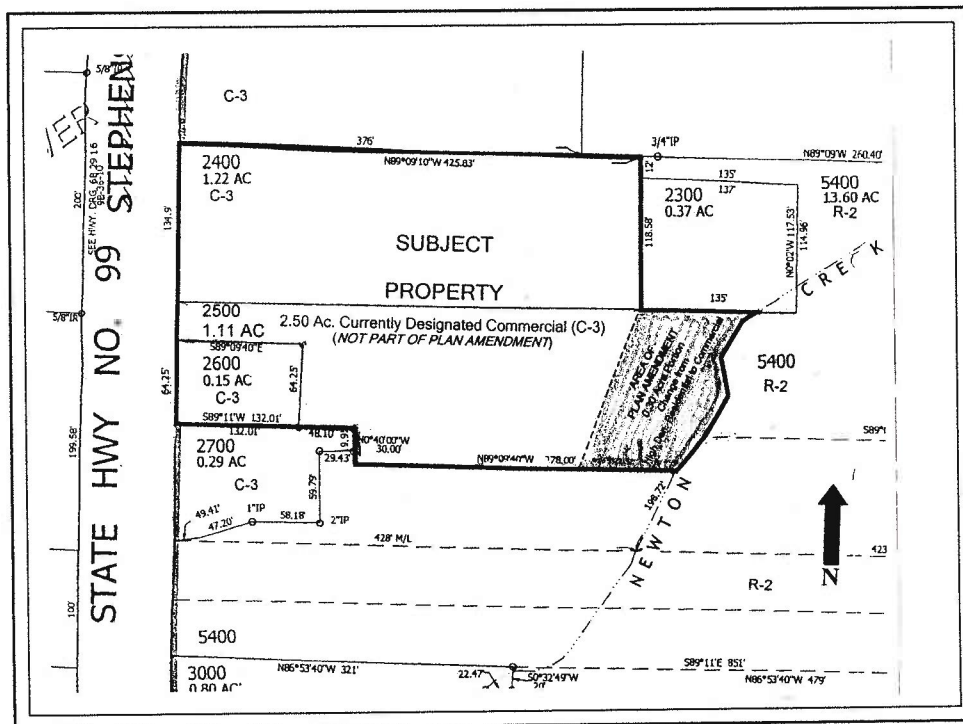
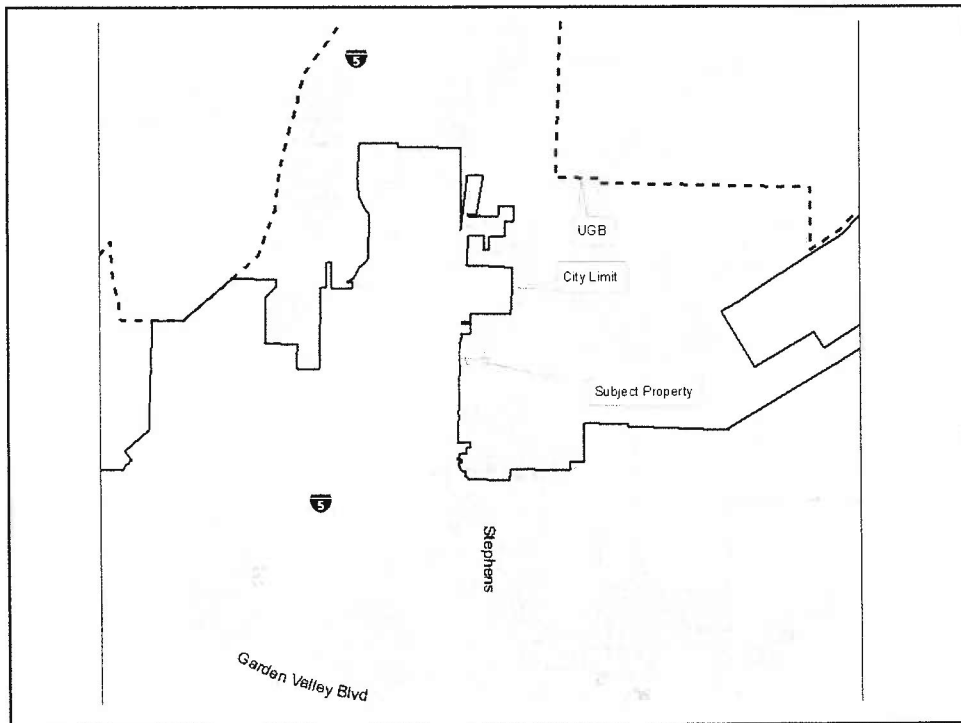


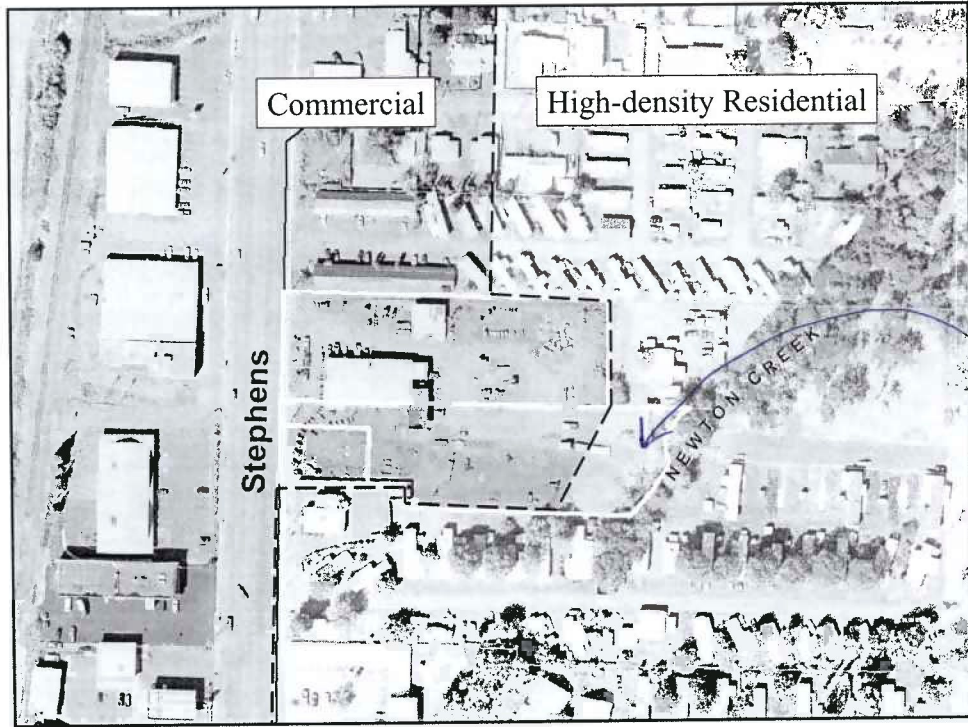
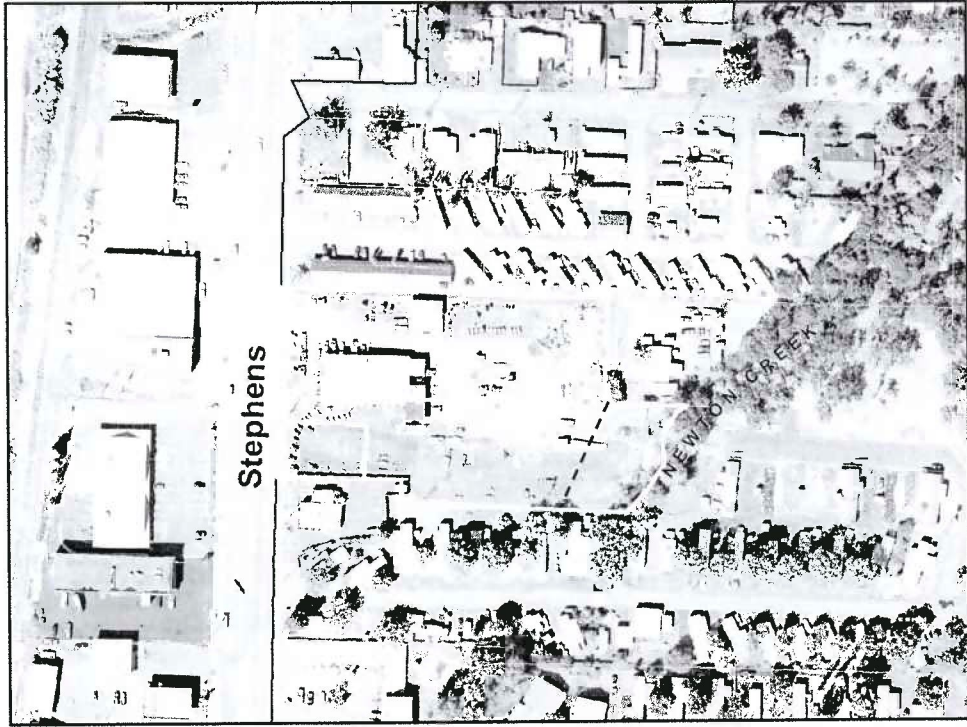
Samuel J. Sweet, Chairman



Fredric F. Alley
Director of Community Development

Planning Commission Members:
Samuel J. Sweet, Chairman
Chris Clark, Vice Chairman
Jim Gamble
Ingrid Weisenbach
Ron Hughes
Patrick Parsons
Don Dole





subject portion changed to "Commercial"