



Oregon

Theodore R. Kubongoski, 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

11/26/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: Douglas County Plan Amendment
DLCD File Number 002-13

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: Tuesday, December 10, 2013

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Stuart Cowie, Douglas County
Jon Jinings, DLCD Community Services Specialist
Josh LeBombard, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 002-13 (19997)
[17686]
Received: 11/21/2013

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: Douglas County

Local file no.: **13-036**

Date of adoption: 11/13/13 Date sent: 11/15/2013

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 09/03/13

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Stuart Cowie, Senior Planner

Phone: 541-440-4289 E-mail: sicowie@co.douglas.or.us

Street address: Rm.106, Justice Bldg., Do.Co. Courthouse City: Roseburg Zip: 97470-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from PSP (Public/Semipublic) to CO (Commercial). .46 acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T27S, R6W, Section 6C, TL 800.

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from PR (Public Reserve) to CRC(Rural Community Commercial. Acres: .46

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address): T27S, R6W, Section 6C, TL 800

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in ORS 197.615 and OAR 660-018-0040.

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

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

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Adopted Amendment."

Submittals may also be uploaded to DLCD's FTP site at

http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change (OAR 660-018-0040(3)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. (ORS 197.615)

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in OAR 660-018-0040(5), if applicable

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2013-1084

11/13/2013

PATRICIA K. HITT, COUNTY CLERK

BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

AN ORDER to affirm the Findings of Fact and Decision)
of the Douglas County Planning Commission approving)
a Comprehensive Plan Amendment from (PSP) Public)
and Semi-public to (CO) Commercial and Zone Change)
from (PR) Public Reserve to (CRC) Rural Community)
Commercial to allow for future commercial development)
on a .46 acre parcel located on Melrose County Road)
No. 51 in the Melrose Rural Community for Hardeep Sohi,)
applicant. Planning Department File No. 13-036.)

ORDER

The Douglas County Board of Commissioners being informed that the Douglas County Planning Commission, on October 17, 2013, and on request from the above-captioned applicant, approved a Comprehensive Plan Map Amendment and Zone Change for the subject property (the site of the former Melrose Grange) to allow the potential for future commercial development on the .46 acre parcel, located on Melrose County Road No. 51 within the Melrose Rural Community, west of Roseburg.

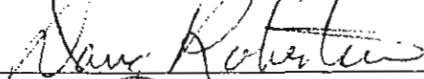
Pursuant to Section 6.900.1 of the Douglas County Land Use and Development Ordinance, the Board of Commissioners hereby AFFIRMS the October 17, 2013 Findings of Fact and Decision of the Planning Commission (attached hereto) for the Comprehensive Plan Map to be amended from PSP to (CO) Commercial and for the Zone Map to be changed from PR to (CRC) Rural Community Commercial on the .46 acre subject property, as described in the attached **Exhibit A**.


Based on the aforementioned Findings of Fact and Decision as affirmed, the Board of Commissioners hereby GRANTS the requested Plan Amendment and Zone Change Order.


The Plan Amendment and Zone Change shall be filed in the County Court Journal, and the Douglas County Comprehensive Plan and Zoning maps shall be changed accordingly.

Dated this 13th day of November, 2013.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON


Chair


Commissioner


Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Hardeep Sohi, Findings of Fact and Decision, Planning Department File No. 13-036.

This matter came on regularly for hearing before the Douglas County Planning Commission on October 17, 2013, with deliberation occurring on the same day October 17, 2013, in Room 216 of the Douglas County Courthouse.

The Planning Commissioners present at the evidentiary hearing and deliberation were: William Duckett, Javier Goirigolzarri, Victoria Hawks, Darreld Murphy, George Seonbuchner and Romey Ware.

The Planning Commission takes official notice of the following:

1. The Douglas County Comprehensive Plan, including the implementing Douglas County Land Use and Development Ordinance, adopted by the Douglas County Board of Commissioners December 31, 1980, effective April 1, 1981, and as later amended, which has been acknowledged by the Land Conservation and Development Commission on December 21, 1982, and by Compliance Acknowledgment Order 83-ACK-12 dated January 18, 1983.
2. The records of the Planning Department of Douglas County concerning publication and mailing of notice.

PROCEDURAL FINDINGS OF FACT

1. The application was filed with the Planning Department at least 73 days prior to the October 17, 2013 public hearing.
2. At least 45 days prior to October 17, 2013, notice of the hearing was sent by mail to the applicants, the applicants' representative, to all property owners within 250 feet of the property which is the subject of the application, to service providers and governmental agencies and to the Callahan Planning Advisory Committee (PAC).
3. Notice of the hearing was given by publication in a newspaper of general circulation in the affected area at least 20 days prior to October 17, 2013.
4. The parties qualified in this matter are on record with the Planning Department.
5. Staff entered Staff Exhibits 1-11, including the Staff Report, into the Record.
6. The Planning Commission heard testimony from the applicants representative, Dave Meador, who agreed with the Staff Report and the recommendation for approval of the request. Mr. Meador testified on behalf of the applicant regarding the proposal and answered questions from the Planning Commission.
7. No other testimony in favor of the application was made.
8. No testimony in opposition to the application was made.
9. The Planning Commission closed the public testimony portion of the hearing and then began deliberations in order to make a decision in the matter, taking note of the Staff Report and the evidence contained in the entire Record.

10. A motion was made to approve the requested plan amendment and zone change. On the basis of the foregoing findings and the evidence contained in the whole Record, the Planning Commission concludes that the application meets the criteria for a Comprehensive Plan Amendment and Zone Change per Section 6.500 and Section 3.38.100, respectively, of the Douglas County Land Use and Development Ordinance. The motion passed unanimously.


DECISION

Based on evidence received, the findings above and the findings contained in the Staff Report, and the evidence contained in the whole Record, the Planning Commission hereby APPROVES the requested Comprehensive Plan Amendment from (PSP) Public and Semipublic to (CO) Commercial and Zone Change from (PR) Public Reserve to (CRC) Rural Community Commercial, to allow for the possibility of future commercial development. .

Dated this 17th day of October, 2013.

DOUGLAS COUNTY PLANNING COMMISSION

By:


Chairman

LEGAL DESCRIPTION

Exhibit "A"

Real property in the County of Douglas, State of Oregon, described as follows:

BEGINNING AT A 1/2 INCH IRON PIPE ON THE NORTH LINE OF COUNTY ROAD AT THE SOUTHWEST CORNER OF THE MELROSE GRANGE PROPERTY, SAID BEGINNING POINT BEING N 50°16' E 2070.6 FEET AND N 89°39' W 110.0 FEET FROM THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 27 SOUTH, RANGE 6 WEST, W.M; THENCE RUNNING FROM SAID BEGINNING POINT, N 89°39' W 30.0 FEET, ALONG NORTH LINE OF COUNTY ROAD, TO A 1/2 INCH IRON ROD; THENCE N 149.0 FEET TO A 1 1/2 INCH IRON PIPE; THENCE S 80°39' E 140.0 FEET TO THE EAST LINE OF THE CORA L. AND L.F. MILLER PROPERTY; THENCE SOUTH 50.0 FEET ALONG SAID PROPERTY LINE TO THE NORTHEAST CORNER OF THE MELROSE GRANGE PROPERTY; THENCE CONTINUING SOUTH ALONG THE EAST LINE OF THE MELROSE GRANGE PROPERTY TO THE COUNTY ROAD; THENCE RUNNING NORTHWESTERLY ALONG THE NORTH LINE OF THE COUNTY ROAD TO THE POINT OF BEGINNING.

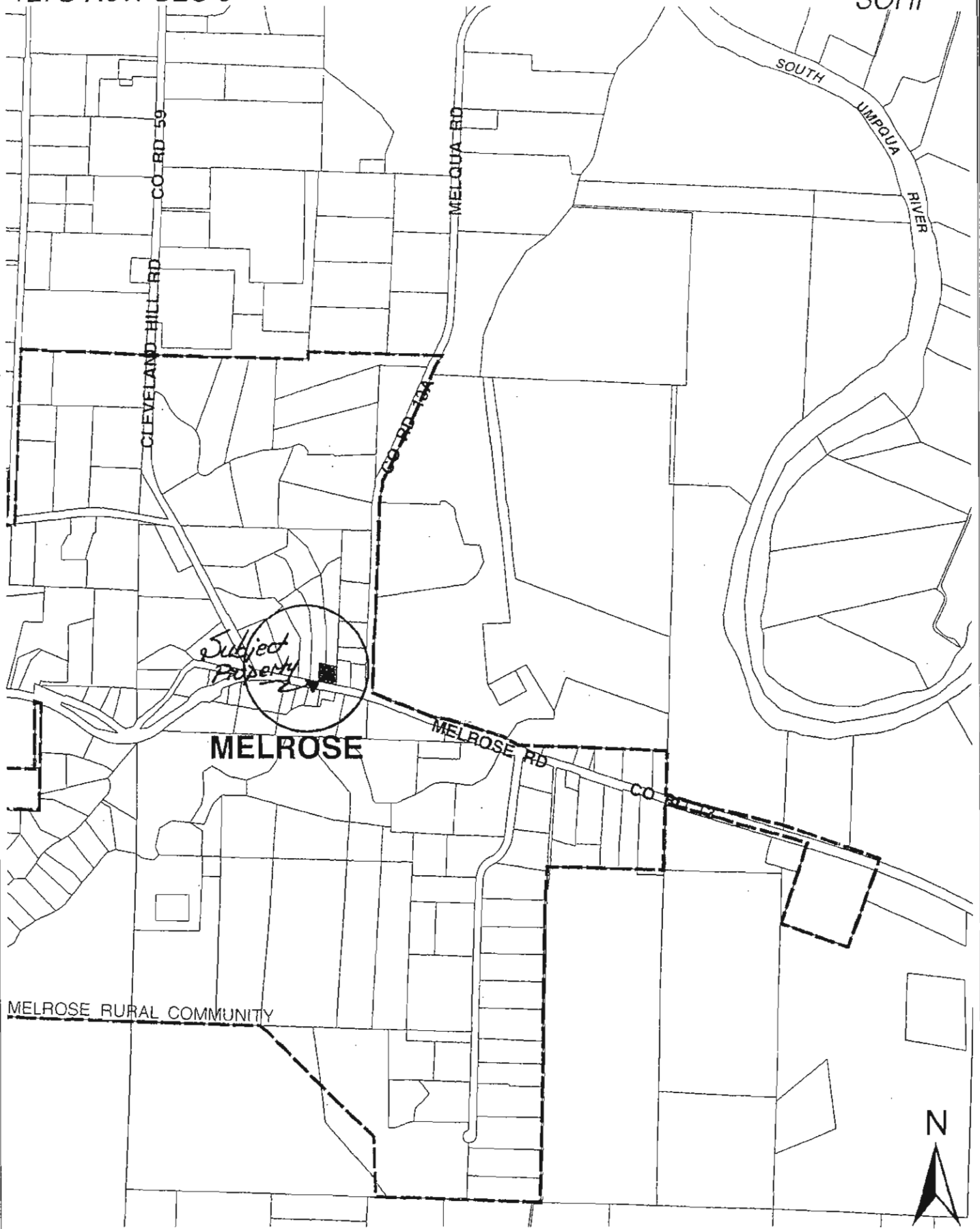
NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

Tax Parcel Number: R72337

VICINITY MAP
T27S R6W SEC 6

STAFF EXHIBIT NO. 6

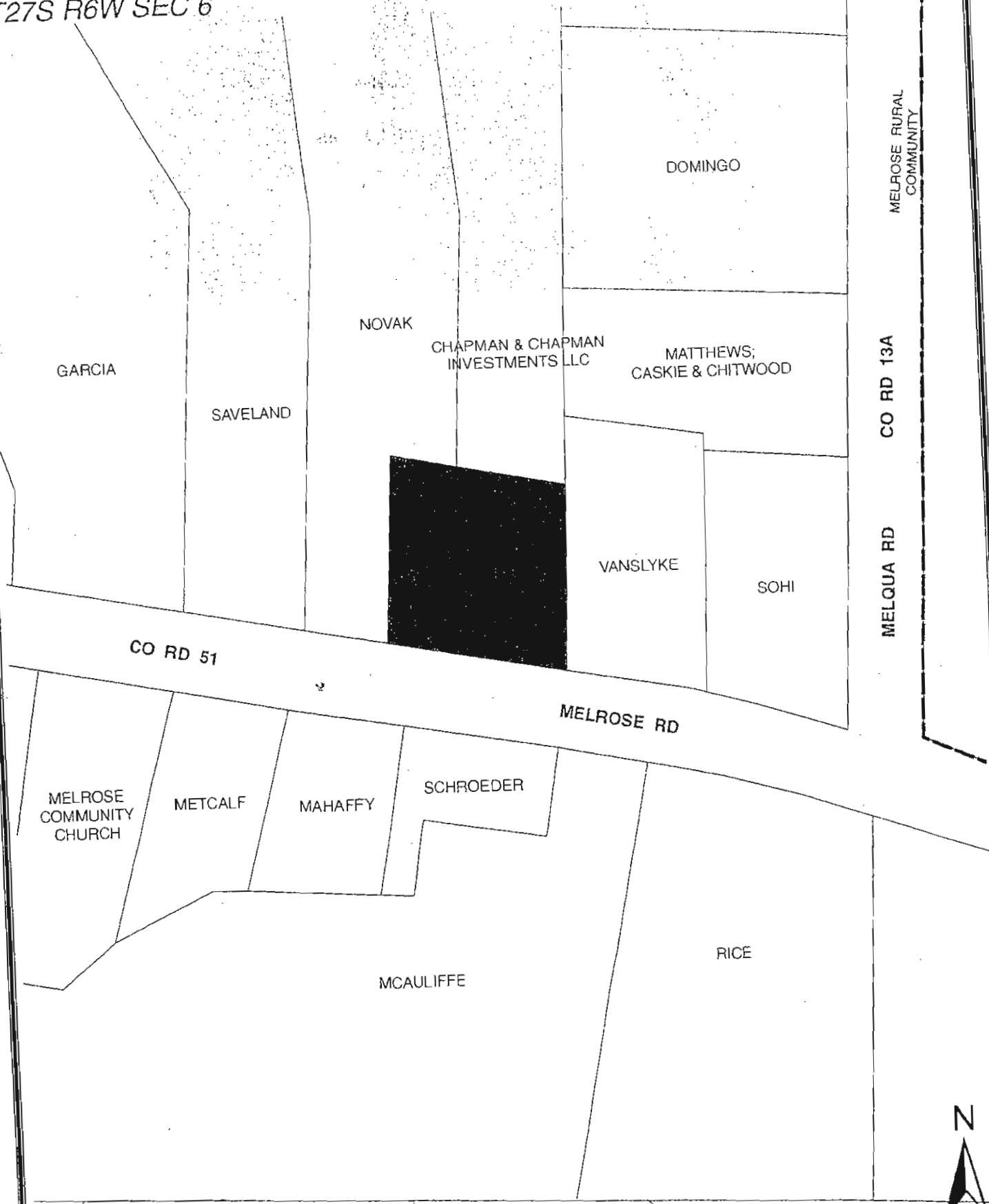
P/D 13-036
SOHI



ASSESSOR MAP
T27S R6W SEC 6

STAFF EXHIBIT NO. 7.a.

P/D 13-036
SOHI



97301\$2584 0007

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



NOV 21 2013

PLANNING DEPARTMENT
Room 106, Justice Building
Douglas County Courthouse
Roseburg, Oregon 97470