



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

January 18, 2007

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 005-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 31, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-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 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Dick Dolgonas, City Of Roseburg

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DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DEPT OF

JAN 11 2007

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Roseburg**

Local file number: **CPA-06-3, AN-06-1, ZC-06-**

Date of Adoption: **1/8/2007**

Date Mailed: **1/10/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/18/2006

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Annexation**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

UGB expansion/plan amendment of 16 acres from Rural Industrial to City Industrial, Zone Change from Rural Industrial to Mixed Use at Diamond Lake Blvd. (Highway 138) and Sunshine Road, adjacent to the applicant's 29 acres parcel similarly planned and zoned which was annexed in January 2006. The subject site is conceptually planned for a business park with service commercial and light industrial uses.

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

Plan Map Changed from: **Rural Industrial**

to: **(City) Industrial**

Zone Map Changed from: **Rural Industrial**

to: **Mixed-use**

Location: **Highway 138 at Sunshine Road**

Acres Involved: **15**

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

New: **N/A**

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

005-06(15479)

DLCD file No. _____

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

ODOT, Douglas County, Fire District #2, Roseburg Urban Sanitary Authority

Local Contact: **Dick Dolgonas**

Phone: **(541) 440-1177** Extension:

Address: **900 SE Douglas Ave**

Fax Number: - -

City: **Roseburg**

Zip: **97470-**

E-mail Address:

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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 3252

AN ORDINANCE DECLARING THE ANNEXATION OF 15.97 ACRES OF LAND KNOWN AS THE CAL CEDAR PROPERTY; WITHDRAWING PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT NO. 2; AND A QUASI-JUDICIAL AMENDMENT TO THE ROSEBURG URBAN AREA COMPREHENSIVE PLAN, CONCURRENTLY CHANGING 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, Comprehensive Plan Amendment to include the property in the Roseburg Urban Growth Boundary and apply a City Comprehensive Plan designation, 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.
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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 the applications (File Nos. CPA-06-3 AN-06-1 and ZC-06-1) and held a Quasi-Judicial public hearing after due and timely notice.
11. The proposal includes annexation of lands, inclusion of the property into the Roseburg Urban Growth Boundary, change in Comprehensive Plan designation from County to City, and change in Zone designation for said lands.
12. The subject lands are currently designated Rural Industrial in the Douglas County Comprehensive Plan and upon annexation will be designated Industrial in the Roseburg Urban Area Comprehensive Plan.
13. The subject lands are currently zoned County Rural Industrial and upon annexation will be zoned City Mixed Use (MU).
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 the Cal Cedar 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 the Findings of Fact and Decision Document document attached as Exhibit "B".

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.

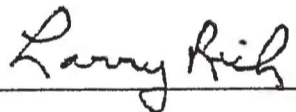
SECTION VII. The Recorder of the City of Roseburg shall make and submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225.

SECTION VIII. The City Council hereby applies the City Mixed Use (MU) 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 8th DAY OF JANUARY, 2007.

APPROVED BY THE MAYOR THIS 8th DAY OF JANUARY, 2007.



Mayor

ATTEST:



Recorder

9 10
16 15 SECTION CORNER

ANNEXATION TO THE CITY OF ROSEBURG LYING IN THE NW 1/4, SW 1/4 AND SE 1/4, SEC. 15, T27S, R5W, W.M. DOUGLAS COUNTY, OREGON

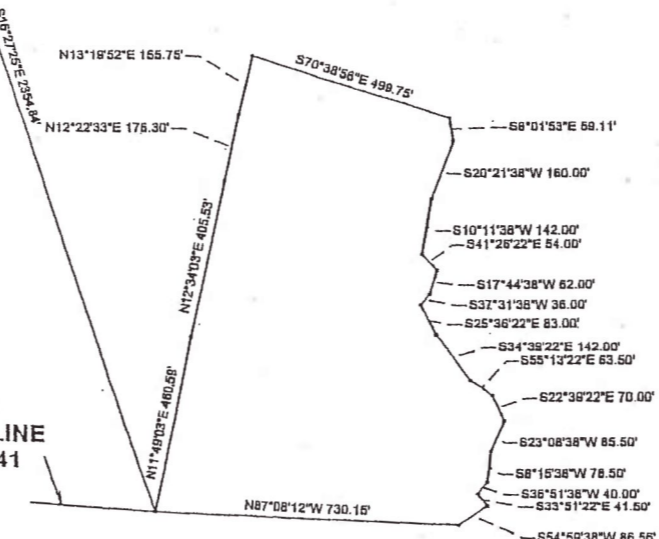
METE & BOUNDS DESCRIPTION OF ANNEXATION TERRITORY

A PARCEL OF LAND LYING IN THE NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 15, TOWNSHIP 27 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A 5/8" IRON ROD ON THE NORTHERN BOUNDARY OF D.L.C. NO. 41, WHICH BEARS S16°27'25"E 2354.84 FEET FROM THE BRASS CAP AT THE SECTION CORNER COMMON TO SECTIONS 9, 10, 15 AND 16; THENCE N11°49'03"E 460.59 FEET TO A 5/8" IRON ROD; THENCE N12°34'03"E 405.53 FEET; THENCE N12°22'33"E 176.30 FEET; THENCE N13°19'52"E 155.75 FEET; THENCE S70°38'56"E 499.75 FEET TO A POINT IN THE CENTER OF SPRING BRANCH CREEK; THENCE GENERALLY ALONG SAID CENTERLINE AS FOLLOWS: S8°01'53"E 59.11 FEET, S20°21'38"W 160 FEET, S10°11'38"W 142.00 FEET, S41°26'22"E 54.00 FEET, S17°44'38"W 62.00 FEET, S37°31'38"W 36.00 FEET, S25°36'22"E 83.00 FEET, S34°39'22"E 142.00 FEET, S55°13'22"E 63.50 FEET, S22°39'22"E 70.00 FEET, S23°08'38"W 85.50 FEET, S8°15'38"W 78.50 FEET, S36°51'38"W 40.00 FEET, S33°51'22"E 41.50 FEET AND S54°59'38"W 86.56 FEET TO A POINT ON THE NORTHERN BOUNDARY OF SAID D.L.C. NO. 41; THENCE N87°08'12"W 730.15 FEET ALONG SAID NORTHERN BOUNDARY TO A 5/8" IRON ROD, THE PLACE OF BEGINNING.



NORTH LINE
DLC #41



REGISTERED
PROFESSIONAL
LAND SURVEYOR
[Signature]
OREGON
JANUARY 12, 1999
F. NEIL HIBBS
5 2 9 5 9
Expires 5/31/2007

BEFORE THE CITY COUNCIL
OF THE CITY OF ROSEBURG

In the matter of the application of)
California Cedar Products Company and)
Rick Schiller, represented by Schofield)
and Associates for a Comprehensive)
Plan Amendment to amend the Urban)
Growth Boundary and change the)
Comprehensive Plan designation from)
County Rural Industrial to City Industrial,)
change the zoning from County Rural)
Industrial to City Mixed Use, and annex a)
15.97 acre parcel described as Tax Lots)
1202 and 1500, Section 15B, Township)
27 South, Range 5 West, Willamette)
Meridian.)

FINDINGS
OF FACT
AND DECISION

FILE NO. CPA-06-3/ZC-06-1/AN-
06-1

The Roseburg City Council makes the following findings to support a decision:

Finding No. 1

This application was jointly filed by California Cedar Products Company of Stockton California (the record owner of the subject property), and Rick Schiller (dba Schiller Enterprises, Inc.).

Finding No. 2

The subject property, 15.97 acres, is located west of Sunshine Road approximately 1000 feet north of Diamond Lake Boulevard. The property is further described as Tax Lots 1202 and 1500 in Section 15B, Township 27 South, Range 05 West, Douglas County, Oregon. The subject property was adequately described as required for a Comprehensive Plan Map Amendment, Zone Change and Annexation request.

Finding No. 3

The request is to amend the Comprehensive Plan to include the subject property in the Urban Growth Boundary, apply a City Comprehensive Plan designation of Industrial, provide City Mixed Use zoning, and concurrently annex the property.

Finding No. 4

The subject property currently has a Douglas County Comprehensive Plan designation of Rural Industrial and is zoned by Douglas County as Rural Industrial.

Finding No. 5

The adjacent 29 acre property at the corner of Sunshine Road and Diamond Lake Boulevard was annexed and provided with City Mixed Use (MU) zoning in January 2006. The Sunshine Park property on the corner of Sunshine Road and Diamond Lake Boulevard was added to the UBG and annexed in 2005.

This site subject to this application and the 29 acre site already in the City comprise the old Cal Cedar Products manufacturing facility (also known as P & M Cedar) which ceased operating about ten years ago. All of the buildings and other improvements related to the site's former industrial use were subsequently removed from the property and the site is now vacant.

Finding No. 6

Comments were received from ODOT concerning conditions requested to be applied relating to development. A letter was also received from John Renz of the Department of Land Conservation and Development noting that material submitted was insufficient to determine whether the process for an expansion of the Urban Growth Boundary has been followed. He stated a need for the expansion, in this case, an economic opportunities analysis and a buildable lands inventory, need to be adopted into the Comprehensive Plan in order to be used for the justification. In addition, an analysis of lands which best meet the City's needs is needed. He goes on to state that without such work, the approval will be in conflict with Goal 14 and the action will be unlawful.

Finding No. 7

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. 8

This matter came before the Planning Commission for public hearing on October 2, 2006 in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 9

This matter came before the City Council on October 2, 2006 in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 10

No letters of remonstrance were received by the Roseburg Community Development Department. No other remonstrance was received from property owners and affected persons within the 300-foot notice boundary and the vicinity of the project.

Finding No. 11

Chapter 6, Section 6.150 of the Land Use and Development Ordinance (LUDO) states the following criteria must be addressed in considering a Quasi-Judicial Comprehensive Plan Amendment:

1. *That the amendment complies with Statewide Planning Goals adopted by Land Conservation and Development Commission (LCDC), or an exception taken as provided in Goal 2.*
2. *That the amendment complies with the applicable policies of the Comprehensive Plan.*
3. *That there is a public need for the requested change.*
4. *That such need will be best served by changing the Plan designation of the particular piece of property in question as compared with other available property.*

Finding No. 12

Article 38 of the Land Use and Development Ordinance (LUDO) states the following criteria must be addressed in considering a zone change:

1. *The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.*
2. *The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.*

Finding No. 13

Section 3.38.200 of the Land Use and Development Ordinance provides for the ability to impose conditions on the zone change:

Reasonable conditions may be imposed, as are necessary to ensure the compatibility of a zone change to surrounding uses and fulfill the general and specific purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

1. Special yards and spaces.
2. Fences and walls.
3. Special parking and/or loading provisions.
4. Street dedication and improvements or bonds in lieu of improvements.
5. Control of points of vehicular ingress and egress.
6. Special provisions for signs.
7. Lighting, landscaping and maintenance of grounds.
8. Control of noise, vibration, odors or other similar nuisances.

Finding No. 14

The annexation must comply with Oregon Administrative Rules 660-014-0060 Annexations of Lands Subject to an Acknowledged Comprehensive Plan.

Finding No. 15

The proposal complies with the first criteria for the Comprehensive Plan Amendment (that the amendment complies with Statewide Planning Goals adopted by Land Conservation and Development Commission (LCDC), or an exception taken as provided in Goal 2) as follows:

Statewide Planning Goals No. 1 through No. 14 have previously been acknowledged as being applicable to the Roseburg Urban Area Comprehensive Plan. Goals No. 1, 2, 5, 7, 11, 12, and 14 are specifically applicable to this Comprehensive Plan/UGB amendment; while Goals No. 3, 4, 6, 8, 9, 10 and 13 are either not applicable, or are of such a nature as to be relevant only when applied on an urban area-wide basis.

Finding No. 16

Goal No. 1 - Citizen Involvement

To ensure the opportunity for citizen involvement in all phases of the planning process.

The City of Roseburg has provided written notice of the requested Comprehensive Plan amendment to property owners within 300 feet of the subject property and has caused notice of

the request and public hearing to be published in the local newspaper. Notice of the proposal has also been posted in various locations adjacent to the subject site. These various forms of individual and public notice assure that local citizens have an opportunity to become informed about and participate in the public hearing process. The requested Comprehensive Plan amendment is being processed in a manner that assures full compliance with Statewide Goal 1.

Finding No. 17

Goal No. 2 - Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

The City of Roseburg has established policies and procedures requiring a detailed evaluation of proposals to amend the Comprehensive Plan and UGB. Specific criteria and standards have been set forth against which the applicant's amendment request must be evaluated in the light of relevant Findings of Fact. The City's ultimate decision in this matter will be based on the weight of those relevant Findings of Fact. The requested UGB amendment is being evaluated in a manner that assures full compliance with Statewide Goal No. 2. Notice to the Department of Land Conservation and Development was provided as required.

Finding No. 18

Goal No. 3 - Agricultural Lands

To preserve and maintain agricultural lands.

There has previously been a legislative determination in the Douglas County Comprehensive Plan that the subject property is not agricultural land. This finding is validated by the fact the site has been acknowledged as being irrevocably committed to industrial use and therefore not subject to the policies contained in the Agricultural Lands goal. The property is presently designated and zoned for industrial use by Douglas County. The requested land use change will not result in the conversion of agricultural land. The Statewide Agricultural Goal is therefore not applicable to this proposed Comprehensive Plan Amendment and Zone Change.

Finding No. 19

Goal 4 - Forest Lands

To preserve forest lands for forest use.

There has previously been a legislative determination by the Douglas County Comprehensive Plan that the subject territory is not forest land. This determination is validated by the fact that there are no forest resources on the property and the site is designated and zoned for industrial use. Statewide Goal No. 4 is not applicable to this UGB amendment.

Finding No. 20

Goal No. 5 - Open Space, Scenic and Historic Areas, and Natural Resources

To conserve open space and protect natural and scenic resources.

Goal 5 addresses a variety of resources not specifically covered in other goals and sets out a process requiring inventory and evaluation of those resources. Steps in the process require that the level of significance of identified resources be determined and if an identified resource appears to be significant, further evaluation is required. Such evaluation may lead to alternative courses of action, including fully protecting the identified resource.

All of Douglas County, including the subject property, has previously been subjected to extensive surveys intended to inventory and evaluate Goal 5 resources. These inventories, which are incorporated into the County's Comprehensive Plan, have previously received acknowledgment of compliance with Statewide Goal 5 by the Land Conservation and Development Commission. The subject property has not been included in any inventory of needed open space or scenic areas as defined by Goal 5, nor has it been identified in the Comprehensive Plan as having any historic, cultural or natural resources that need to be preserved and/or protected. Therefore, the proposed Comprehensive Plan amendment and zone change will not conflict with any Goal 5 resources.

Finding No. 21

Goal No. 6 - Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Statewide Goal 6 requires that air, land and water resources of the state be maintained and improved by assuring that future development, in conjunction with existing development, does not violate applicable state and federal environmental quality standards, and does not exceed the carrying capacity of local air sheds, degrade land resources or threaten the availability of such resources. Both Douglas County and the City of Roseburg have sufficient regulatory measures in place so as to ensure that existing land use activities, as well as any future development on the site will not produce any unanticipated impacts resulting from the proposed UGB amendment and zone change. The requested amendment is being evaluated in a manner that assures compliance with Goal 6. In addition to what is noted by the applicant, the City's Site Plan review process allows for specific review of impacts.

Finding No. 22

Goal No. 7 - Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters and hazards.

The subject property has not been identified in any inventory of areas which have the likely potential to be subjected to natural disasters and hazards. The elevation of the site puts it well above the flood plain and any danger of flooding. The relatively flat topography of the site does not suggest any physical constraints to urban development or the potential of unstable soils or geology. The subject property is not subject to any identified natural disasters and hazards.

Finding No. 23

Goal No. 8 - Recreational Needs

To satisfy the recreational needs of the citizens of the state.

There has been a legislative determination by Douglas County through its comprehensive planning process that the subject property is not presently needed for recreational facilities or opportunities. Identified recreational needs have been provided for on other sites within the Roseburg urban area and surrounding rural areas.

As previously noted, the site is in the immediate vicinity of Sunshine Park, a recently constructed City park. As proposed, the subject site will be used as allowed in the Mixed Use zone. Sunshine Park was developed to satisfy park needs and the use of the subject property should not impact the Park. The proposed amendment will not conflict Statewide Goal No. 8.

Finding No. 24

Goal No. 9 - Economy of the State

To diversify and improve the economy of the state.

The Statewide Economic Development Goal is intended to be applied on an urban area-wide basis and requires future economic growth be accommodated, in part, by ensuring there is sufficient suitable land planned and zoned for commercial and industrial uses. Goal 9 specifically requires local land use plans "provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies".

Within the Roseburg urban area, as well in the outlying rural area, commercial and industrial zoning has been applied to lands containing existing commercial and industrial uses, as well as to a limited amount of undeveloped land that is intended to accommodate future commercial and industrial development. Both the Douglas County Comprehensive Plan and the Roseburg Urban Area Comprehensive Plan contains specific policies that are intended to ensure that opportunities for economic development are enhanced in the urban area.

Adding land to the UGB under the Mixed Use zone, combined with the applicant's adjacent MU zoned property, provides a larger area within which business can locate. The need and suitability of the site is considered under Goal 14.

An analysis of the economic development implications of the requested Plan amendment is contained in a later section of this document addressing the economic development policies of the Comprehensive Plan. On the basis of those Findings, the proposed Plan amendment will not conflict with the Statewide Economic Development Goal.

Finding No. 25

Goal No. 10 - Housing

To provide for the housing needs of the citizens of the state.

The primary purpose of Goal 10, within the context of amending an urban growth boundary, is to ensure that sufficient buildable land is available to allow for the full range of housing needs within the urban area and to avoid creating shortages of residential land that would artificially restrict market choices in housing type, price range or location. The subject property has already been found to be either unneeded or unsuitable for residential use, primarily because it is part of a contiguous ownership and has had a long history of heavy industrial use. There are no dwellings on the property and no dwellings will be displaced as a direct consequence of the proposed amendment. This change would potentially lead to job creation which would create more demand for housing, but the job creation is critical to the success of the region and any resulting housing needs should not be viewed as detrimental.

Based on the foregoing, the City Council concludes the proposed UGB amendment will not measurably impact the existing or future housing stock in the Roseburg urban area, nor will it directly result in population growth, increase the demand for housing beyond previously acknowledged projections, or otherwise conflict with the purpose and intent of Statewide Goal 10.

Finding No. 26

Goal No. 11 - Public Facilities and Service

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

Within the Roseburg urban area, public facilities and services are provided by the City of Roseburg, Douglas County and several special districts. Policies concerning the coordination, timing and location of public facilities and services in the urban area are contained within the Public Facilities and Land Use Elements of the Comprehensive Plan. Specific measures intended to implement these policies are contained in various inter-governmental agreements, including the Roseburg Urban Growth Management Agreement.

Properties within the urban area receive sanitary sewer service from Roseburg Urban Sanitary Authority (RUSA). RUSA maintains a major sewer interceptor main extending along the applicant's frontage on Quarry Road and Diamond Lake Boulevard. The sewer main was constructed along the Diamond Lake Blvd. corridor several years ago for the specific purpose of promoting and facilitating the development and redevelopment of commercial and industrial properties east of the City, and was sized to accommodate a wide range of urban uses, including the types of commercial and industrial uses contemplated for the subject property.

Water service to the subject site is provided by the City of Roseburg via an existing main also located adjacent to the applicant's frontage on Quarry Road. Like the sewer main noted above, water facilities along the Diamond Lake Blvd. corridor were sized to ensure a level of service adequate to accommodate the wide range of commercial and industrial uses anticipated to be developed within the corridor during the next five to ten years.

Fire protection service for properties located outside the City limits is presently provided by Douglas County Fire District No. 2. Existing fire hydrants connected to the City's water system are located along Quarry Road and Diamond Lake Blvd. south of the applicant's property. Upon annexation into the City, the property will be withdrawn from District No. 2 and fire protection service will then be provided by the Roseburg Fire Department. Taking into consideration the type and level of future development contemplated by the applicant, the extension of water mains with sufficient capacity to provide adequate fire flows will be a prerequisite to the site's development. The extension of such facilities will ultimately be the responsibility of the applicant or future developer of the site. The development costs associated with other utilities and service facilities, including internal streets and storm drainage facilities, will also have to be borne by the applicant/developer.

On the basis of the foregoing facts, the City Council has concluded that the requested Plan amendment and zone change will not adversely impact the present or future provision of public facilities and services in the area. The full range of urban services appropriate for the subject property's proposed Mixed Used zoning is available and can be provided in a timely, orderly and efficient manner consistent with the purpose and intent of Statewide Goal No. 11.

Finding No. 27

Goal No. 12 – Transportation

To provide and encourage a safe, convenient and economic transportation system.

Specific transportation-related policies and development standards are included within both the Douglas County Comprehensive Plan and Roseburg Urban Area Comprehensive Plans, as well as in the respective land use ordinances, to assure that the intent of the statewide transportation goal is implemented through the application of both state and local policies and standards at the time of development. The intent of Goal 12 is also implemented through the provisions of the State Transportation Planning Rule (OAR 660, Division 12), or TPR, which was adopted by LCDC in 1991, subsequent to adoption of the Roseburg Comprehensive Plan.

OAR 660-12-060(1) requires that "Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility".

To determine whether the proposed Comprehensive Plan/UGB amendment and zone change will significantly affect a local transportation facility, the TPR lists a set of specific criteria against which the proposed amendment is to be evaluated. The TPR states: "a plan or land use regulation amendment significantly affects a transportation facility if it:

- (a) Changes the functional classification of an existing or planned transportation facility;
- (b) Changes standards implementing a functional classification system;
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or,
- (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP (Transportation System Plan)."

For purposes of demonstrating the proposed Comprehensive Plan/UGB amendment and zone change is consistent with the identified function, capacity and level of service of existing and planned transportation facilities that will service the subject site, the applicant commissioned a transportation impact study (TIS) which was conducted by Lancaster Engineering of Portland, Oregon. The TIS, completed in June of 2006, is made a part of this application/findings document, and is referenced as Applicant's Exhibit No. 1. The TIS was subsequently submitted to the Oregon Department of Transportation (ODOT) for their review and comment (Diamond Lake Boulevard/Highway 138 is a State transportation facility under the jurisdiction of ODOT). The findings of the TIS are summarized as follows:

1. If developed to its maximum potential, the subject 16 acre site could be expected to generate up to 314 net new vehicle trips during the evening peak hour. The expected total daily traffic volume for the site would be 4,100 vehicle trips, with half entering the site and half exiting.
2. Traffic signal warrants were evaluated for the intersections of Sunshine Road at Diamond Lake Blvd. (Hwy 138) and for Kester Road at Diamond Lake Blvd. Warrants for a signal were found to be met at the Sunshine Road intersection during the evening peak hour considering existing background traffic plus new trips generated by the site. It is recommended this signal be further investigated to determine the timing and means of implementation.
3. The two intersections studied are currently operating acceptably. In the future, these intersections will continue to operate acceptably under current zoning conditions in the area. With the proposed zone change in place, however, the intersection at Sunshine Road is forecast to operate with a volume to capacity (v/c) ratio greater than 1.0, while the Kester Road intersection will continue operate acceptably with the proposed zone change on the site.
4. A traffic signal should be further investigated at the intersection of Sunshine Road and Diamond Lake Blvd. No additional mitigation measures will be required as a consequence of the zone change.

The Oregon Department of Transportation indicated the proposed UGB expansion and

Industrial Comprehensive Plan Amendment from the County's Rural Industrial to the City's Industrial designation is not expected to significantly affect the North Umpqua Highway's function, capacity or performance standards.

ODOT also found that the proposed Zone Change from the County's Rural Industrial (ME) zone to the City's Mixed Use (MU) zone significantly affects the North Umpqua Highway/Sunshine Road intersection function, capacity and performance standards. The applicant's TIS shows that future development of MU land uses on the site will cause the intersection to fail at a 1.50 volume-to-capacity (v/c) ratio by the end of the 20-year planning period.

ODOT indicated the future Quarry Road extension from Kester Road to Sunshine Road is expected to redistribute some the sites traffic to the North Umpqua Highway/Kester Road intersection, thus reducing significant traffic effects at the North Umpqua Highway/Sunshine Road intersection. The existing North Umpqua Highway/Quarry Road intersection will be closed as part of this extension. These improvements are consistent with the Diamond Lake Boulevard Access Management Plan (AMP) local road development strategy. ODOT recommended the following conditions of approval to assure compliance with Statewide Planning Goal 12-Transportation, OAR 660-012-060 (a.k.a. the Transportation Planning Rule) and Diamond Lake Boulevard AMP provisions.

1. At the time of development the applicant or designated representative shall submit a Traffic Impact Study (TIS), approved by the City of Roseburg and ODOT, which identifies traffic mitigation measure(s) to reduce any negative traffic impact at the North Umpqua Highway intersections serving the site. The TIS shall exhaust all interim intersection improvements prior to recommending traffic signals. Interim measures include, but are not limited to, left turn/right turn lane improvements on Sunshine Road and Kester Road intersection approaches, no parking on Sunshine Road and Kester Road within the intersection influence area, acceleration and deceleration lanes on the North Umpqua Highway, raised medians and channelization on the North Umpqua Highway.
2. At the time of development, the applicant or designated representative shall contribute a proportionate share to improving the North Umpqua Highway/Sunshine Road and North Umpqua Highway/Kester Road intersections as determined in the TIS submitted for site plan review.
3. At the time of development, the applicant or designated representative shall contribute a proportionate share to extending and improving Quarry Road to City street standards from Kester Road to Sunshine Road as determined in the TIS submitted for site plan review.

Finding No. 28

Goal No. 13 - Energy Conservation

To conserve energy.

The Statewide Energy Conservation Goal is intended ensure that land and uses developed on land are managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principals. The subject property is situated adjacent to the established urbanized area where any subsequent development will promote the efficient energy-related use of existing and planned transportation facilities (see discussion under Goal 12, Transportation). The subject site is free of any significant physical constraints that would

otherwise require more energy to develop and use the land for industrial operations than would other property within the existing UGB, or other property that might alternatively be included in the UGB. Major public facilities and services are either nearby or already serving the site, thus reducing the energy-related inefficiencies associated with extending such services far beyond an established urban area. Furthermore, specific energy conservation policies and development standards are included within both the Douglas County and Roseburg Urban Area Comprehensive Plans and their respective land use ordinances to ensure that the statewide energy conservation goal is implemented on a site-specific basis at the time of property development.

Finding No. 29

Goal No. 14 - Urbanization

NOTE: Goal 14 has been amended, but this application was submitted under the old rules and thus will address the old rules)

To provide for an orderly and efficient transition from rural to urban land use.

Statewide Goal No. 14 requires that changes in a city's urban growth boundary be based on the following seven rural to urban conversion factors:

- (1) *Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;*
- (2) *Need for housing, employment opportunities, and livability;*
- (3) *Orderly and economic provision for public facilities and services;*
- (4) *Maximum efficiency of land uses within and on the fringe of the existing urban area;*
- (5) *Environmental, energy, economic and social consequences;*
- (6) *Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,*
- (7) *Compatibility of the proposed urban uses with nearby agricultural activities.*

Finding No. 30

Findings Addressing Conversion Factors No. 1 & No. 2

Conversion Factors No. 1 and No. 2 deal with the question of whether there is a justifiable need to convert rural land to urbanizable land via its inclusion within the Roseburg UGB in order to accommodate long range urban population growth, including the need for housing, employment opportunities, and livability. Factors No. 1 and No. 2 are applicable when the justification for expanding an established UGB is based on a demonstrated need for additional buildable residential lands because the existing inventory of buildable and redevelopable lands within the urban area is not adequate to accommodate projected housing needs for a twenty year planning period. (See ORS 197.295 for definition of *buildable lands*, and ORS 197.296 for codification of requirements for maintaining an adequate inventory of buildable residential lands within urban areas.)

The applicant's proposal to expand the Roseburg UGB to include the subject 16 acre industrial site is not predicated on a need for additional buildable land for residential use, but rather to facilitate the development of the property with a mix of commercial and light industrial uses. Consequently, the applicant conducted an analysis of the existing supply of commercial and industrial land within the Roseburg urban area, and proposed a number of findings regarding the need for additional land suitable for the range of commercial and limited industrial uses permitted by the proposed Mix Use (MU) zoning over the course of the next twenty years. These findings, as presented here to demonstrate that the proposed amendment complies with

the requirements of Urbanization Factors 1 and 2, were accepted by the City Council.

The Roseburg Urban Growth Boundary was originally established in 1982 when the Roseburg Urban Area Comprehensive Plan was adopted. In accordance with the statewide planning goals, the UGB was drawn to contain sufficient land at that time to accommodate projected urban growth to the Year 2000. The Roseburg Comprehensive Plan contains policy language intended to assure that the supply of developable land within the UGB is maintained as the urban area continues to develop and grow. Urban Growth Policy No. 14 of the Plan states: "A continuous 15-20 year supply of developable land shall be maintained within the urban growth boundary to avoid unnecessary increases in land prices created by artificial shortages of land."

Roseburg LUDO Section 6.150 (2) requires Comprehensive Plan amendments, including changes to the urban growth boundary, to be predicated on a demonstrated public need for the boundary change, as well as a demonstration that the public need will be best served by changing the UGB on the subject property as compared with other available property.

The subject 16 acre site is currently designated and zoned Rural Industrial by Douglas County. The County's Comprehensive Plan has long recognized that the site is irrevocably committed to industrial or other non-resource uses. In fact, the site has been zoned for industrial use for at least the past thirty years. In recognition of its committed status, the County excepted the site from the requirements of the statewide planning goals relating to agricultural, forest, and open space lands, as well as other resource-related land use planning regulations. Addressing the requirements of the statewide planning goals with respect to "committed" industrial sites, including the subject property, the Plan contains the following statement:

"The industrial designation complies with the intent of Goals 3 and 4 (agriculture and forest protection) because it is applied primarily to those areas that have been previously committed to a non-resource industrial use. Based on an adequate inventory, the industrial designation contributes to a stable and healthy economy, thus meeting the intent of Goal 9. Compliance with Goal 14 (urbanization) necessitates that undeveloped parcels in rural areas should not be designated as industrial because industrial uses are considered to be urban uses and subsequently belong within urban growth boundaries. To meet the intent of Goal 14, Douglas County has designated as industrial primarily those rural sites that are already committed to such a use."

With respect to the process of converting rural industrial sites to urban use, the County Plan contains the following policy statement:

"If the proposed industrial development requires sewer or water services, then an application for an urban growth boundary change (pursuant to Goal 14 - Urbanization) would be required prior to any zoning action. In anticipation of regulations limiting the development of new sewage lagoon systems, inclusion within an urban growth boundary will be a very important consideration for new industrial development." (Land Use Element, page 15-19)

It is evident from the Comprehensive Plan language quoted above, that it is Douglas County's policy and intent that designated industrial sites are to be considered as "urban" in character and therefore should most appropriately be included within an urban growth boundary. Furthermore, the applicant's request will not result in any significant change in the classification of the subject property. The site is presently designated and zoned for industrial use under the County Comprehensive Plan and will continue to be designated and zoned for urban commercial and/or industrial use following its inclusion within Roseburg's urban growth boundary.

On behalf of the City of Roseburg, the Umpqua Regional Council of Governments (URCOG) recently published a preliminary buildable lands inventory for both the incorporated and unincorporated portions of the urban area. The URCOG inventory reveals that the urban area contains 132 acres of vacant industrially zoned land; however, nearly 63 acres or nearly half of the vacant acres have been classified as “environmentally unbuildable”, while another 17 acres have been removed from the inventory in order to accommodate transportation facilities and utilities, leaving a net balance of only 52 acres of vacant buildable land presently designated and zoned for industrial use within the entire urban area. Industrially-zoned land that is adjacent to, but outside the present UGB (including the subject 16 acre site), was not counted in the URCOG inventory.

In order to meet the projected need for an additional 148 acres of industrial land by the Year 2020, nearly 100 acres will have to be added to the urban area’s existing inventory. As previously discussed, there are three basic options available for adding to the industrial land base. The first is to convert agricultural land presently outside the UGB to an urban industrial designation via the UGB amendment process. With increasing restrictions being placed on local government’s ability to convert rural resource land to urban use, this option will likely become less tenable in future years. Any effort to expand the UGB into rural lands in order to accommodate future industrial land needs will require the City to take an exception to the Statewide Agricultural Goal, which in turn must be based on findings showing that exiting industrial sites adjacent to, but outside of the UGB cannot be added to the urban area. Such an exception would also require the City to demonstrate why other categories of urban land already within the UGB cannot be converted to industrial use, which leads to the second option.

The second option is to convert developed urban land already inside the UGB from a non-industrial land use designation (such as residential) to industrial zoning via the Comprehensive Plan amendment process. While there will undoubtedly be some opportunities to convert urban lands in this fashion, a variety social and legal obstacles will likely preclude such conversions on anything other than a piecemeal, small scale, approach. There simply are no larger tracts of developed residential or commercial land within the present UGB that represent good candidates for wholesale conversion to industrial use.

The third option is to expand the urban growth boundary to encompass existing industrial sites which are adjacent to the UGB and which are already acknowledged as being “committed” to non-resource use. Indeed, the State law pertaining to UGB expansions requires the City bring existing “committed” sites into the boundary before rural resource lands are converted to urban use via boundary expansion. Expansion of Roseburg’s UGB to encompass the subject 16 acre committed industrial site is directly in line with the requirements of the law.

Finding No. 31
Findings Addressing Conversion Factor No. 3

Conversion Factor No. 3 concerns the public facilities and services aspects of amending the urban growth boundary and requires consideration of a system or plan that ensures the proper coordination of the types, locations and delivery of public facilities and services best supporting existing and proposed land uses.

As has been noted earlier, the applicant is requesting the UGB amendment in order to facilitate a more orderly approach to planning the future development and use of the applicant’s entire property, including adjoining industrially-designated land already inside the UGB and City limits, as well as to facilitate the planning, coordination and delivery of public facilities and services

to best support existing and future land uses on entire property. Presently, the applicant has not formulated specific plans for the ultimate development of the subject site; therefore, it is not possible to define the precise level of urban facilities and services required in the future. Goal 14 generally, and Conversion Factor 3 specifically, do not anticipate the need to immediately serve an urbanizable area with urban services, nor does Goal 14 require detailed plans for such services and facilities to be in place prior to, or immediately upon, inclusion of territory within the UGB.

Within the Roseburg urban area, public facilities and services are provided by the City of Roseburg, Douglas County and several special districts. Policies concerning the coordination, timing and location of public facilities and services in the urban area are contained within the Public Facilities and Land Use Elements of the Comprehensive Plan. Specific measures intended to implement these policies are contained in various inter-governmental agreements, including the Roseburg Urban Growth Management Agreement.

Properties within the urban area receive sanitary sewer service from Roseburg Urban Sanitary Authority (RUSA). RUSA maintains a major sewer interceptor main extending along the applicant's frontage on Quarry Road and Diamond Lake Boulevard. The sewer main was constructed along the Diamond Lake Blvd. corridor several years ago for the specific purpose of promoting and facilitating the development and redevelopment of commercial and industrial properties east of the City, and was sized to accommodate a wide range of urban uses, including the types of commercial and industrial uses contemplated for the subject property.

Water service to the subject site is provided by the City of Roseburg via an existing main that is also located adjacent to the applicant's frontage on Quarry Road. Like the sewer main noted above, water facilities along the Diamond Lake Blvd. corridor were sized to ensure a level of service adequate to accommodate the wide range of commercial and industrial uses that are anticipated to be developed within the corridor during the next five to ten years.

Fire protection service for properties located outside the City limits is presently provided by Douglas County Fire District No. 2. Existing fire hydrants connected to the City's water system are located along Quarry Road and Diamond Lake Blvd. south of the applicant's property. Upon annexation into the City, the property will be withdrawn from District No. 2 and fire protection service will then be provided by the Roseburg Fire Department. Taking into consideration the type and level of future development contemplated by the applicant, the extension of water mains with sufficient capacity to provide adequate fire flows will be a prerequisite to the site's development. The extension of such facilities will ultimately be the responsibility of the applicant or future developer of the site. The development costs associated with other utilities and service facilities, including internal streets and storm drainage facilities, will also have to be borne by the applicant/developer.

Policies concerning the coordination, timing and location of public facilities and services within the City and surrounding urban growth area are contained within the Public Facilities and Land Use Elements of the Roseburg Urban Area Comprehensive Plan. Specific measures intended to implement these policies are contained in various inter-governmental agreements, including the Roseburg Urban Growth Management Agreement.

Based on the foregoing findings, the City Council has concluded the requested UGB amendment will not adversely impact the present or future provision of public facilities and services in the Roseburg urban area. The full range of urban services appropriate for the territory's proposed urban land use classification is available and can be provided in a timely,

orderly and efficient manner consistent with the intent and purpose of Statewide Goal No. 11. This conclusion is based on consideration of the existing public service delivery systems and plans in effect within the Roseburg urban area to ensure the proper coordination of the types, locations and delivery of the public facilities and services necessary to support the existing and proposed urban land areas.

Finding No. 32
Findings Addressing Conversion Factor No. 4

Conversion Factor No. 4 requires consideration of the maximum efficiency of land uses within and on the fringe of the existing urban area. As previously noted, the subject 16 acre parcel is part of a 45 acre industrial site, of which the southerly 29 acres are presently inside the City limits of Roseburg with an industrial designation under the City's Comprehensive Plan. As was also previously noted, and for reasons that are not evident, the 45 acre industrial site was split into two portions when the UGB was originally established in 1982, with the 29 acre southerly portion being included in the urban area and the northerly 16 acre portion of the same ownership left outside the boundary, even though both portions were designated and zoned for industrial use. The intent is to have both portions of the property consolidated under a single land use designation and zoning, and to also be placed under a single planning jurisdiction in order to facilitate its development in the most efficient manner possible. No conversion of rural resource land will result from the UGB amendment. The extension of urban services to the property will be directly through land that is already within the UGB and City limits.

Finding No. 33
Findings Addressing Conversion Factor No. 5

Conversion Factor No. 5 requires consideration of the environmental, energy, economic and social consequences of amending the urban growth boundary.

As has been discussed earlier, the degree of consideration required of the various consequences of amending the UGB should be balanced against the degree of change being proposed. Although it would not be entirely accurate to say the proposed UGB amendment will have no environmental, energy, economic and social consequences whatsoever, the weight of such consequences (whether positive or negative) within the context of the entire urban area is not sufficient to warrant analysis beyond the findings and conclusions already stated elsewhere within this application document. Nevertheless, consideration has been given to the ESEE consequences of the proposed amendment for both the urban area as a whole and individual properties adjoining the subject site. Specific findings addressing the same types of consequences identified in Conversion Factor 5 are covered more extensively in other sections of this application document (See findings addressing Statewide Goal No. 3, 5, 6, 7, 9 and 13). A separate ESEE analysis under this section of the application would be redundant, as it would not contribute to the factual basis for determining the ESEE consequences of the proposed amendment. It is not, therefore, necessary to conduct a separate ESEE analysis beyond the specific findings and conclusions already stated elsewhere within this application document. Nevertheless, those findings are summarized below for demonstrating the criteria of Factor 5 have been adequately addressed by this amendment.

Finding No. 34
A. Environmental Consequences

Potential environmental consequences of the UGB amendment are adequately discussed in the

findings listed under Goal 6 (Air, Water & Land Resources Quality), as well as under Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources). Those findings have led the City Council to conclude the amendment will not result in adverse environmental consequences.

Finding No. 35

B. Energy Consequences

Potential energy consequences of the proposed UGB amendment are adequately discussed in the findings listed under Goal 13 (Energy Conservation). The findings described under Goal 13 led the City Council to conclude the amendment would not result in adverse energy consequences.

Finding No. 36

C. Economic Consequences

Potential economic consequences of the proposed UGB amendment are adequately discussed in the proposed findings listed under Goal 9 (Economy of the State). The findings described under Goal 9 led the City Council to conclude the amendment will not result in adverse economic consequences.

Finding No. 37

D. Social Consequences

While it is difficult to predict specific social consequences that may occur because of amending the Roseburg UGB to include the subject 16 acres of land, the foregoing analysis of the proposal within the context of the statewide planning goals suggests any such consequences will be favorable. The City Council has, therefore, concluded the amendment to the urban growth boundary will not result in adverse social consequences but will in all likelihood produce a more stable and cohesive social environment in the Roseburg urban area.

Finding No. 38

Findings Addressing Conversion Factor No. 6

Conversion Factor No. 6 requires consideration of the consequences of amending the urban growth boundary within the context of the statewide goal of retaining agricultural land. There has previously been a legislative determination by the Douglas County Comprehensive Plan that the subject property is not "agricultural land" as defined by Statewide Goal No. 3. Expansion of the Roseburg UGB to include the subject 16 acre industrial site within the urban area will not result in the conversion of agricultural land to urban uses.

Finding No. 39

Findings Addressing Conversion Factor No. 7

Conversion Factor No. 7 requires consideration of the compatibility of the proposed urban use with nearby agricultural activities. The subject 16-acre industrial site adjoins other lands to the north classified as agricultural land pursuant to Statewide Goal No. 3. However, as has been discussed more fully above, the proposed amendment does not involve a change in the subject property's land use classification. The property has had a long history of industrial use and is designated as a physically developed and irrevocably committed industrial site. The property is presently zoned to allow a wide range of industrial activities. Inclusion of the site within the

Roseburg UGB will not result in a significant change in the site's classification and therefore it can be assumed that its inclusion in the UGB will not cause in change in conditions with respect to adjacent or nearby agricultural lands.

Additionally, annexation of the property to the City of Roseburg will have no significant effect on adjacent rural properties or on nearby agricultural activities. While it is conceivable that future urban development of the property could increase the potential for conflicts that otherwise would not otherwise occur if the subject property were to be down-zoned to a rural use (i.e. agriculture), such potential exists regardless of whether or not the industrially-zoned property is annexed. Furthermore, there is no evidence to suggest a specific conflict is in fact likely to occur because of the proposed UGB amendment and subsequent annexation.

There are numerous industrial operations throughout Douglas County adjoining agricultural land. There is no evidence relevant to the proposed amendment to indicate the two types of land use activities are inherently incompatible. Traditionally, most conflicts that occur are between heavy industrial uses and residential uses and between residential uses and agricultural activity. Neither of these two traditional conflicts will result from the proposed UGB amendment and subsequent annexation.

While it may be possible to formulate an argument that more intensive industrial development on the subject 16 acre site may result in increased pressure to further expand urban uses to other nearby agricultural land at some time in the future, any such proposal would require an amendment to the urban growth boundary and would be subject to the same review procedures employed in this amendment request. Furthermore, because all other lands in the area that presently lie outside Roseburg's UGB are designated for farm or forest resource use, any proposed expansion of the urban area onto those lands would be subject to a much greater degree of scrutiny and justification than is necessary for the subject non-resource industrial site.

Although there is no factual evidence to support a conclusion that the proposed amendment UGB amendment would likely result in a conflict between the types of industrial uses already permitted by the site's Industrial designation and zoning and the type of agricultural activity being conducted on adjacent or nearby farm land, the owners of nearby farmland have the additional protection of state law under Oregon's "Right to Farm" statute. ORS 30.935 restricts the circumstances under which a farming practice may be considered a nuisance. Because of this statute, an owner or user of a commercial or industrial business on the subject 16-acre site would not have the right to compel the cessation of a farming practice on adjoining or other nearby lands.

Based on the foregoing, the City Council has concluded the proposed amendment to expand the urban growth boundary to include the subject 16-acre industrial site within the Roseburg urban area will not result in urban uses that are incompatible with agricultural activities.

Finding No. 40

Goal 2 Exception Standards for UGB Amendments

In addition to the seven conversion factors discussed above, Goal 14 (Urbanization) requires that any change in the established boundary separating urbanizable lands from rural lands must follow the procedures and requirements set forth in Goal 2 (Land Use Planning) for goal exceptions. The specific standards relied upon in the application of Goal 2, Part II, for this amendment to the Roseburg Urban Area Comprehensive Plan and Urban Growth Boundary are set forth in OAR 660-04-010(1)(c)(B). Based on those standards and the evidence previously

presented in this proposed findings document, the following additional findings are made.

The exceptions process is generally not applicable to Statewide Goals 1 and 2, nor to Goals 5 through 13 (OAR 660-04-010). The process is, however, applicable to those statewide goals which prescribe or restrict certain uses of resource lands, including Agricultural Lands (Goal 3), Forest Lands (Goal 4), and the Urbanization goal (Goal 14) (See OAR 660-04-010).

Separate findings above with respect to Goal 14 demonstrate it is not necessary to take an exception to the Urbanization goal. Nevertheless, Goal 14 specifically requires that any amendment to an established UGB be based on the seven conversion factors listed in that goal. Detailed findings and conclusions addressing the seven conversion factors are set forth in these findings document and are incorporated in this section by reference to demonstrate the urban growth boundary amendment is consistent with Goal 14.

Exception Standard 2 requires findings of fact showing that alternative sites which do not require an exception to the Agricultural Goal cannot reasonably accommodate the proposed use. Such findings should be based on a review of specific alternative sites, including an analysis of site size; reasonable availability of the appropriate level of public facilities and services, including transportation facilities; physical constraints to development such as topography and potential for flooding; proximity to conflicting land uses; and, relevant economic factors (OAR 660-04-020(2)(b)). As is discussed in more detail above, all lands included within the proposed UGB amendment have previously been acknowledged as being irrevocably committed to industrial use and are presently designated and zoned for industrial use. No lands falling within the Goal 3 definition of agricultural land, nor any lands falling within the Goal 4 definition of forest land, are affected by the proposed amendment. Consequently, an exception to Goal 3 and Goal 4 is not required.

Exception Standard 3 requires findings demonstrating that the *"long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site."* Such findings should be based on an evaluation of the characteristics of alternative areas that have been considered by the City, and for which an exception to the Agricultural Land Goal might be taken (OAR 660-04-020 (2)(c)). As previously stated, the subject property is not subject to the statewide agricultural goal; therefore, Exception Standard 3 is not applicable to this proposed UGB amendment.

Exception Standard 4 requires findings demonstrating that *"the proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts"*. This standard requires a description of how the proposed use will be compatible with production practices on surrounding agricultural lands. Within the context of this standard, the term "compatible" is not intended as an absolute, meaning no interference or adverse impacts of any type. Again, the subject property is not subject to the statewide agricultural goal; therefore, Exception Standard 4 is not applicable to this proposed UGB amendment.

Finding No. 41

Conformance to Policies of the Roseburg Comprehensive Plan

The Roseburg Urban Area Comprehensive Plan contains numerous policy statements which are intended to provide the City with direction when considering a proposal to amend the

urban growth boundary. These various policies are found in the Economic Development, Public Facilities, and Land Use & Urbanization Elements of the Comprehensive Plan. The following findings regard those plan policies which are found to be applicable to the proposed UGB amendment:

Economic Development 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, an increased variety of job opportunities, a rise in the standard of living, and utilization of the resident labor force."

Economic Development Policy No. 4.

"Through the planning process, the City and County shall continue to monitor the supply of developable commercial and industrial sites to ensure opportunity for the expansion of existing and establishment of new economic enterprises throughout the urban area."

Economic Development Policy No. 5

"In order to protect and enhance development opportunities for major industrial uses which require large sites, the City and County shall encourage the retention of industrially-zoned parcels exceeding 50 acres in area."

Finding No. 42

Notwithstanding the fact the subject 16-acre designated industrial site remains just outside the urban growth boundary, it has historically been considered an integral part of a larger industrial property, most of which presently lies within the City of Roseburg. The subject site adjoins the north side of a 29-acre parcel which was annexed by the City in January of 2006, and subsequently purchased by the applicant. The southerly 29 acres inside the City limits which is zoned Mixed Use (MU), together with the northerly 16 acres which is the subject of this application, comprise the old Cal Cedar Products manufacturing facility (also known as P & M Cedar) which ceased operating about ten years ago. All of the buildings and other improvements related to the site's former industrial use were subsequently removed from the property and the site is now vacant.

When Roseburg's urban growth boundary was first established in 1982, the southerly 29 acre portion of the old mill site was included in the UGB, while the northerly 16 acres remained outside the boundary. Nevertheless, both portions of the 45 acre property were zoned Heavy Industrial (M-3) by Douglas County. As previously noted, the applicant purchased the 29 acre portion of the site after it was annexed to the City last January and with this approval, intends to purchase the 16 acre balance of the site so that the entire 45 acres can be developed as a single unit under the City's jurisdiction, subject to the City's MU zoning regulations. Although redevelopment plans for the property are only conceptual at this stage, the applicant envisions several large-scale commercial businesses occupying the southerly portion of the 45 acre site, while the northerly portion (including the 19 acre portion which is the subject of this land use change) will be developed as a planned business park consisting of a mix of service commercial businesses and light industrial operations accessed via an internal network of streets. Following annexation of the property, together with concurrent approval of the requested zone change, the applicant will work with prospective tenants, his architect and the City to further refine his redevelopment plans for the site.

Economic Development Policies No. 1, 4 and 5, referenced above, recognize the importance of retaining existing large industrial sites because of the vital role they play in providing

opportunities for economic growth and expansion of existing and future industries. Retention and enhancement of large industrial sites is particularly crucial when consideration is given to the increasing difficulty of converting undeveloped rural resource land to industrial use, or attempting to rezone developed urban land for industrial development. Inclusion of the subject 16 acres within the urban area at this time will provide the applicant with a greater degree certainty about the continued viability of the site for future commercial and industrial uses, thus enhancing opportunities and incentives for the establishment of new business on the property by providing a sufficient amount of contiguous land to accommodate a broader range of economic development opportunities. The requested UGB amendment will be consistent with the intent of Economic Development Policies No. 1, 4 and 5.

Finding No. 43

Public Facilities Policy No. 2.

"In addition to the physical, economic, energy and social considerations addressed by other policies in this Plan, the timing and location of urban development within the urban area shall be based upon the current or imminent availability of urban services; particularly public sewer and water."

Within the Roseburg urban area, public facilities and services are provided by the City of Roseburg, Douglas County and several special districts. Policies concerning the coordination, timing and location of public facilities and services in the urban area are contained within the Public Facilities and Land Use Elements of the Comprehensive Plan. Specific measures intended to implement these policies are contained in various inter-governmental agreements, including the Roseburg Urban Growth Management Agreement.

Properties within the urban area receive sanitary sewer service from Roseburg Urban Sanitary Authority (RUSA). RUSA maintains a major sewer interceptor main that extends along the applicant's frontage on Quarry Road and Diamond Lake Boulevard. The sewer main was constructed along the Diamond Lake Blvd. corridor several years ago for the specific purpose of promoting and facilitating the development and redevelopment of commercial and industrial properties east of the City, and was sized to accommodate a wide range of urban uses, including the types of commercial and industrial uses contemplated for the subject property.

Water service to the subject site is provided by the City of Roseburg via an existing main that is also located adjacent to the applicant's frontage on Quarry Road. Like the sewer main noted above, water facilities along the Diamond Lake Blvd. corridor were sized to ensure a level of service adequate to accommodate the wide range of commercial and industrial uses that are anticipated to be developed within the corridor during the next five to ten years.

Fire protection service for properties located outside the City limits is presently provided by Douglas County Fire District No. 2. Existing fire hydrants connected to the City's water system are located along Quarry Road and Diamond Lake Blvd. south of the applicant's property. Upon annexation into the City, the property will be withdrawn from District No. 2 and fire protection service will then be provided by the Roseburg Fire Department. Taking into consideration the type and level of future development contemplated by the applicant, the extension of water mains with sufficient capacity to provide adequate fire flows will be a prerequisite to the site's development. The extension of such facilities will ultimately be the responsibility of the applicant or future developer of the site. The development costs associated with other utilities and service facilities, including internal streets and storm drainage facilities, will also have to be borne by the applicant/developer.

On the basis of the foregoing findings, the City Council has concluded the full range of urban services appropriate for the site's proposed urban land use classification is available and can be provided in a timely, orderly and efficient manner consistent with the intent of Public Facilities Policy No. 2. This conclusion is based on consideration of the existing public service delivery systems and plans in place in the area to ensure the proper coordination of the types, locations and delivery of the public facilities and services necessary to support the existing and proposed urban land areas.

Finding No. 44
Urban Growth Policy No. 2.

"Changes to the urban growth boundary, including either additions or deletions of land, shall be based upon consideration of the following factors:

- a. Demonstrated need to accommodate long-range urban population growth requirements consistent with State land use goals.*
- b. Need for housing, employment opportunities and livability.*
- c. Orderly and economic provision of public facilities and services.*
- d. Maximum efficiency of land uses within and on the fringe of the existing urban area.*
- e. Environmental, energy, economic and social consequences.*
- f. Retention of agricultural land.*

Changes to the urban growth boundary shall also be in accordance with procedures and requirements as set forth in Statewide Land Use Planning Goal (Goal 2) for goal exceptions."

The factors to be considered when changing the urban growth boundary, as listed in Urban Growth Policy No. 2, are identical to the factors required to be addressed by the statewide Urbanization goal (Goal 14). The seven urbanization factors have been addressed in this document and reference the same here for purposes of demonstrating compliance with Urban Growth Policy No. 2.

Finding No. 45
Public Need

Roseburg LUDO Section 6.150 (2) requires Comprehensive Plan amendments, including changes to the urban growth boundary, to be predicated on a demonstrated public need for the boundary change, as well as a demonstration that the public need will be best served by changing the UGB on the subject property as compared with other available property. In the course of addressing the criteria of Urbanization Factors 1 and 2, which require a demonstration that there is a justifiable need for additional urbanizable land to be included within the Roseburg UGB in order to accommodate long range urban population growth, including the need for employment opportunities, the City Council at the same time made adequate findings to also demonstrate that there is a public need for the boundary change and that the identified public need will be best served by changing the UGB on the subject property as compared with other available property. Those findings under Urbanization Factors 1 and 2 are included elsewhere in this document and are incorporated here by reference.

Finding No. 46
Zone Change Criteria

In addition to the applicant's request to include the subject 16 acre industrial site within the Roseburg urban growth boundary, the applicant is requesting a concurrent change of zoning on the property from County Rural Industrial (ME) to City Mixed Use (MU). Roseburg's Land Use and Development Ordinance (LUDO) sets forth specific criteria that must be considered when a change in zoning is proposed. The criteria for a zone change is found in LUDO at Section 3.38.100, and requires the City Council to find that:

- a. The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies; and,
- b. The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Finding No. 47

The following findings address the zone change criteria cited above:

The Mixed Use (MU) district was added to Roseburg's zoning ordinance several years ago to encourage the development or redevelopment of properties by providing for a wider range of land uses than is otherwise allowed in the City's more restrictive commercial and industrial zoning districts. Generally, uses allowed in the MU district are intended to serve community-wide and regional needs, rather than local or neighborhood needs. Additionally, because of the wide range of uses permitted, care is to be exercised in deciding where the MU district is to be applied in order to assure adjacent uses are compatible with the kinds of uses allowed in the MU zone.

Finding No. 48

Section 3.1.020 of LUDO (Zoning District Table) provides that the MU zoning district is intended to implement the Comprehensive Plan in those areas designated as "Commercial", as well as those designated as "Industrial". Consequently, application of the MU zone to the subject site, which is presently designated "Industrial", will be consistent with the Comprehensive Plan map. Amendment of the Plan map is not, therefore, a prerequisite to changing the zoning on the subject 16 acre property from County ME to City MU.

The preceding sections of this document describe the character of the surrounding area, demonstrating there is already a very wide range of uses along the Diamond Lake Blvd. corridor, including a variety of industrial, commercial and residential uses. In fact, the large majority of the uses already established in the surrounding area are uses that are permitted outright in the proposed MU zoning district. Consequently, the City Council has concluded that the proposed MU zoning on the subject property, as well as the applicant's intended use of the property, will not introduce land uses that are incompatible with the existing character of the surrounding area. The City Council reviewed the various policy statements contained within the Roseburg Urban Area Comprehensive Plan and finds the following policies relevant to the proposed zone change:

Finding No. 49

Urban Growth Policies

Growth Policy No. 2

Concepts of urban development for cost effectiveness and energy efficiency will be supported.

Finding No. 50

Growth Policy No. 4

Resources necessary to provide adequate public services, utilities and facilities should be budgeted to meet the projected population.

As previously noted, the principal purpose of the Mixed Use zone is to provide areas within which a much wider variety of land use activities can occur than would otherwise be permitted in the City's more restrictive commercial and industrial zoning districts. Generally, uses allowed in the MU district are intended to serve community-wide and regional needs, rather than local or neighborhood needs. As the demand for more urban development continues, redevelopment of existing sites will become more commonplace as a means of achieving cost effectiveness, energy efficiency and efficient and economical utilization of existing public facilities and urban infrastructure. Future use of the subject site will require detailed site review before final approval is granted for its redevelopment. The proposed zone change supports applicable growth policies of the Comprehensive Plan.

Finding No. 51

Economic Development Policies

Economic Development 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, an increased variety of job opportunities, a rise in the standard of living, and utilization of the resident labor force.

Economic Development Policy No. 3

The City shall encourage economic activities that strengthen the urban area's position as a regional distribution, trade, and service center.

Economic Development Policy No. 4

Through the planning process, the City and County shall continue to monitor the supply of developable commercial and industrial sites to ensure opportunity for the expansion of existing and the establishment of new economic enterprises throughout the urban area.

Economic Development Policy No. 8

The City shall develop and implement programs aimed at preservation and upgrading of the City's downtown area by alleviating congestion and providing off-street parking. The City will encourage the renovation of existing buildings in the downtown core area.

Rezoning the subject 16-acre site to Mixed Use will expand the number of uses allowable on the site and thus expand the range of economic opportunities that can be pursued. Furthermore, the zone change will allow more efficient use of an available, but greatly under-utilized site. For the most part, businesses that will locate on the site are existing businesses needing to expand in order to remain economically viable. By making the site available for this purpose, the City will help to strengthen the urban area's position as a regional distribution, trade and service center.

Finding No. 52

Transportation Policies

Transportation Policy No. 4

The City will encourage the development of alternate traffic routes which will reduce traffic volumes.

Transportation Policy No. 7

The City will continue to develop and refine street standards as necessary, particularly for local streets where site-specific characteristics are most important. Flexibility in the design of local streets shall be encouraged.

Transportation Policy No. 9

The City will continue to seek alternative sources of funding to ensure the continued improvements and operation of all transportation systems and facilities.

As previously noted, the subject site is an undivided portion of a larger industrial site fronting the north side of Quarry Road and the west side of Sunshine Road, and all existing access points into the property are from these two County roads. A short section of the property's south boundary also abuts the right-of-way of Diamond Lake Blvd.; however, existing topographic conditions make it impractical, if not impossible, to develop direct access from Diamond Lake Blvd. Quarry Road and Sunshine Road are part of the Douglas County road system, while Diamond Lake Blvd. is part of the state highway system. Although direct access to and from Diamond Lake Blvd. is managed by the Oregon Department of Transportation (ODOT), conceptual plans for the subject property do not envision the development of direct access from the state highway. Any proposal to change the present access configuration on the property will be subject to review by the City and the County, as well as by ODOT under the provisions of OAR Division 51 which governs access to state transportation facilities. Conditions of approval provided by ODOT assure an orderly and effective provision of access. Consequently, the requested zone change will not conflict with the applicable transportation policies found in the Comprehensive Plan.

Finding No. 53

Energy Conservation Policies

Energy Conservation Policy No. 2

The City shall incorporate into its land use and ordinance provisions which encourage new development to utilize density and location, in balance with the requirements of other planning policies, in order to reduce the need to travel, increase access to transit, and permit building configurations which increase the efficiency of space heating in residences.

Energy Conservation Policy No. 4

As an energy conservation measure, the City will encourage the infilling of vacant land.

The proposed Mixed Use zoning will facilitate the redevelopment and infilling of an under-utilized site. The property is situated in an area where the full range of urban services and facilities are already in place, thus allowing the property to be developed in a more energy-efficient manner than would be the case at another location where urban facilities would have to be extended.

Finding No. 54

Public Facilities and Services Policies

Public Facilities and Services Policy No. 1

Facility and service planning in the Roseburg urban area shall use the Comprehensive Plan as the basis for decisions to ensure that needs of the urban area are met in a timely, orderly, and efficient manner.

Public Facilities and Services Policy No. 2

In addition to the physical, economic, energy, and social considerations addressed by other policies in this Plan, the timing and location of urban development within the urban area shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

Public Facilities and Services Policy No. 3

The City shall strive to improve the level of cooperation with all agencies of local, state, and federal government in order to ensure the timely, orderly, and efficient provision of all public facilities and services essential to the social, economic, and physical well-being of the urban area and its citizens.

Public Facilities and Services Policy No. 7

Wherever possible, new water distribution lines in the urban area shall be looped for all new developments; and, except for cul-de-sacs, all new water distribution lines shall be a minimum of six inches in diameter. The size of any new main is to be based on planned density and type of use designated in the Comprehensive Plan.

Public Facilities and Services Policy No. 8

All new residential plans, industrial and commercial development in the urban area shall make provisions for fire hydrants and fire lines where applicable.

Public Facilities and Services Policy No. 9

All new developments in the urban area shall have separate storm sewer and sanitary sewer lines. The City shall continue to work toward separation of all storm and sanitary sewer lines in the Roseburg sewer system.

Public Facilities and Services Policy No. 16

The City shall strive to improve the level of cooperation with all agencies of local, state, and federal government in order to ensure the timely, orderly, and efficient provision of all public facilities and services essential to the social, economic, and physical well-being of the urban area and its citizens.

The subject parcel is situated in Roseburg's designated urban growth area where the full range of public facilities and services are already in place and are adequate to accommodate the types of uses allowed by the proposed Mixed Use zoning. No additional public expenditures for service and facility extensions will be necessary to allow the redevelopment of the property. Any additional facility improvements necessary to implement the applicant's redevelopment plan for the property will be funded by the applicant. Infilling and redevelopment of vacant and/or underutilized urban parcels already served by public facilities and utilities supports the policy statements of the Comprehensive Plan.

Finding No. 55

Commercial Development Policies

Commercial Development Policy No. 4

Community shopping and service facilities shall be located close to major arterials and shall provide adequate parking and service area. The zoning ordinance, subdivision ordinance, and other appropriate regulations shall include provisions as to siting and development which discourage major customer traffic from outside the immediate neighborhoods from filtering through nearby residential streets.

Commercial Development Policy No. 5

Notwithstanding the existing development pattern along arterials and collectors committing an area to strip development, new commercial development shall be clustered and located to provide convenience goods and services for neighborhood residents or a wide variety of goods and services for a market area of several neighborhoods.

Commercial Development Policy No. 6

Commercial uses shall have convenient access to collector and arterial streets.

Commercial Development Policy No. 8

Commercial development may be permitted only where adequate systems for transportation and sewer and water services have been provided or have been scheduled for construction.

The subject redevelopment site is situated adjacent to a major arterial street from which the public will have safe and convenient access without having to pass through or otherwise disturb existing residential neighborhoods. Within the site itself, adequate provision of off-street parking, internal circulation, and the efficient utilization of the land will be assured via the City's site development review process. The applicant will continue to work closely with City, County and State transportation officials to ensure that redevelopment and use of the site will be fully coordinated with the planning of local transportation facilities.

Finding No. 56

Industrial Development Policies

Industrial Development Policy No. 2

The timely provision of appropriate public improvements including, but not limited to, water, sewers, storm drains, and roads should be provided to support industrial development in major manufacturing areas and other compatible locations.

Industrial Development Policy No. 3

The zoning ordinance shall allow appropriate on-site employee services and facilities in industrial areas. Traffic generated by industrial uses should be diverted away from residential areas, and should have convenient access to arterial or collector streets. Wherever practical, outdoor storage areas shall be screened from adjacent residentially designated properties.

The Mixed Use zoning district is intended to allow a wide range of both commercial and industrial uses. Although the applicant intends to redevelop the majority the subject site with commercial uses, the requested MU zoning will allow some types of industrial uses to also be developed on the site. This factor might have some significance if the zoning on the property were being changed from a commercial or residential classification, or if surrounding or nearby properties were developed with residential use; however, in this instance both the subject property and most surrounding properties are already zoned for industrial use. In fact, under its present M-3 zoning, the most intensive kinds of industrial operations are already permitted on the site. Therefore, changing the zoning from M-3 to MU will not allow the introduction of land use activities out of character with, or otherwise incompatible with, existing land uses on surrounding and nearby properties. Furthermore, the City Council concludes the site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Finding No. 57

In addition, SECTION 3.38.200 of the Land Use and Development Ordinance provides for the ability to impose conditions on the zone change:

Reasonable conditions may be imposed, as are necessary to ensure the compatibility of a zone change to surrounding uses and as are necessary to fulfill the general and specific purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- 1 Special yards and spaces.
- 2 Fences and walls.
3. Special parking and/or loading provisions.
4. Street dedication and improvements or bonds in lieu of improvements.
5. Control of points of vehicular ingress and egress.
6. Special provisions for signs.
7. Lighting, landscaping and maintenance of grounds.
8. Control of noise, vibration, odors or other similar nuisances.

Finding No. 58

The City Council finds the conditions suggested by ODOT are applicable to this application. Application of such conditions will ensure relevant transportation issues will be addressed with development.

Finding No. 59
Annexation

Annexation proposals must comply with Oregon Administrative Rules 660-014-0060
Annexations of Lands Subject to an Acknowledged Comprehensive Plan.

According to this Oregon Administrative Rule, a city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) or 197.625 shall be considered by the Commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation.

The City's comprehensive plan is acknowledged and does control annexation; therefore, with the amendment of the Plan for the subject property, the proposal is consistent with the annexation criteria of the State administrative rules.

Finding No. 60

The rezoning conforms to the Comprehensive Plan as evidenced by the findings addressed under the Plan Amendment portion of these findings.

Finding No. 61

CRITERION #2 - LUDO Chapter 3 Section 3.38.100

The site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.

Finding No. 62

According to Oregon Administrative Rule 660-014-0060, a city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) or 197.625 shall be considered by the Commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation.

Finding No. 63

The City's comprehensive plan is acknowledged and does control annexation; therefore, the proposal is consistent with the annexation criteria of the state administrative rules.

CONCLUSION

Based on the above Findings of Fact and subject to the conditions noted below, the proposed Comprehensive Plan Amendment, Annexation and Zone Change request complies with criteria set forth in Chapter 6, Sections 6.150 of the City of Roseburg Land Use and Development Ordinance; Article 38 of the Roseburg Land Use and Development Ordinance, and, Sections 197.175 and 222.125 of the Oregon Revised Statutes. Compliance with the conditions and issues concerning site development will be addressed at time of application.

Findings demonstrate compliance with State and Local land use planning goals and objectives applicable to the property; the Plan Amendment will not adversely impact livability, public safety, land and water resources, or harm future urban development. A public need is identified and will be best served by changing the designation on the subject property as compared with other available property.

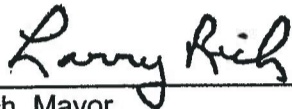
DECISION

In consideration of the foregoing findings of fact and conclusions, the City Council **APPROVES** Planning File CPA-05-3/ZC-06-1/AN-06-1 for the subject land with the following conditions:

1. At the time of development the applicant or designated representative shall submit a Traffic Impact Study (TIS), approved by the City of Roseburg and ODOT, which identifies traffic mitigation measure(s) to reduce any negative traffic impact at the North Umpqua Highway intersections serving the site. The TIS shall exhaust all interim intersection improvements prior to recommending traffic signals. Interim measures include, but are not limited to, left turn/right turn lane improvements on Sunshine Road and Kester Road intersection approaches, no parking on Sunshine Road and Kester Road within the intersection influence area, acceleration and deceleration lanes on the North Umpqua Highway, raised medians and channelization on the North Umpqua Highway.
2. At the time of development, the applicant or designated representative shall contribute a proportionate share to improving the North Umpqua Highway/Sunshine Road and North Umpqua Highway/Kester Road intersections as determined in the TIS submitted for site plan review.
3. At the time of development, the applicant or designated representative shall contribute a proportionate share to extending and improving Quarry Road to City street standards from Kester Road to Sunshine Road as determined in the TIS submitted for site plan review.

4. The City or ODOT is not obligated to pay for the balance of any project without the project's inclusion in the City Transportation System Plan and specific allocation of funds for the project.

DATED THIS 8th DAY OF January, 2006



Larry Rich, Mayor



Sheila R. Cox, City Recorder