



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

8/4/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Roseburg Plan Amendment
DLCD File Number 001-10

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, August 17, 2010

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: Marion Thompson, City of Roseburg
Gloria Gardiner, DLCD Urban Planning Specialist
Darren Nichols, DLCD Community Services Division Manager
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

JUL 28 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-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: **City of Roseburg**

Local file number: **LUDO-10-2**

Date of Adoption: **7-26-2010**

Date Mailed: **7-27-2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **4-23-10**

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".

Updates and revisions to the Land Use and Development Ordinance adding numbering to the definition section, re-formatting the sign section and adding conditionally allowed uses in the neighborhood commercial zone.

Does the Adoption differ from proposal? The draft text suggested some additional updates to the community and general commercial zones but those were not pursued at this time.

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

to:

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

to:

Location: **Mosher, Pine, Rice and Mill**

Acres Involved:

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

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 file No. _____

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

Oregon Department of Transportation

Local Contact: **Marion J Thompson AICP Sr Plr**

Phone: **(541) 492-6876**

Extension:

DLCD File No 001-10 (18268) [16249]

Address: 900 SE Douglas Ave

Fax Number: 542-440-1185

City: Roseburg

Zip: 97470

E-mail Address:

mthompson@cityofroseburg.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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, please print this **Form 2** on light **green paper if available**.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see [ORS 197.615](#)).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see [ORS 197.830 to 197.845](#)).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see [ORS 197.615](#)).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE NO. 3355

AN ORDINANCE OF THE CITY OF ROSEBURG AMENDING THE ROSEBURG LAND USE AND DEVELOPMENT ORDINANCE NO. 2981 BY ADOPTING UPDATES AND CLARIFICATION TO SECTIONS 1.090, 2.3.300, 2.3.325, 2.3.350, 2.3.375, 2.3.400, 2.4.100 AND 3.15.100 REGARDING DEFINITIONS, HISTORIC RESOURCE REVIEW, SIGNS AND NEIGHBORHOOD USES PERMITTED CONDITIONALLY

WHEREAS, after reviewing the recommendation of the Planning Commission and conducting a public hearing on April 19, 2010 and June 21, 2010, and

WHEREAS, Article 53, Section 3.35.000 states it may be necessary to amend the Land Use and Development Ordinance text from time-to-time to meet changes in circumstances and conditions, and

WHEREAS, on April 12, 2010 the City Council adopted the CPA-09-6 approving the Mill-Pine Neighborhood Plan, which included recommended amendments to the Land Use and Development Ordinance and the Roseburg Municipal Code, and

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

SECTION 1: On the basis of the facts contained in the record, the City Council finds there is sufficient justification and need to accept the Planning Commission recommendation and hereby adopts as its own the Findings of Fact of the Planning Commission which are included herein by this reference.

SECTION 2: Land Use and Development Ordinance Section 1.090 is hereby amended to read as follows:

SECTION 1.090 DEFINITIONS

Words used in the present tense include the future; the singular includes the plural; and the word "shall" is mandatory and not discretionary. Whenever the term "this Ordinance" is used herewith, it shall be deemed to include all amendments hereto as may hereafter from time to time be adopted.

For the purposes of this Ordinance, unless otherwise specifically provided, certain words, terms and phrases are defined as follows:

1. ABUTTING. Adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting if the common property line between the two (2) parcels measures less than eight (8) feet in a single direction.

[All subsequent definitions to be numbered sequentially]

SECTION 3: Land Use and Development Ordinance Section 2.3.300 is amended to read as follows:

SECTION 2.3.300 SPECIAL ADDITIONAL SITE REVIEW FOR REGISTERED HISTORIC RESOURCES

The purpose of the historic preservation provisions is to preserve, protect, maintain, and enhance those historic resources which represent or reflect elements of the cultural, social, economic, political, and architectural history. Historic resources are the sites, buildings, structures, objects, natural features, or specific districts that relate to events or conditions of our past. Protected resources will provide educational value, enjoyment, and economic diversification as well as beautification of the City and enhancement of property values. This Section is intended to allow the City to review any change including alterations, remodel, additions, demolitions, and/or new construction proposals at the time of site review to ensure that registered historic resources are preserved.

SECTION 4: Land Use and Development Ordinance Section 2.3.325 is amended to read as follows:

SECTION 2.3.325 HISTORIC RESOURCES

For the purposes of this Section, historic resources which are defined as sites, buildings, properties, or features within the Roseburg City limits that have been inventoried and/or are located within a designated historic district or otherwise listed on the City of Roseburg Historic Resource Register, the Douglas County Historic Resource Register and/or the National Register of Historic Places.

SECTION 5: Land Use and Development Ordinance Section 2.3.350 is amended to read as follows:

SECTION 2.3.350 EXTERIOR REMODELING OR ALTERATION OF HISTORIC RESOURCES

Upon receipt by the Community Development Department of all site plan review requests for exterior alteration of a historic resource, the Director shall, within fifteen (15) working days, review the permit application for completeness and refer the request to the Historic Resource Review Commission to review the permit request within thirty (30) working days of the date the complete application was submitted. The Commission shall review the permit request and shall:

1. Notify the applicant of the time and place of the review and be encouraged to be present. A failure to initiate review within thirty (30) working days of completeness shall be considered as an approval of the application.
2. Direct the Director to submit to the Building Department a statement of development approval if the Commission finds the proposed alterations to be in compliance with Section 2.3.400.

3. Initiate one of the following if the Commission finds the proposed alterations to be in non-compliance with Section 2.3.400,
 - a. Approve the application subject to compliance with conditions which will bring the application into conformance with Section 2.3.400, or
 - b. Place up to a sixty (60) day delay from the date of the hearing action on issuance of a building permit for the proposed alteration to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners, or
 - c. Provide the applicant with information concerning local, state, and federal preservation programs so the applicant may gain knowledge of alternatives available to him.

SECTION 6: Land Use and Development Ordinance Section 2.3.360 is added to read as follows:

SECTION 2.3.360 ADDITIONS TO HISTORIC RESOURCES

Upon receipt by the Community Development Department of a request for construction of an addition on a designated historic property, the Director shall, within fifteen (15) working days, review the application for completeness and refer the request to the Historic Resource Review Commission to review the request within thirty (30) working days of the date the completed permit application was submitted. A failure to initiate review within thirty (30) working days shall be considered as an approval of the application. The Commission shall review the request and shall:

1. Notify the applicant of the time and place of the review and be encouraged to be present.
2. Direct the Director to submit to the Building Department a statement of development approval if the Commission finds the proposed addition to be in compliance with Section 2.3.400 or 2.3.450 as applicable.
3. Initiate one of the following if the Commission finds the proposed construction or addition to a historic resource inventoried as significant, primary, contributing, eligible-contributing, eligible-significant and/or similarly classified to be in non-compliance with Section 2.3.400 or a historic resource inventoried as non-historic/non-contributing, secondary, not-eligible and/or similarly classified to be in non-compliance with Section 2.3.450.
 - a. Approve the application subject to compliance with conditions which will bring the application into conformance with Section 2.3.400 or 2.3.450 as applicable, or
 - b. Place up to a sixty (60) day delay from the date of the hearing action on issuance of a building permit for the proposed addition to provide

additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners, or

- c. Provide the applicant with information concerning local, state, and federal preservation programs so the applicant may gain knowledge of alternatives available to him.

Following review, the Commission may grant or deny the request for issuance of a building permit.

The Director shall file a memorandum of the decision in the records of the Community Development Department and shall send a copy to the applicant by mail.

The decision of the Commission is final unless a written appeal from the property owner is received by the Director within fourteen (14) days after the date on which the decision was filed.

SECTION 7: Land Use and Development Ordinance Section 2.3.370 is added to read as follows:

SECTION 2.3.370 NEW CONSTRUCTION ON A PROPERTY INVENTORIED AS A HISTORIC RESOURCE

Upon receipt by the Community Development Department of a request for new construction on a property or in a district inventoried or otherwise designated a historic resource, the Director shall, within fifteen (15) working days, review the application for completeness and refer the request to the Historic Resource Review Commission to review the request within thirty (30) working days of the date the completed permit application was submitted. A failure to initiate review within thirty (30) working days shall be considered as an approval of the application. The Commission shall review the request and shall:

1. Notify the applicant of the time and place of the review and be encouraged to be present.
2. Direct the Director to submit to the Building Department a statement of development approval if the Commission finds the proposed addition to be in compliance with Section 2.3.450.
3. Initiate one of the following if the Commission finds the proposed alterations to be in non-compliance with Section 2.3.450,
 - a. Approve the application subject to compliance with conditions which will bring the application into conformance with Section 2.3.450, or
 - b. Place up to a sixty (60) day delay from the date of the hearing action on issuance of a building permit for the proposed construction to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners, or

- c. Provide the applicant with information concerning local, state, and federal preservation programs so the applicant may gain knowledge of alternatives available to him.

Following review, the Commission may grant or deny the request for issuance of a building permit.

The Director shall file a memorandum of the decision in the records of the Community Development Department and shall send a copy to the applicant by mail.

The decision of the Commission is final unless a written appeal from the property owner is received by the Director within fourteen (14) days after the date on which the decision was filed.

SECTION 8: Land Use and Development Ordinance Section 2.3.375 is amended to read as follows:

SECTION 2.3.375 DEMOLITION OF HISTORIC RESOURCES

Upon receipt by the Community Development Department of a request for demolition of a historic resource, the Director shall schedule a hearing before the Historic Resource Review Commission to review the request. However, if the structure for which the demolition permit request has been filed has been damaged in excess of seventy percent (70%) of its assessed value due to fire, flood, wind, or other action of God, a demolition permit may be approved by the Director after ratification by the Historic Resource Review Commission. If the Commission does not ratify a demolition permit, damage does not exceed seventy (70%) or there is no documented requirement for demolition, then the Director shall schedule a hearing before the Historic Resource Review Commission to review the demolition request. A failure to initiate review within thirty (30) working days shall be considered as an approval of the application.

The Commission may delay the issuance of the demolition permit for up to sixty (60) days from the date of the hearing action. The Commission's decision shall be based upon consideration of the following factors:

1. Reasonable efforts shall be made by the Commission to provide the owner of the resource with possible alternatives for demolition, including information concerning local, state, and federal preservation programs;
2. Reasonable effort shall be made by the Commission to maintain the historic resource by an acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project. (A demonstrated lack of private and public funding for the above is sufficient cause to allow demolition);
3. Consideration shall be given to the Guidelines listed in Section 2.3.400; and,

4. The Commission may request the Director and/or applicant to seek assistance through referrals from the appropriate agencies and organizations, which may include: The State Historic Preservation Office, the Douglas County Museum, and the Douglas County Historic Resource Review Committee. (Ord. 9/2008)

Following review, the Commission may grant or deny the request for issuance of a demolition permit.

The Director shall file a memorandum of the decision in the records of the Community Development Department and shall send a copy to the applicant by mail.

The decision of the Commission is final unless a written appeal from the property owner is received by the Director within fourteen (14) days after the date on which the decision was filed.

SECTION 9: Land Use and Development Ordinance Section 2.3.400 is amended to read as follows:

SECTION 2.3.400 GUIDELINES FOR EXTERIOR ALTERATION OF OR AN ADDITION TO CONTRIBUTING, SIGNIFICANT, PRIMARY, HISTORIC, ELIGIBLE OR SIMILARLY CLASSIFIED HISTORIC RESOURCES

Affirmative findings shall be documented addressing the following guidelines based upon their relative importance.

1. Retention of original construction. All original exterior materials and details shall be preserved to the maximum extent possible.
2. Height. Additional stories may be added to historic building and zoning codes:
 - a. The added height complies with requirements of the building and zoning codes.
 - b. The added height does not exceed that which was traditional for the style of the building.
 - c. The added height does not alter the traditional scale and proportions of the building style.
 - d. The added height is visually compatible with adjacent historic resources.
3. Bulk. Horizontal additions may be added to historic buildings provided that:
 - a. The bulk of the addition does not exceed that which was traditional for the building style.
 - b. The addition maintains the traditional scale and proportion of the building style.

- c. The addition is visually compatible with adjacent historic resources.
- 4. Visual Integrity of Structure. The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.
- 5. Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solids (window to wall) shall be visually compatible with traditional architectural character of the historic building.
- 6. Materials and Texture. In-kind materials and textures shall be used in the alteration or addition of historic resources. Exterior alteration or addition shall follow the requirements of the Secretary of Interior's Standards for Historic Preservation Projects and the Historic Preservation League of Oregon's Rehab Oregon Right manual.
- 7. Signs, lighting, and other appurtenances. Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic resource.

SECTION 10: Land Use and Development Ordinance Section 2.3.450 is added to read as follows:

SECTION 2.3.450 GUIDELINES FOR NEW CONSTRUCTION, OR TO CONSTRUCT AN ADDITION TO A NON-HISTORIC, NON-CONTRIBUTING, SECONDARY, NOT ELIGIBLE OR SIMILARLY CLASSIFIED HISTORIC RESOURCE

New construction on a vacant lot within a historic district or on a property, lot, parcel or site designated as a non-historic, non-contributing, compatible, secondary and/or not-eligible historic resource can enhance the existing character if the proposed design reflects an understanding of, and is compatible with, the distinctive character of the setting and associated resources. Affirmative findings shall be documented addressing the following guidelines based upon their relative importance.

- 1. Siting New and Relocated Buildings
New, added or relocated buildings are sited according to features of the surrounding neighborhood and the overall character of the historic area in terms of orientation, distance to adjacent buildings, traditional setback, and retention of important site features per the requirements of the Secretary of Interior's Standards of Historic Preservation Project and the Historic Preservation League of Oregon's Rehab Oregon Right manual and as follows:
 - a. Orientation - The new or relocated building is oriented in a manner to maintain the traditional pattern of the block.

- b. Distance – The distance between the new or relocated building and the adjacent historic resource is compatible with the spacing between existing resources on the same street.
 - c. Setback – The setback of the new or relocated building is consistent with the setback of adjacent historic resources on the street.
 - d. Design - The overall character of the new construction or relocated building is compatible with existing site features (landscaping, garages and driveways, if applicable) and the traditional character of the surrounding area.
2. Height – The proportion of the new or relocated building is compatible with the average height of the traditional character of the surroundings.
3. Bulk and Scale – The bulk and/or proportions (size, mass, and/or volume) of any new or relocated building is compatible with the traditional character of the surrounding. Examine the massing of nearby buildings (whether symmetrical or asymmetrical, central block (or L-shape), and design the new building with similar bulk.
4. Materials – The materials are consistent with the predominant materials and finishes found on other resources in the surrounding area. Examine the color, texture, pattern, composition, and scale of neighboring historic resources.
5. Width – The proportion of the new or relocated buildings is compatible with the average width and massing of the neighboring buildings. If a building is wider than other buildings on the block, the façade should be broken up into narrower bays that reflect the common historic widths.
6. Specific Design Elements – Design elements need to be compatible with the existing character of the surroundings with consideration for, but not limited to:
 - a) Roof Form – Visually, the roof form is the most important element in the overall building form. Keep roof forms consistent with the shapes traditionally used.
 - b) Windows and Doors – Keep the proportions and pattern of window and door opening similar to neighboring historic buildings. Keep the rhythm of solids (walls) and voids (windows and doors) consistent with the dominant pattern set in the area.
 - c) Exterior Siding – Select Siding material that is compatible with the historic materials used in the neighborhood. Only use substitute siding materials if similar in style to those used historically.
 - d) Architectural Details – Architectural features are to complement the details and style of the neighboring historic buildings. Architectural elements such as eave details, window trim, water tables, and cornices help new buildings blend in with surrounding resources.

SECTION 11: Land Use and Development Ordinance Section 2.4.100 – Signs is amended to read as follows:

SECTION 2.4.100 STANDARDS AND CRITERIA

1. Setbacks:

- a. No sign shall be located within fifty (50) feet of residentially used property in a residential zoning district.
- b. No sign or sign structure shall be located over the portion of a public street used by motor vehicles. However, in the event a public street is modified so that the sign or sign structure becomes located over the portion used by motor vehicles, the sign shall be relocated at owner expense.
- c. A sign installed over the public right-of-way shall be no closer than two (2) feet to face of curb.

2. Signs in Residential Zones:

In the RO, R-1-10, R-1-7.5, R-1-6, MR-14, MR-18, MR-29, and MR-40 zones, no sign shall be allowed except the following:

- a. A sign identifying only the name of the owner or occupant of a building, provided such sign does not exceed six (6) inches by eighteen (18) inches (6" x 18") in size, is unilluminated, and is located not less than fifteen (15) feet from the front lot line.
- b. A sign pertaining to the lease or sale of a building or property, provided such sign does not exceed six (6) square feet in area.
- c. One (1) identification sign facing each bordering street, not to exceed six (6) square feet in area, for any permitted use except residences. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but non-flashing, and shall not be located in any required yard setback.
- d. Temporary sign, for one (1) year, advertising a new subdivision, provided such sign does not exceed thirty-two (32) square feet in area, advertises only the subdivision in which it is located, is unilluminated, and is erected only at a dedicated street entrance and within the lot lines. Such sign shall be removed if construction on the subdivision is not in progress within sixty (60) days following the date of the sign permit.
- e. Church signs may not exceed thirty-two (32) square feet in area, may be illuminated only internally.

3. Non-Residential Zones:

a. PR, C-1, C-2, CBD Zones. All non-exempt signs located within these zones shall conform to the following limitations:

- (1) Maximum number of freestanding signs is one.
 - (a) Fifty (50) square feet maximum area
 - (b) Twenty (20) feet maximum height
- (2) No roof signs shall be permitted.
- (3) Total area of all attached wall signs shall not exceed one hundred (100) square feet.

b. PO, C-3, M-3, M-2, M-1, MU Zones. All non-exempt signs located within these zones shall conform to the following limitations:

- (1) Freestanding signs
 - (a) Maximum one hundred (100) square feet
 - (b) Maximum height twenty-five (25) feet
 - (c) Maximum one (1) one hundred (100) square foot roof sign may be allowed in place of allowed freestanding sign

Additional signs may be permitted based on the street length of the property as provided in Section (3) below

- (2) Wall signs: maximum total area of any single attached wall sign shall not exceed two hundred (200) square feet, except as provided in Section (3) below.
- (3) Available sign square footage is computed using lineal footage of street frontage of the property or use on which the signs are to be installed:
 - (a) 0-299 lineal feet = one (1) freestanding sign + four hundred (400) square feet wall signs
 - (b) 300-399 lineal feet = one (1) freestanding sign + six hundred (600) square feet wall signs
 - (i) OR two (2) freestanding signs + four hundred (400) square feet wall

- (ii) OR one (1) two hundred (200) square foot freestanding sign + four hundred (400) square feet wall signs

For each additional one hundred (100) lineal foot frontage beyond four hundred (400), one (1) additional one hundred (100) square foot freestanding sign OR two hundred (200) square feet of wall signs may be added to any of the above configurations with a maximum of four (4) additional signs.

Freestanding signs allowed by this subpart shall be placed at least one hundred (100) lineal feet apart.

- (1) For multiple businesses in a shopping center, for multiple businesses sharing common off-street parking facilities, or for multiple businesses with the same property owner, all of which are located on one (1) or more contiguous lots, the maximum number of wall signs allowed per business shall be one (1) wall sign per street frontage of the business, subject to the size provisions listed in Section (2) and (3) above.

SECTION 12: Land Use and Development Ordinance Section 3.15.100 is hereby amended to read as follows:

SECTION 3.15.100 USES PERMITTED CONDITIONALLY

In the C-1 Zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:

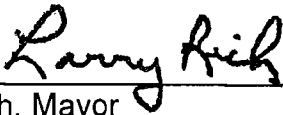
1. Ambulance, police, fire, rescue service.
2. Veterinarian.
3. Automobile service station.
4. Dwelling units, subject to the development standards of the MR-29 zone. (Ord. No. 3289, 9/2008)
5. Residential Facility, subject to the property development standards set forth in Section 3.15.150.
6. Religious, political, civic, social, labor organizations lot size less than 40,000 square feet.
7. Residential home within an existing residential dwelling.

8. Telecommunication Facilities. (Section 3.15.100, 7. entirely, Ord. No. 3115, 6/13/02)
9. Other uses similar to those listed in Section 3.15.050 above meeting the intent and purpose of serving the local neighborhood needs.

SECTION 13: All other sections and subsections of the Land Use and Development Ordinance shall remain in effect as written.

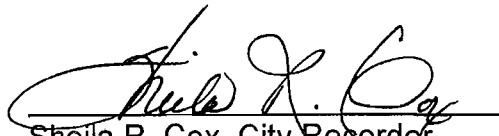
PASSED BY THE COUNCIL THIS 26TH DAY OF JULY 2010.

APPROVED BY THE MAYOR THIS 26TH DAY OF JULY 2010.



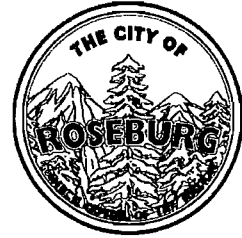
Larry Rich, Mayor

ATTEST:



Sheila R. Cox, City Recorder

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



Legislative Public Hearing – Code Text Amendment (LUDO-10-1 & LUDO-10-2)

Meeting Date: July 12, 2010
Department: Community Development
www.cityofroseburg.org

Agenda Section: Public Hearing (Legislative)
Staff Contact: Brian Davis, Director
Contact Telephone Number: 541-492-6750

ISSUE STATEMENT AND SUMMARY

The City Council will consider a Planning Commission recommendation to approve a legislative Land Use and Development Ordinance (LUDO) Amendment adopting updates to the Historic Resource Review standards and making other minor clarifications and updates to other sections. Amendments are also proposed to the Roseburg Municipal Code relating to Historic Resource Review.

BACKGROUND

A. Council Action History.

April 12, 2010 – The City Council approved a Comprehensive Plan Amendment adopting the Mill-Pine National Register Historic District Plan which included recommended amendments to LUDO and the Municipal Code.

B. Analysis.

In order to clarify and better define historic resources the Mill-Pine plan provided a list of recommended amendments to LUDO and to the Municipal Code. The proposed amendments (see pages 15-24) were approved by the Planning Commission.

At the time of their hearing, the Planning Commission reviewed support by the Public Works and Economic Development Commissions, as well as recommendations by the Historic Resource Review Commission for some minor edits. An approval recommendation has been forwarded to the City Council from the Planning Commission per their adopted Findings of Fact (pages 7-8).

On June 21, 2010, the Planning Commission considered amendments to other sections of LUDO. As explained in the Planning Commission staff report (pages 9-12) these changes provide clarification or improve implementation of LUDO. An approval recommendation has been forwarded to the City Council from the Planning Commission per their adopted Findings of Fact (pages 13-14).

C. Financial and/or Resource Considerations.

No direct financial resources are connected to the adoption of the LUDO text amendment.

D. Timing Issues.

None

COUNCIL OPTIONS

1. Proceed with adoption of Findings of Fact, followed by first reading of the Ordinance
2. Delay action and continue the matter for further consideration
3. Decline to proceed with the proposed action

STAFF RECOMMENDATION AND SUGGESTED MOTIONS

1. Staff recommends the Council adopt Planning Commission's Findings of Fact

SUGGESTED MOTION: I MOVE TO ADOPT THE FINDINGS OF FACT APPROVED BY THE PLANNING COMMISSION FOR FILE NOS. LUDO-10-1 and LUDO-10-2.

2. Proceed with first reading of the Ordinance. No motion is needed, only consensus to proceed by the Council.

Attachments

- 1 - Planning Commission Staff Report for LUDO-10-1 – pages 3-6
- 2 – Planning Commission approved Findings of Fact for LUDO-10-1 – pages 7-8
- 3 – Planning Commission Staff Report for LUDO-10-2 – pages 9-12
- 4 – Planning Commission approved Findings of Fact for LUDO-10-2 – pages 13-14
- 5 – Exhibit 1 – Proposed HRRC LUDO text revisions – pages 15-22
- 6 - Exhibit 2 – Proposed HRRC Municipal Code revision – pages 23-24
- 7 – Exhibit 3 – Proposed General LUDO text revisions – pages 25-28
- 8 – Draft City Council LUDO Text Ordinance – pages 29-40
- 9 – Draft City Council Municipal Text Ordinance – pages 41-43

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF ROSEBURG**

In this matter of a Legislative)	
Land Use and Development)	FINDINGS OF FACT
Ordinance text amendment)	AND DECISION
relative to minor updates and)	
clarification)	FILE NO. LUDO-10-2

Finding No. 1

This matter came before the Planning Commission for public hearing on June 21, 2010, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Consideration was duly initiated by the Roseburg City Council as provided in the Land Use and Development Ordinance.

Finding No. 3

Notice of the public hearing was given by publication in the News-Review, a newspaper of general circulation, at least 10 days prior to the date of the hearing. Opportunities were provided for all interested parties to be involved in the planning process through the public hearing.

Finding No. 4

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of 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, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

1.

Finding No. 5

The Planning Commission staff report prepared for evaluation of this application was reviewed and taken into consideration during the review process including all exhibits and materials referenced and any testimony provided at the hearing, which is hereby made a part of the Commission's findings.

CONCLUSION

The amendment detailed in the information provides clearer direction improving implementation and understanding. An assessment of the proposal has found that the amendments comply with the applicable Comprehensive Plan policies and the Statewide Planning Goals.

THE PLANNING COMMISSION RECOMMENDS THE CITY COUNCIL **APPROVE**
FILE NO. LUDO-10-2 APPROVING A LAND USE AND DEVELOPMENT ORDINANCE
TEXT AMENDMENT AS PROVIDED IN EXHIBIT 1 ATTACHED HERETO AND
INCORPORATED HEREIN.

DATED THIS 21st DAY OF June, 2010



Patrick Parson, Vice Chair

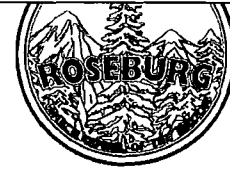


Brian Davis, Director
Community Development

Planning Commission Members:

Ron Hughes, Chair - Absent
Patrick Parson, Vice Chair
Meagan Conry - Absent
Mychal Fox
Harvey Lopez
John McDonald
Knut Trovik - Absent

**CITY OF ROSEBURG
PLANNING COMMISSION
STAFF REPORT**



File No. LUDO-10-2 - Meeting Date: June 21, 2010

Prepared for: Brian Davis, Director
Community Development

Completeness Date: N/A
120-Day Limit: N/A

Staff Contact: Marion J. Thompson, AICP – Senior Planner

Applicant: City of Roseburg, Community Development Department

Request: Land Use and Development Ordinance (LUDO) Text Amendment

ISSUE STATEMENT AND SUMMARY:

The Planning Commission is asked to forward a recommendation to the City Council for a legislative Ordinance Amendment to provide updates to the LUDO. The changes presented are considered to be on a housekeeping level, do not alter policy direction and should improve the implementation process.

BACKGROUND:

LUDO is a living, working document and over time needs to be edited and refined. This amendment proposal is to provide general updates and clarifications to several sections. The changes will have no direct affect on any specific project or development proposal. These changes will not affect the purpose and intent of any existing zone district or significantly alter allowed uses. None of the changes are intended to increase or cause additional levels of requirements.

A summary brief of the proposals including:

- 1) Numbering the items listed in the definition sections;
- 2) Reformatting the sign section to make it somewhat easier to follow with no changes proposed; and
- 3) Updating some Conditional Uses in commercial zone districts.

Attachment 2 starting on page 7 shows the proposed additions with slash marks in the margin. Additions are in *italic* and underlined and eliminations have a ~~strikeout~~ line.

STAFF EVALUATION

The amendment addresses a number of items that will help to improve understanding, bring items up-to-date, add flexibility in some areas, reduce or eliminate inconsistencies and enhance some existing standards. A similar amendment process was completed in August 2008. As a Legislative action the proposal is evaluated based on Statewide Planning Goals and Comprehensive Plan policies.

As noted these changes do not affect any existing or proposed development and while there may be some indirect impacts to future development, the changes do not alter the purpose or intent of any section of LUDO. A review of the Comprehensive Plan goals, objections and policies did not identify any existing or potential conflicts.

The following Statewide Planning Goals determined to be applicable are Goals 1, 2, 12, and 13. An evaluation of each follows:

Statewide Planning Goal No. 1 – Citizen Involvement - To develop citizen involvement programs that ensure the opportunity for citizens to be involved in all phases of the planning process

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City adopted the Roseburg LUDO. Section 3.35.000 of LUDO states that it may be necessary from time-to-time to amend the text of the Ordinance in order to conform to the Comprehensive Plan or to meet other changes in circumstances and conditions.

Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet State of Oregon Revised Statutes (ORS).

The City of Roseburg provides notice of proposed change as mandated through the ORS requirements and LUDO, which included publishing notice of the proposed action in *The News-Review*, a newspaper of general circulation. Through the Planning Commission and City Council public hearings, the public will have opportunities to provide comments and present issues, influence the Commission and eventually the Council, provide technical information, and/or provide information regarding conditional approval.

The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO. The Comprehensive Plan indicates the Planning Commission is responsible for continuing the advisory involved through their public hearings.

Roseburg has an established Planning Commission with the responsibility to act as the conduit to the City Council on land use matters. The Planning Commission is selected through an open, well-publicized public process and the Commission may include one member who resides outside the city limits.

Statewide Planning Goal No. 2 – Land Use Planning - To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such actions

Part I - Planning

As noted, the City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City UGB.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. As noted above, Section 3.35.000 of LUDO recognizes the need to amend the text of the Ordinance in order to conform to the Comprehensive Plan, or to meet other changes in circumstances and conditions. (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 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, as both may have been amended from time to time).

Part II – Exceptions

The exceptions section within Goal 2 does not apply in this case because there is no exception required and the City has not requested an exception.

Statewide Planning Goal No. 12 - Transportation – To provide and encourage a safe, convenient and economic transportation system

This action is not anticipated to result in any changes in land uses currently identified through the Comprehensive Plan or implemented by LUDO. Based on the review of the TSP, sufficient and needed capacity exists on the existing roadways or is planned for to accommodate future development without affecting the level of service. Roadways will continue to function at an acceptable performance level. In addition, any future development will need to comply with development standards such as on-site parking, access and circulation sufficient to meet the needs of the development.

Statewide Planning Goal No. 13 – Energy Conservation – To manage and control land and uses so as to maximize the conservation of all forms of energy, based on sound economic principles

LUDO provides standards and regulations for property situated within the established urban area. The purpose for these regulations is to promote efficient energy-related use of existing and planned energy facilities by allowing urban property to develop thereby potentially delaying the need to develop more remote rural areas. Whether the property is developed per current commercial or residential designation does not conflict the goals to manage and control energy resources. Keeping LUDO current with recognized practices is a means to continue to address energy conservation.

CONCLUSION

The proposed text revisions are consistent with the policies and goals identified in the Comprehensive Plan and will not result in the need to amend or revise the City of Roseburg Area Comprehensive Plan.

OPTIONS:

4. Continue consideration to obtain more information.
5. Adopt proposed or modified Findings of Fact recommending the City Council approve a Land Use and Development Ordinance text amendment.
6. Adopt modified Findings of Fact recommending the City Council deny the amendment.

CONCLUSION/SUGGESTED MOTION:

An assessment of the proposal has found that it complies with the applicable Comprehensive Plan policies and Statewide Planning Goals, with the following motion recommended:

I MOVE TO ADOPT THE FINDINGS OF FACT AS PRESENTED IN THE ATTACHMENT AND TO RECOMMEND THE CITY COUNCIL **APPROVE** FILE NO. LUDO-10-2 AS SET FORTH EXHIBIT 1 ATTACHED HERETO AND BY REFERENCE MADE A PART OF THIS ACTION.

EXHIBIT 3 – Proposed General Land Use and Development Ordinance text revisions**Chapter 2****Introductory and General Provisions****SECTION 1.090** **DEFINITIONS**

Provide numbers for each individual definition - 1 through 166 such as:

1. ABUTTING. Adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting if the common property line between the two (2) parcels measures less than eight (8) feet in a single direction.

ARTICLE 4**SIGNS****SECTION 2.4.100** **STANDARDS AND CRITERIA****3. Non-Residential Zones:**

- a. PR, C-1, C-2, **CBD** Zones. All non-exempt signs located within these zones shall conform to the following limitations:
 - (1) Maximum number of freestanding signs is one.
 - (a) Fifty (50) square feet maximum area
 - (b) Twenty (20) feet maximum height
 - (2) No roof signs shall be permitted.
 - (3) Total area of all attached wall signs shall not exceed one hundred (100) square feet.
- b. PO, C-3, M-3, M-2, M-1, MU Zones. All non-exempt signs located within these zones shall conform to the following limitations:
 - (1) Freestanding signs

- (a) Maximum one hundred (100) square feet
- (b) Maximum height twenty-five (25) feet
- (c) Maximum one (1) one hundred (100) square foot roof sign may be allowed in place of allowed freestanding sign

Additional signs may be permitted based on the street length of the property as provided in Section (3) below

- (2) Wall signs: maximum total area of any single attached wall sign shall not exceed two hundred (200) square feet, **except as provided in Section (3) below.**
- ~~(3) Except as provided below, for multiple businesses in a shopping center, for multiple businesses sharing common off-street parking facilities, or for multiple businesses with the same property owner, all of which are located on one (1) or more contiguous lots, the maximum number of signs allowed shall be one (1) wall sign per business and one (1) freestanding sign for the entire property.~~
- (3)** Available sign square footage is computed using lineal footage of street frontage **of the property or use** on which freestanding **the signs are** is to be installed upon:
 - ~~(a4)~~ 0-299 lineal feet = one (1) freestanding sign + four hundred (400) square feet wall signs
 - ~~(b5)~~ 300-399 lineal feet = one (1) freestanding sign + six hundred (600) square feet wall signs
 - ~~(i6)~~ OR two (2) freestanding signs + four hundred (400) square feet wall
 - ~~(ii7)~~ OR one (1) two hundred (200) square foot freestanding sign + four hundred (400) square feet wall signs

For each additional one hundred (100) lineal foot frontage **beyond four hundred (400),** one (1) **additional** one hundred (100) square foot freestanding sign OR two hundred (200) square feet of wall signs may be added to any of the above configurations with a maximum of four (4) additional signs.

~~(8)~~ Freestanding signs allowed by this subpart ~~(b)~~ shall be placed at least one hundred (100) lineal feet apart.

- (4) For multiple businesses in a shopping center, for multiple businesses sharing common off-street parking facilities, or for multiple businesses with the same property owner, all of which are located on one (1) or more contiguous lots, the maximum number of wall signs allowed per business shall be one (1) wall sign per street frontage of the business, subject to the size provisions listed in Section (2) and (3) above.**

ARTICLE 15

LIMITED COMMERCIAL (C-1)

SECTION 3.15.050 PERMITTED USES

In the C-1 Zone, the following uses and their accessory buildings and uses are permitted, subject to the general provisions and exceptions set forth by this Ordinance:

1. Community Centers, youth clubs.
2. Professional office limited to 1,500 square feet in area.
3. Grocery store, small hardware, garden supply, video, florist, gift, stationary, bakery or cafe, deli, variety store, etc. limited to 2,500 square feet in area.
4. Pharmacy (limited to 1,500 sq. ft. in area).
5. Laundromat (limited to 1,500 sq. ft. in area).
6. Dwellings units above or behind a permitted use, subject to the development standards of the MR-14 zone. (Ord. No. 3289, 9/2008)
7. Religious, political, civic, social, labor organizations subject to the property development standards set forth in Section 3.15.150.
8. Family day care home.
9. Recycling Center (neighborhood) less than 1,500 sq. ft., subject to development standards set forth in section 3.15.150.
10. Day Care Facility, subject to the property development standards set forth in Section 3.15.150.

SECTION 3.15.100 USES PERMITTED CONDITIONALLY

In the C-1 Zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provisions of Section 2.090(e) and Article 39 of this

Chapter:

1. Ambulance, police, fire, rescue service.
2. Veterinarian.
3. Automobile service station.
4. Dwelling units, subject to the development standards of the MR-29 zone. (Ord. No. 3289, 9/2008)
5. Residential Facility, subject to the property development standards set forth in Section 3.15.150.
6. Religious, political, civic, social, labor organizations lot size less than 40,000 square feet.
7. Residential home within an existing residential dwelling.
8. Telecommunication Facilities. (Section 3.15.100, 7. entirely, Ord. No. 3115, 6/13/02)
- 9. Other uses similar to those listed in Section 3.15.050 above meeting the intent and purpose of serving the local neighborhood needs.**

ORDINANCE NO. 3344

**AN ORDINANCE DECLARING A COMPREHENSIVE PLAN AMENDMENT BY
REFERENCE THE MILL-PINE NATIONAL REGISTER HISTORIC DISTRICT
NEIGHBORHOOD MASTER PLAN**

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, establishing procedures for hearing Comprehensive Plan Amendments; and

WHEREAS, the Planning Commission held a public hearing on File No. CPA-09-6 after duly and timely notice; and

WHEREAS, the Planning Commission adopted Findings of Fact supporting a recommendation to approve the Mill-Pine National Register Historic District Neighborhood Master Plan;

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

SECTION 1: The City Council hereby takes official notice of the Planning Commission Findings of Fact and Decision dated March 15, 2010, recommending approval of the Mill-Pine National Register Historic District Neighborhood Master Plan.

SECTION 2: The City Council hereby adopted the attached Findings of Fact and Decision regarding the proposed amendment to the Comprehensive Plan approving the Mill-Pine National Register Historic District Neighborhood Master Plan.

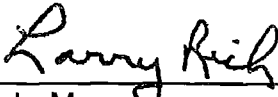
SECTION 3: Based on the evaluation detailed in the Planning Commission Staff Report and information considered through the public hearing process it has been determined that the proposal conforms the City of Roseburg Urban Area Comprehensive Plan and applicable Statewide Planning Goals.

SECTION 4: The City Council hereby approves the Mill-Pine National Register Historic District Neighborhood Master Plan and initiates amendments to the Municipal Code and Land Use and Development Ordinance Text Amendment as recommended in the Plan.

SECTION 5: The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Roseburg Municipal Code and/or the Roseburg Urban Area Comprehensive Plan as amended by the provisions added, amended or repealed herein.

PASSED BY THE CITY COUNCIL THIS 26TH DAY OF APRIL 2010.

APPROVED BY THE MAYOR THIS 26TH DAY OF APRIL 2010.



Larry Rich, Mayor

ATTEST:



Sheila R. Cox, City Recorder



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07/27/2010
US POSTAGE

CITY OF ROSEBURG
900 S.E. DOUGLAS AVENUE
ROSEBURG, OR 97470-3397

TO:

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



DEPT OF

JUL 28 2010

**LAND CONSERVATION
AND DEVELOPMENT**