



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/03/2014

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 004-13

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: Thursday, March 13, 2014

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-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 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.: 001-14 (20165)
[17780]
Received: 2014

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.: 13-058

Date of adoption: 02/12/14

Date sent: 2/20/2014

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): 12/03/13

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: ~~541-265-4192~~ 541-440-4289

E-mail: sicowie@co.douglas.or.us

Street address: Rm. 109, Justice Bldg.

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 (IN) Industrial	to (CO) Commercial	1.2 acres.	A goal exception was required for this change. - N/A
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): 27-06-10-00-00400 & 301 Melrose Rd., Roseburg, OR 97471

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 (ME) Rural Industrial	to (CRE) Rural Commercial	Acres: 1.2
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):

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.

Attached is a copy of the Final Order, the Findings, a description of the property affected, and a vicinity and assessor's map.

FEB 12 2014

2014-0123

02/12/2014

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 (IN) Industrial)
to (CO) Commercial and Zone Change from (ME) Rural)
Industrial to (CRE) Rural Commercial on a 1.2± acre portion)
of a 2.56 acre parcel, together with an Alteration of a Non-)
conforming Use to allow the usage of two existing buildings)
on the property that exceed the floor space allowed in the)
ME and CRE zones. The property is located at the corner)
of Melrose Road and Garden Valley Road, west of the City)
of Roseburg. Applicant: **RGR DEVELOPMENT, LLC**)
Planning Department File No. 13-058.)

ORDER



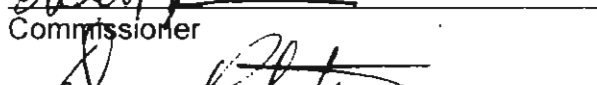
The Douglas County Board of Commissioners being informed that the Douglas County Planning Commission, on January 9, 2014, and on request from the above-captioned applicant, approved a Comprehensive Plan Map Amendment and Zone Change on a 1.2± acre portion of the subject 2.56 acre property to allow future commercial development in a existing building on the site, together with an Alteration of a Nonconforming Use to allow the usage of the two existing buildings on the subject property that exceed the floor space allowed within the ME and CRE zones. The property is located on the northwest corner of Melrose Road and Garden Valley Road, west of Roseburg.

Pursuant to §6.900.1 of the Land Use and Development Ordinance, the Board of Commissioners hereby AFFIRMS the January 9, 2014 Findings of Fact and Decision of the Planning Commission (attached hereto) for the Comprehensive Plan Map to be amended from Industrial to Commercial and the Zone Map to be changed from ME to CRE on the 1.2± acre portion of the property described in the attached **Exhibit A**, together with Alteration of a Nonconforming Use to allow the usage of the two existing buildings on the property that exceed the floor space allowed in the ME and CRE zones.

Based on the aforementioned Findings of Fact and Decision as affirmed, the Board of Commissioners hereby GRANTS the requested Plan Amendment & 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 12th day of February, 2014.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON


Chair

Commissioner

Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

RGR Development, LLC, Findings of Fact and Decision, Planning Department File No. 13-058.

This matter came on regularly for hearing before the Douglas County Planning Commission on January 9, 2014, with deliberation occurring on the same day January 9, 2014, 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, Romey Ware and Mark Brosi.

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 74 days prior to the January 9, 2014 public hearing.
2. At least 35 days prior to January 9, 2014, notice of the hearing was sent by mail to the applicants, 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 January 9, 2014.
4. The parties qualified in this matter are on record with the Planning Department.
5. Staff entered Staff Exhibits 1-13, including the Staff Report and Supplemental Staff Report, into the Record.
6. The Planning Commission heard testimony from the applicant, who agreed with the Staff Report, Supplemental Staff Report and recommendation for approval of the request. The applicant testified 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 Supplemental Staff Report and the evidence contained in the entire Record.

10. A motion was made to approve the requested Comprehensive Plan Amendment, Zone Change and Alteration of a Nonconforming Use with the listed conditions as recommended within the Staff Report and the additional condition as recommended in the Supplemental Staff Report. 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, Zone Change and Alteration of a Nonconforming Use per Section 6.500, Section 3.38.100 and Section 3.37.560, 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 Supplemental Staff Report, and the evidence contained in the whole Record, the Planning Commission hereby APPROVES the requested Comprehensive Plan Amendment to change approximately 1.2 acres of their 2.56 acre parcel from (IN) Industrial to (CO) Commercial and Zone Change from (ME) Rural Industrial to (CRE) Rural Commercial, to allow for the possibility of future commercial development in an existing structure located on the property.

In addition, the Planning Commission hereby APPROVES the requested Alteration of a Non-Conforming Use to allow for the usage of two existing buildings that exceed the floor space allowed within the ME and CRE zone, subject to the following conditions:

1. The applicant shall submit a completed copy of the Douglas County access permit #18476, which shall include an appropriate signature from a Douglas County Public Works representative indicating that the "completed work has been inspected and approved."
2. The applicant shall provide a recorded easement providing vehicular ingress and egress to the subject property, with a right of way width of no less than 35 feet.
3. The larger of the two buildings, located on the ME zoned portion of the property shall not exceed the existing floor space of 8,400 square feet in size as indicated by Douglas County Assessor records.
4. The smaller of the two buildings, located on the CRE zoned portion of the property shall not exceed the existing floor space of 5,690 square feet in size as indicated by the Douglas County Assessor records.
5. The commercial retail portion of the larger building shall not exceed 25 percent of the total floor space of the structure.
6. As required by the Douglas County Public Works Department, the secondary access point off of Garden Valley Rd. shall remain gated and locked and shall not be used except for emergency fire access only.

Dated this 9th day of January, 2014.

DOUGLAS COUNTY PLANNING COMMISSION

By: _____

Chairman

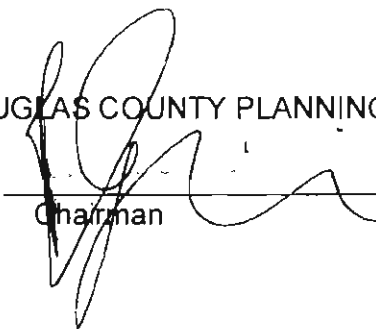


EXHIBIT "A"

Instrument Number 2013-007694:

The following described property in a portion of Jacob Jones Donation Land Claim No. 43, being in Section 10, Township 27 South, Range 6 West, Willamette Meridian, Douglas County, Oregon: Beginning at a 3/4" iron rod set in the Northerly right of way line of Conn Ford Road (County No. 167) from which the southeast corner of Jacob Jones Donation Land Claim No. 43 bears South 86°38' East 973.3 feet; thence North 0°02' East 625.93 feet to a 3/4" iron rod; thence North 11°00' East 69.33 feet to a 3/4" iron rod on the westerly right of way line of Garden Valley Road (County Road No. 6); thence easterly and southeasterly along said right of way line of Garden Valley Road and southwesterly along the westerly right of way line of the interchange between said Garden Valley Road and said Conn Ford Road and westerly along the northerly right of way of said Conn Ford Road to the point of beginning.

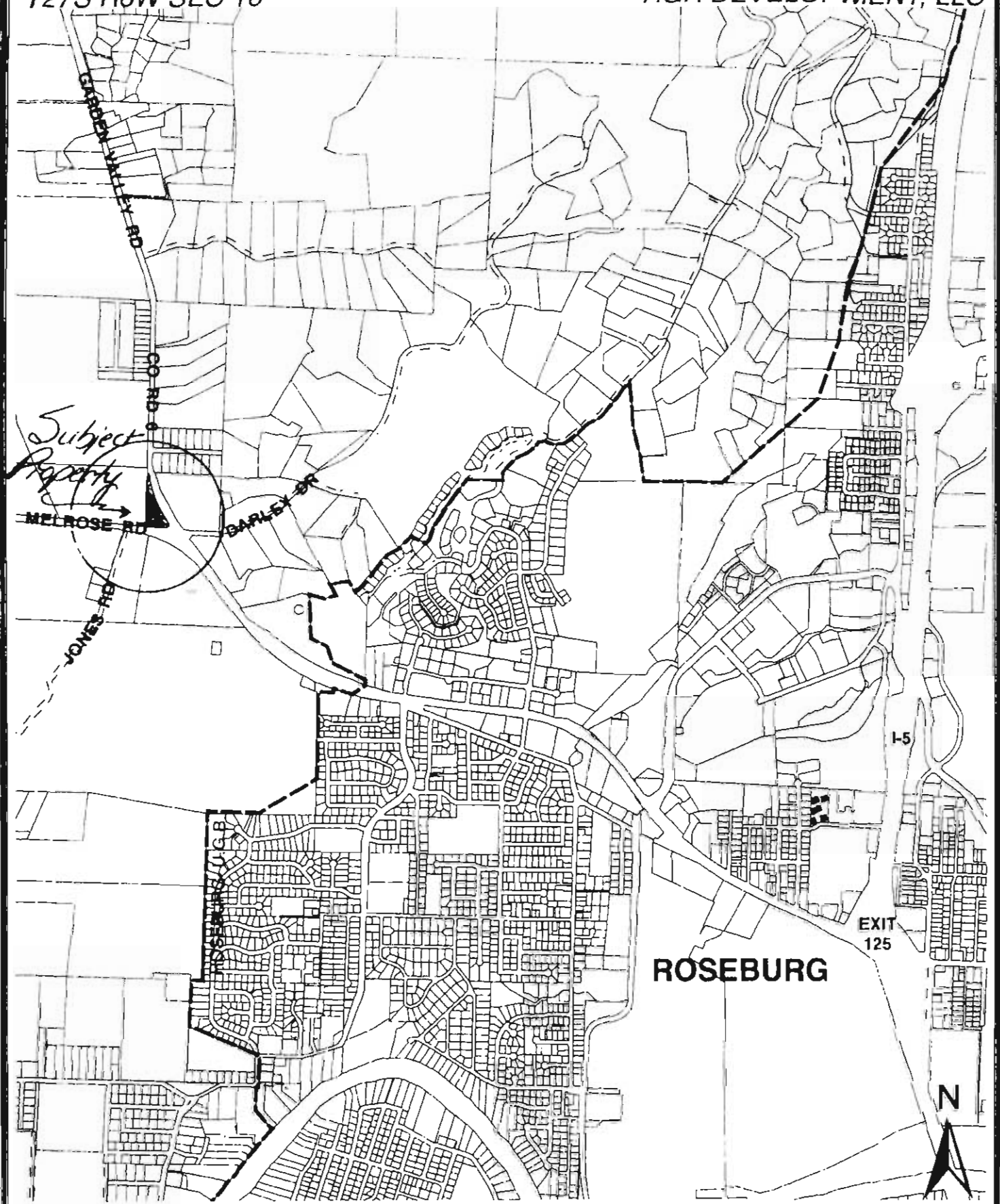
All of the above-described Instrument Number 2013-007694 lying easterly of the following described line:

Beginning at a point on the West boundary of said Instrument Number 2013-07694, from which the Southwest corner of said Instrument Number 2013-07694 bears South 04°56'51" West, 45.60 feet; Thence North 46°05'29" East, 124.71 feet; Thence North 08°40'09" East, 182.46 feet; Thence North 82°36'37" East, 40.38 feet, more or less, to a point on the East boundary of said Instrument Number 2013-07694 and there terminating.

Contains 1.28 acres, more or less.

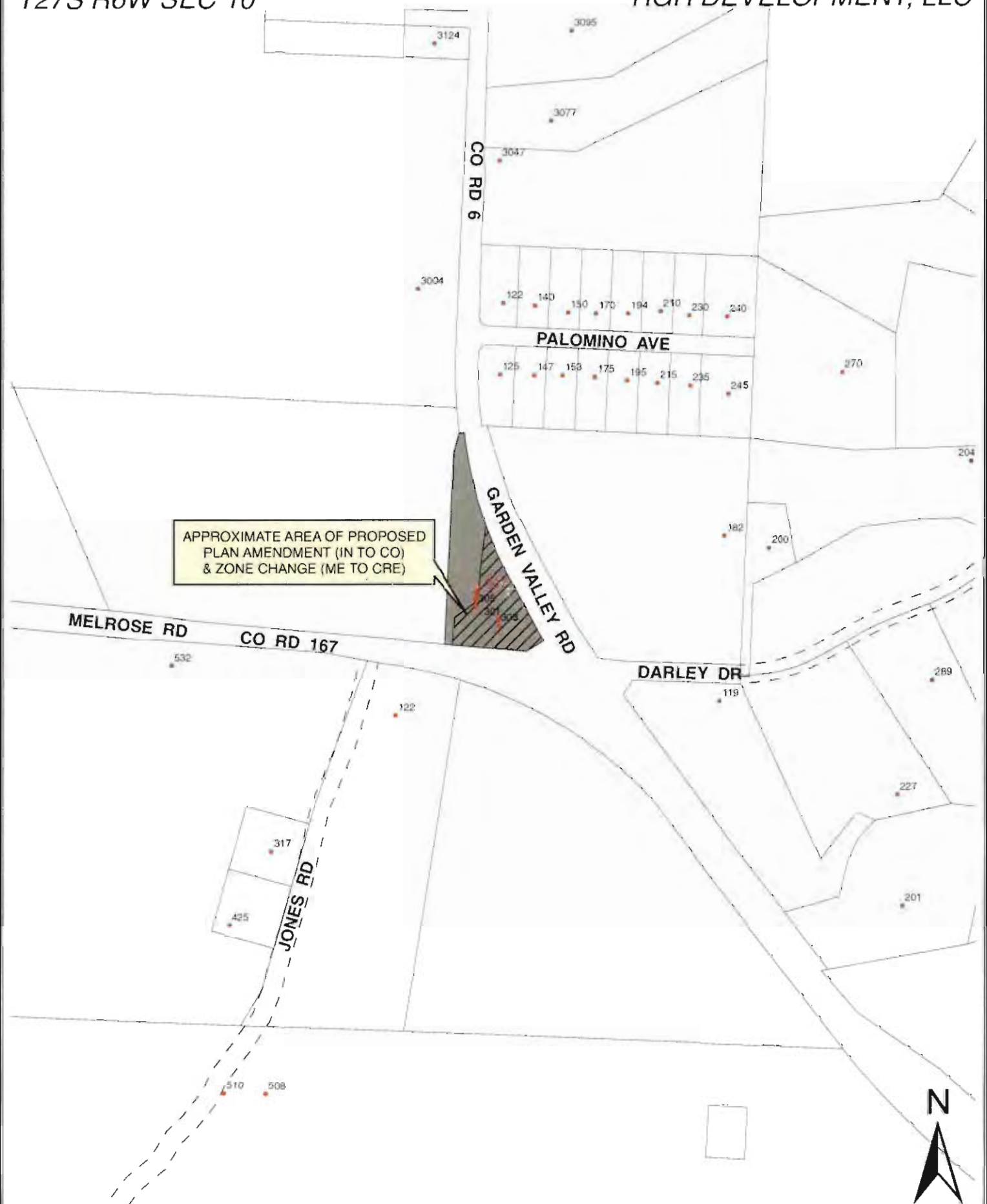
VICINITY MAP
T27S R6W SEC 10

P/D 13-058
HGR DEVELOPMENT, LLC



SITUS MAP
T27S R6W SEC 10

P/D 13-058
RGR DEVELOPMENT, LLC



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



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



973012540 C007

