



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

05/13/2013

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 004-12

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: Wednesday, May 22, 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: Jeff Lehrbach, Douglas County
Jon Jinings, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

MAY 06 2013

LAND CONSERVATION
AND DEVELOPMENT

This Form 2 must be mailed to DLCD within **20-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

Jurisdiction: **Douglas**

Local file number: **12-057**

Date of Adoption: **4/24/13**

Date Mailed: **5/1/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 11/26/2012

☐ 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".

RICHARD & ELLEN SCHULZ, request for Plan Amendment from (PSP) Public and Semi-public to (CC) Community Commercial, in part, and (RMD) Medium Density Residential, in part, and Zone Change from (PR) Public Reserve to (C-2) Community Commercial and (RS) Suburban Residential, respectively.

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

Plan Map Changed from: **PSP**

to: **CC & RMD**

Zone Map Changed from: **PR**

to: **C-2 & RS**

Location: **ease side of US Highway 101 in Gardiner**

Acres Involved: **3.5**

Specify Density: Previous: **NA**

New: **NA**

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 type="checkbox"/>	<input 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 type="checkbox"/>	<input 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...

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. _____

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

ODOT, ODF&W, Port of Umpqua, City of Reedsport, Umpqua Soil & Water Dist., Gardiner RFD, City of Reedsport Water & Sewer, Gardiner Sanitary Dist., Charter, Verizon, Central Lincoln PUD, Reedsport School Dist. 105.

Local Contact: Cheryl Goodhue, Planning Manager	Phone: (541) 440-4289	Extension:
Address: Room 106, Justice Building	Fax Number: 541-440-6266	
City: Roseburg	Zip: 97470-	E-mail Address: cagoodhu@co.douglas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 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.

2013-0391

04/24/2013

DOUGLAS COUNTY OREGON
FILED

APR 24 2013

BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

PATRICIA K. HITT, COUNTY CLERK

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 Community Commercial (CC), in part,)
and Medium Density Residential (RMD), in part, and a)
Zone Change from (PR) Public Reserve to (C-2) Community)
Commercial, in part, and (RS) Suburban Residential, in part,)
on a 3.50 acre parcel located in Gardiner for Richard and)
Ellen Schulz, applicants. Planning File No. 12-057.)

ORDER

The Douglas County Board of Commissioners being informed that the Douglas County Planning Commission, on March 21, 2013, and on request from the above-captioned applicants, approved a Comprehensive Plan Map Amendment and Zone Change for the subject property to allow future commercial development in the C-2 zoned portion and to recognize two pre-existing residential dwellings on the RS zoned portion of the property located on the east side of US Highway 101 in Gardiner.

Pursuant to Section 6.900.1 of the Douglas County Land Use and Development Ordinance, the Board of Commissioners hereby AFFIRMS the March 21, 2013 Findings of Fact and Decision of the Planning Commission (attached hereto) for the Comprehensive Plan Map to be amended from PSP to CC, in part, and RMD, in part, and for the Zone Map to be changed from PR to C-2, in part, and RS, in part, on the 3.50 acre subject property, as described in the attached **Exhibit A**.

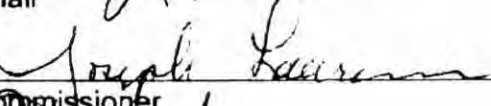
Based on the aforementioned Findings of Fact and Decision as affirmed, the Board of Commissioners hereby GRANTS the requested Plan Amendment and Zone Change Order.

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 24th day of April, 2013.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON


Chair


Commissioner


Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Richard and Ellen Schulz, Findings of Fact and Decision, Planning Department File No. 12-057.

This matter came on regularly for hearing before the Douglas County Planning Commission on January 10, 2013, with deliberation on February 21, 2013, in Room 216 of the Douglas County Courthouse.

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

The Planning Commissioners present at the February 21, 2013 meeting (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 January 10, 2013 public hearing.
2. At least 45 days prior to January 10, 2013, notice of the hearing was sent by mail to the applicants, the applicants' representative, to all property owners within 100 feet of the property which is the subject of the application, to service providers and governmental agencies and to the Coastal 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 January 10, 2013.
4. The parties qualified in this matter are on record with the Planning Department.
5. Staff entered Staff Exhibits 1-12, including the Staff Report, into the Record.
6. The Planning Commission heard testimony from one of the applicants/titleholders, Richard Schulz, who agreed with the Staff Report and the recommendation for approval of the request. Mr. Schulz submitted materials and testified that they would like to open a bookstore and live in one of the dwellings on the property.
7. The Planning Commission heard testimony from one of the applicants/titleholders, Ellen Schulz, who agreed with the Staff Report and the recommendation for approval of the request. Mrs. Schulz testified that if the property is zoned commercial it would give them more opportunities to utilize the existing buildings on the subject property.

March 21, 2013

8. The Planning Commission heard opposition testimony from Thomas Johnson. Mr. Johnson submitted materials and testified that he had concerns regarding the compatibility of the proposed uses on the Schulz property. Mr. Johnson requested that the Record be held open to allow additional time to review and submit additional testimony.
9. The Planning Commission heard opposition testimony from Lynne Johnson. Mrs. Johnson submitted materials and testified that she believed people are in favor of the proposed development because it would put another piece of property on the tax rolls and concern that if the property is re-zoned to commercial, a lot more can happen on the property than a bookstore.
10. The Planning Commission heard rebuttal testimony from one of the applicants/titleholders, Richard Schulz.
11. The Planning Commission heard rebuttal testimony from one of the applicants/titleholders, Ellen Schulz.
12. The Planning Commission closed the public testimony portion of the hearing, with the Chair holding the Record open until 5:00 p.m. on January 22, 2013, for the oppositions' additional written testimony, with transmittal of the oppositions' submittal to the applicants on January 23rd, then until 5:00 p.m. on February 4, 2013, for the applicants to submit final written rebuttal testimony.
13. The Planning Commission reconvened on February 21, 2013, to deliberate to a decision in the matter, taking note of the written testimony submitted in the open Record period, testimony and evidence submitted to the Record at the evidentiary hearing on January 10, 2013, the Staff Report and the Supplemental Staff Report (Staff Exhibit No. 13) and the evidence contained in the entire Record.
14. 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, Supplemental Staff Report and the evidence contained in the whole Record, the Planning Commission hereby APPROVES the requested Plan Amendment from Public/Semipublic (PSP) to Community Commercial (CC), in part (1.75± acres), and Medium Density Residential (RMD), in part (1.75± acres), together with a Zone Change from (PR) Public Reserve to (C-2) Community Commercial, in part, and (RS) Suburban Residential, in part, respectively, on the 3.50 acre subject property.

Dated this 21st day of March, 2013.

DOUGLAS COUNTY PLANNING COMMISSION

By: _____

Chairman

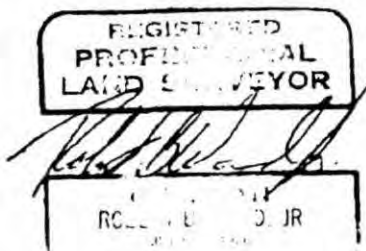
Exhibit A

Description of Portion of Tax Lot 300 of Map 21-12-22, with a proposed zoning of Suburban Residential (RS)

Beginning at the northeast section corner of Section 22, Township 21 South, Range 12 West, Willamette Meridian, Douglas County, Oregon; thence North 88°55'13" West, 1578.33 feet; thence South 0°06'31" East, 31.57 feet to the True Point of Beginning; thence South 1°24'55" East, 448.50 feet; thence following the approximate centerline of a ½ round culverted ditch North 37°47'18" West, 122.74 feet; thence North 41°37'22" West, 34.94 feet; thence North 45°13'24" West, 190.88 feet more or less to a point on the easterly right-of-way margin of Hwy 101; thence northerly along said easterly right-of-way margin to a point that bears South 88°35'12" West from said True Point of Beginning; thence North 88°35'12" East to the True Point of Beginning, all in Douglas County, Oregon

Description of Portion of Tax Lot 300 of Map 21-12-22, with a proposed zoning of Community Commercial (C2)

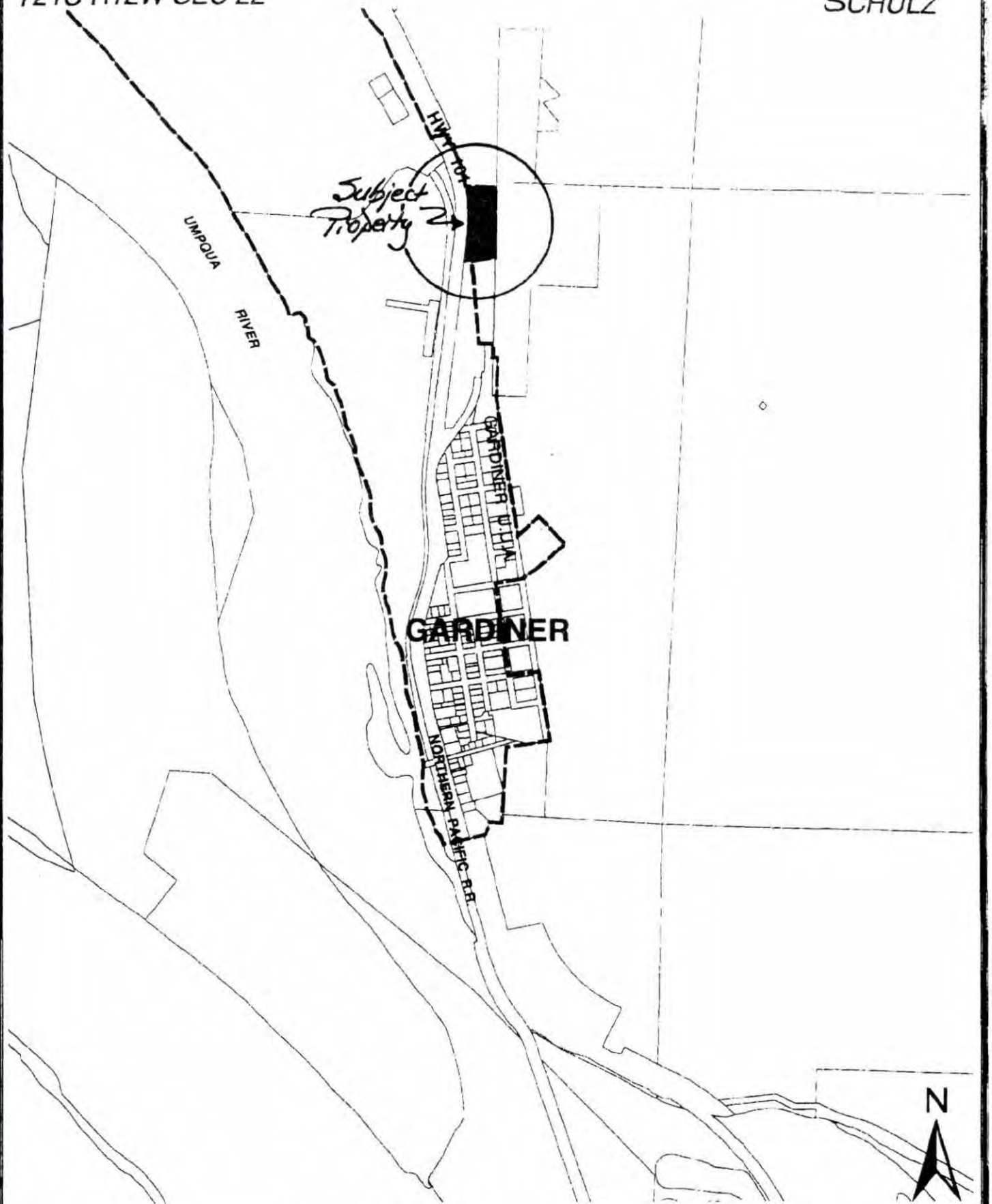
Beginning at the northeast section corner of Section 22, Township 21 South, Range 12 West, Willamette Meridian, Douglas County, Oregon; thence North 88°55'13" West, 1578.33 feet; thence South 0°06'31" East, 31.57 feet; thence South 1°24'55" East, 554.70 feet to the True Point of Beginning; thence North 1°24'55" West, 106.20 feet; thence following the approximate centerline of a ½ round culverted ditch North 37°47'18" West, 122.74 feet; thence North 41°37'22" West, 34.94 feet; thence North 45°13'24" West, 190.88 feet more or less to a point on the easterly right-of-way margin of Hwy 101; thence southerly along said easterly right-of-way margin to a point that bears South 81°35'11" West of said True Point of Beginning; thence North 81°35'11" East, 258.40 feet to the True Point of Beginning, all in Douglas County, Oregon.



Expires 6/30/14

VICINITY MAP
T21S R12W SEC 22

P/D 12-057
SCHULZ



DOUGLAS COUNTY PLANNING DEPARTMENT



ASSESSOR MAP
T21S R12W SEC 22

P/D 12-057
SCHULZ

HWY 101

ROME CREEK
TIMBER LLC

ELLINGTON

ROME CREEK
TIMBER LLC

INTERNATIONAL
PAPER CO

INTERNATIONAL
PAPER CO

JOHNSON

MICHAEL
REV TRUST

NORTHERN PACIFIC R.R.

GARDINER U.A.



ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470



ATTN: PLAN AMENDMENT
SPECIALIST
DLCD
635 CAPITOL STREET NE STE 150
SALEM OR 97301-2540

DEPT OF
MAY 06 2013
LAND CONSERVATION
AND DEVELOPMENT