



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

January 30, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Roseburg Plan Amendment
DLCD File Number 018-05

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. This amendment was submitted without text.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 13, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Leslie C. Wilson, City of Roseburg

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FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

JAN 26 2006

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Roseburg Local File No.: ZC-05-10/AN-05-13

Date of Adoption: January 23, 2006 Date Mailed: January 25, 2006

Date the Notice of Proposed Amendment was mailed to DLCD: October 19, 2005

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other: Annexation

Summarize the adopted amendment. Do not use technical terms. Do not write See Attached. Annex lands into city and change zoning from Medium Industrial (M-2) to Heavy Industrial (M-3) total acreage 15.18

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write Same. If you did not give notice for the proposed amendment, write N/A.

Plan Map Changed from : to

Zone Map Changed from: M-2 to M-3

Location: T27S R05W Sec16D TL02600 Acres Involved: 15.18± ac

Specify Density: Previous: 1 w/CUP New: 1 w/CUP

Applicable Statewide Planning Goals: 1, 2, 6, 9, 11, 12, 13, & 14

Was an Exception Adopted? Yes: No: X

DLCD File No.: 018-05 (14752)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment
FORTY FIVE (45) days prior to the first evidentiary hearing. Yes: X No: _____

If no, do the Statewide Planning Goals apply. Yes: X No: _____

If no, did The Emergency Circumstances Require immediate adoption. Yes: _____ No: _____
Affected State or Federal Agencies, Local Governments or Special Districts: Douglas Fire Dist #2,
RUSA, Douglas County, City of Roseburg

Local Contact: Leslie C. Wilson, Community Planner

Area Code + Phone Number: (541) 440-1177

Address: 900 SE Douglas Ave.

City: Roseburg Zip Code+4: 97404

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 3222

AN ORDINANCE DECLARING THE ANNEXATION OF 15.18± ACRES OF LAND KNOWN AS LITHERLAND PROPERTY; WITHDRAWING PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; AND A QUASI-JUDICIAL AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

THE CITY COUNCIL OF THE CITY OF ROSEBURG, OREGON, finds:

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as an Owner Consent Annexation and Zone Change.
3. The consent annexation petition complies with provisions of ORS Chapter 222.170.
4. The subject properties are contiguous to the City limit boundary and therefore a logical extension of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That 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.
9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Comprehensive Plan Amendment applications.

10. That the Planning Commission received an application (File Nos. AN-05-13 & ZC-05-10) and held a Quasi-Judicial public hearing after due and timely notice.
11. The proposal includes annexation of lands and change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Industrial and upon annexation will remain Industrial.
13. The subject lands are currently zoned County - Medium Industrial (M-2) and upon annexation will cause a change to City - Heavy Industrial (M-3).
14. All public facilities and services are within distance of serving the subject property.
15. That the following criteria exist:
 - a. The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.
 - b. The site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.

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

SECTION I. The foregoing findings are hereby approved and incorporated herein.

SECTION II. The subject real property known as Litherland Property is legally described in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

SECTION III. This annexation and zone change has been processed pursuant to Roseburg Land Use and Development Ordinance No. 2363.

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated December 21, 2005 and incorporates that document herein as shown in Exhibits "B" & "C".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.170, and pursuant to the written consent of the owners of the land, which consent has been filed with the Recorder and governing body of the City of Roseburg.

SECTION VI. The subject property is hereby withdrawn from Douglas County Fire District No. 2 on the effective date of the annexation. The City shall assume the obligations referred to in ORS 222.520(2) and shall commence the procedure for division of assets provided in ORS 222.530. The particulars of said assumption of liabilities and division of assets shall be accomplished hereafter as provided in an Intergovernmental Agreement between the City and Douglas County Fire District No. 2 dated June 10, 1991.

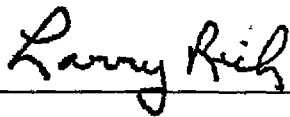
SECTION VII. The Recorder of the City of Roseburg shall make and submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225.

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Heavy Industrial (M-3) zoning to the subject Parcel, as shown in Exhibit "A" attached hereto and made part of this ordinance.

SECTION IX. The Recorder of the City of Roseburg shall make and submit to the Secretary of State of Oregon for filing, copies of all ordinance and all other instruments required so to be filed with the Secretary of State to evidence the annexation and to advise the effective date thereof; the effective date shall be the date upon which papers are filed with the Secretary of State.


PASSED BY THE CITY COUNCIL THIS 23RD DAY OF JANUARY 2006.

APPROVED BY THE MAYOR THIS 23RD DAY OF JANUARY 2006

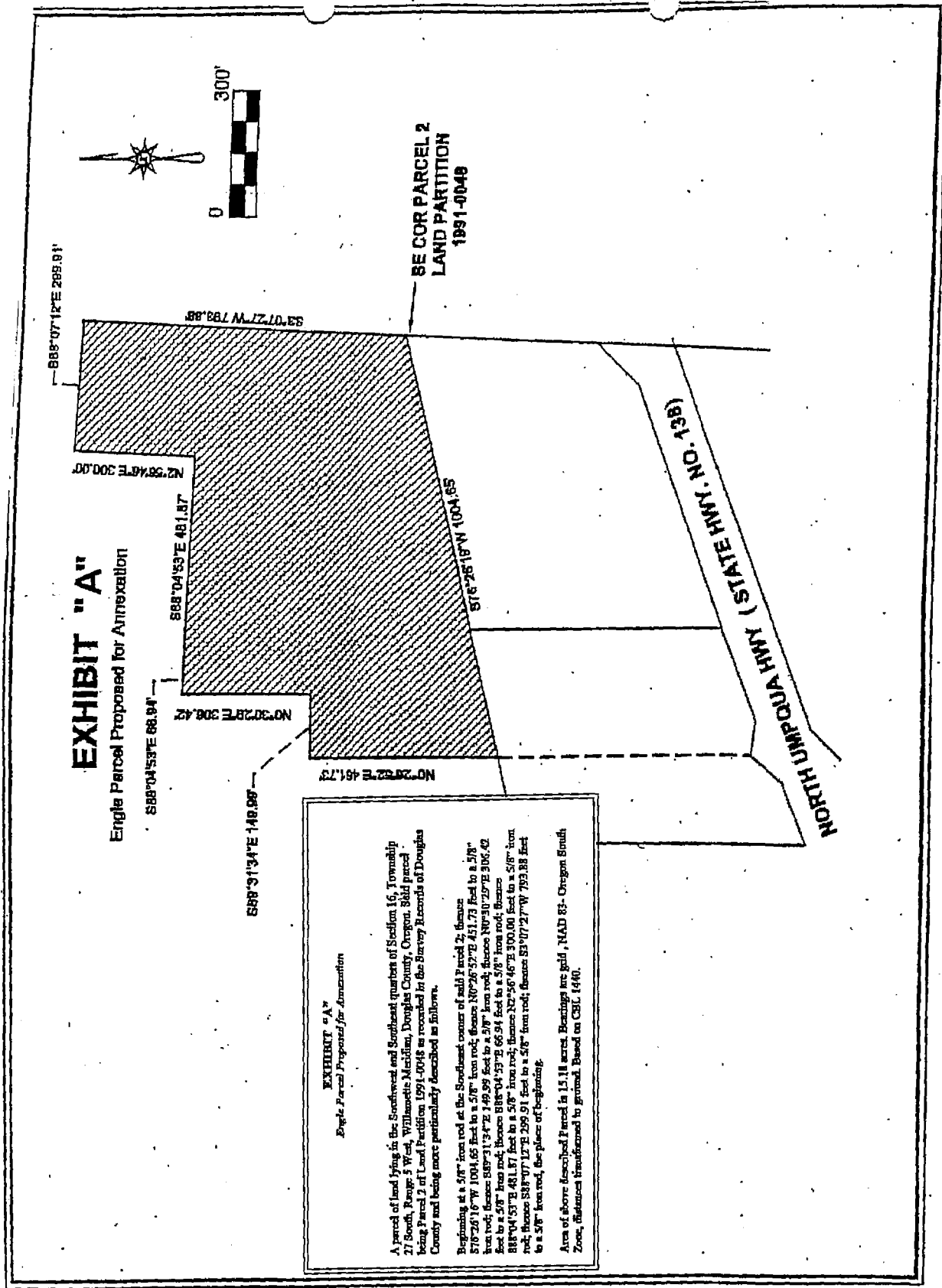


Mayor

ATTEST:



Recorder (Acting)



BEFORE THE PLANNING COMMISSION
OF THE CITY OF ROSEBURG

In the matter of the)
application of James)
Litherland - 0 North Umpqua)
Highway (Diamond Lake)
Boulevard) for Annexation of)
Territory into City of)
Roseburg for approximately)
15.18± acres, for that area)
located between current City)
Limits to the South; and, the)
Roseburg Urban Growth)
Boundary to the North;)
further described as Tax Lot)
02600 in Section 16D,)
Township 27 South, Range)
05 West Willamette)
Meridian, Tax Accounts)
R67493, R67507, R67444,)
and R67479.)

FINDINGS OF FACT
AND DECISION

FILE NO. AN-05-13

Finding No. 1

This matter came before the Planning Commission for public hearing on December 5, 2005 in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

The applicant made said request in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The subject properties are adequately described and applicable to annexation of territory

The subject parcel is described as:

1. Tax Lot 02600 is identified as a 0.52 acre± parcel located in Section 16D in Township 27 South, Range 05 West Willamette Meridian and further identified as Tax Account R67493.
2. Tax Lot 02600 is identified as a 2.44 acre± parcel located in Section 16D in Township 27 South, Range 05 West Willamette Meridian and further identified as Tax Account R67507.

ORDINANCE NO. 3222 - Page 5 - Exhibit "B"

3. Tax Lot 02600 is identified as a 12.16 acre± parcel located in Section 16D in Township 27 South, Range 05 West Willamette Meridian and further identified as Tax Account R67444.
4. Tax Lot 02600 is identified as a 0.06 acre± parcel located in Section 16D in Township 27 South, Range 05 West Willamette Meridian and further identified as Tax Account R67479.

Finding No. 4

Notice of the Quasi-Judicial public hearing was mailed to affected property owners a minimum of 20 days before the public hearing and notice was given by publication in the News Review, a newspaper of general circulation, at least 10 days prior to the date of the hearing.

The Commission identifies the following, Oregon Revised Statute Chapter 222, as that relevant section of State Law, which allows annexation of property into a municipal boundary:

ORS 222.120

Procedure without election by city electors; hearing; ordinance subject to referendum.

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.
- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body **may**, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

- (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; **or**
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the

final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Simply stated, the annexation may take place when owner(s) consent and if electors reside the majority consent. This application is a Consent Application made by the owner with no elector living on the property.

Proposed Finding No. 5

All owners of record have consented and no electors reside on the subject properties.

DECISION

In consideration of the foregoing findings of fact and conclusions, the Planning Commission supports a recommendation to the City Council, **APPROVAL** of Planning File AN-05-13, a Petition for Annexation for subject lands described herein.

DATED THIS 21ST DAY OF DECEMBER, 2005

Paul D. Allen

Paul Allen, Chairman

Fred Alley

Fred Alley
Community Development Director

Planning Commission Members:

Paul Allen - Chairman
Chris Clark
Jim Gamble
Ron Hughes
Don Metzger

Absent

Samuel Sweet
Ingrid Weisenbach

BEFORE THE PLANNING COMMISSION
OF THE CITY OF ROSEBURG

In the matter of the application of)
Litherland for a Zone Change from)
County - Medium Industrial (M-2) to)
City - Heavy Industrial (M-3) on one)
parcel totaling approximately 15.18±)
acres, for that area located between)
current City Limits to the South; and,)
the Roseburg Urban Growth)
Boundary to the North; further)
described as Tax Lot 02600 in)
Section 16D, Township 27 South,)
Range 05 West Willamette Meridian,)
Douglas County Oregon, Tax)
Accounts R67493, R67507, R67444,)
and R67479.)

FINDINGS
OF FACT
AND DECISION

FILE NO.s ZC-05-10

The Roseburg Planning Commission makes the following findings to support a decision:

Finding No. 1

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

Finding No. 2

The subject property are adequately described as required for a Zone change request.

Finding No. 3

This matter came before the Planning Commission for public hearing on December 5, 2005 in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 4

Notice of the Quasi-Judicial public hearing was mailed to affected property owners a minimum of 20 days before the public hearing and notice was given by publication in the News Review, a newspaper of general circulation, at least 10 days prior to the date of the hearing.

Finding No. 5

Criterion contained in City of Roseburg Land Use and Development Ordinance Article 38 is applicable for evaluation of this application.

Finding No. 6

The subject property, 15.18 ± total acres, is situated on the North side of Diamond Lake Blvd (North Umpqua Highway). The subject parcel is further described as Tax Lot 02600 in Section 16D, in Township 27 South, Range 05 West Willamette Meridian and further identified as Tax Accounts R67493, R67507, R67444 and R67479; commonly known as 0 North Umpqua Highway.

Finding No. 7

No letters of remonstrance were received by the Roseburg Community Development Department.

The following policy statements contained within the Roseburg Urban Area Comprehensive Plan have been found to be relevant to the proposed Zone change:

Economic Policy No. 1

The City of Roseburg shall encourage economic growth by demonstrating a positive interest in existing and new industries, especially those providing above-average wage and salary levels, and increased variety of job opportunities, a rise in the standard of living, and utilization of the resident labor force.

Economic Policy No. 10

The City shall encourage research and development of products and markets resulting in more efficient use of under-utilized renewable and nonrenewable resources, including wood waste, recyclable materials and energy systems.

Finding No. 8

Criterion contained in City of Roseburg Land Use and Development Ordinance and Comprehensive Plan clearly define economic policies for the evaluation of this application. An application that brings forward, the possibility of stimulating new industrial growth and definitively quantifies as providing for future growth in the Roseburg area.

Transportation Policy No. 1

The City shall develop a transportation master plan which will serve as the basis for guiding surface transportation improvements in the Roseburg Urban Area. The master plan shall be coordinated with the transportation planning activities of Douglas County.

Transportation Policy No. 2

The City shall continue to work with Douglas County to ensure a continuous roadway system is maintained, and compatible classifications and standards are enforced throughout the urban area.

Finding No. 9

Criterion contained in City of Roseburg Land Use and Development Ordinance and Comprehensive Plan clearly define transportation policies for the evaluation of this application. The application as submitted does not warrant a Traffic Impact Study because a change from Medium Industrial to Heavy Industrial will not increase traffic trips beyond that already considered in the Roseburg Area Comprehensive Plan.

Urbanization Policy No. 3

The conversion of urbanizable land within the urban growth boundary to urban uses shall be guided by a growth management program which provides for the orderly and economically efficient extension of public facilities and services, while taking into consideration the need for an adequate supply of land to meet future housing requirements. The growth management program shall encourage the development of vacant lands that have urban services before the extension of services beyond presently served areas.

Finding No. 10

Criterion contained in City of Roseburg Land Use and Development Ordinance and Comprehensive Plan clearly define urbanization policies for the evaluation of this application. The application as presented does not conflict with present urbanization policies as presented.

Finding No. 11

The site appears suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area. The application as presented does not conflict with present community as presented.

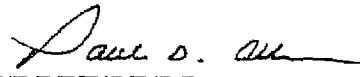
Conclusion

Based on the above Staff Report and Proposed Findings of Fact it appears that the proposed Zoning Change request complies with criteria set forth in Article 38, Section 3.30.100 (Zone Change) of the City of Roseburg Land Use and Development Ordinance. Issues concerning permitted use site development will be reviewed by departments at time of application. If the applicant/owner or other chooses to a development process such as a variance, land division, conditional use then additional review will be required and a public hearing scheduled per Roseburg LUDO. The change in Zoning appears to comply with criteria set forth in LUDO Article 38, Section 3.30.100 of the City of Roseburg Land Use and Development Ordinance and Section 197.175 of the Oregon Revised Statutes.

DECISION

In consideration of the foregoing Findings of Fact and Conclusions, the Planning Commission supports a recommendation to the City Council, **APPROVAL** of Planning File ZC-05-10 allowing a Zone change from County - Medium Industrial (M-2) to City - Heavy Industrial (M-3) for the subject lands.

DATED THIS 21st DAY OF DECEMBER, 2005



Paul Allen, Chairman



Fred Alley
Community Development Director

Planning Commission Members:

Paul Allen - Chairman
Chris Clark
Jim Gamble
Ron Hughes
Don Metzger

Absent

Samuel Sweet
Ingrid Weisenbach