



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

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

Third Floor/Measure 37 Fax: (503) 378-5318

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

NOTICE OF ADOPTED AMENDMENT

November 22, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Roseburg Plan Amendment
DLCD File Number 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 5, 2006

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

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

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Marion Thompson, City of Roseburg

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NR 01 **2** 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

DEPT OF
NOV 15 2006
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Roseburg Local file number: AN-06-2/ZC-06-2

Date of Adoption: 11/13/2006 Date Mailed: 11/15/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 7/31/2006

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

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

Annexed 34 individual lots and public rights-of-way located within the UGB; contiguous to the existng City boundary or surrounded by City limits; and rezoned same from County to City designation consistent with City Comprehensive Plan.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Total area and number of lots was reduced after due to further evaluation determining some of the original area was already annexed.

Plan Map Changed from: no change to: _____

Zone Map Changed from: see attached to: _____

Location: see attached Acres Involved: 26.63

Specify Density: Previous: unchanged New: _____

Applicable Statewide Planning Goals: 1, 2, 11, 14

Was and Exception Adopted? YES NO

DLCD File No.: 002-06 (15428)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (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

Affected State or Federal Agencies, Local Governments or Special Districts:

**Douglas County Fire District No. 2; Douglas County; Secretary of State;
Department of Revenue**

Local Contact: **Marion J Thompson AICP** Phone: **(541) 440-1177** Extension: **253**

Address: **900 SE Douglas Ave** City: **Roseburg**

Zip Code + 4: **97470-**

Email Address: **mthompson@ci.roseburg.or.**

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 3230

AN ORDINANCE DECLARING THE ANNEXATION OF 2.64± ACRES OF PROPERTY LOCATED SOUTHEASTERLY OF LOOKINGGLASS ROAD, ADDRESSED AS 1506 LOOKINGGLASS ROAD, FURTHER DESCRIBED TAX LOT 1000, TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 22DA AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P159-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 2) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Suburban Residential (RS) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 1506 Lookingglass Road is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibit "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

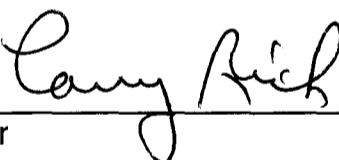
SECTION VII. The Recorder of the City of Roseburg shall make and submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit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

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.

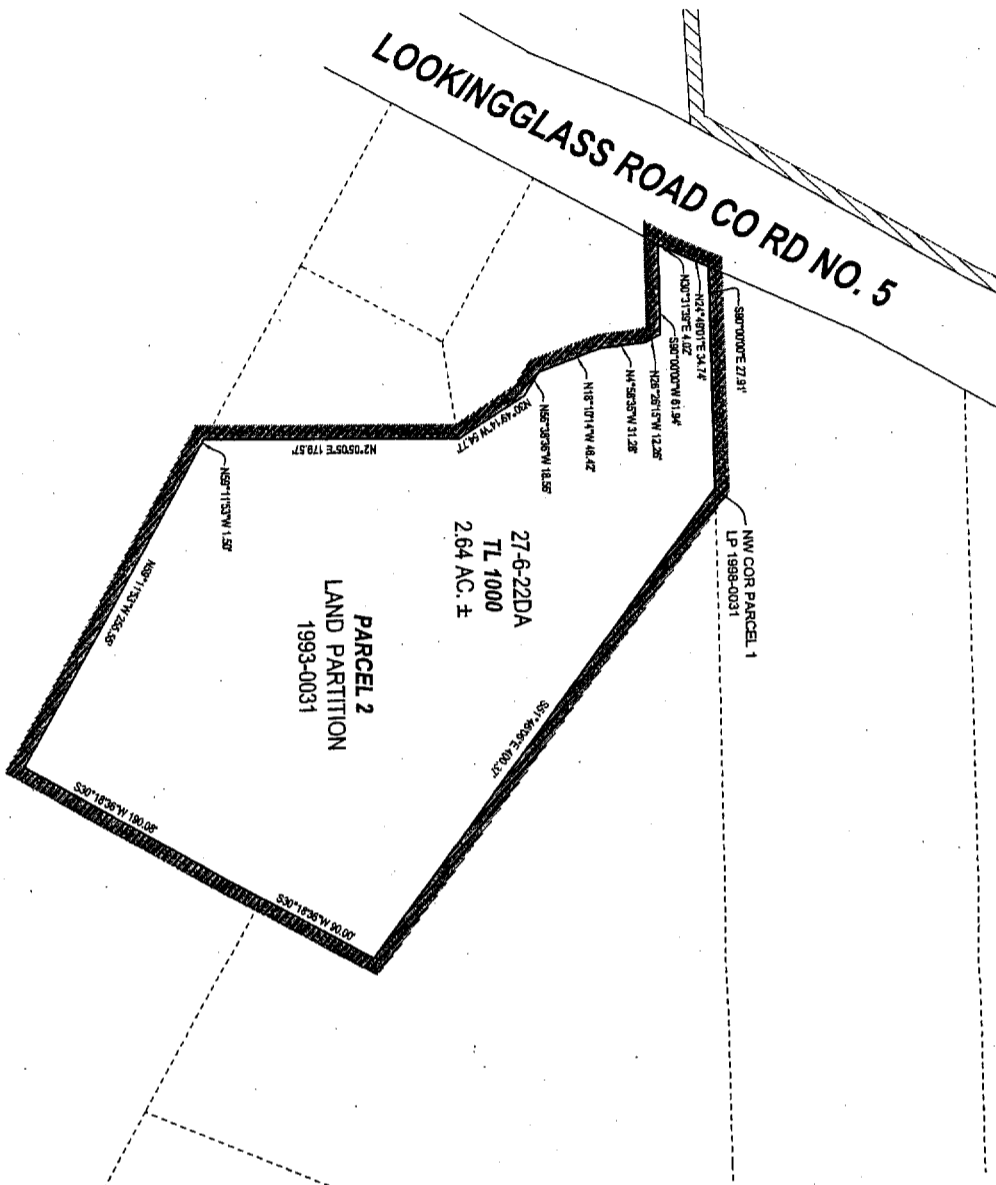


Mayor

ATTEST:



City Recorder

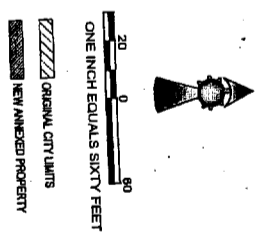


DESCRIPTION OF AREA TO BE ANNEXED

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 6 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING PART OF LAND PARTITION 1998-0031 AS RECORDED IN THE PUBLIC RECORDS OF DOUGLAS COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD AT THE MOST WESTERLY CORNER OF PARCEL 1, SAID LAND PARTITION 1998-0031; THENCE S81°45'00"E 400.38 FEET TO A 5/8" IRON ROD; THENCE S81°16'58"W 80.00 FEET TO A 5/8" IRON PIPE; THENCE S81°16'58"W 190.00 FEET TO A 5/8" IRON PIPE; THENCE N89°11'51"W 25.55 FEET TO A 5/8" IRON ROD; THENCE N89°11'51"W 12.26 FEET TO A 5/8" IRON ROD; THENCE N102°25'15"W 31.26 FEET TO A 5/8" IRON ROD; THENCE N102°25'35"W 18.57 FEET TO A 5/8" IRON ROD; THENCE N102°10'14"W 48.42 FEET TO A 5/8" IRON ROD; THENCE N102°03'35"W 18.57 FEET TO A 5/8" IRON ROD; THENCE N102°04'14"W 94.17 FEET TO A 5/8" IRON ROD; THENCE N27°00'00"E 178.57 FEET TO A 5/8" IRON ROD; THENCE N57°11'51"W 1.57 FEET TO A 5/8" IRON ROD; THENCE S81°16'58"W 40.07 FEET TO A 5/8" IRON ROD; THENCE S30°16'58"W 40.07 FEET TO A 5/8" IRON ROD; THENCE S40°16'58"W 40.07 FEET TO A 5/8" IRON ROD; THENCE EAST 124.71 FEET TO A 5/8" IRON ROD; THE PLACE OF BEGINNING.

SAID PARCEL CONTAINING 2.64 ACRES, MORE OR LESS, DESCRIBED BASED ON LAND PARTITION 1998-0031 AS RECORDED IN THE PUBLIC RECORDS OF DOUGLAS COUNTY, OREGON.

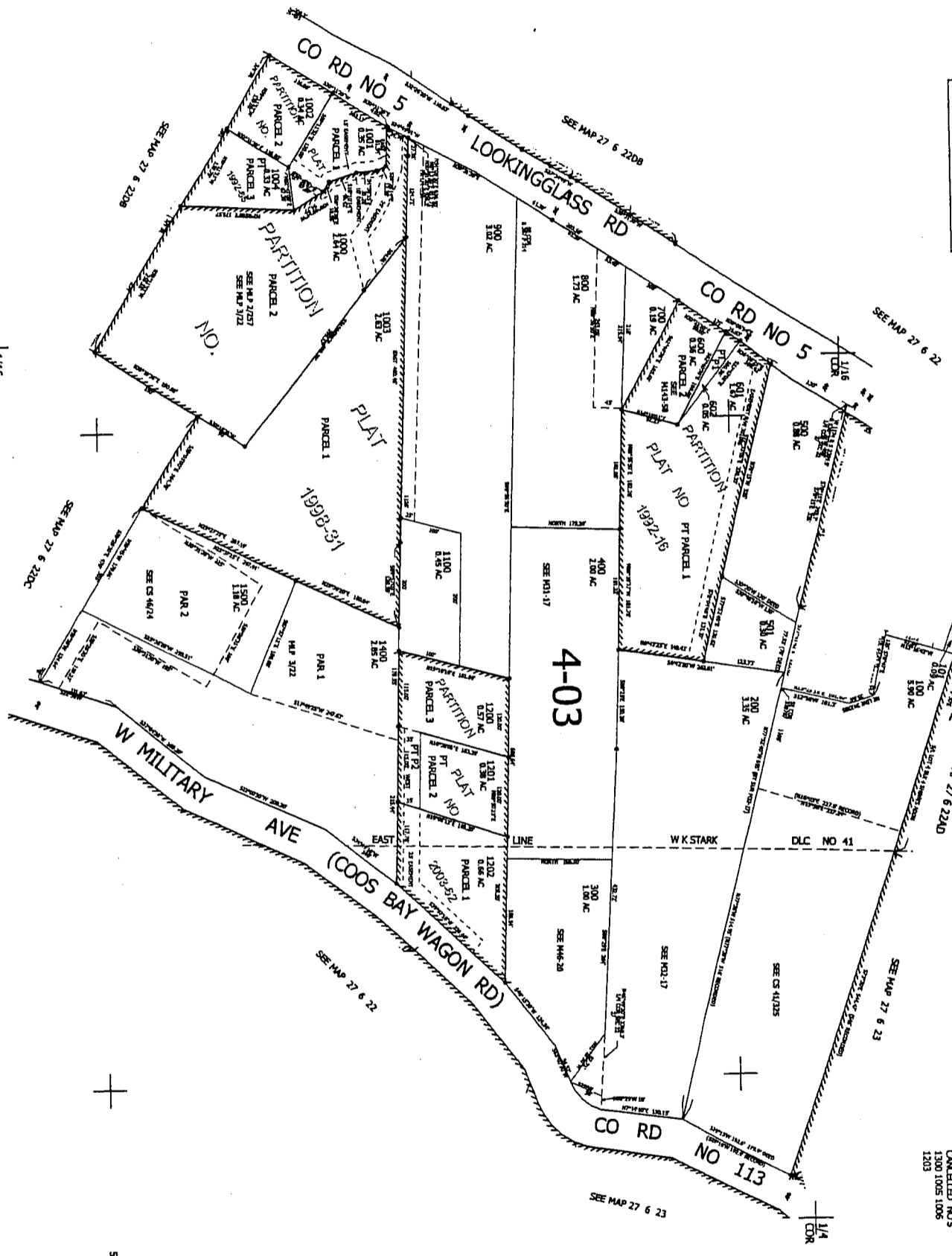


<p>ORDINANCE NO.</p> <p>ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE</p> <p>LYING IN THE NW 1/4 OF SECTION 16, T17S, R6W WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON</p>		<p>REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p>OREGON</p> <p>AMANDA S. HARRIS</p> <p>NO. 32859</p> <p>EDWIN H. BLAKE</p> <p>3/20/01</p>
<p>CLIENT:</p> <p>CITY OF ROSEBURG</p> <p>900 S.E. DOUGLAS</p> <p>ROSEBURG, OREGON 97470</p>	<p>SURVEYOR:</p> <p>LAND SURVEYING, INC.</p> <p>1000 S.W. 10TH ST.</p> <p>ROSEBURG, OREGON 97470</p> <p>503-325-1111</p>	<p>DATE: JULY 2005</p> <p>SCALE: 1" = 60'</p> <p>JOB NO.: 423-2</p> <p>DATE: 7/1/05</p>

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

NE1/4 SE1/4 SEC.22 T.27S. R.6W. W.M.
DOUGLAS COUNTY
REVISED ON 5-25-04
27 6 22DA

CANCELLED NOS
1300 1005 1006
1203



1/16
COR

4,151,500

1/16
COR

27 6 22DA

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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 13)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary, described as Tax Lots)
1000 through 1004, in Section)
22DA, Township 27 South, Range)
6 West, Willamette Meridian; and)
Tax Lots 1000, 1100, 1200, and)
1400 through 3100, in Section)
22DB, Township 27 South, Range)
6 West, Willamette Meridian. The)
request will annex 13 acres and)
establish an R-1-6 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential) and)
RS (Suburban Residential) zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 2 - Exhibit 8**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

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

1. Tax Lot 1000 identified as approximately 2.64 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19585, commonly known as 1506 Lookingglass Road, currently zoned County RS.
2. Tax Lot 1001 identified as approximately 0.35 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19593, commonly known as 1504 Lookingglass Road, currently zoned RS.
3. Tax Lot 1003 identified as approximately 2.63 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19625, commonly known as 1510 Lookingglass Road, currently zoned RS.
4. Tax Lot 1002 identified as approximately 0.34 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19617, commonly known as 1544 Lookingglass Road, currently zoned RS.
5. Tax Lot 1004 identified as approximately 0.33 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19633, located approximately 130 feet west of Lookingglass Road, north of an abutting Tax Lot 1003, commonly known as 1544 Lookingglass Road, currently zoned RS.
6. Tax Lot 1000 identified as approximately 0.22 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19353 and R129386, commonly known as 1627 Lookingglass Road, currently zoned RS.
7. Tax Lot 1100 identified as approximately 0.33 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19345 and R129385, commonly known as 1627 Lookingglass Road, currently zoned RS.
8. Tax Lot 1200 identified as approximately 1.00 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19641, commonly known as 1588 Lookingglass Road, currently zoned RS.
9. Tax Lot 1400 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129013, commonly known as 174 Flangas Avenue, currently zoned RR.
10. Tax Lot 1500 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129012, commonly known as 178 Flangas Avenue, currently zoned RR.
11. Tax Lot 1600 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129011, commonly known as 182 Flangas Avenue, currently zoned RR.
12. Tax Lot 1700 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129009, commonly known as 194 Flangas Avenue, currently zoned RR.
 13. Tax Lot 1800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129010, commonly known as 188 Flangas Avenue, currently zoned RR.
 14. Tax Lot 1900 identified as approximately 0.18 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129014, commonly known as 168 Flangas Avenue, currently zoned RR.
 15. Tax Lot 2000 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129015, commonly known as 150 Flangas Avenue, currently zoned RR.
 16. Tax Lot 2100 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129016, commonly known as 136 Flangas Avenue, currently zoned RR.
 17. Tax Lot 2200 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129017, commonly known as 122 Flangas Avenue, currently zoned RR.
 18. Tax Lot 2300 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129018, commonly known as 110 Flangas Avenue, currently zoned RR.
 19. Tax Lot 2400 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129001, commonly known as 109 Flangas Avenue, currently zoned RR.
 20. Tax Lot 2500 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129002, commonly known as 121 Flangas Avenue, currently zoned RR.
 21. Tax Lot 2600 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129003, commonly known as 135 Flangas Avenue, currently zoned RR.
 22. Tax Lot 2700 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129004, commonly known as 149 Flangas Avenue, currently zoned RR.
23. Tax Lot 2800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129005, commonly known as 167 Flangas Avenue, currently zoned RR.
 24. Tax Lot 2900 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129006, commonly known as 185 Flangas Avenue, currently zoned RR.
 25. Tax Lot 3000 identified as approximately 0.19 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129007, commonly known as 191 Flangas Avenue, currently zoned RR.
 26. Tax Lot 3100 identified as approximately 0.15 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129008, commonly known as 195 Flangas Avenue, currently zoned RR.
 27. Approximately 1.22 acres of a portion of Lookingglass Road and approximately 0.50 acres of Flangas Avenue adjacent to and abutting the foregoing identified properties.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the

legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory

proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serving on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at density and having level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for either Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR area. The City of Roseburg Comprehensive Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zonings, and will provide for the existing land uses.
- E. The R-1-6 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

The LDR designation will be implemented with the proposed R-1-6 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg

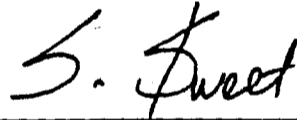
Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

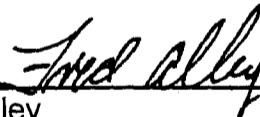
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:

Samuel Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3231

AN ORDINANCE DECLARING THE ANNEXATION OF 0.35± ACRES OF LAND LOCATED SOUTHEASTERLY OF LOOKINGGLASS ROAD, ADDRESSED AS 1504 LOOKINGGLASS ROAD, FURTHER DESCRIBED AS TAX LOT 1001, TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 22DA AND INCLUDED IN THE 2006 ISLAND/CONSENT TO ANNEXATIONS AS FILE #DOR-10-P160-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 2) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Suburban Residential (RS) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 1504 Lookingglass Road is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

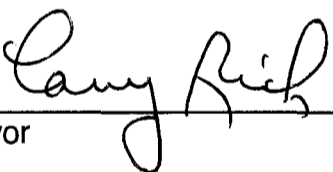
SECTION VII. The Recorder of the City of Roseburg shall make and submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit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

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.

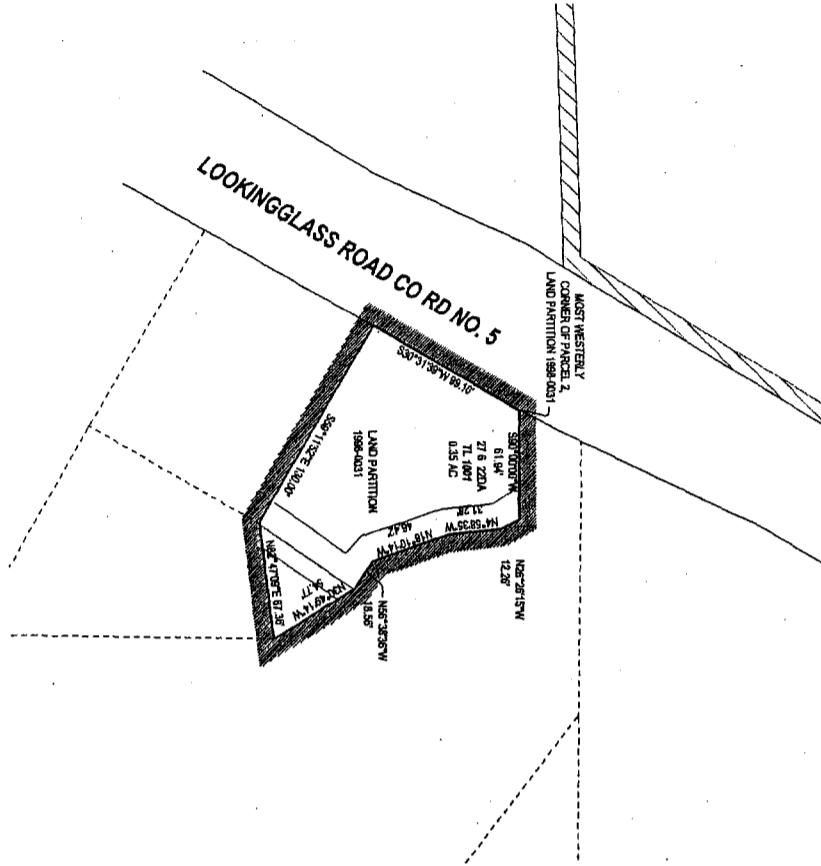


Mayor

ATTEST:



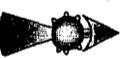
City Recorder



DESCRIPTION OF AREA TO BE ANNEXED

A PARCE OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 8 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCE BEING PART OF LAND PARTITION 198-0031 AS RECORDED IN THE SURVEY RECORDS OF DOUGLAS COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8\"/>



ORIGINAL CITY LIMITS
NEW ANNEXED PROPERTY

<p>ORDINANCE NO. ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE</p> <p>LYING IN THE NW 1/4 OF SECTION 15, T12S, R8W, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON</p>		<p>REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p>F. ANNE HIBBS</p> <p>EXPIRATION DATE 03/20/11</p>
<p>CLIENT:</p> <p>CITY OF ROSEBURG 900 S.E. DOUGLAS ROSEBURG, OREGON 97170</p>	<p>DATE: MAY 2005</p> <p>DATE: MAY 2005</p>	<p>REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p>F. ANNE HIBBS</p> <p>EXPIRATION DATE 03/20/11</p>
<p>DWG. SCALE: 1" = 40'</p> <p>JOB #: 10-25-3</p> <p>DWG. BY: RB</p> <p>DATE: MAY 2005</p>	<p>DATE: MAY 2005</p>	<p>REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p>F. ANNE HIBBS</p> <p>EXPIRATION DATE 03/20/11</p>

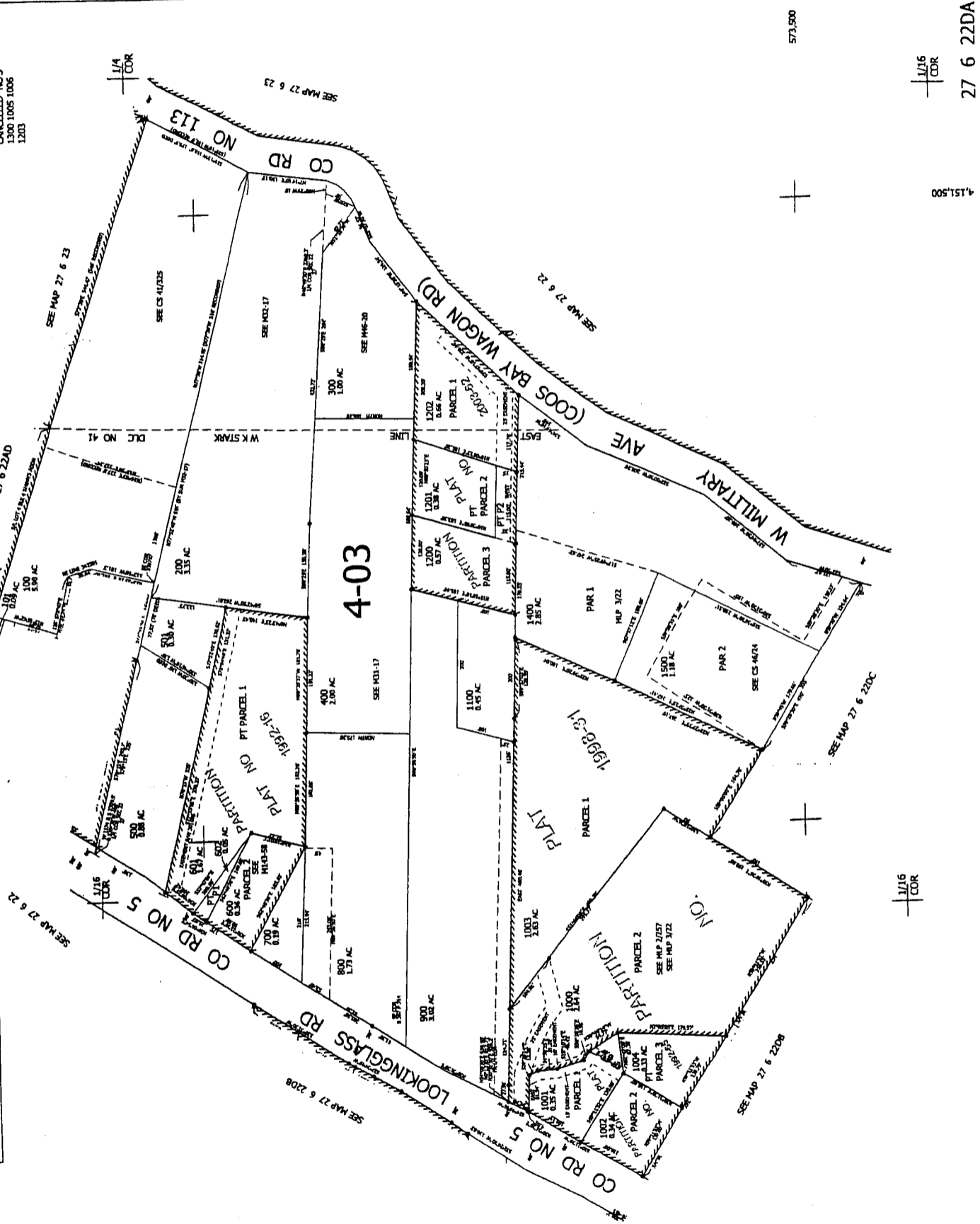
NE 1/4 SEC. 22 T. 27S. R. 6W. W.M.
DOUGLAS COUNTY

REVISED ON
5-25-04

27 6 22DA

CANCELLED NO'S
1300 1005 1006
1203

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.



1/16
COR

4,151,500

27 6 22DA

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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 13)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary, described as Tax Lots)
1000 through 1004, in Section)
22DA, Township 27 South, Range)
6 West, Willamette Meridian; and)
Tax Lots 1000, 1100, 1200, and)
1400 through 3100, in Section)
22DB, Township 27 South, Range)
6 West, Willamette Meridian. The)
request will annex 13 acres and)
establish an R-1-6 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential) and)
RS (Suburban Residential) zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 2 - Exhibit 8**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

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

1. Tax Lot 1000 identified as approximately 2.64 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19585, commonly known as 1506 Lookingglass Road, currently zoned County RS.
2. Tax Lot 1001 identified as approximately 0.35 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19593, commonly known as 1504 Lookingglass Road, currently zoned RS.
3. Tax Lot 1003 identified as approximately 2.63 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19625, commonly known as 1510 Lookingglass Road, currently zoned RS.
4. Tax Lot 1002 identified as approximately 0.34 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19617, commonly known as 1544 Lookingglass Road, currently zoned RS.
5. Tax Lot 1004 identified as approximately 0.33 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19633, located approximately 130 feet west of Lookingglass Road, north of an abutting Tax Lot 1003, commonly known as 1544 Lookingglass Road, currently zoned RS.
6. Tax Lot 1000 identified as approximately 0.22 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19353 and R129386, commonly known as 1627 Lookingglass Road, currently zoned RS.
7. Tax Lot 1100 identified as approximately 0.33 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19345 and R129385, commonly known as 1627 Lookingglass Road, currently zoned RS.
8. Tax Lot 1200 identified as approximately 1.00 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19641, commonly known as 1588 Lookingglass Road, currently zoned RS.
9. Tax Lot 1400 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129013, commonly known as 174 Flangas Avenue, currently zoned RR.
10. Tax Lot 1500 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129012, commonly known as 178 Flangas Avenue, currently zoned RR.
11. Tax Lot 1600 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129011, commonly known as 182 Flangas Avenue, currently zoned RR.
12. Tax Lot 1700 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129009, commonly known as 194 Flangas Avenue, currently zoned RR.
 13. Tax Lot 1800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129010, commonly known as 188 Flangas Avenue, currently zoned RR.
 14. Tax Lot 1900 identified as approximately 0.18 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129014, commonly known as 168 Flangas Avenue, currently zoned RR.
 15. Tax Lot 2000 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129015, commonly known as 150 Flangas Avenue, currently zoned RR.
 16. Tax Lot 2100 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129016, commonly known as 136 Flangas Avenue, currently zoned RR.
 17. Tax Lot 2200 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129017, commonly known as 122 Flangas Avenue, currently zoned RR.
 18. Tax Lot 2300 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129018, commonly known as 110 Flangas Avenue, currently zoned RR.
 19. Tax Lot 2400 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129001, commonly known as 109 Flangas Avenue, currently zoned RR.
 20. Tax Lot 2500 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129002, commonly known as 121 Flangas Avenue, currently zoned RR.
 21. Tax Lot 2600 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129003, commonly known as 135 Flangas Avenue, currently zoned RR.
 22. Tax Lot 2700 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

as Tax Account R129004, commonly known as 149 Flangas Avenue, currently zoned RR.

23. Tax Lot 2800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129005, commonly known as 167 Flangas Avenue, currently zoned RR.
24. Tax Lot 2900 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129006, commonly known as 185 Flangas Avenue, currently zoned RR.
25. Tax Lot 3000 identified as approximately 0.19 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129007, commonly known as 191 Flangas Avenue, currently zoned RR.
26. Tax Lot 3100 identified as approximately 0.15 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129008, commonly known as 195 Flangas Avenue, currently zoned RR.
27. Approximately 1.22 acres of a portion of Lookingglass Road and approximately 0.50 acres of Flangas Avenue adjacent to and abutting the foregoing identified properties.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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. 6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the

legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory

proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serving on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at density and having level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for either Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR area. The City of Roseburg Comprehensive Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zonings, and will provide for the existing land uses.
- E. The R-1-6 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

The LDR designation will be implemented with the proposed R-1-6 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg

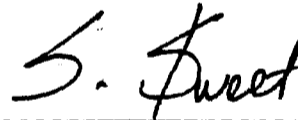
Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

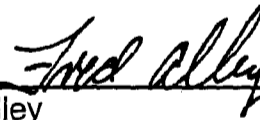
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3232

AN ORDINANCE DECLARING THE ANNEXATION OF 0.67± ACRES OF PROPERTY LOCATED ON THE SOUTHEASTERLY SIDE OF LOOKINGGLASS ROAD, ADDRESSED AS 1544 LOOKINGGLASS ROAD FURTHER DESCRIBED AS TAX LOTS 1002 AND 1004 OF TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 22DA AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P162-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 2) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Suburban Residential (RS) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 1544 Lookingglass Road is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

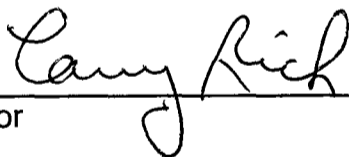
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



Mayor

ATTEST:

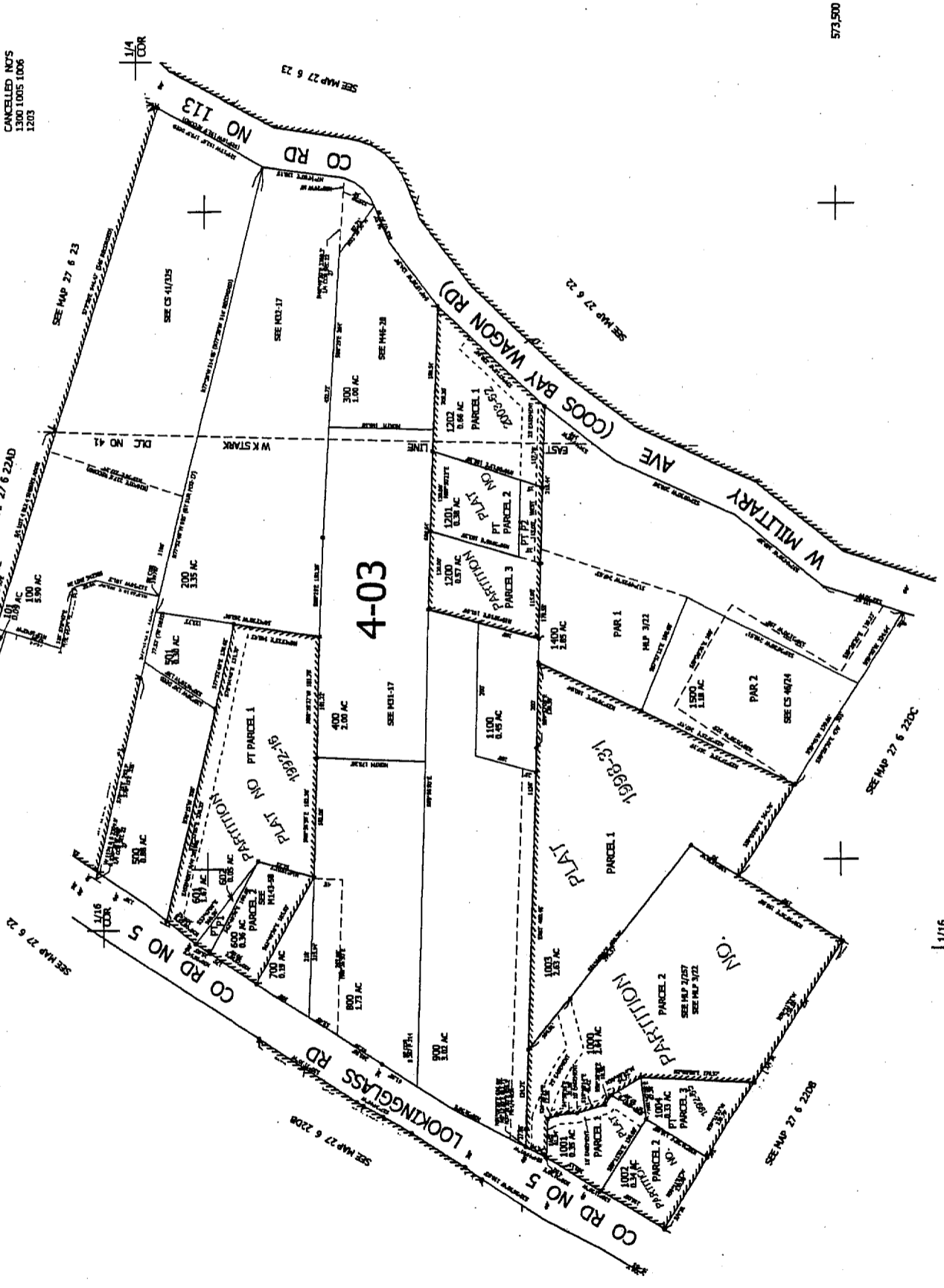


City Recorder

NE1/4 SE1/4 SEC.22 T.27S. R.6W. W.M.
DOUGLAS COUNTY
REVISED ON 5-25-04
27 6 22DA

CANCELLED MAPS
1907 1005 1006
1203

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.



573,500

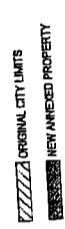
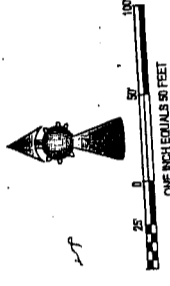
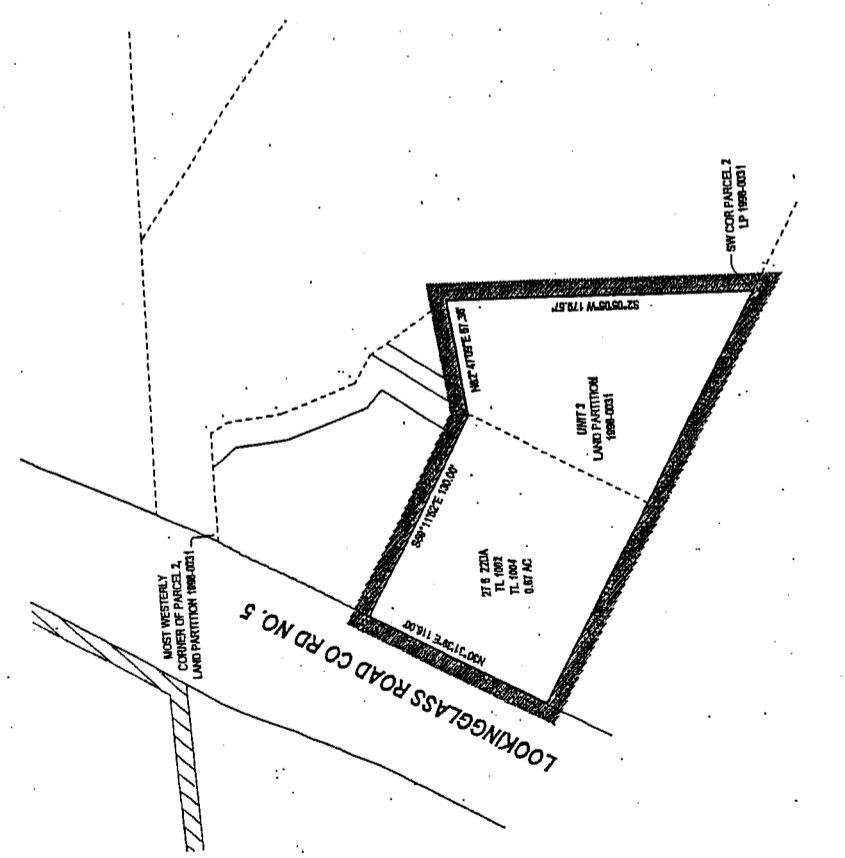
1/16 COR
27 6 22DA

4,151,500

DESCRIPTION OF AREA TO BE ANNEXED

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 27 SOUTH, RANGE 8 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCELS BEING UNIT 3 OF LAND PARTITION 1989-001 AS RECORDED IN THE SURVEY RECORDS OF DOUGLAS COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF PARCEL 2, SAID LAND PARTITION 1989-001; THENCE N89°17'52"W TO A 5/8" IRON ROD; THENCE N89°17'52"W 100.00 FEET TO A 5/8" IRON ROD ON THE EASTERLY RIGHT-OF-WAY OF LOOKINGGLASS ROAD; THENCE N89°17'52"W 100.00 FEET TO A 5/8" IRON ROD; THENCE N89°17'52"W 87.38 FEET TO A 5/8" IRON ROD; THENCE S89°17'52"W 178.57 FEET TO A 5/8" IRON ROD, THE PLACE OF BEGINNING. SAID PARCEL CONTAINING BUT ACRES, MORE OR LESS, DESCRIPTION BASED ON LAND PARTITION 1989-001 AS RECORDED IN THE SURVEY RECORDS OF DOUGLAS COUNTY.



REGISTERED PROFESSIONAL LAND SURVEYOR F. NEILL HIBBS EXPIRATION DATE 03/31/2007	
ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE LYING IN THE NW 1/4 OF SECTION 15, T27S, R8W, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON	
CLIENT: CITY OF ROSEBURG 900 S.E. DOUGLAS ROSEBURG, OREGON 97470	SURVEYOR: F. NEILL HIBBS LAND SURVEYING, INC. 1218 LOOKINGGLASS ROAD ROSEBURG, OREGON 97470 TEL: 503-325-1200 FAX: 503-325-1205 www.fneillhibbs.com
ORDNANCE NO. ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE LYING IN THE NW 1/4 OF SECTION 15, T27S, R8W, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON	JOB #: 05-25-05 DRG. BY: RB PAGE: 1 OF 1 DATE: JULY 2005
DWG. SCALE: 1" = 50'	

DRAFTING

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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 13)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary, described as Tax Lots)
1000 through 1004, in Section)
22DA, Township 27 South, Range)
6 West, Willamette Meridian; and)
Tax Lots 1000, 1100, 1200, and)
1400 through 3100, in Section)
22DB, Township 27 South, Range)
6 West, Willamette Meridian. The)
request will annex 13 acres and)
establish an R-1-6 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential) and)
RS (Suburban Residential) zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 2 - Exhibit 8**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

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

1. Tax Lot 1000 identified as approximately 2.64 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19585, commonly known as 1506 Lookingglass Road, currently zoned County RS.
2. Tax Lot 1001 identified as approximately 0.35 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19593, commonly known as 1504 Lookingglass Road, currently zoned RS.
3. Tax Lot 1003 identified as approximately 2.63 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19625, commonly known as 1510 Lookingglass Road, currently zoned RS.
4. Tax Lot 1002 identified as approximately 0.34 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19617, commonly known as 1544 Lookingglass Road, currently zoned RS.
5. Tax Lot 1004 identified as approximately 0.33 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19633, located approximately 130 feet west of Lookingglass Road, north of an abutting Tax Lot 1003, commonly known as 1544 Lookingglass Road, currently zoned RS.
6. Tax Lot 1000 identified as approximately 0.22 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19353 and R129386, commonly known as 1627 Lookingglass Road, currently zoned RS.
7. Tax Lot 1100 identified as approximately 0.33 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19345 and R129385, commonly known as 1627 Lookingglass Road, currently zoned RS.
8. Tax Lot 1200 identified as approximately 1.00 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19641, commonly known as 1588 Lookingglass Road, currently zoned RS.
9. Tax Lot 1400 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129013, commonly known as 174 Flangas Avenue, currently zoned RR.
10. Tax Lot 1500 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129012, commonly known as 178 Flangas Avenue, currently zoned RR.
11. Tax Lot 1600 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129011, commonly known as 182 Flangas Avenue, currently zoned RR.
12. Tax Lot 1700 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129009, commonly known as 194 Flangas Avenue, currently zoned RR.
 13. Tax Lot 1800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129010, commonly known as 188 Flangas Avenue, currently zoned RR.
 14. Tax Lot 1900 identified as approximately 0.18 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129014, commonly known as 168 Flangas Avenue, currently zoned RR.
 15. Tax Lot 2000 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129015, commonly known as 150 Flangas Avenue, currently zoned RR.
 16. Tax Lot 2100 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129016, commonly known as 136 Flangas Avenue, currently zoned RR.
 17. Tax Lot 2200 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129017, commonly known as 122 Flangas Avenue, currently zoned RR.
 18. Tax Lot 2300 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129018, commonly known as 110 Flangas Avenue, currently zoned RR.
 19. Tax Lot 2400 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129001, commonly known as 109 Flangas Avenue, currently zoned RR.
 20. Tax Lot 2500 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129002, commonly known as 121 Flangas Avenue, currently zoned RR.
 21. Tax Lot 2600 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129003, commonly known as 135 Flangas Avenue, currently zoned RR.
 22. Tax Lot 2700 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129004, commonly known as 149 Flangas Avenue, currently zoned RR.
23. Tax Lot 2800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129005, commonly known as 167 Flangas Avenue, currently zoned RR.
 24. Tax Lot 2900 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129006, commonly known as 185 Flangas Avenue, currently zoned RR.
 25. Tax Lot 3000 identified as approximately 0.19 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129007, commonly known as 191 Flangas Avenue, currently zoned RR.
 26. Tax Lot 3100 identified as approximately 0.15 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129008, commonly known as 195 Flangas Avenue, currently zoned RR.
 27. Approximately 1.22 acres of a portion of Lookingglass Road and approximately 0.50 acres of Flangas Avenue adjacent to and abutting the foregoing identified properties.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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. 6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the

legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory

proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serving on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at density and having level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for either Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR area. The City of Roseburg Comprehensive Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zonings, and will provide for the existing land uses.
- E. The R-1-6 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

The LDR designation will be implemented with the proposed R-1-6 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg

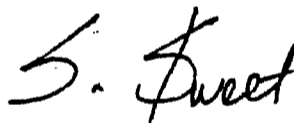
Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

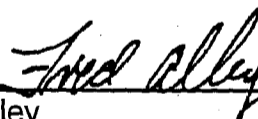
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3233

AN ORDINANCE DECLARING THE ANNEXATION OF 2.63± ACRES OF PROPERTY LOCATED SOUTHEASTERLY OF LOOKINGGLASS ROAD, ADDRESSED AS 1510 LOOKINGGLASS ROAD FURTHER DESCRIBED AS TAX LOT 1003 OF TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 22DA AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P163-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 2) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Suburban Residential (RS) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 1510 Lookingglass Road is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

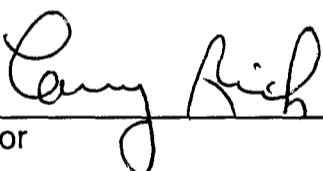
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



Mayor

ATTEST:



City Recorder

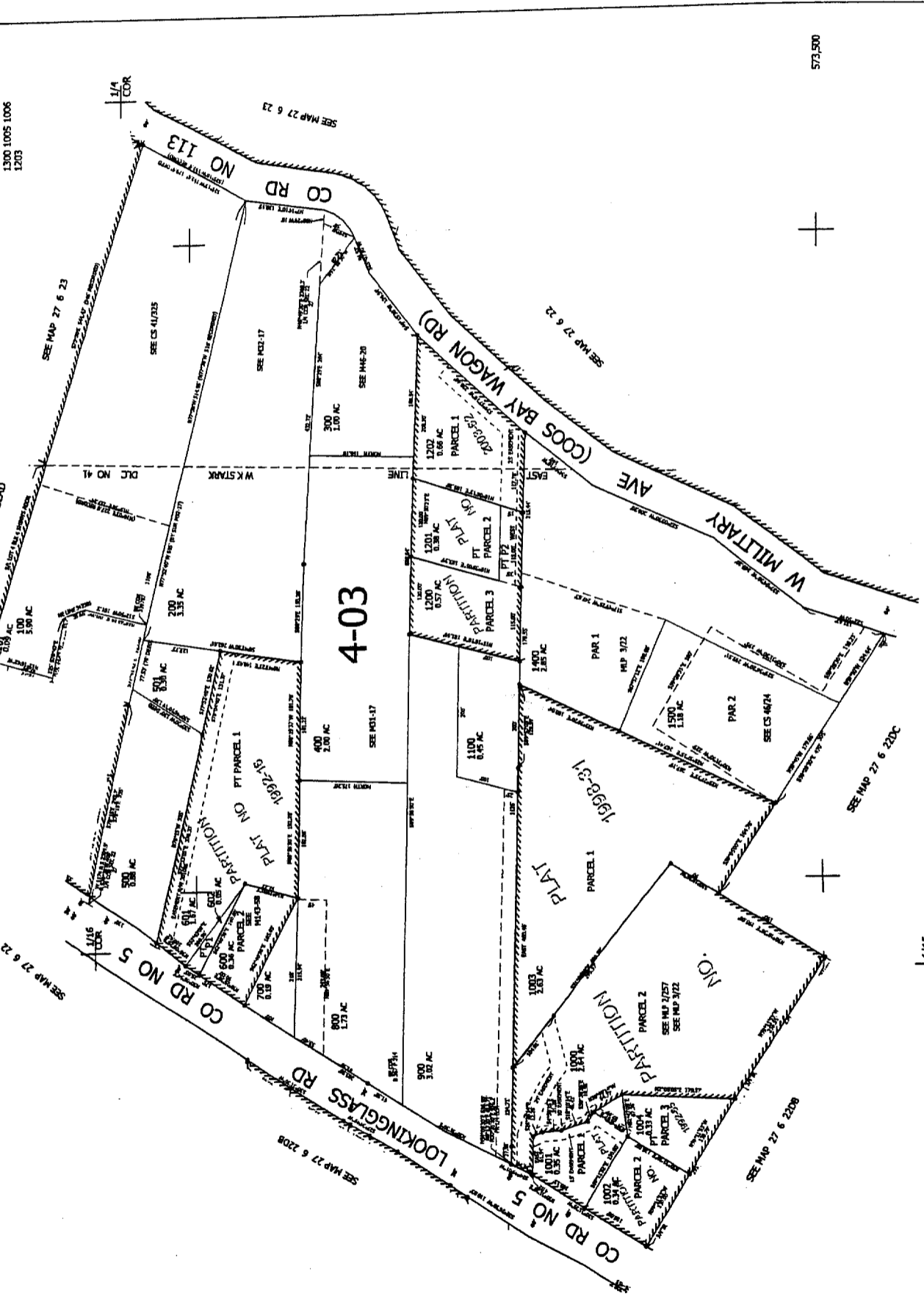
NE1/4 SE1/4 SEC.22 1.2/S. R.6W. W.M. 27 6 22DA
DOUGLAS COUNTY

REVISED ON 9-25-04

1" = 100'

CANCELLED NOS
1300 1005 1006
1203

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.



1/16 COR
27 6 22DA

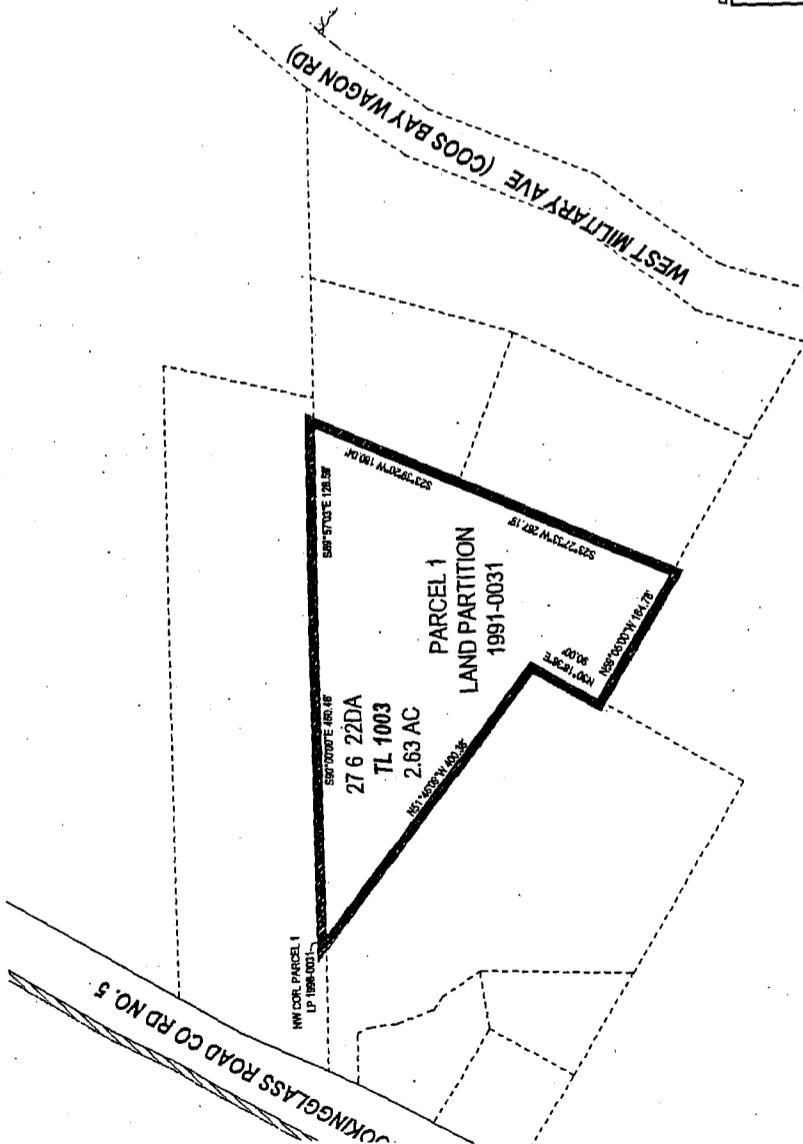
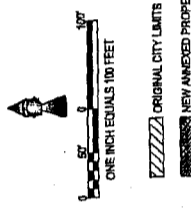
4,151,500

DESCRIPTION OF AREA TO BE ANNEXED

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, BEING PART OF PARCEL 1991-0031 AS RECORDED IN THE SURVEY RECORDS OF DOUGLAS COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD AT THE NORTHWEST CORNER OF PARCEL 1, SAID LAND PARTITION 1991-0031; THENCE EAST 481.48 FEET TO A 3/4" IRON PIPE; THENCE S88°57'00"E 124.59 FEET TO A 3/4" IRON PIPE; THENCE S23°32'20"W 180.00 FEET TO A 5/8" IRON ROD; THENCE S23°27'33"W 267.18 FEET TO A 3/4" IRON PIPE; THENCE N89°20'00"E 184.70 FEET TO A 3/4" IRON PIPE; THENCE N00°18'00"E 80.00 FEET TO A 5/8" IRON ROD; THENCE N61°48'00"W 400.38 FEET TO A 5/8" IRON ROD, THE PLACE OF BEGINNING.

SAID PARCEL CONTAINING 2.63 ACRES, MORE OR LESS, DESCRIPTION BASED ON LAND PARTITION 1991-0031 AS RECORDED IN THE SURVEY RECORDS OF DOUGLAS COUNTY.



ORDINANCE NO. _____

ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE

LYING IN THE NW 1/4 OF SECTION 15, T27S, R5W, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON

CLIENT:
CITY OF ROSEBURG
900 S.E. DOUGLAS
ROSEBURG, OREGON 97470

LAND SURVEYING, INC.
1111 JEFFERSON ROAD
ROSEBURG, OREGON 97470
F. JYELL HIBBS
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 11111
Exp. 12/31/2008

REGISTERED PROFESSIONAL LAND SURVEYOR
F. JYELL HIBBS
EXPIRATION DATE 6/30/2007

DWG. NO. 44-25-4 DWG. BY: FLB PAGE 1 OF 1 DATE: JULY 2008

RAFTING

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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 13)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary, described as Tax Lots)
1000 through 1004, in Section)
22DA, Township 27 South, Range)
6 West, Willamette Meridian; and)
Tax Lots 1000, 1100, 1200, and)
1400 through 3100, in Section)
22DB, Township 27 South, Range)
6 West, Willamette Meridian. The)
request will annex 13 acres and)
establish an R-1-6 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential) and)
RS (Suburban Residential) zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 2 - Exhibit 8**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

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

1. Tax Lot 1000 identified as approximately 2.64 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19585, commonly known as 1506 Lookingglass Road, currently zoned County RS.
2. Tax Lot 1001 identified as approximately 0.35 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19593, commonly known as 1504 Lookingglass Road, currently zoned RS.
3. Tax Lot 1003 identified as approximately 2.63 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19625, commonly known as 1510 Lookingglass Road, currently zoned RS.
4. Tax Lot 1002 identified as approximately 0.34 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19617, commonly known as 1544 Lookingglass Road, currently zoned RS.
5. Tax Lot 1004 identified as approximately 0.33 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19633, located approximately 130 feet west of Lookingglass Road, north of an abutting Tax Lot 1003, commonly known as 1544 Lookingglass Road, currently zoned RS.
6. Tax Lot 1000 identified as approximately 0.22 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19353 and R129386, commonly known as 1627 Lookingglass Road, currently zoned RS.
7. Tax Lot 1100 identified as approximately 0.33 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19345 and R129385, commonly known as 1627 Lookingglass Road, currently zoned RS.
8. Tax Lot 1200 identified as approximately 1.00 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19641, commonly known as 1588 Lookingglass Road, currently zoned RS.
9. Tax Lot 1400 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129013, commonly known as 174 Flangas Avenue, currently zoned RR.
10. Tax Lot 1500 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129012, commonly known as 178 Flangas Avenue, currently zoned RR.
11. Tax Lot 1600 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

as Tax Account R129011, commonly known as 182 Flangas Avenue, currently zoned RR.

12. Tax Lot 1700 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129009, commonly known as 194 Flangas Avenue, currently zoned RR.
13. Tax Lot 1800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129010, commonly known as 188 Flangas Avenue, currently zoned RR.
14. Tax Lot 1900 identified as approximately 0.18 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129014, commonly known as 168 Flangas Avenue, currently zoned RR.
15. Tax Lot 2000 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129015, commonly known as 150 Flangas Avenue, currently zoned RR.
16. Tax Lot 2100 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129016, commonly known as 136 Flangas Avenue, currently zoned RR.
17. Tax Lot 2200 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129017, commonly known as 122 Flangas Avenue, currently zoned RR.
18. Tax Lot 2300 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129018, commonly known as 110 Flangas Avenue, currently zoned RR.
19. Tax Lot 2400 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129001, commonly known as 109 Flangas Avenue, currently zoned RR.
20. Tax Lot 2500 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129002, commonly known as 121 Flangas Avenue, currently zoned RR.
21. Tax Lot 2600 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129003, commonly known as 135 Flangas Avenue, currently zoned RR.
22. Tax Lot 2700 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

as Tax Account R129004, commonly known as 149 Flangas Avenue, currently zoned RR.

23. Tax Lot 2800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129005, commonly known as 167 Flangas Avenue, currently zoned RR.
24. Tax Lot 2900 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129006, commonly known as 185 Flangas Avenue, currently zoned RR.
25. Tax Lot 3000 identified as approximately 0.19 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129007, commonly known as 191 Flangas Avenue, currently zoned RR.
26. Tax Lot 3100 identified as approximately 0.15 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129008, commonly known as 195 Flangas Avenue, currently zoned RR.
27. Approximately 1.22 acres of a portion of Lookingglass Road and approximately 0.50 acres of Flangas Avenue adjacent to and abutting the foregoing identified properties.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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. 6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the

legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory

proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serving on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at density and having level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for either Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR area. The City of Roseburg Comprehensive Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zonings, and will provide for the existing land uses.
- E. The R-1-6 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

The LDR designation will be implemented with the proposed R-1-6 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg

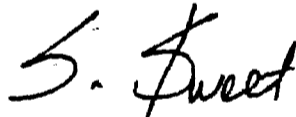
Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

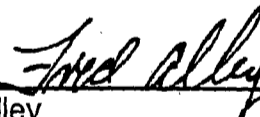
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3234

AN ORDINANCE DECLARING THE ANNEXATION OF 0.17± ACRES OF PROPERTY LOCATED EASTERLY OF LOOKINGGLASS ROAD, ADDRESSED AS 122 FLANGAS AVENUE FURHTER DESCRIBED AS TAX LOT 2200 IN TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 22DB AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P165-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 2) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Rural Residential (RR) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 122 Flangas Avenue is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

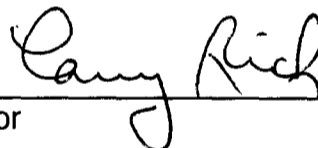
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



Mayor

ATTEST:



City Recorder

27 6 22DB
ROSEBURG

REVISED ON
5-15-06

NW1/4 SE1/4 SEC.22 T.27S. R.6W. W.M.
DOUGLAS COUNTY
1" = 100'

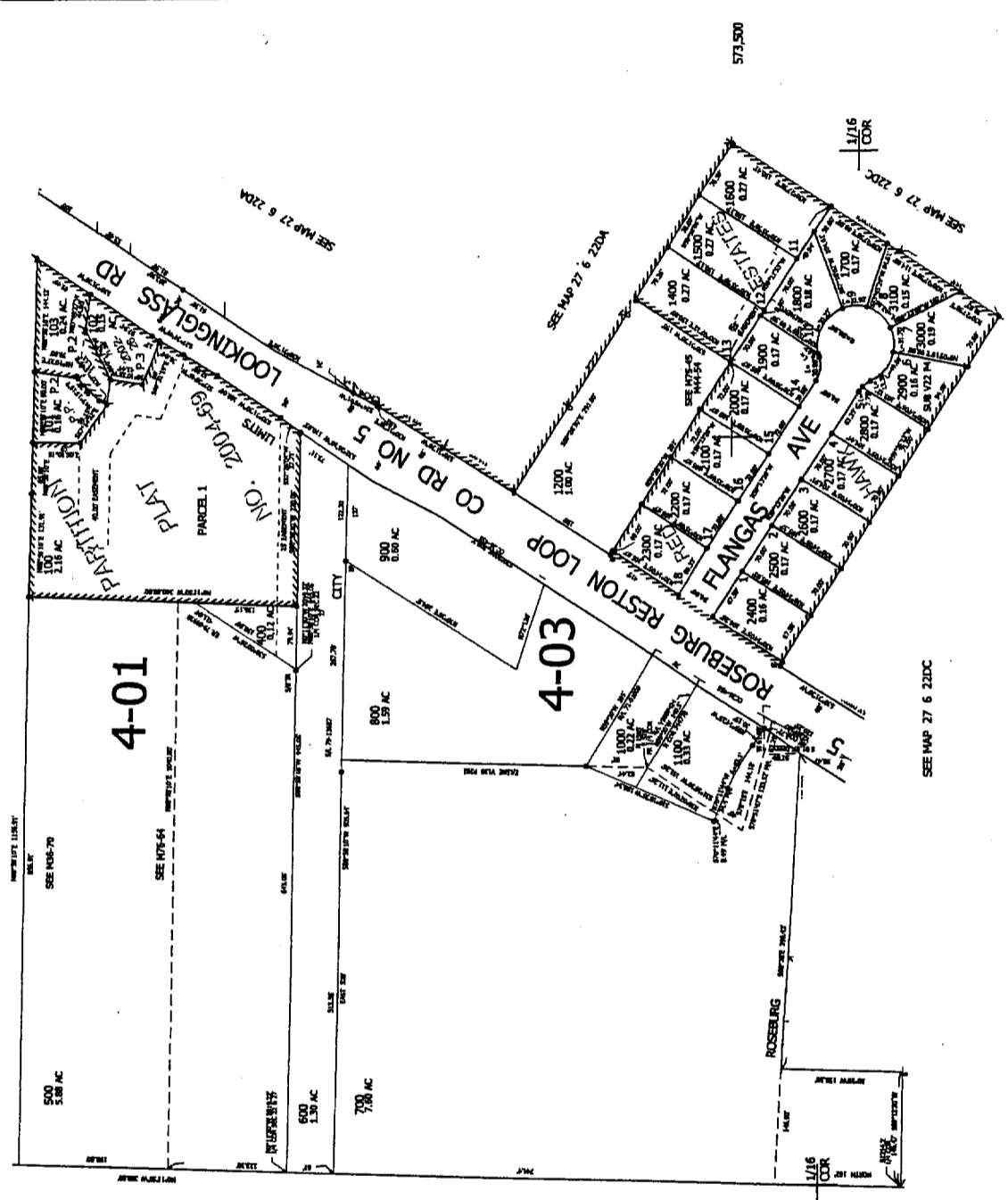
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THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

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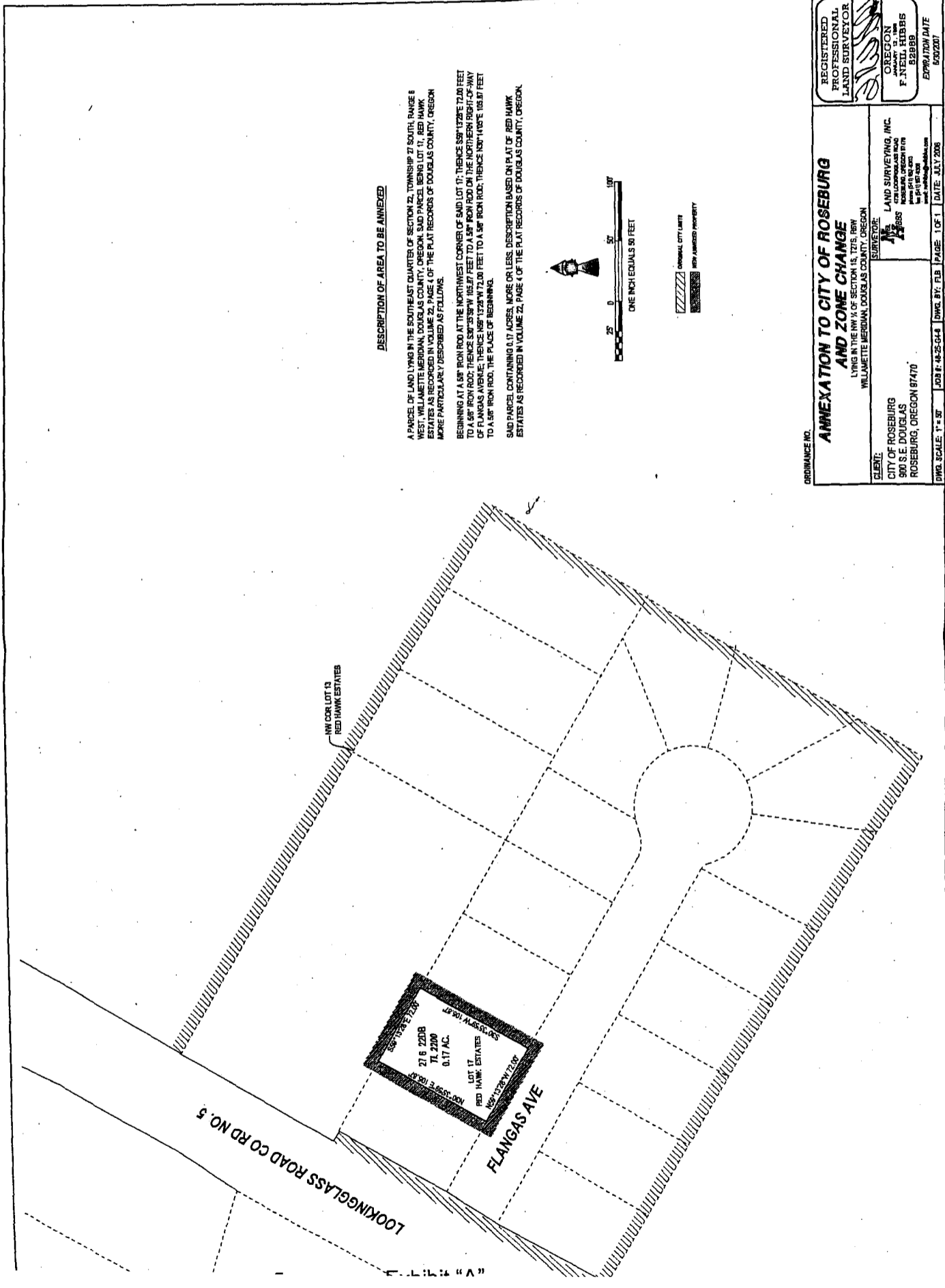
SEE MAP 27 6 22

SEE MAP 27 6 22C



4,150,000

27 6 22DB
ROSEBURG

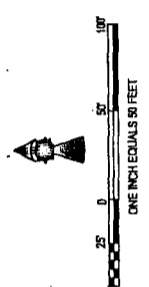


DESCRIPTION OF AREA TO BE ANNEXED

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 6 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING LOT 17, RED HAWK ESTATES AS RECORDED IN VOLUME 22, PAGE 4 OF THE PLAT RECORDS OF DOUGLAS COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 50' IRON ROD AT THE NORTHWEST CORNER OF SAID LOT 17; THENCE S89°13'28"E 72.00 FEET TO A 50' IRON ROD; THENCE S87°25'59"W 105.87 FEET TO A 50' IRON ROD ON THE NORTHERN RIGHT-OF-WAY OF FLANGAS AVENUE; THENCE N89°13'28"W 72.00 FEET TO A 50' IRON ROD; THENCE N07°14'05"E 105.87 FEET TO A 50' IRON ROD, THE PLACE OF BEGINNING.

SAID PARCEL CONTAINING 0.17 ACRES, MORE OR LESS, DESCRIPTION BASED ON PLAT OF RED HAWK ESTATES AS RECORDED IN VOLUME 22, PAGE 4 OF THE PLAT RECORDS OF DOUGLAS COUNTY, OREGON.



ORDINANCE NO. _____

ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE

LYING IN THE NW 1/4 OF SECTION 15, T27S, R6W WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON

CLIENT: CITY OF ROSEBURG
900 S.E. DOUGLAS
ROSEBURG, OREGON 97470

DATE: JULY 2008

REGISTRATION DATE: JANUARY 21, 1988
EXPIRES: JANUARY 21, 2018
F. INT. NO. 522989

REGISTERED PROFESSIONAL LAND SURVEYOR

LAND SURVEYING, INC.
2700 S. DOUGLAS ROAD
ROSEBURG, OREGON 97470
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JOB #: 14-25-044 | DWG. BY: FJB | PAGE: 1 OF 1 | DATE: JULY 2008

DRAFTING

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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 13)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary, described as Tax Lots)
1000 through 1004, in Section)
22DA, Township 27 South, Range)
6 West, Willamette Meridian; and)
Tax Lots 1000, 1100, 1200, and)
1400 through 3100, in Section)
22DB, Township 27 South, Range)
6 West, Willamette Meridian. The)
request will annex 13 acres and)
establish an R-1-6 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential) and)
RS (Suburban Residential) zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 2 - Exhibit 8**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

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

1. Tax Lot 1000 identified as approximately 2.64 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19585, commonly known as 1506 Lookingglass Road, currently zoned County RS.
2. Tax Lot 1001 identified as approximately 0.35 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19593, commonly known as 1504 Lookingglass Road, currently zoned RS.
3. Tax Lot 1003 identified as approximately 2.63 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19625, commonly known as 1510 Lookingglass Road, currently zoned RS.
4. Tax Lot 1002 identified as approximately 0.34 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19617, commonly known as 1544 Lookingglass Road, currently zoned RS.
5. Tax Lot 1004 identified as approximately 0.33 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19633, located approximately 130 feet west of Lookingglass Road, north of an abutting Tax Lot 1003, commonly known as 1544 Lookingglass Road, currently zoned RS.
6. Tax Lot 1000 identified as approximately 0.22 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19353 and R129386, commonly known as 1627 Lookingglass Road, currently zoned RS.
7. Tax Lot 1100 identified as approximately 0.33 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19345 and R129385, commonly known as 1627 Lookingglass Road, currently zoned RS.
8. Tax Lot 1200 identified as approximately 1.00 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19641, commonly known as 1588 Lookingglass Road, currently zoned RS.
9. Tax Lot 1400 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129013, commonly known as 174 Flangas Avenue, currently zoned RR.
10. Tax Lot 1500 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129012, commonly known as 178 Flangas Avenue, currently zoned RR.
11. Tax Lot 1600 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129011, commonly known as 182 Flangas Avenue, currently zoned RR.
12. Tax Lot 1700 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129009, commonly known as 194 Flangas Avenue, currently zoned RR.
 13. Tax Lot 1800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129010, commonly known as 188 Flangas Avenue, currently zoned RR.
 14. Tax Lot 1900 identified as approximately 0.18 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129014, commonly known as 168 Flangas Avenue, currently zoned RR.
 15. Tax Lot 2000 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129015, commonly known as 150 Flangas Avenue, currently zoned RR.
 16. Tax Lot 2100 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129016, commonly known as 136 Flangas Avenue, currently zoned RR.
 17. Tax Lot 2200 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129017, commonly known as 122 Flangas Avenue, currently zoned RR.
 18. Tax Lot 2300 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129018, commonly known as 110 Flangas Avenue, currently zoned RR.
 19. Tax Lot 2400 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129001, commonly known as 109 Flangas Avenue, currently zoned RR.
 20. Tax Lot 2500 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129002, commonly known as 121 Flangas Avenue, currently zoned RR.
 21. Tax Lot 2600 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129003, commonly known as 135 Flangas Avenue, currently zoned RR.
 22. Tax Lot 2700 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129004, commonly known as 149 Flangas Avenue, currently zoned RR.
23. Tax Lot 2800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129005, commonly known as 167 Flangas Avenue, currently zoned RR.
 24. Tax Lot 2900 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129006, commonly known as 185 Flangas Avenue, currently zoned RR.
 25. Tax Lot 3000 identified as approximately 0.19 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129007, commonly known as 191 Flangas Avenue, currently zoned RR.
 26. Tax Lot 3100 identified as approximately 0.15 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129008, commonly known as 195 Flangas Avenue, currently zoned RR.
 27. Approximately 1.22 acres of a portion of Lookingglass Road and approximately 0.50 acres of Flangas Avenue adjacent to and abutting the foregoing identified properties.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the

legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory

proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serving on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at density and having level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for either Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR area. The City of Roseburg Comprehensive Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zonings, and will provide for the existing land uses.
- E. The R-1-6 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

The LDR designation will be implemented with the proposed R-1-6 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg

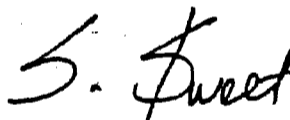
Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

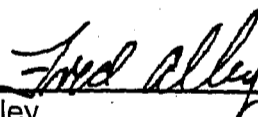
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3235

AN ORDINANCE DECLARING THE ANNEXATION OF 0.62± ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF LOOKINGGLASS ROAD, ADDRESSED AS 1627 LOOKINGGLASS ROAD FURTHER DESCRIBED AS TAX LOTS 1000 AND 1100, IN TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 22DB AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P167-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 2) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Suburban Residential (RS) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 1627 Lookingglass Road is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

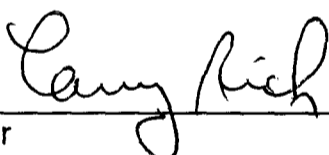
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.

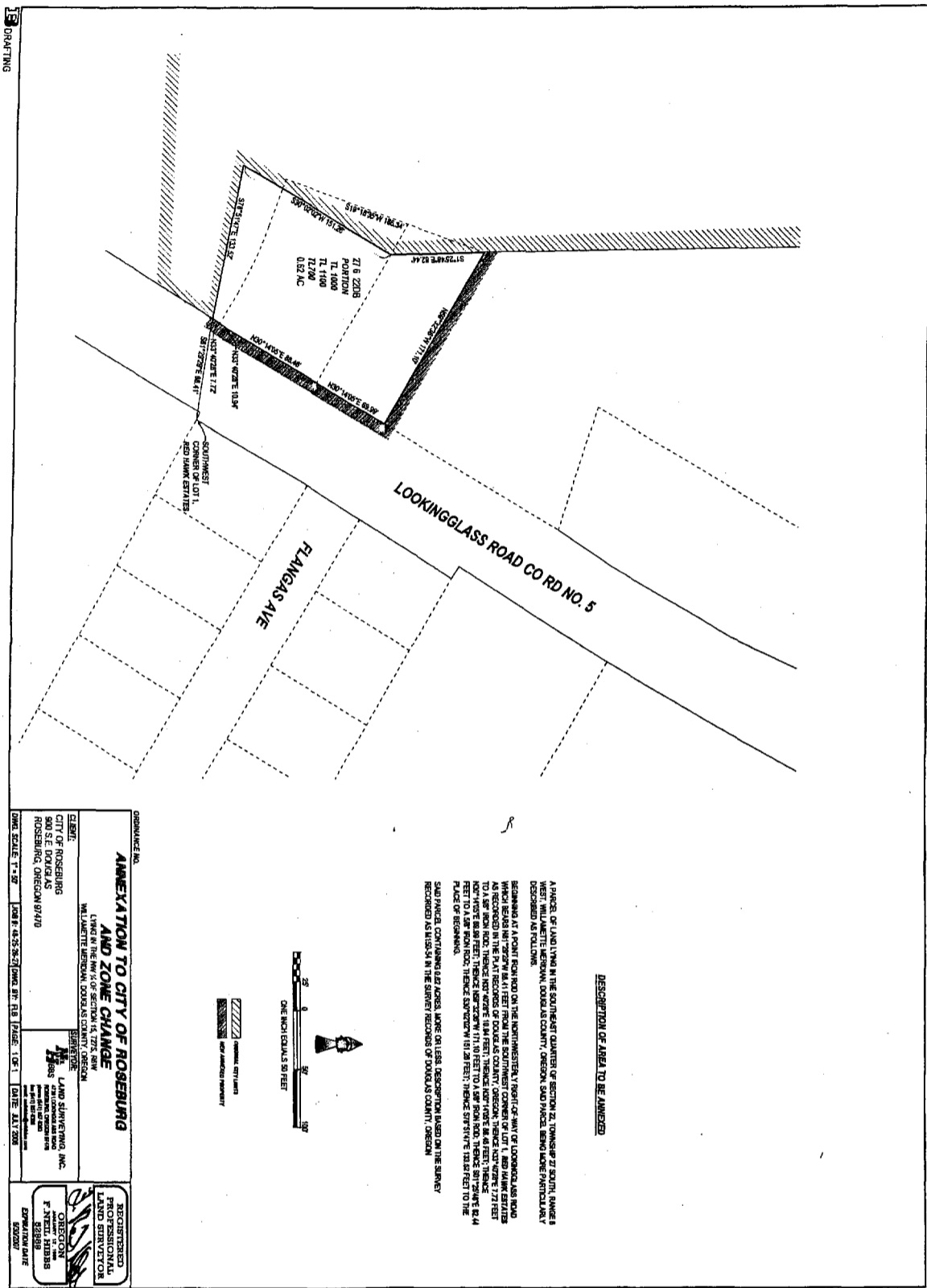


Mayor

ATTEST:



City Recorder



ORDINANCE NO.
AMMEXATION TO CITY OF ROSEBURG
AND ZONE CHANGE
 LYING IN THE NW 1/4 OF SECTION 15, T27N, R10W
 WILLAMETTE METROPOLITAN, DOUGLAS COUNTY, OREGON

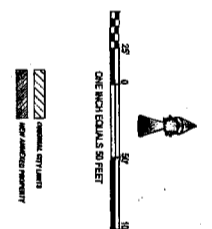
CLIENT:
 CITY OF ROSEBURG
 300 SE DOUGLAS
 ROSEBURG, OREGON 97470

PREPARED BY:
 LAND SURVEYING AND
 ENGINEERING
 F. NIELSEN
 1000 N. 10TH ST.
 ASTORIA, OREGON 97103

DATE: 01/17/2006

SCALE: 1" = 20'

REGISTERED PROFESSIONAL LAND SURVEYOR
 F. NIELSEN
 00000007

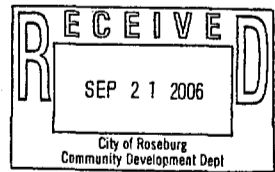


DESCRIPTION OF AREA TO BE AMMEXED

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 27 NORTH, RANGE 10 WEST, WILLAMETTE METROPOLITAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOUND ON THE NORTHWESTERN CORNER OF WAY OF LOOKINGGLASS ROAD WHICH BEARS N67°00'00"W 111.67 FEET FROM THE SOUTHWEST CORNER OF LOT 1, 800 HAWK STRIPS AS RECORDED IN THE PLAT RECORDS OF DOUGLAS COUNTY, OREGON, THENCE N67°00'00"W 17.27 FEET TO A 50' WIDE ROAD, THENCE N67°00'00"W 17.27 FEET TO THE POINT OF BEGINNING, BEARING S17°28'48"W 111.67 FEET TO A 50' WIDE ROAD, THENCE S17°28'48"W 111.67 FEET TO THE PLACE OF BEGINNING.

SAID PARCEL CONTAINING 0.63 AC. (APPROXIMATELY) BASED ON THE SURVEY RECORDED AS 11534 IN THE PLAT RECORDS OF DOUGLAS COUNTY, OREGON.



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

1/16
COR

NW1/4 SE1/4 SEC.22 T.27S. R.6W. W.M.
DOUGLAS COUNTY
1" = 100'

REUSED ON
5-15-06

27 6 22DB
ROSEBURG

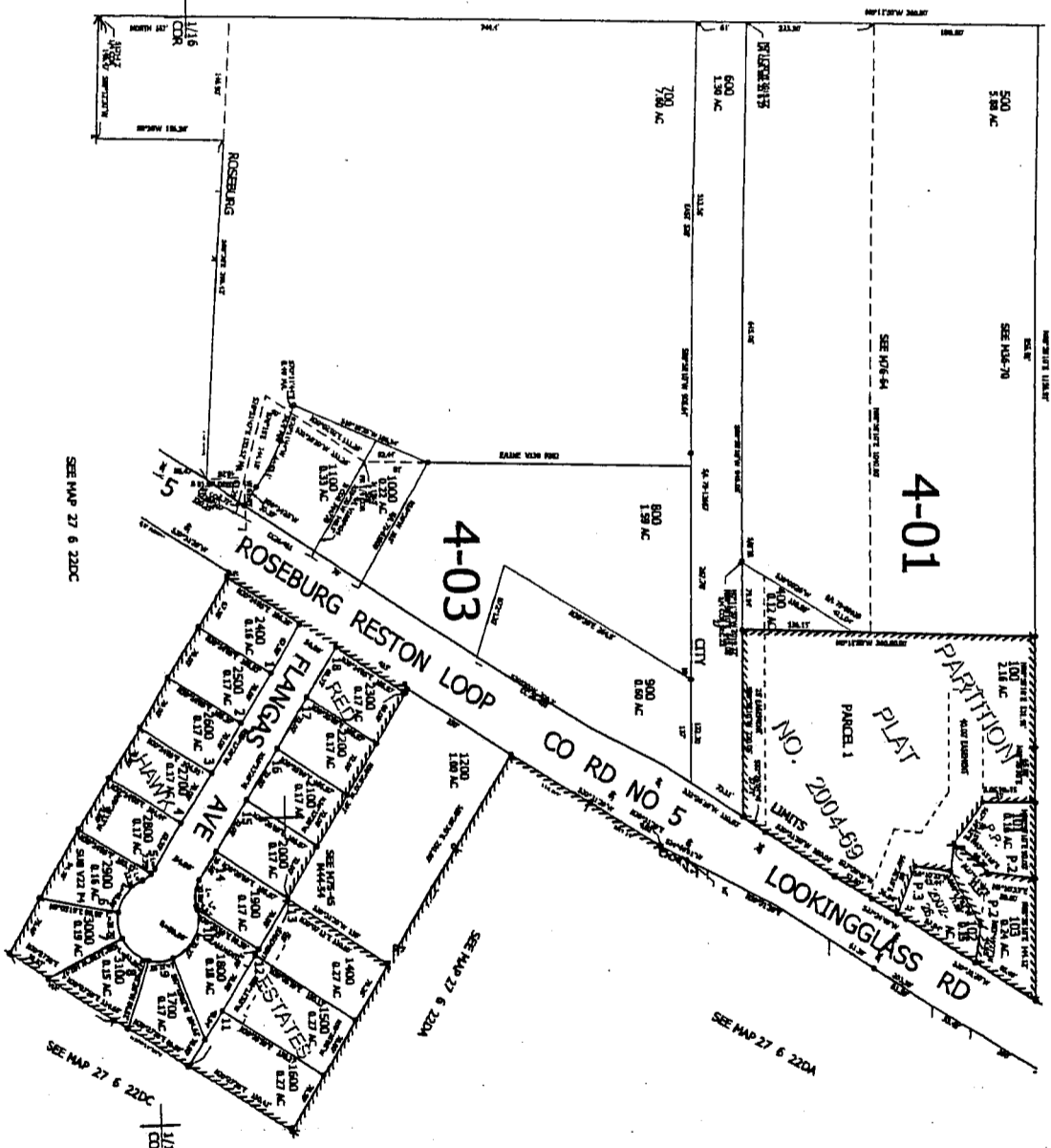
1/16
COR

CANCELLED NOS
200 300 1300
701 702 1101

SEE MAP 27 6 22

SEE MAP 27 6 22DA

SEE MAP 27 6 22C



4,150,000

27 6 22DB
ROSEBURG

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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 13)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary, described as Tax Lots)
1000 through 1004, in Section)
22DA, Township 27 South, Range)
6 West, Willamette Meridian; and)
Tax Lots 1000, 1100, 1200, and)
1400 through 3100, in Section)
22DB, Township 27 South, Range)
6 West, Willamette Meridian. The)
request will annex 13 acres and)
establish an R-1-6 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential) and)
RS (Suburban Residential) zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 2 - Exhibit 8**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

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

1. Tax Lot 1000 identified as approximately 2.64 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19585, commonly known as 1506 Lookingglass Road, currently zoned County RS.
2. Tax Lot 1001 identified as approximately 0.35 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19593, commonly known as 1504 Lookingglass Road, currently zoned RS.
3. Tax Lot 1003 identified as approximately 2.63 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19625, commonly known as 1510 Lookingglass Road, currently zoned RS.
4. Tax Lot 1002 identified as approximately 0.34 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19617, commonly known as 1544 Lookingglass Road, currently zoned RS.
5. Tax Lot 1004 identified as approximately 0.33 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19633, located approximately 130 feet west of Lookingglass Road, north of an abutting Tax Lot 1003, commonly known as 1544 Lookingglass Road, currently zoned RS.
6. Tax Lot 1000 identified as approximately 0.22 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19353 and R129386, commonly known as 1627 Lookingglass Road, currently zoned RS.
7. Tax Lot 1100 identified as approximately 0.33 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19345 and R129385, commonly known as 1627 Lookingglass Road, currently zoned RS.
8. Tax Lot 1200 identified as approximately 1.00 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19641, commonly known as 1588 Lookingglass Road, currently zoned RS.
9. Tax Lot 1400 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129013, commonly known as 174 Flangas Avenue, currently zoned RR.
10. Tax Lot 1500 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129012, commonly known as 178 Flangas Avenue, currently zoned RR.
11. Tax Lot 1600 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

as Tax Account R129011, commonly known as 182 Flangas Avenue, currently zoned RR.

12. Tax Lot 1700 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129009, commonly known as 194 Flangas Avenue, currently zoned RR.
13. Tax Lot 1800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129010, commonly known as 188 Flangas Avenue, currently zoned RR.
14. Tax Lot 1900 identified as approximately 0.18 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129014, commonly known as 168 Flangas Avenue, currently zoned RR.
15. Tax Lot 2000 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129015, commonly known as 150 Flangas Avenue, currently zoned RR.
16. Tax Lot 2100 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129016, commonly known as 136 Flangas Avenue, currently zoned RR.
17. Tax Lot 2200 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129017, commonly known as 122 Flangas Avenue, currently zoned RR.
18. Tax Lot 2300 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129018, commonly known as 110 Flangas Avenue, currently zoned RR.
19. Tax Lot 2400 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129001, commonly known as 109 Flangas Avenue, currently zoned RR.
20. Tax Lot 2500 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129002, commonly known as 121 Flangas Avenue, currently zoned RR.
21. Tax Lot 2600 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129003, commonly known as 135 Flangas Avenue, currently zoned RR.
22. Tax Lot 2700 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

as Tax Account R129004, commonly known as 149 Flangas Avenue, currently zoned RR.

23. Tax Lot 2800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129005, commonly known as 167 Flangas Avenue, currently zoned RR.
24. Tax Lot 2900 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129006, commonly known as 185 Flangas Avenue, currently zoned RR.
25. Tax Lot 3000 identified as approximately 0.19 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129007, commonly known as 191 Flangas Avenue, currently zoned RR.
26. Tax Lot 3100 identified as approximately 0.15 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129008, commonly known as 195 Flangas Avenue, currently zoned RR.
27. Approximately 1.22 acres of a portion of Lookingglass Road and approximately 0.50 acres of Flangas Avenue adjacent to and abutting the foregoing identified properties.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the

legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory

proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serving on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at density and having level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for either Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR area. The City of Roseburg Comprehensive Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zonings, and will provide for the existing land uses.
- E. The R-1-6 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

The LDR designation will be implemented with the proposed R-1-6 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg

Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3236

AN ORDINANCE DECLARING THE ANNEXATION OF 1.00± ACRES OF PROPERTY LOCATED ON THE SOUTHEASTERLY SIDE OF LOOKINGGLASS ROAD, ADDRESSED AS 1588 LOOKINGGLASS ROAD FURTHER DESCRIBED AS TAX LOT 1200, IN TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 22DB AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P169-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 2) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Suburban Residential (RS) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 1588 Lookingglass Road is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

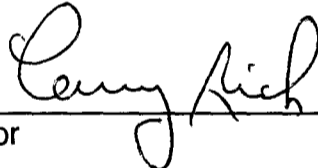
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



Mayor

ATTEST:



City Recorder

RECEIVED
 AUG 22 2006
 City of Roseburg
 Community Development Dept

DESCRIPTION OF AREA TO BE ANNEXED

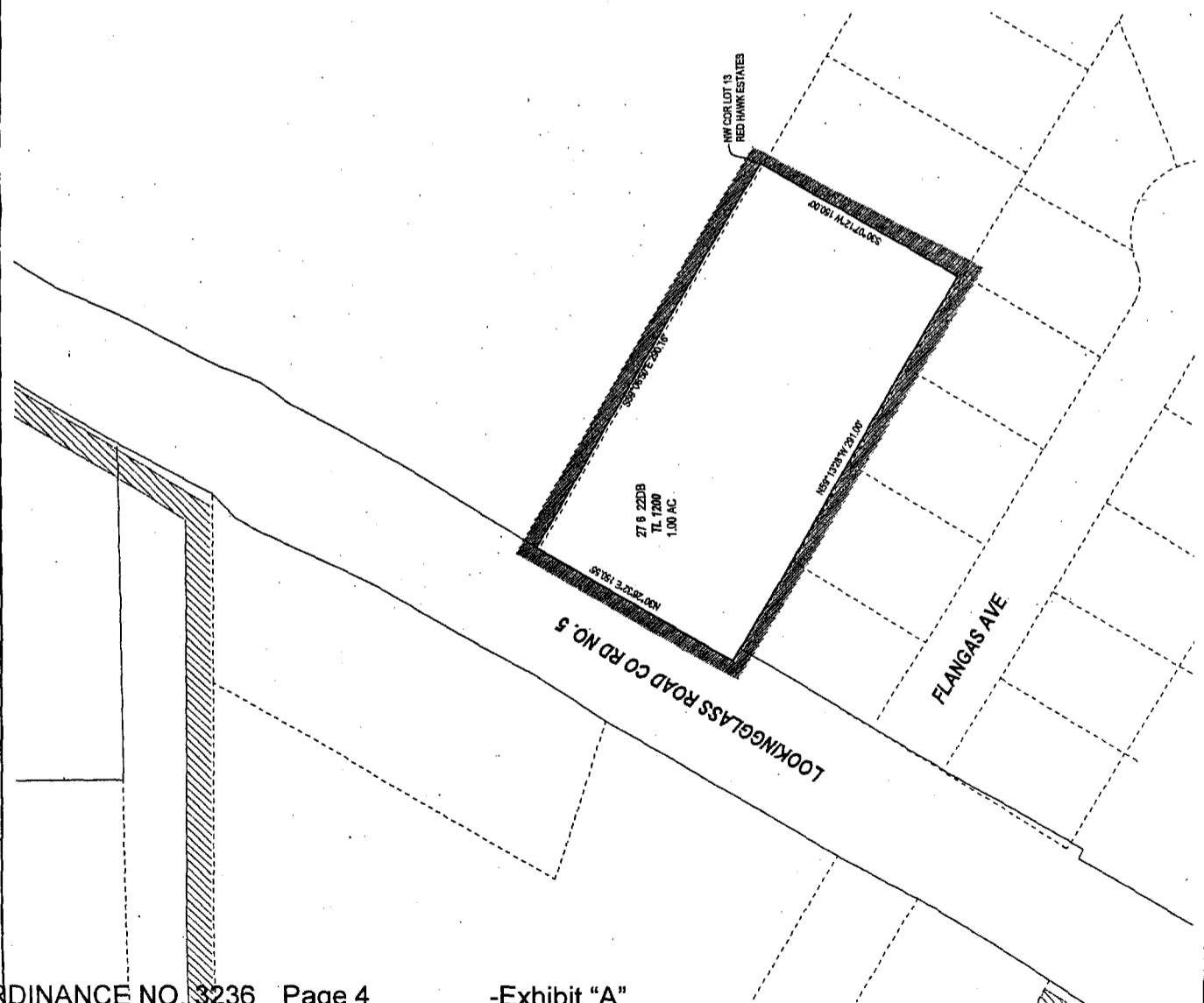
A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 8 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 50' IRON ROD AT THE NORTHWEST CORNER OF LOT 13, RED HAWK ESTATES AS RECORDED IN VOLUME 22, PAGE 4 OF THE PLAT RECORDS OF DOUGLAS COUNTY, OREGON; THENCE S80°17'21" W 150.00 FEET TO A 50' IRON ROD; THENCE N87°12'28" W 281.00 FEET TO A 50' IRON ROD ON THE EASTERLY RIGHT-OF-WAY OF LOOKINGGLASS ROAD; THENCE N87°28'22" E 150.5 FEET ALONG SAID RIGHT-OF-WAY TO A 50' IRON ROD; THENCE S55°07'07" E 200.18 FEET TO A 50' IRON ROD, THE PLACE OF BEGINNING.

SAID PARCEL CONTAINING 1.00 ACRES, MORE OR LESS, DESCRIPTION BASED ON PLAT OF RED HAWK ESTATES AS RECORDED IN VOLUME 22, PAGE 4 OF THE PLAT RECORDS OF DOUGLAS COUNTY, OREGON.



ORIGINAL CITY LIMITS
 ANNEXED PROPERTY



ORDINANCE NO. **ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE**
 LYING IN THE NW 1/4 OF SECTION 15, T27S, R8W, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON
 CLIENT: CITY OF ROSEBURG, 900 S.E. DOUGLAS, ROSEBURG, OREGON 97470
 SURVEYOR: LAND SURVEYING, INC., 421 LOOKINGGLASS ROAD, ROSEBURG, OREGON 97470, REG. NO. 12345, EXPIRES 07/31/2008
 JOB #: 02-23-04-1 DWG. BY: FLB (PAGE 1 OF 1) DATE: JULY 2008
 DWG. SCALE: 1" = 50'

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 JANUARY 17, 1998
 F. NEIL HERBS
 52859
 EXPIRATION DATE 8/30/2007

27 6 22DB
ROSEBURG

REVISED ON
5-15-06

NW1/4 SE1/4 SEC.22 T.27S. R.6W. W.M.
DOUGLAS COUNTY
1" = 100'

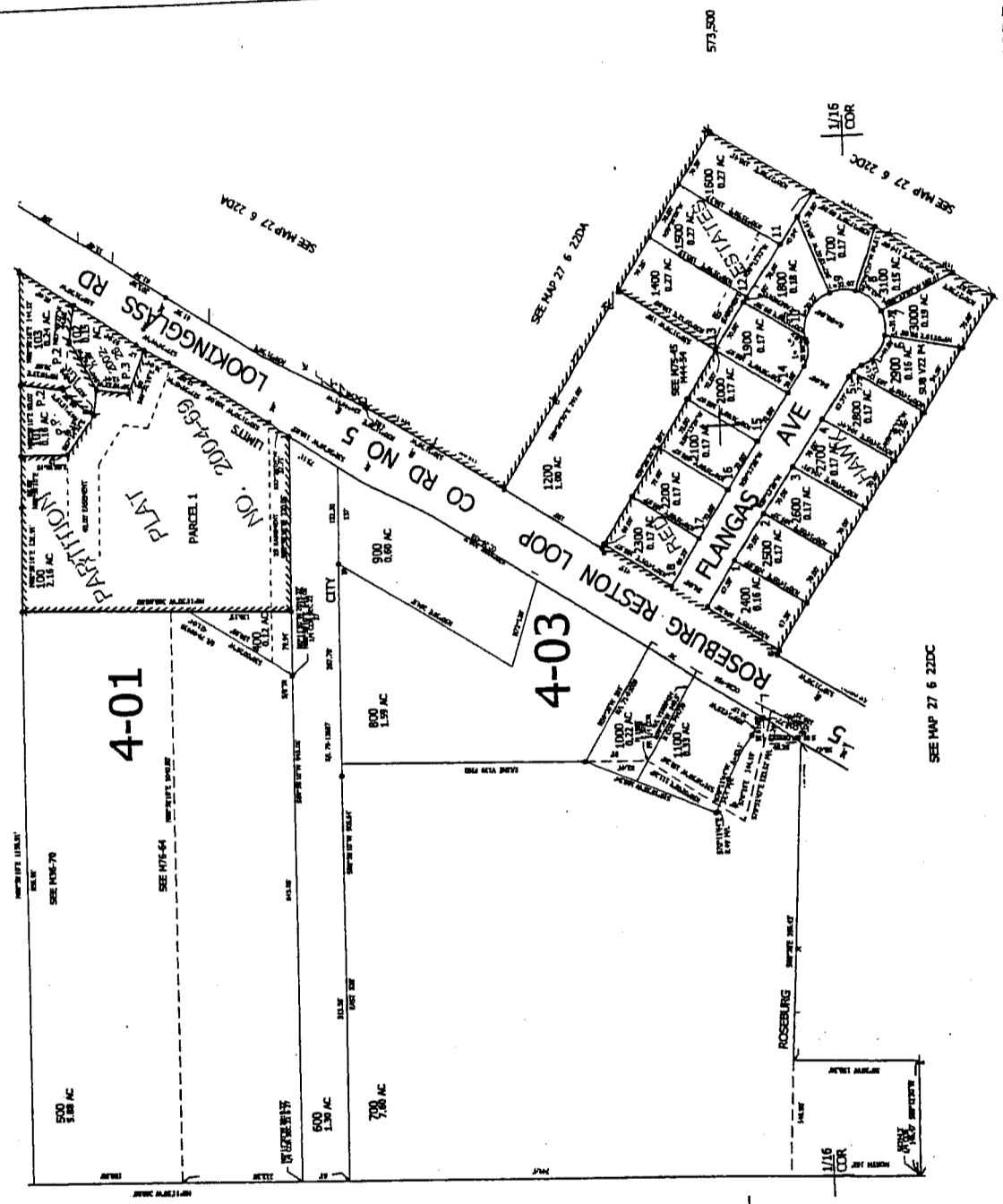
1/16
COR

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

CANCELLED NOTES
200 300 1300
701 702 1101

SEE MAP 27 6 22

+



4,150,000

27 6 22DB
ROSEBURG

SEE MAP 27 6 22DC

1/16
COR

573,500

SEE MAP 27 6 22C

Exhibit "A"

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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 13)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary, described as Tax Lots)
1000 through 1004, in Section)
22DA, Township 27 South, Range)
6 West, Willamette Meridian; and)
Tax Lots 1000, 1100, 1200, and)
1400 through 3100, in Section)
22DB, Township 27 South, Range)
6 West, Willamette Meridian. The)
request will annex 13 acres and)
establish an R-1-6 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential) and)
RS (Suburban Residential) zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 2 - Exhibit 8**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

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

1. Tax Lot 1000 identified as approximately 2.64 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19585, commonly known as 1506 Lookingglass Road, currently zoned County RS.
2. Tax Lot 1001 identified as approximately 0.35 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19593, commonly known as 1504 Lookingglass Road, currently zoned RS.
3. Tax Lot 1003 identified as approximately 2.63 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19625, commonly known as 1510 Lookingglass Road, currently zoned RS.
4. Tax Lot 1002 identified as approximately 0.34 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19617, commonly known as 1544 Lookingglass Road, currently zoned RS.
5. Tax Lot 1004 identified as approximately 0.33 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19633, located approximately 130 feet west of Lookingglass Road, north of an abutting Tax Lot 1003, commonly known as 1544 Lookingglass Road, currently zoned RS.
6. Tax Lot 1000 identified as approximately 0.22 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19353 and R129386, commonly known as 1627 Lookingglass Road, currently zoned RS.
7. Tax Lot 1100 identified as approximately 0.33 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19345 and R129385, commonly known as 1627 Lookingglass Road, currently zoned RS.
8. Tax Lot 1200 identified as approximately 1.00 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19641, commonly known as 1588 Lookingglass Road, currently zoned RS.
9. Tax Lot 1400 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129013, commonly known as 174 Flangas Avenue, currently zoned RR.
10. Tax Lot 1500 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129012, commonly known as 178 Flangas Avenue, currently zoned RR.
11. Tax Lot 1600 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129011, commonly known as 182 Flangas Avenue, currently zoned RR.
12. Tax Lot 1700 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129009, commonly known as 194 Flangas Avenue, currently zoned RR.
 13. Tax Lot 1800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129010, commonly known as 188 Flangas Avenue, currently zoned RR.
 14. Tax Lot 1900 identified as approximately 0.18 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129014, commonly known as 168 Flangas Avenue, currently zoned RR.
 15. Tax Lot 2000 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129015, commonly known as 150 Flangas Avenue, currently zoned RR.
 16. Tax Lot 2100 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129016, commonly known as 136 Flangas Avenue, currently zoned RR.
 17. Tax Lot 2200 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129017, commonly known as 122 Flangas Avenue, currently zoned RR.
 18. Tax Lot 2300 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129018, commonly known as 110 Flangas Avenue, currently zoned RR.
 19. Tax Lot 2400 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129001, commonly known as 109 Flangas Avenue, currently zoned RR.
 20. Tax Lot 2500 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129002, commonly known as 121 Flangas Avenue, currently zoned RR.
 21. Tax Lot 2600 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129003, commonly known as 135 Flangas Avenue, currently zoned RR.
 22. Tax Lot 2700 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129004, commonly known as 149 Flangas Avenue, currently zoned RR.
23. Tax Lot 2800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129005, commonly known as 167 Flangas Avenue, currently zoned RR.
 24. Tax Lot 2900 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129006, commonly known as 185 Flangas Avenue, currently zoned RR.
 25. Tax Lot 3000 identified as approximately 0.19 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129007, commonly known as 191 Flangas Avenue, currently zoned RR.
 26. Tax Lot 3100 identified as approximately 0.15 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129008, commonly known as 195 Flangas Avenue, currently zoned RR.
 27. Approximately 1.22 acres of a portion of Lookingglass Road and approximately 0.50 acres of Flangas Avenue adjacent to and abutting the foregoing identified properties.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the

legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory

proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serving on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at density and having level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for either Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR area. The City of Roseburg Comprehensive Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zonings, and will provide for the existing land uses.
- E. The R-1-6 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

The LDR designation will be implemented with the proposed R-1-6 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg

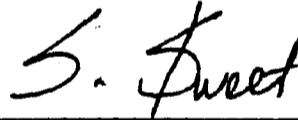
Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.


DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3237

AN ORDINANCE DECLARING THE ANNEXATION OF 0.16± ACRES OF PROPERTY LOCATED EASTERLY OF LOOKINGGLASS ROAD AND ADDRESSED AS 109 FLANGAS AVENUE FURTHER DESCRIBED AS TAX LOT 2400, IN TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 22DB AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P176-2006; WITHDRAWING PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 2) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Rural Residential (RR) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 109 Flangas Avenue is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

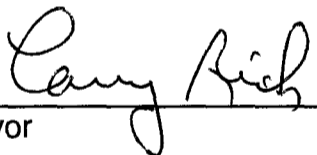
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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.

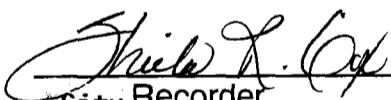
PASSED BY THE CITY COUNCIL THIS 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



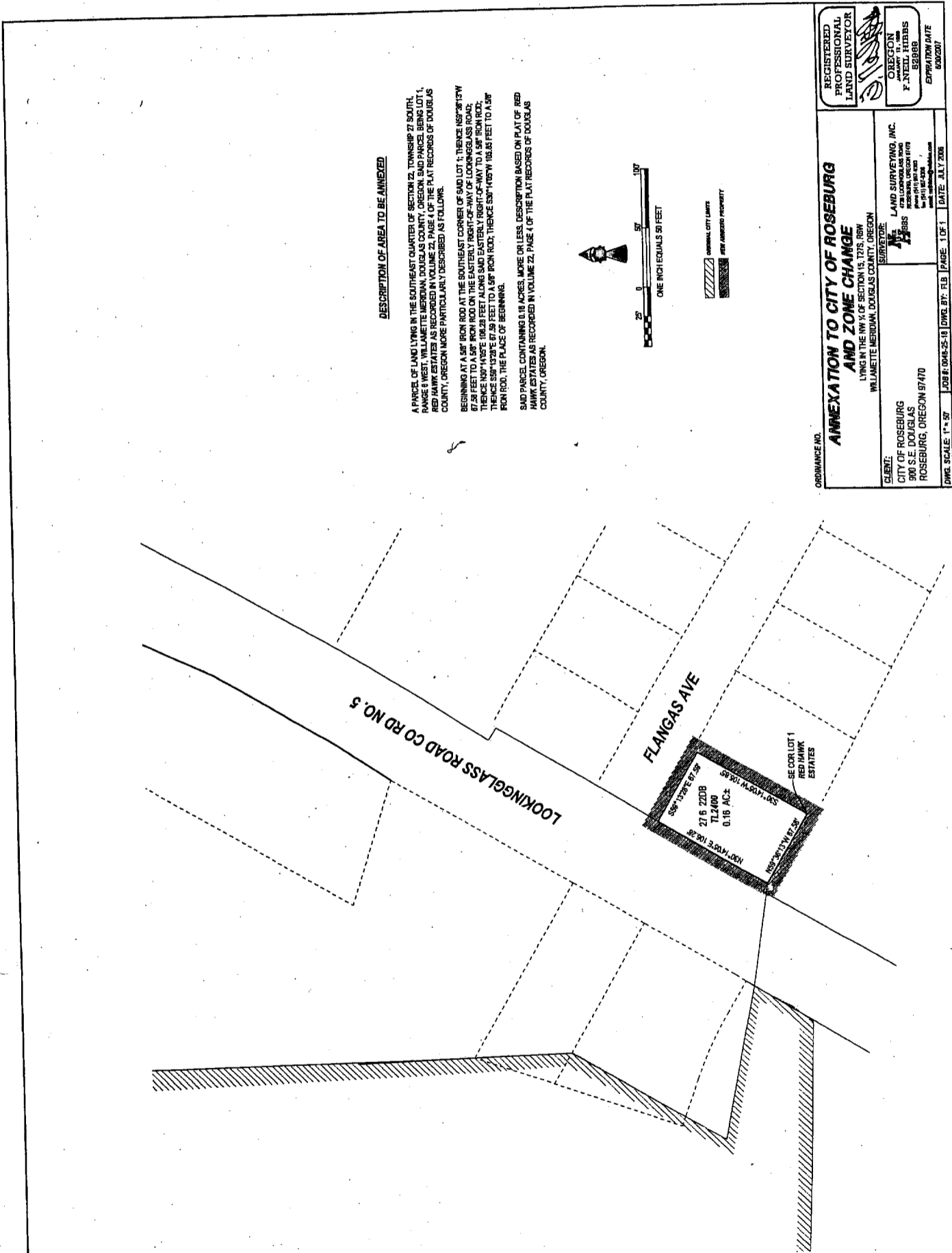
Mayor

ATTEST:



City Recorder

RECEIVED
SEP 20 2006

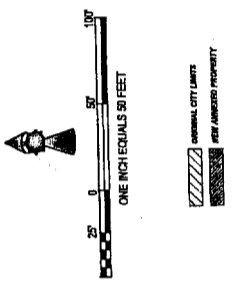


DESCRIPTION OF AREA TO BE ANNEXED

A PARCELS OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 6 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCELS BEING LOT 1, RED HAWK ESTATES, AS RECORDED IN VOLUME 22, PAGE 4 OF THE PLAT RECORDS OF DOUGLAS COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N89°38'12"W 87.25 FEET TO A 5/8" IRON ROD ON THE EASTERLY RIGHT-OF-WAY OF LOOKINGGLASS ROAD; THENCE N0°14'05"E 108.28 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO A 5/8" IRON ROD; THENCE S89°13'28"E 67.59 FEET TO A 5/8" IRON ROD; THENCE S31°18'51"W 108.5 FEET TO A 5/8" IRON ROD, THE PLACE OF BEGINNING.

SAID PARCELS CONTAINING 0.16 ACRES, MORE OR LESS, DESCRIPTION BASED ON PLAT OF RED HAWK ESTATES RECORDED IN VOLUME 22, PAGE 4 OF THE PLAT RECORDS OF DOUGLAS COUNTY, OREGON.



ORDINANCE NO. **ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE**

LYING IN THE NW 1/4 OF SECTION 14, T19S, R6W, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON

CLIENT:
CITY OF ROSEBURG
900 S.E. DOUGLAS
ROSEBURG, OREGON 97470

DATE: JULY 2006

REGISTERED PROFESSIONAL LAND SURVEYOR
F. N. WELLS
EXPIRES JANUARY 31, 2008

LAND SURVEYING, INC.
1717 S. DOUGLAS
ROSEBURG, OREGON 97470
TEL: 503-325-2200
WWW.WELLS-SURVEYING.COM

JOB # 0048-25-18 DWG. BY: R.B. PAGE 1 OF 1

27 6 22DB
ROSEBURG



REVISED ON
5-15-06

NW1/4 SE1/4 SEC.22 T.27S. R.6W. W.M.
DOUGLAS COUNTY

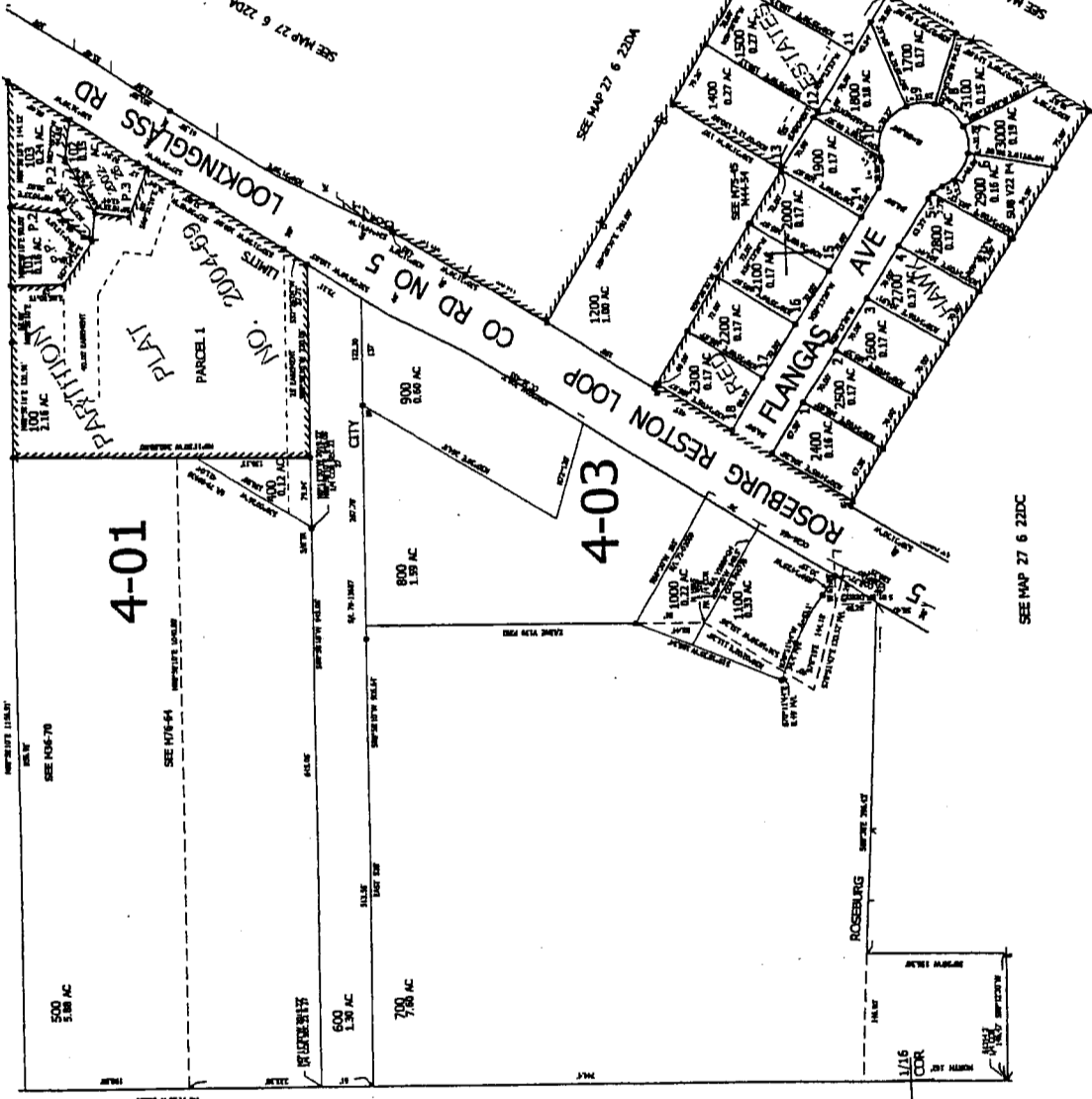
1" = 100'



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

CANCELLED NOS
200 300 1500
701 702 1101

SEE MAP 27 6 22



SEE MAP 27 6 22C

SEE MAP 27 6 22DC

4,150,000

27 6 22DB
ROSEBURG



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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 13)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary, described as Tax Lots)
1000 through 1004, in Section)
22DA, Township 27 South, Range)
6 West, Willamette Meridian; and)
Tax Lots 1000, 1100, 1200, and)
1400 through 3100, in Section)
22DB, Township 27 South, Range)
6 West, Willamette Meridian. The)
request will annex 13 acres and)
establish an R-1-6 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential) and)
RS (Suburban Residential) zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 2 - Exhibit 8**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

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

1. Tax Lot 1000 identified as approximately 2.64 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19585, commonly known as 1506 Lookingglass Road, currently zoned County RS.
2. Tax Lot 1001 identified as approximately 0.35 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19593, commonly known as 1504 Lookingglass Road, currently zoned RS.
3. Tax Lot 1003 identified as approximately 2.63 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19625, commonly known as 1510 Lookingglass Road, currently zoned RS.
4. Tax Lot 1002 identified as approximately 0.34 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19617, commonly known as 1544 Lookingglass Road, currently zoned RS.
5. Tax Lot 1004 identified as approximately 0.33 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19633, located approximately 130 feet west of Lookingglass Road, north of an abutting Tax Lot 1003, commonly known as 1544 Lookingglass Road, currently zoned RS.
6. Tax Lot 1000 identified as approximately 0.22 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19353 and R129386, commonly known as 1627 Lookingglass Road, currently zoned RS.
7. Tax Lot 1100 identified as approximately 0.33 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19345 and R129385, commonly known as 1627 Lookingglass Road, currently zoned RS.
8. Tax Lot 1200 identified as approximately 1.00 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19641, commonly known as 1588 Lookingglass Road, currently zoned RS.
9. Tax Lot 1400 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129013, commonly known as 174 Flangas Avenue, currently zoned RR.
10. Tax Lot 1500 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129012, commonly known as 178 Flangas Avenue, currently zoned RR.
11. Tax Lot 1600 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

as Tax Account R129011, commonly known as 182 Flangas Avenue, currently zoned RR.

12. Tax Lot 1700 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129009, commonly known as 194 Flangas Avenue, currently zoned RR.
13. Tax Lot 1800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129010, commonly known as 188 Flangas Avenue, currently zoned RR.
14. Tax Lot 1900 identified as approximately 0.18 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129014, commonly known as 168 Flangas Avenue, currently zoned RR.
15. Tax Lot 2000 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129015, commonly known as 150 Flangas Avenue, currently zoned RR.
16. Tax Lot 2100 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129016, commonly known as 136 Flangas Avenue, currently zoned RR.
17. Tax Lot 2200 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129017, commonly known as 122 Flangas Avenue, currently zoned RR.
18. Tax Lot 2300 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129018, commonly known as 110 Flangas Avenue, currently zoned RR.
19. Tax Lot 2400 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129001, commonly known as 109 Flangas Avenue, currently zoned RR.
20. Tax Lot 2500 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129002, commonly known as 121 Flangas Avenue, currently zoned RR.
21. Tax Lot 2600 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129003, commonly known as 135 Flangas Avenue, currently zoned RR.
22. Tax Lot 2700 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

as Tax Account R129004, commonly known as 149 Flangas Avenue, currently zoned RR.

23. Tax Lot 2800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129005, commonly known as 167 Flangas Avenue, currently zoned RR.
24. Tax Lot 2900 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129006, commonly known as 185 Flangas Avenue, currently zoned RR.
25. Tax Lot 3000 identified as approximately 0.19 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129007, commonly known as 191 Flangas Avenue, currently zoned RR.
26. Tax Lot 3100 identified as approximately 0.15 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129008, commonly known as 195 Flangas Avenue, currently zoned RR.
27. Approximately 1.22 acres of a portion of Lookingglass Road and approximately 0.50 acres of Flangas Avenue adjacent to and abutting the foregoing identified properties.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the

legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory

proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serving on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "Citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at density and having level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for either Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR area. The City of Roseburg Comprehensive Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zonings, and will provide for the existing land uses.
- E. The R-1-6 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

The LDR designation will be implemented with the proposed R-1-6 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg

Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

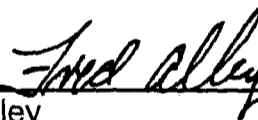
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3238

AN ORDINANCE DECLARING THE ANNEXATION OF 3.62± ACRES OF PROPERTY LOCATED EASTERLY OF THE INTERSECTION OF LOOKINGGLASS ROAD AND FLANGAS AVENUE AND ADDRESSED AS 174, 178, 182, 194, 188, 168, 150, 136, 110, 121, 135, 149, 167, 185, 191, and 195 FLANGAS AVENUE FURTHER DESCRIBED AS TAX LOTS 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2300, 2500, 2600, 2700, 2800, 2900, 3000 AND 3100, IN TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 22DB AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P177-2006; WITHDRAWING PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No.-2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.

8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.
9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 2) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Rural Residential (RR) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 174, 178, 182, 194, 188, 168, 150, 136, 110, 121, 135, 149, 167, 185, 191, and 195 Flangas Avenue is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

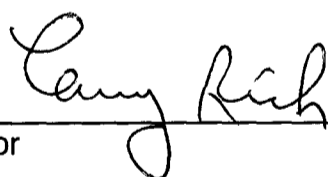
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



Mayor

ATTEST:



City Recorder

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

1/16
COR

NW1/4 SE1/4 SEC.22 T.27S. R.6W. W.M.
DOUGLAS COUNTY
1" = 100'

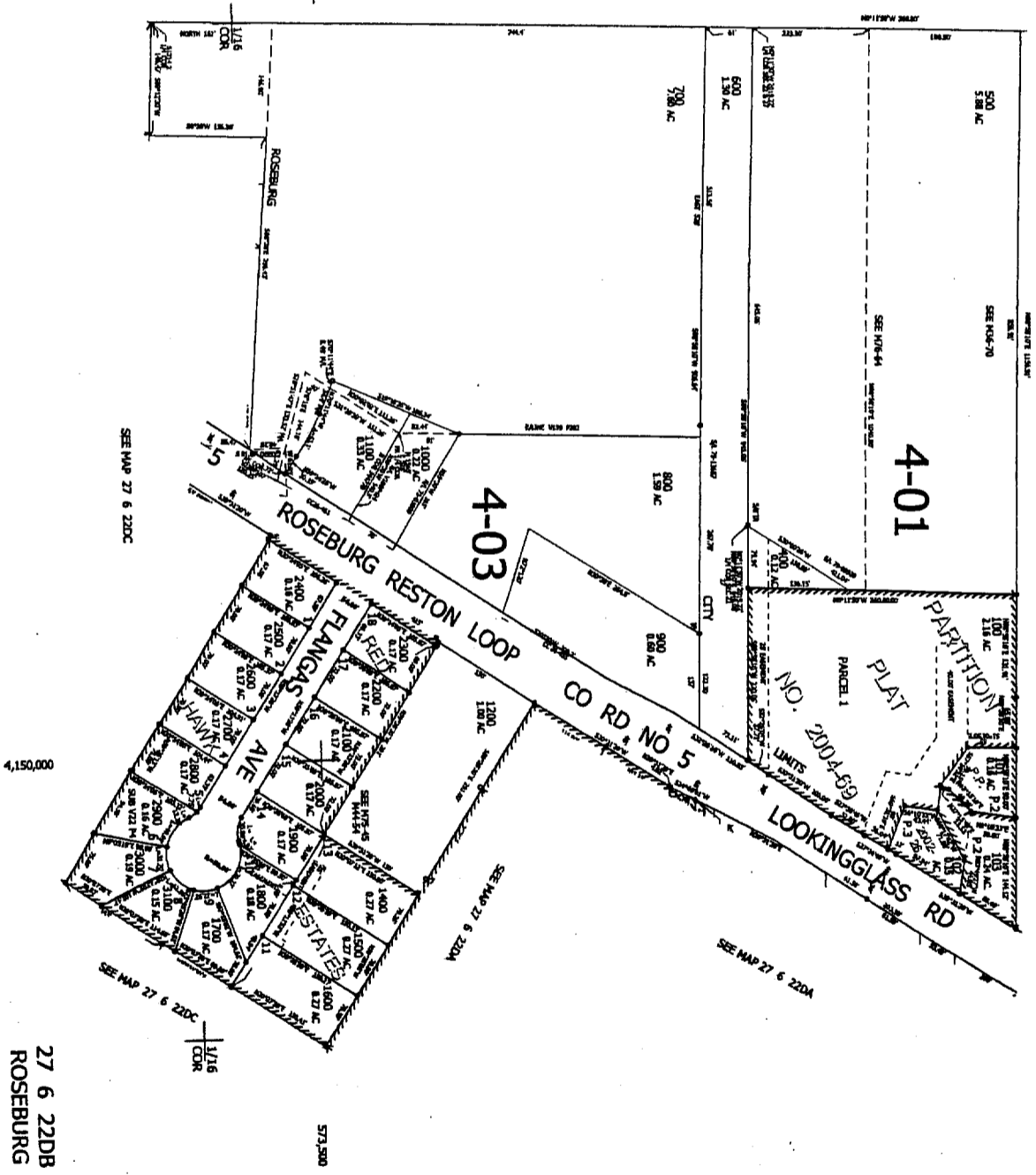
REVISED ON
5-15-06

27 6 22DB
ROSEBURG
1/16
COR

SEE MAP 27 6 22

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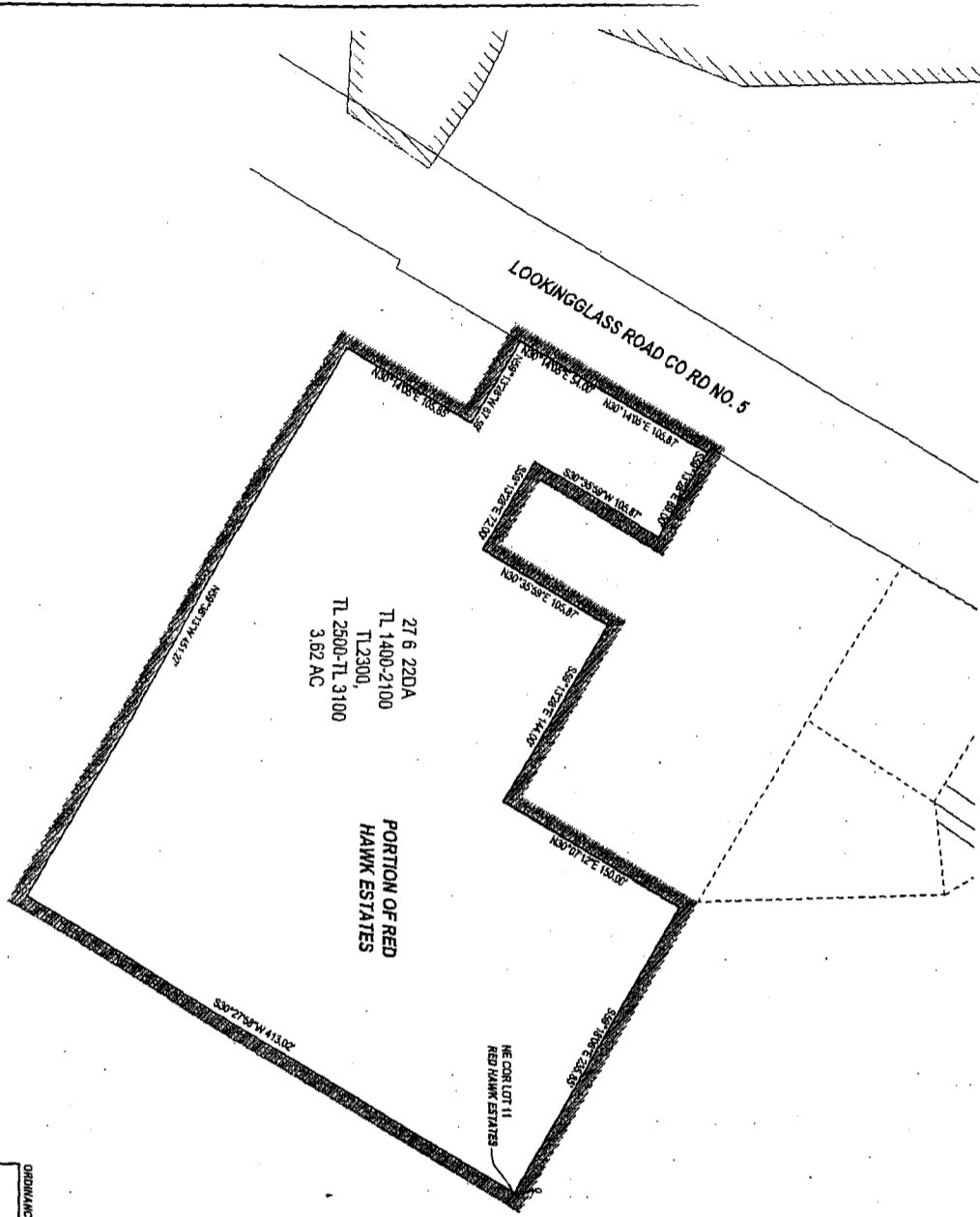
SEE MAP 27 6 22C



4,150,000

27 6 22DB
ROSEBURG

DRAFTING

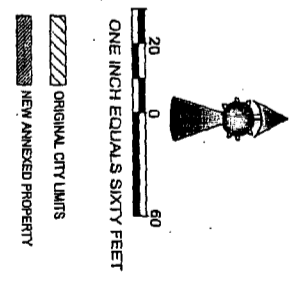


DESCRIPTION OF AREA TO BE ANNEXED

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 8 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING A COMBINED AREA OF LOTS 2, 16 AND LOT 18, RED HAWK ESTATES AS RECORDED IN VOLUME 22, PAGE 4 OF THE PLAT RECORDS OF DOUGLAS COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5.87' IRON ROD AT THE NORTHEAST CORNER OF SAID LOT 11; THENCE S89°27'57\"/>

SAID PARCEL CONTAINING 3.62 ACRES, MORE OR LESS, DESCRIPTION BASED ON PLAT OF RED HAWK ESTATES AS RECORDED IN VOLUME 22, PAGE 4 OF THE PLAT RECORDS OF DOUGLAS COUNTY, OREGON.



<p>ORDINANCE NO. ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE</p> <p>LYING IN THE NW 1/4 OF SECTION 22, T18S, R8W, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON</p>		<p>REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p>DAVID SURVEYOR</p> <p>EXPIRES 12/31/2027</p>
<p>ELABORATED BY</p> <p>LAND SURVEYING, INC.</p> <p>1700 UNIVERSITY AVENUE, SUITE 100</p> <p>ROSEBURG, OREGON 97410</p>	<p>SUBMITTED</p> <p>DAVID SURVEYOR</p> <p>1700 UNIVERSITY AVENUE, SUITE 100</p> <p>ROSEBURG, OREGON 97410</p>	<p>DATE: 11/17/2027</p>
<p>PLAT SCALE: 1" = 50'</p>	<p>JOB#: 18-234 +</p>	<p>DATE: 11/17/2027</p>

RECEIVED

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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 13)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary, described as Tax Lots)
1000 through 1004, in Section)
22DA, Township 27 South, Range)
6 West, Willamette Meridian; and)
Tax Lots 1000, 1100, 1200, and)
1400 through 3100, in Section)
22DB, Township 27 South, Range)
6 West, Willamette Meridian. The)
request will annex 13 acres and)
establish an R-1-6 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential) and)
RS (Suburban Residential) zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 2 - Exhibit 8**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

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

1. Tax Lot 1000 identified as approximately 2.64 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19585, commonly known as 1506 Lookingglass Road, currently zoned County RS.
2. Tax Lot 1001 identified as approximately 0.35 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19593, commonly known as 1504 Lookingglass Road, currently zoned RS.
3. Tax Lot 1003 identified as approximately 2.63 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19625, commonly known as 1510 Lookingglass Road, currently zoned RS.
4. Tax Lot 1002 identified as approximately 0.34 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19617, commonly known as 1544 Lookingglass Road, currently zoned RS.
5. Tax Lot 1004 identified as approximately 0.33 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19633, located approximately 130 feet west of Lookingglass Road, north of an abutting Tax Lot 1003, commonly known as 1544 Lookingglass Road, currently zoned RS.
6. Tax Lot 1000 identified as approximately 0.22 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19353 and R129386, commonly known as 1627 Lookingglass Road, currently zoned RS.
7. Tax Lot 1100 identified as approximately 0.33 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19345 and R129385, commonly known as 1627 Lookingglass Road, currently zoned RS.
8. Tax Lot 1200 identified as approximately 1.00 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19641, commonly known as 1588 Lookingglass Road, currently zoned RS.
9. Tax Lot 1400 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129013, commonly known as 174 Flangas Avenue, currently zoned RR.
10. Tax Lot 1500 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129012, commonly known as 178 Flangas Avenue, currently zoned RR.
11. Tax Lot 1600 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129011, commonly known as 182 Flangas Avenue, currently zoned RR.
12. Tax Lot 1700 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129009, commonly known as 194 Flangas Avenue, currently zoned RR.
 13. Tax Lot 1800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129010, commonly known as 188 Flangas Avenue, currently zoned RR.
 14. Tax Lot 1900 identified as approximately 0.18 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129014, commonly known as 168 Flangas Avenue, currently zoned RR.
 15. Tax Lot 2000 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129015, commonly known as 150 Flangas Avenue, currently zoned RR.
 16. Tax Lot 2100 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129016, commonly known as 136 Flangas Avenue, currently zoned RR.
 17. Tax Lot 2200 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129017, commonly known as 122 Flangas Avenue, currently zoned RR.
 18. Tax Lot 2300 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129018, commonly known as 110 Flangas Avenue, currently zoned RR.
 19. Tax Lot 2400 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129001, commonly known as 109 Flangas Avenue, currently zoned RR.
 20. Tax Lot 2500 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129002, commonly known as 121 Flangas Avenue, currently zoned RR.
 21. Tax Lot 2600 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129003, commonly known as 135 Flangas Avenue, currently zoned RR.
 22. Tax Lot 2700 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129004, commonly known as 149 Flangas Avenue, currently zoned RR.
23. Tax Lot 2800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129005, commonly known as 167 Flangas Avenue, currently zoned RR.
 24. Tax Lot 2900 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129006, commonly known as 185 Flangas Avenue, currently zoned RR.
 25. Tax Lot 3000 identified as approximately 0.19 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129007, commonly known as 191 Flangas Avenue, currently zoned RR.
 26. Tax Lot 3100 identified as approximately 0.15 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129008, commonly known as 195 Flangas Avenue, currently zoned RR.
 27. Approximately 1.22 acres of a portion of Lookingglass Road and approximately 0.50 acres of Flangas Avenue adjacent to and abutting the foregoing identified properties.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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. 6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the

legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory

proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serving on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at density and having level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for either Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR area. The City of Roseburg Comprehensive Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zonings, and will provide for the existing land uses.
- E. The R-1-6 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

The LDR designation will be implemented with the proposed R-1-6 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg

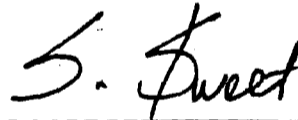
Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

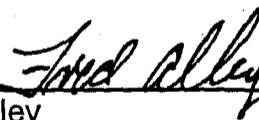
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3239

AN ORDINANCE DECLARING THE ANNEXATION OF 1.22± ACRES OF LOOKINGGLASS ROAD RIGHT-OF-WAY LOCATED AT FLANGAS AVENUE AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P173-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 2) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Rural Residential (RR) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 Lookingglass Road right-of-way approximately 500 feet by 100 feet containing approximately 1.22 acres located north of Military Avenue, south of Goedeck Avenue and legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

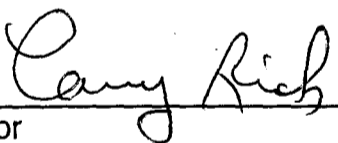
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



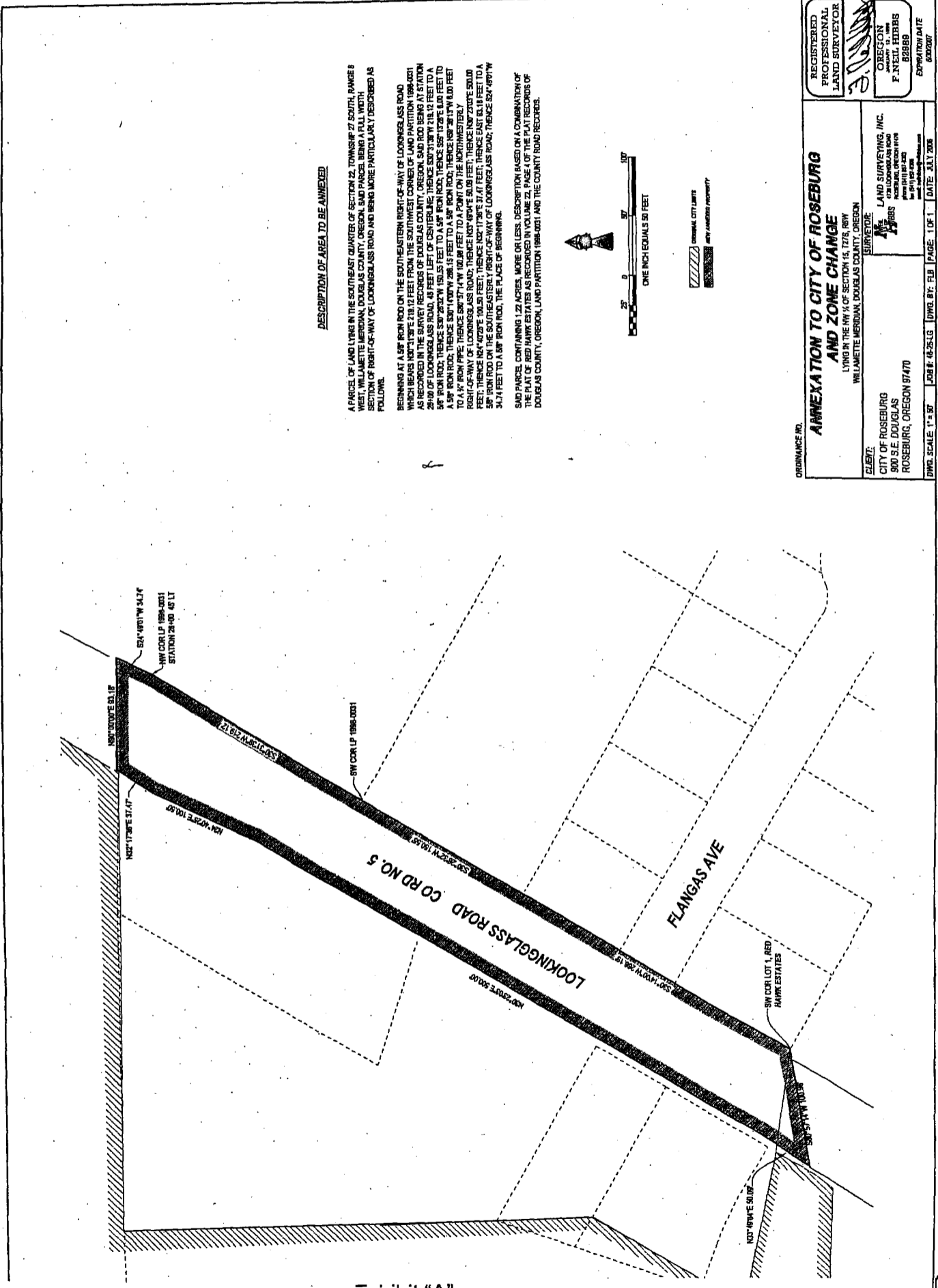
Mayor

ATTEST:



City Recorder

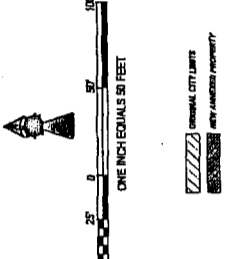
RECEIVED
SEP 20 2006



DESCRIPTION OF AREA TO BE ANNEXED

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 27 SOUTH, RANGES 8 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING A FULL WIDTH SECTION OF RIGHT-OF-WAY OF LOOKINGGLASS ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/4\"/>



ORDINANCE NO. _____

**ANNEXATION TO CITY OF ROSEBURG
AND ZONE CHANGE**

LYING IN THE NW 1/4 OF SECTION 15, T27N, R6W,
WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
F. NYSIL HIBBS
82889
EXPIRATION DATE
6/30/2017

CLIENT:
CITY OF ROSEBURG
900 S.E. DOUGLAS
ROSEBURG, OREGON 97470

DATE: 08/11/2006

DATE: 08/11/2006

DATE: 08/11/2006

DRAFTING

27 6 22DB
ROSEBURG

REVISED ON
5-15-06

NW1/4 SE1/4 SEC.22 T.27S. R.6W. W.M.
DOUGLAS COUNTY
1" = 100'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

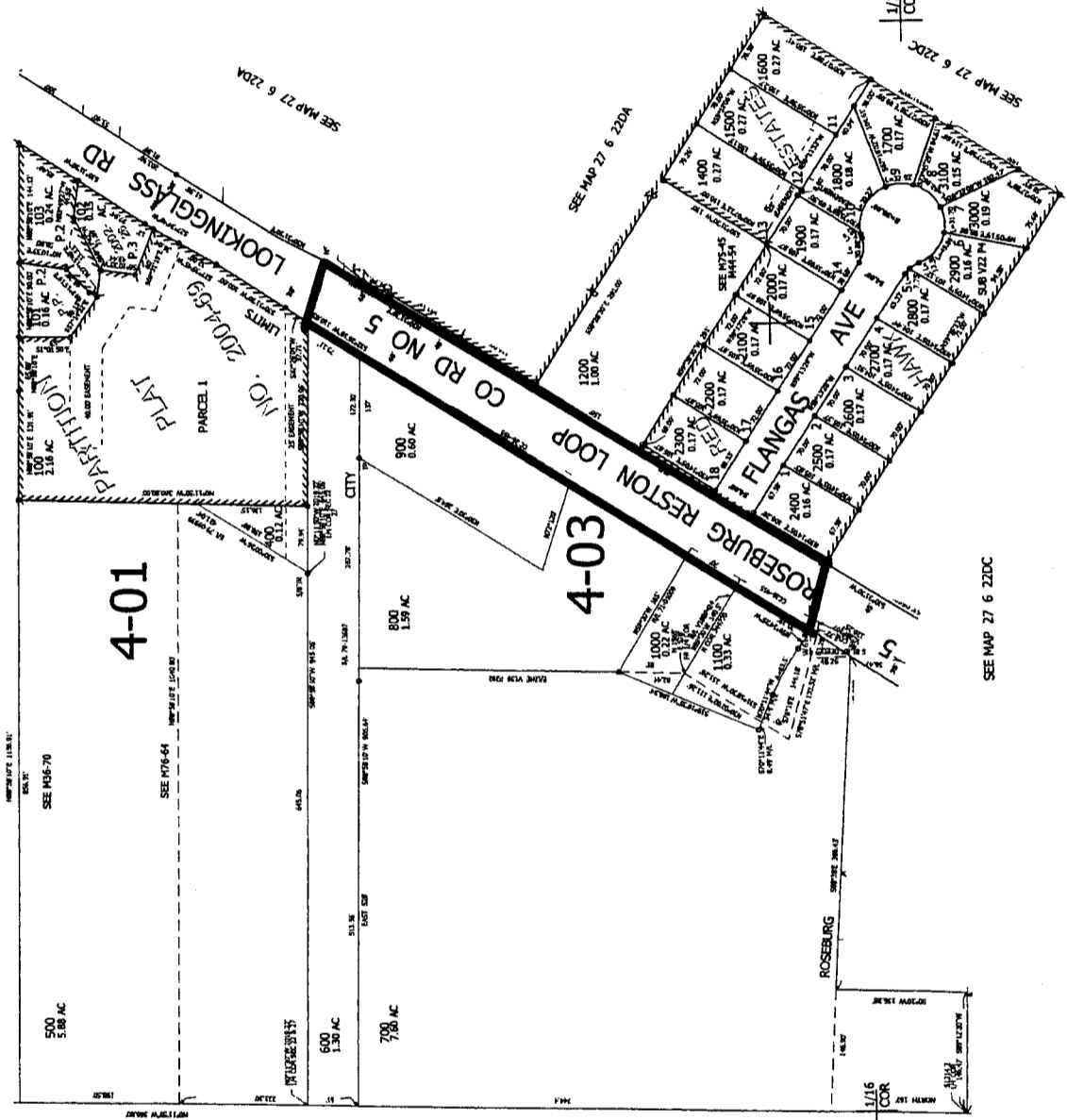
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CANCELLED NOS
200 300 1300
701 702 1101

SEE MAP 27 6 22

+



SEE MAP 27 6 22C

SEE MAP 27 6 22DC

4,150,000

27 6 22DB
ROSEBURG

573,500

BEFORE THE PLANNING COMMISSION
OF THE CITY OF ROSEBURG

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 13)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary, described as Tax Lots)
1000 through 1004, in Section)
22DA, Township 27 South, Range)
6 West, Willamette Meridian; and)
Tax Lots 1000, 1100, 1200, and)
1400 through 3100, in Section)
22DB, Township 27 South, Range)
6 West, Willamette Meridian. The)
request will annex 13 acres and)
establish an R-1-6 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential) and)
RS (Suburban Residential) zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 2 - Exhibit 8**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

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

1. Tax Lot 1000 identified as approximately 2.64 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19585, commonly known as 1506 Lookingglass Road, currently zoned County RS.
2. Tax Lot 1001 identified as approximately 0.35 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19593, commonly known as 1504 Lookingglass Road, currently zoned RS.
3. Tax Lot 1003 identified as approximately 2.63 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19625, commonly known as 1510 Lookingglass Road, currently zoned RS.
4. Tax Lot 1002 identified as approximately 0.34 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19617, commonly known as 1544 Lookingglass Road, currently zoned RS.
5. Tax Lot 1004 identified as approximately 0.33 acres located in Section 22DA, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19633, located approximately 130 feet west of Lookingglass Road, north of an abutting Tax Lot 1003, commonly known as 1544 Lookingglass Road, currently zoned RS.
6. Tax Lot 1000 identified as approximately 0.22 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19353 and R129386, commonly known as 1627 Lookingglass Road, currently zoned RS.
7. Tax Lot 1100 identified as approximately 0.33 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19345 and R129385, commonly known as 1627 Lookingglass Road, currently zoned RS.
8. Tax Lot 1200 identified as approximately 1.00 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R19641, commonly known as 1588 Lookingglass Road, currently zoned RS.
9. Tax Lot 1400 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129013, commonly known as 174 Flangas Avenue, currently zoned RR.
10. Tax Lot 1500 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129012, commonly known as 178 Flangas Avenue, currently zoned RR.
11. Tax Lot 1600 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129011, commonly known as 182 Flangas Avenue, currently zoned RR.
12. Tax Lot 1700 identified as approximately 0.27 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129009, commonly known as 194 Flangas Avenue, currently zoned RR.
 13. Tax Lot 1800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129010, commonly known as 188 Flangas Avenue, currently zoned RR.
 14. Tax Lot 1900 identified as approximately 0.18 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129014, commonly known as 168 Flangas Avenue, currently zoned RR.
 15. Tax Lot 2000 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129015, commonly known as 150 Flangas Avenue, currently zoned RR.
 16. Tax Lot 2100 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129016, commonly known as 136 Flangas Avenue, currently zoned RR.
 17. Tax Lot 2200 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129017, commonly known as 122 Flangas Avenue, currently zoned RR.
 18. Tax Lot 2300 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129018, commonly known as 110 Flangas Avenue, currently zoned RR.
 19. Tax Lot 2400 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129001, commonly known as 109 Flangas Avenue, currently zoned RR.
 20. Tax Lot 2500 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129002, commonly known as 121 Flangas Avenue, currently zoned RR.
 21. Tax Lot 2600 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129003, commonly known as 135 Flangas Avenue, currently zoned RR.
 22. Tax Lot 2700 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified

- as Tax Account R129004, commonly known as 149 Flangas Avenue, currently zoned RR.
23. Tax Lot 2800 identified as approximately 0.17 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129005, commonly known as 167 Flangas Avenue, currently zoned RR.
 24. Tax Lot 2900 identified as approximately 0.16 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129006, commonly known as 185 Flangas Avenue, currently zoned RR.
 25. Tax Lot 3000 identified as approximately 0.19 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129007, commonly known as 191 Flangas Avenue, currently zoned RR.
 26. Tax Lot 3100 identified as approximately 0.15 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R129008, commonly known as 195 Flangas Avenue, currently zoned RR.
 27. Approximately 1.22 acres of a portion of Lookingglass Road and approximately 0.50 acres of Flangas Avenue adjacent to and abutting the foregoing identified properties.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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. 6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the

legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory

proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serving on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

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New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at density and having level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for either Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR area. The City of Roseburg Comprehensive Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zonings, and will provide for the existing land uses.
- E. The R-1-6 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

The LDR designation will be implemented with the proposed R-1-6 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg

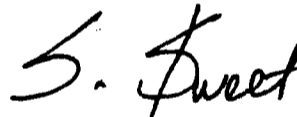
Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

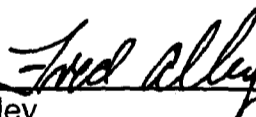
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3240

AN ORDINANCE DECLARING THE ANNEXATION OF 1.03± ACRES OF PROPERTY ON GROVE LANE, SOUTH OF LOMA VISTA DRIVE BETWEEN VALLEJO DRIVE AND GROVE LANE, ADDRESSED AS 1378 NW GROVE LANE FURTHER DESCRIBED AS TAX LOT 7600 IN TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 15AA AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P161-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.750.
4. The subject property is surrounded by City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 1) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Medium Density Residential (MDR) and upon annexation will remain MDR.
13. The subject lands are currently zoned County Rural Residential (RR) and upon annexation will cause a change to City Multiple Family Residential (MR-14).
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 1378 NW Grove Lane is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.750, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

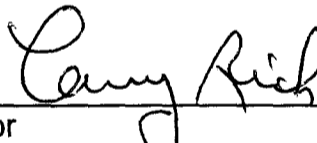
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Multiple Family Residential (MR-14) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



Mayor

ATTEST:



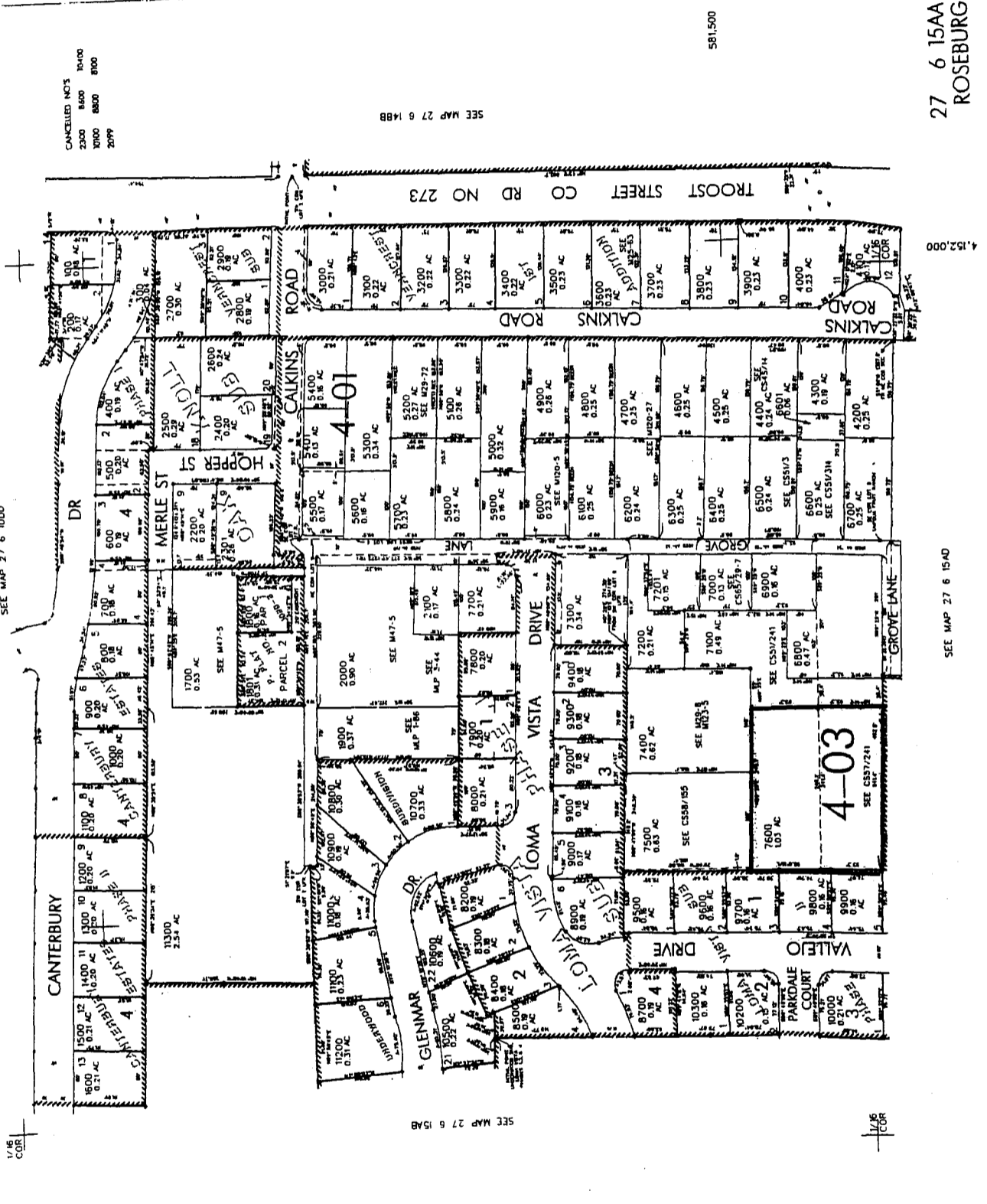
City Recorder

27 6 15AA
ROSEBURG

NE1/4 NE1/4 SEC. 15 T.27S. R.6 W. W.M.
DOUGLAS COUNTY

REVISED ON
3-27-02

Island Annexations
Group 1



27 6 15AA
ROSEBURG

SEE MAP 27 6 15A0

SEE MAP 27 6 15B0

1/4
COR

1/4
COR

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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and)
concurrent Zone Change for)
approximately 1.03 acres of that)
area surrounded by the current)
City Limits; and within the)
Roseburg Urban Growth)
Boundary; located at 1378 NW)
Grove Lane, and further described)
as Tax Lot 7600, Section 15AA,)
Township 27 South, Range 06)
West, Willamette Meridian, Tax)
Account R14273. The request will)
annex 1.03 acres and establish an)
MR-14 (Limited Multiple-Family)
Residential) zone to replace the)
County RR (Rural Residential))
zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 1 - Exhibit 7**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

The subject properties are adequately described and applicable to annexation of territory described as Tax Lot 7600 identified as approximately 1.03 acres located in Section 15AA, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R14273.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.
- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a

danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

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

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

ORS 222.750

Annexation of unincorporated territory surrounded by city. When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, it is within the power and authority of that city to annex such territory. However, this section does not apply when the territory not within a city

is surrounded entirely by water. Unless otherwise required by its charter, annexation by a city under this section shall be by ordinance or resolution subject to referendum, with or without the consent of any owner of property within the territory or resident in the territory. [Amended by 1963 c.444 § 1; 1985 c.702 §16]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority consent, or the property is surrounded by the City limits. This application is property surrounded by the City, referred to as an "island".

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhance citizen involvement and public safety services; stabilize service delivery, and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serve on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

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Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

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

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

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map, for Medium Density Residential (MDR) uses.
- B. The PLAN indicates that the appropriate density for MDR lands range from seven to 14 dwelling units per acre.

- C. The current County Zone implementing the comprehensive plan is Rural Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR, but is not really consistent with the area designated MDR, which is for more intense density of seven to 14 dwelling units per acre. The City of Roseburg Comprehensive Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zonings is an extension of the predominant zone, consistent with the current Comprehensive Plan designation, compatible with the current County zoning, and will provide for the existing land uses.
- E. The MR-14 zone serves as a transition zone between denser and single-family residential zoning and implements the MDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water, or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the property is within the City UGB and more specifically the subject area is designated Medium Density Residential (MDR).

The City surrounds the property and the proposed MR-14 zone is shared by all immediately adjacent properties. The MR-14 zone will implement the MDR Comprehensive Plan Designations. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site

from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zone on the subject property is included in preceding sections of this report. Those findings demonstrate there is a sufficient level of public services and facilities available to the properties. The zone change will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject property has not been identified as having the potential to be subjected to natural disasters and hazards and the subject property is not needed for public recreational facilities.

The zone change will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone change will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexation conforms to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Change comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

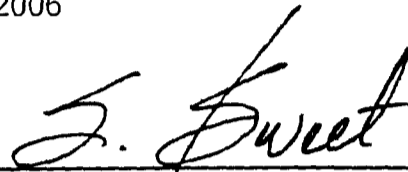
Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds the Multiple Family Residential Zone (MR-14) will be an appropriate zone for the area designated Medium Density Residential (MDR). Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of

Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:

Samuel J. Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3241

AN ORDINANCE DECLARING THE ANNEXATION OF 0.50± ACRES OF PROEPRTY LOCATED SOUTHERLY OF WEST MILITARY AVENUE, WEST OF PILGER STREET ADDRESSED AS 2335 W. MILITARY AVENUE FURTHER DESCRIBED AS TAX LOT 6400, IN TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 22BD AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P164-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 4) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Rural Residential (RR) and upon annexation will cause a change to City Single Family Residential (R-1-7.5).
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 2335 W. Military Avenue is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

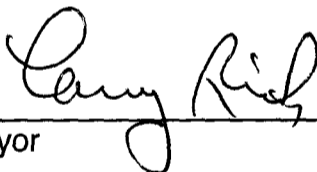
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-7.5) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



Mayor

ATTEST:



City Recorder

RECEIVED
SEP 21 2006

DESCRIPTION OF AREA TO BE ANNEXED

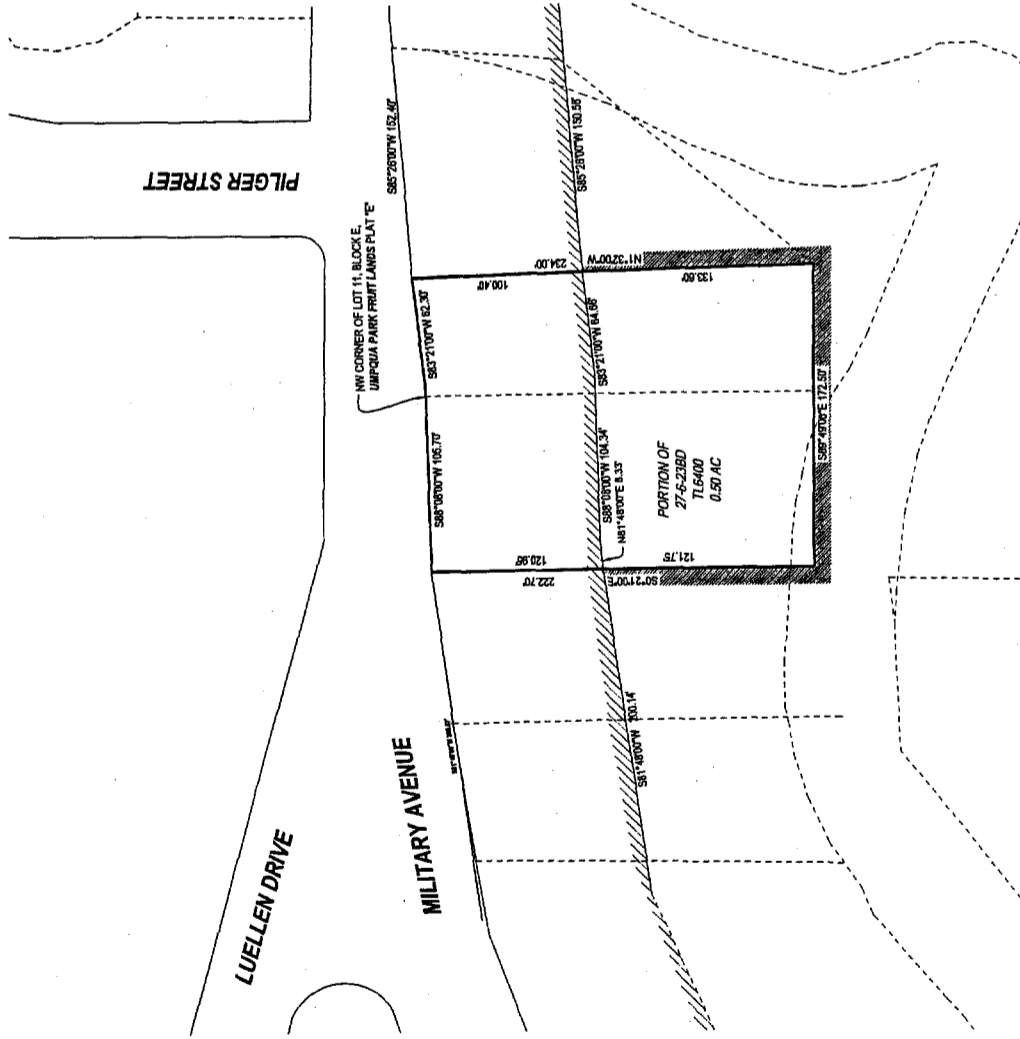
A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 2A, TOWNSHIP 27 SOUTH, RANGE 8 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING A PORTION OF LOTS 11 AND 12, UMPIQUA PARK FRUIT LANDS, PLAT E AS RECORDED IN VOLUME 3, PAGE 1 OF THE PLAT RECORDS OF DOUGLAS COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING AT A POINT WHICH BEARS N82°10'00"W 60.30 FEET AND S1°30'00"E 100.40 FEET FROM THE NORTHWEST CORNER OF SAID LOT 11; THENCE S1°30'00"E 100.40 FEET; THENCE N82°10'00"W 172.50 FEET; THENCE N6°20'00"E 121.75 FEET; THENCE N81°40'00"E 8.33 FEET; THENCE N81°40'00"E 104.34 FEET; THENCE N82°10'00"E 64.88 FEET TO THE PLACE OF BEGINNING.

SAID PARCEL CONTAINING 0.50 ACRES, MORE OR LESS, DESCRIPTION BASED ON A SURVEY, M.T. 33, AS RECORDED IN THE SURVEY RECORDS OF DOUGLAS COUNTY, OREGON AS WELL AS ORDINANCE 1230.



ORIGINAL CITY LIMITS
NEW ANNEXED PROPERTY



ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE LYING IN THE NW 1/4 OF SECTION 15, T27S, R8W WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON		REGISTERED PROFESSIONAL LAND SURVEYOR  OREGON JANUARY 15, 1994 F. NEILL HIBBS 5288B EXPIRATION DATE 6/30/2011
CLIENT: CITY OF ROSEBURG 900 S.E. DOUGLAS ROSEBURG, OREGON 97170	SURVEYOR: J. NEILL HIBBS LAND SURVEYING, INC. 1728 LORRAINE ROAD ROSEBURG, OREGON 97170 TEL: (503) 872-7222 FAX: (503) 872-7222 www.jnhland.com	JOB #: 0046-25-53 (DWG. BY: FLB) PAGE: 1 OF 1 DATE: JULY 2006 DWG. SCALE: 1" = 50'

DRAFTING

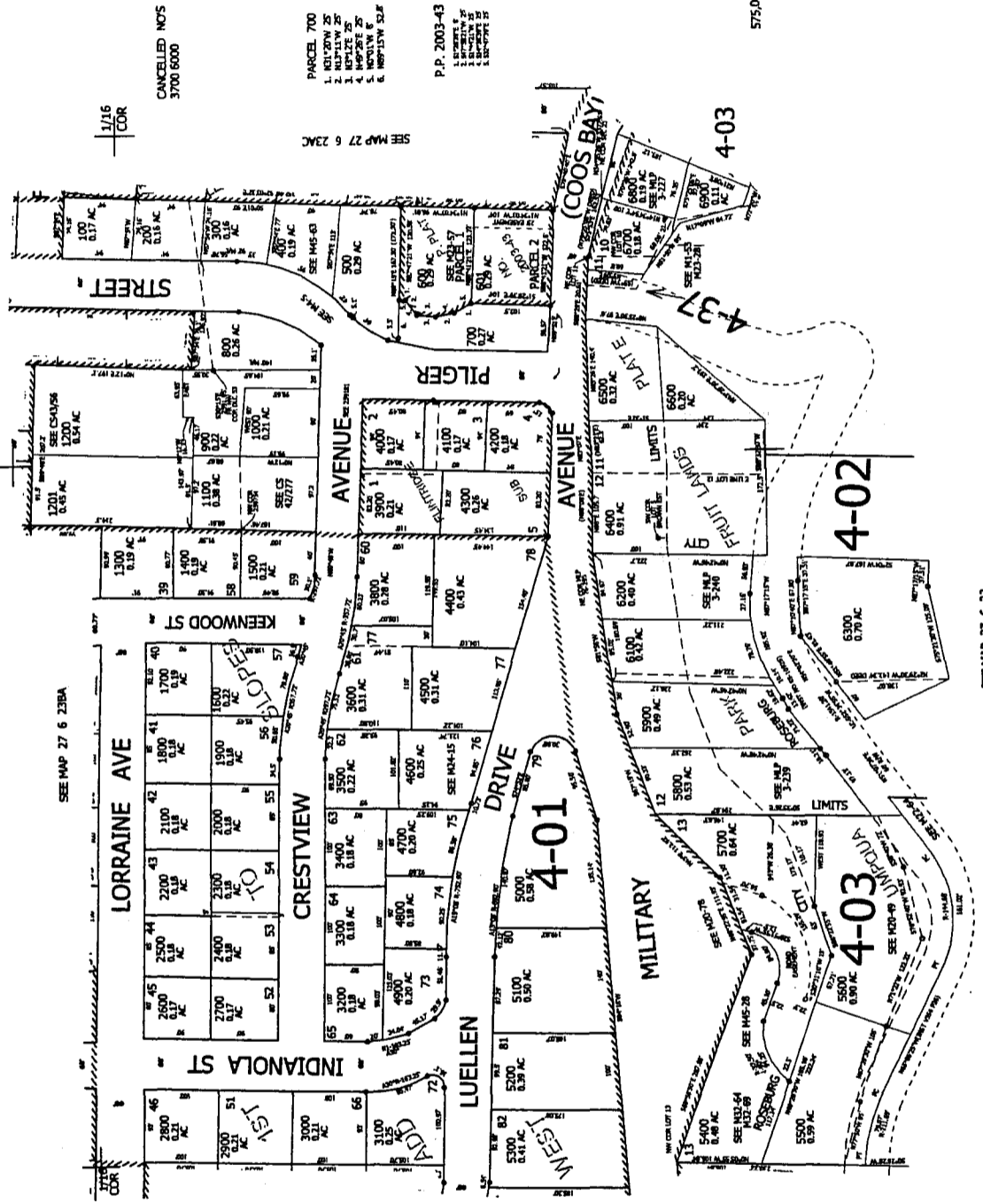
27 6 23BD
ROSEBURG

REVISED ON
8-17-05

SE1/4 NW1/4 SEC.23 T.27S. R.6W. W.M.
DOUGLAS COUNTY

1" = 100'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.



1/16
COR

CANCELLED NOS
3700 6000

PARCEL 700
1. HOLTON 25
2. HOLTON 25
3. HOLTON 25
4. HOLTON 25
5. HOLTON 25
6. HOLTON 25

P.P. 2003-43
1. HOLTON 25
2. HOLTON 25
3. HOLTON 25
4. HOLTON 25
5. HOLTON 25

SEE MAP 27 6 23AC

575,000

1/4
COR

27 6 23BD
ROSEBURG

4,154,000

SEE MAP 27 6 23

1/16
COR

SEE MAP 27 6 23BC

BEFORE THE PLANNING COMMISSION
OF THE CITY OF ROSEBURG

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 1.65)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary; described as Tax Lot,)
2700, Section 23AC, Township 27)
South, Range 06 West, Willamette)
Meridian, Tax Account R36077)
and R36085; Tax Lots 1300 and)
1400, Section 23BC, Township 27)
South, Range 06 West, Willamette)
Meridian, Tax Account R36357,)
R36365, R36485 and R36493, and)
Tax Lot 6400, Section 23BD,)
Township 27 South, Range 06)
West, Willamette Meridian, Tax)
Account R36189, R36197. The)
request will annex 1.65 acres and)
establish an R-1-7.5 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential))
zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2ZC-06-2
Group 4 - Exhibit 10**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

The subject properties are adequately described and applicable to annexation of territories described as follows:

1. Tax Lot 2700 identified as approximately 0.35 acres located in Section 23AC, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R3607 and R36085, commonly known as 2155 W Military Avenue.
2. Tax Lot 1300 identified as approximately 0.30 acres located in Section 23BC, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R36357 and R36365, commonly known as 2625 W Military Avenue.
3. Tax Lot 1400 identified as approximately 0.50 acres located in Section 23BC, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R36485 and R36493, commonly known as 2675 W Military Avenue.
4. Tax Lot 6400 identified as approximately 0.50 acres located in Section 23BD, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R36197 and R36189, commonly known as 2335 W Military Avenue.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1;

1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to the annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to

provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serve on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at a density and having a level of services that are urban in nature, and are identified as where the City limits will be located. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals find the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR. The City of Roseburg Comprehensive Land Use Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zoning, and will provide for the existing land uses.
- E. The R-1-7.5 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use

designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

Properties are portions of parcels that are developed, in the City and the proposed R-1-7.5 zone for these properties will provide a continuance zone designation for the entire property.

The LDR designation will be implemented with the proposed R-1-7.5 (Single-family Residential) zoning. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

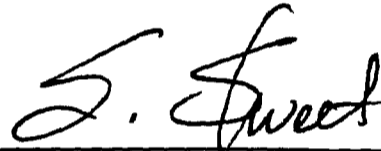
The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-7.5) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

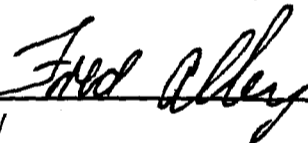
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF September, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

- Planning Commission Members:
Samuel J. Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3242

AN ORDINANCE DECLARING THE ANNEXATION OF 0.80± ACRES OF PROPERTY LOCATED SOUTH OF WEST MILITARY AVENUE AND WESTERLY OF BROCCOLI STREET, ADDRESSED AS 2625 AND 2675 W. MILITARY AVENUE FURTHER DESCRIBED AS TAX LOTS 1300 AND 1400, IN TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 23BC AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P166-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 4) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Rural Residential (RR) and upon annexation will cause a change to City Single Family Residential (R-1-7.5).
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 2625 W. Military Avenue is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

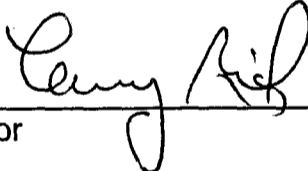
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-7.5) 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 submit to the Secretary of State of Oregon for filing, copies of the 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.

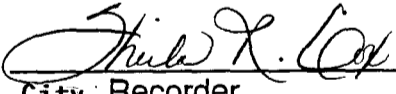
PASSED BY THE CITY COUNCIL THIS 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



Mayor

ATTEST:



City Recorder

SEP 21 2008
 City of Roseburg
 Community Development Dept

DESCRIPTION OF AREA TO BE ANNEXED

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 27 SOUTH, RANGE 8 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING A PORTION TAX LOTS 1300 AND 1400, T27S, R8W, SECTION 238C AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

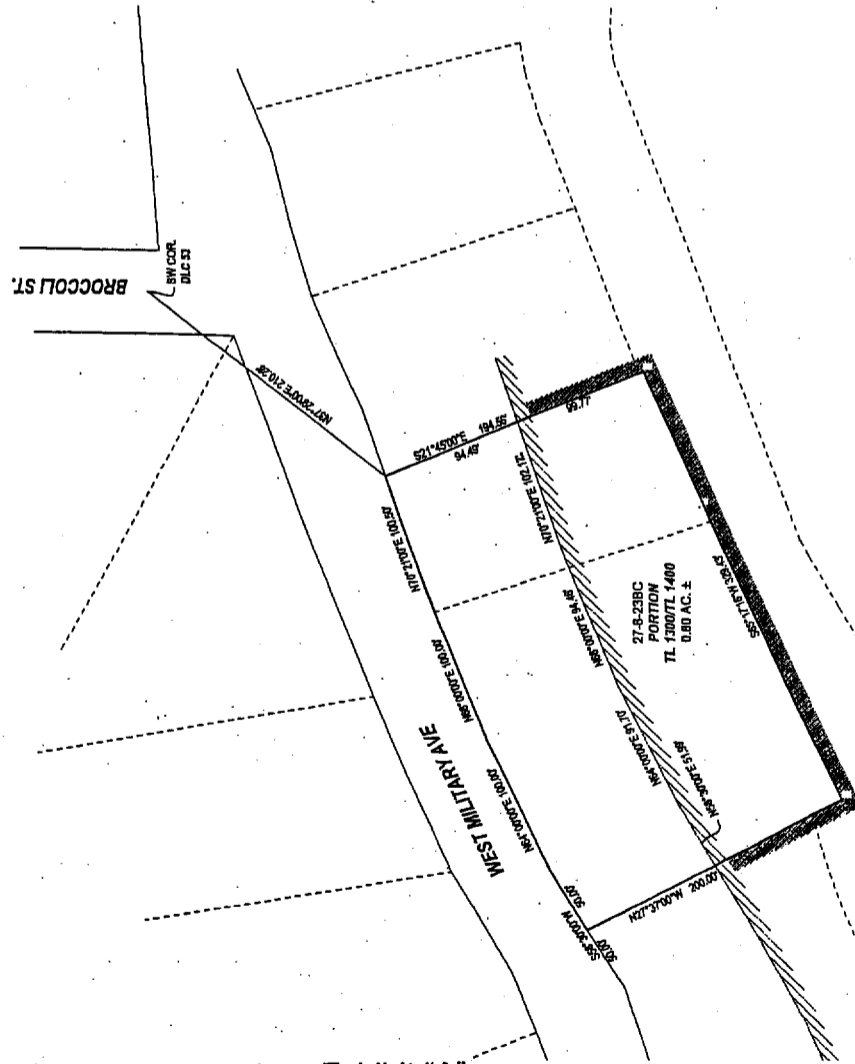
BEGINNING AT A POINT WHICH BEARS S87°28'W 210.28 FEET AND S21°46'E 100.07 FEET FROM THE SOUTHWEST CORNER OF D.C. ST., THENCE S21°46'E 94.48 FEET; THENCE S87°17'16"W 122.43 FEET; THENCE N27°20'W 82.17 FEET; THENCE N68°30'06"E 11.98 FEET; THENCE N45°18'18"E 188.70 FEET; THENCE N68°30'06"E 44.18 FEET; THENCE N10°21'00"E 102.12 FEET TO THE PLACE OF BEGINNING.

SAID PARCEL CONTAINING 0.80 ACRES, MORE OR LESS. DESCRIPTION BASED ON SURVEY C851203-2 AS RECORDED IN SURVEY RECORDS OF DOUGLAS COUNTY, OREGON AND ORDINANCE NO. 1230.



20 0 60
 ONE INCH EQUALS SIXTY FEET

Original City Limits
 New Annexed Property



ORDINANCE NO. _____

ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE
 LYING IN THE NW 1/4 OF SECTION 15, T27S, R8W
 WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON

CLIENT: CITY OF ROSEBURG
 900 S.E. DOUGLAS
 ROSEBURG, OREGON 97470

DATE: JULY 2008

JOB #: 05-31-08 DWG. BY: RLB /PAGE: 1 OF 1

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 JANUARY 14, 1988
 F. NEILL HERBES
 82855B
 EXPIRATION DATE 8/20/2007

LAND SURVEYING, INC.
 674 LORENZOLI ROAD
 ROSEBURG, OREGON 97470
 PHONE: 531-941-2200
 FAX: 531-941-2200
 www.fneillsurveying.com

DRAFTING

27 6 23BC
ROSEBURG

REVISED ON
5-3-06

SW1/4 NW1/4 SEC.23 T.27S. R.6W. W.M.
DOUGLAS COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.



CANCELLED NOTES
2801 2901 2001
6999 4801 6701
2000 6201 7801
1800 1801 1601

4.153,000
27 6 23BC
ROSEBURG

1/16
COR

SEE MAP 27 6 23

SEE MAP 27 6 23

SEE MAP 27 6 23BB

SEE MAP 27 6 23AA

575,000

BEFORE THE PLANNING COMMISSION
OF THE CITY OF ROSEBURG

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 1.65)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary; described as Tax Lot,)
2700, Section 23AC, Township 27)
South, Range 06 West, Willamette)
Meridian, Tax Account R36077)
and R36085; Tax Lots 1300 and)
1400, Section 23BC, Township 27)
South, Range 06 West, Willamette)
Meridian, Tax Account R36357,)
R36365, R36485 and R36493, and)
Tax Lot 6400, Section 23BD,)
Township 27 South, Range 06)
West, Willamette Meridian, Tax)
Account R36189, R36197. The)
request will annex 1.65 acres and)
establish an R-1-7.5 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential))
zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2ZC-06-2
Group 4 - Exhibit 10**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

The subject properties are adequately described and applicable to annexation of territories described as follows:

1. Tax Lot 2700 identified as approximately 0.35 acres located in Section 23AC, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R3607 and R36085, commonly known as 2155 W Military Avenue.
2. Tax Lot 1300 identified as approximately 0.30 acres located in Section 23BC, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R36357 and R36365, commonly known as 2625 W Military Avenue.
3. Tax Lot 1400 identified as approximately 0.50 acres located in Section 23BC, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R36485 and R36493, commonly known as 2675 W Military Avenue.
4. Tax Lot 6400 identified as approximately 0.50 acres located in Section 23BD, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R36197 and R36189, commonly known as 2335 W Military Avenue.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1;

1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to the annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to

provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serve on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at a density and having a level of services that are urban in nature, and are identified as where the City limits will be located. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals find the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR. The City of Roseburg Comprehensive Land Use Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zoning, and will provide for the existing land uses.
- E. The R-1-7.5 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use

designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

Properties are portions of parcels that are developed, in the City and the proposed R-1-7.5 zone for these properties will provide a continuance zone designation for the entire property.

The LDR designation will be implemented with the proposed R-1-7.5 (Single-family Residential) zoning. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

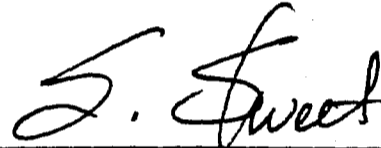
The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-7.5) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

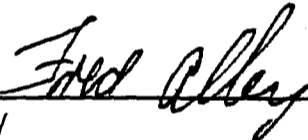
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF September, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel J. Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3243

AN ORDINANCE DECLARING THE ANNEXATION OF 0.35± ACRES OF PROPERTY LOCATED SOUTH OF WEST MILITARY AVENUE AND EASTERLY OF FROMDAHL DRIVE, ADDRESSED AS 2155 W. MILITARY AVENUE FURTHER DESCRIBED AS TAX LOT 2700, IN TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 23AC AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P171-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 4) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Rural Residential (RR) and upon annexation will cause a change to City Single Family Residential (R-1-7.5).
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 2155 W. Military Avenue is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

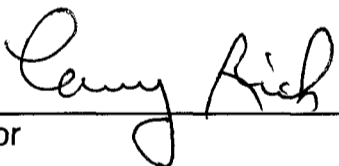
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-7.5) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



Mayor

ATTEST:



City Recorder

RECEIVED
 SEP 20 2006

DESCRIPTION OF AREA TO BE ANNEXED

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 22 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING A PORTION OF LOTS 9 AND 10, IMPROVIA PARK FRUITLANDS, PLAT 7E AS RECORDED IN VOLUME 1, PAGE 1 OF THE PLAT RECORDS OF DOUGLAS COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

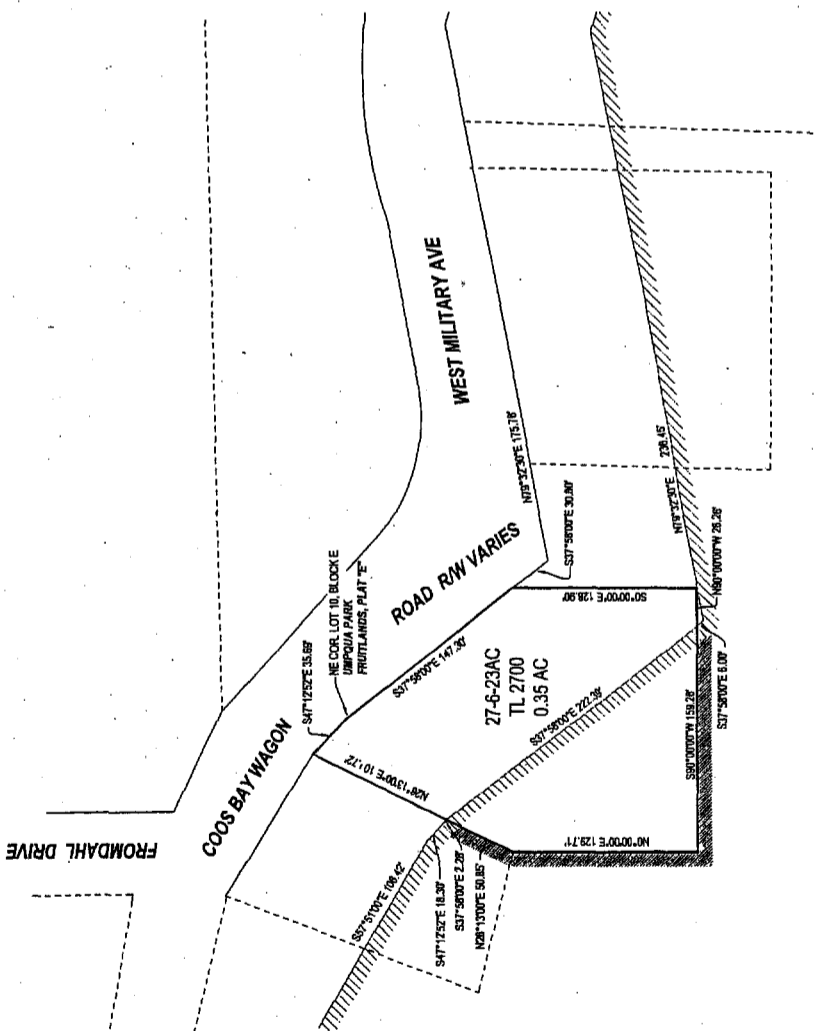
BEGINNING AT A POINT WHICH BEARS N47°12'57"E 33.58 FEET AND S88°11'07"W 104.72 FEET FROM THE "A" IRON ROD AT THE NORTHEAST CORNER OF SAID LOT 10; THENCE S25°13'07"W 50.85 FEET; THENCE SOUTH 123.71 FEET; THENCE EAST 152.28 FEET; THENCE S67°30'00"W 22.39 FEET TO THE PLACE OF BEGINNING.

SAID PARCEL CONTAINING 0.35 ACRES, MORE OR LESS, DESCRIPTION BASED ON A COMBINATION OF M23-29 AND M23-29 AS RECORDED IN SURVEY RECORDS OF DOUGLAS COUNTY, OREGON AS WELL AS ORDINANCE 1231.



20 0 60
 ONE INCH EQUALS SIXTY FEET

ORIGINAL CITY LIMITS
 NEW ANNEXED PROPERTY



ORDINANCE NO.3243 - Page 4 - Exhibit "A"

REGISTERED PROFESSIONAL LAND SURVEYOR OREGON F. NEIL HIBBS 52889 EXPIRATION DATE: 6/30/2007	
ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE LYING IN THE NW 1/4 OF SECTION 15, T22S, R5W WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON	
CLIENT: CITY OF ROSEBURG 900 S. E. DOUGLAS ROSEBURG, OREGON 97470	SURVEYOR: J. NEIL HIBBS LAND SURVEYING, INC. 2222 Commercial Road Roseburg, OR 97470 Phone (541) 687-4700 Fax (541) 687-4700
DWR. SCALE: 1" = 60' JOB #: 06-23-30 DWG. BY: F.B. PAGE: 1 OF 1	DATE: JULY 2006

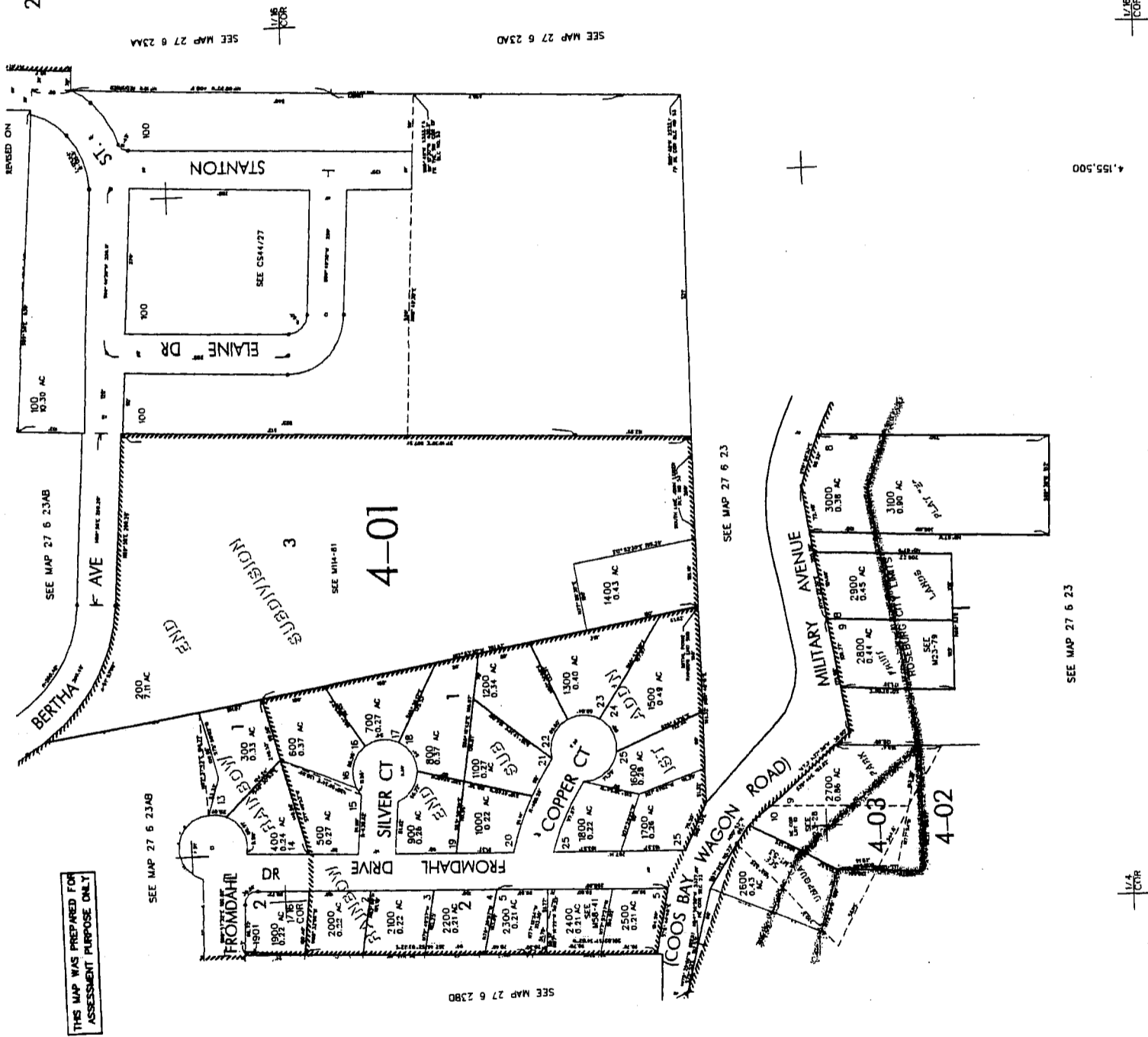
DRAFTING

27 6 23AC
ROSEBURG

SW¼ NE¼ SEC. 23 T.27S. R.6 W. W.M.
DOUGLAS COUNTY
1"=100'

575,000

27 6 23AC
ROSEBURG



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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 1.65)
acres of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary; described as Tax Lot,)
2700, Section 23AC, Township 27)
South, Range 06 West, Willamette)
Meridian, Tax Account R36077)
and R36085; Tax Lots 1300 and)
1400, Section 23BC, Township 27)
South, Range 06 West, Willamette)
Meridian, Tax Account R36357,)
R36365, R36485 and R36493, and)
Tax Lot 6400, Section 23BD,)
Township 27 South, Range 06)
West, Willamette Meridian, Tax)
Account R36189, R36197. The)
request will annex 1.65 acres and)
establish an R-1-7.5 (Single Family)
Residential) zone to replace the)
County RR (Rural Residential))
zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2ZC-06-2
Group 4 - Exhibit 10**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

The subject properties are adequately described and applicable to annexation of territories described as follows:

1. Tax Lot 2700 identified as approximately 0.35 acres located in Section 23AC, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R3607 and R36085, commonly known as 2155 W Military Avenue.
2. Tax Lot 1300 identified as approximately 0.30 acres located in Section 23BC, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R36357 and R36365, commonly known as 2625 W Military Avenue.
3. Tax Lot 1400 identified as approximately 0.50 acres located in Section 23BC, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R36485 and R36493, commonly known as 2675 W Military Avenue.
4. Tax Lot 6400 identified as approximately 0.50 acres located in Section 23BD, in Township 27 South, Range 06 West, Willamette Meridian, and further identified as Tax Account R36197 and R36189, commonly known as 2335 W Military Avenue.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1;

1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent to the annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to

provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serve on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at a density and having a level of services that are urban in nature, and are identified as where the City limits will be located. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

- 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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals find the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Rural Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR. The City of Roseburg Comprehensive Land Use Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zoning, and will provide for the existing land uses.
- E. The R-1-7.5 zone is available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use

designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

Properties are portions of parcels that are developed, in the City and the proposed R-1-7.5 zone for these properties will provide a continuance zone designation for the entire property.

The LDR designation will be implemented with the proposed R-1-7.5 (Single-family Residential) zoning. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate that there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

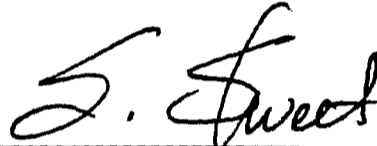
The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-7.5) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

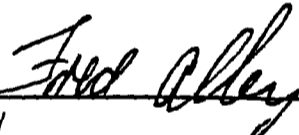
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:

Samuel J. Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3244

AN ORDINANCE DECLARING THE ANNEXATION OF 0.09± ACRES OF STREET RIGHT-OF-WAY LOCATED ON THE WESTERLY SIDE OF THE BOOTH AVENUE, EXTENDING SOUTHEASTERLY FROM STARMER STREET AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P172-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 2) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Rural Residential (RR) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 Booth Avenue right-of-way extending approximately 156 feet southeast of Starmer Street containing approximately 0.09 acres and legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

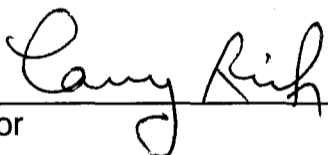
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13th DAY OF November 2006.

APPROVED BY THE MAYOR THIS 13th DAY OF November 2006.



Mayor

ATTEST:



City Recorder

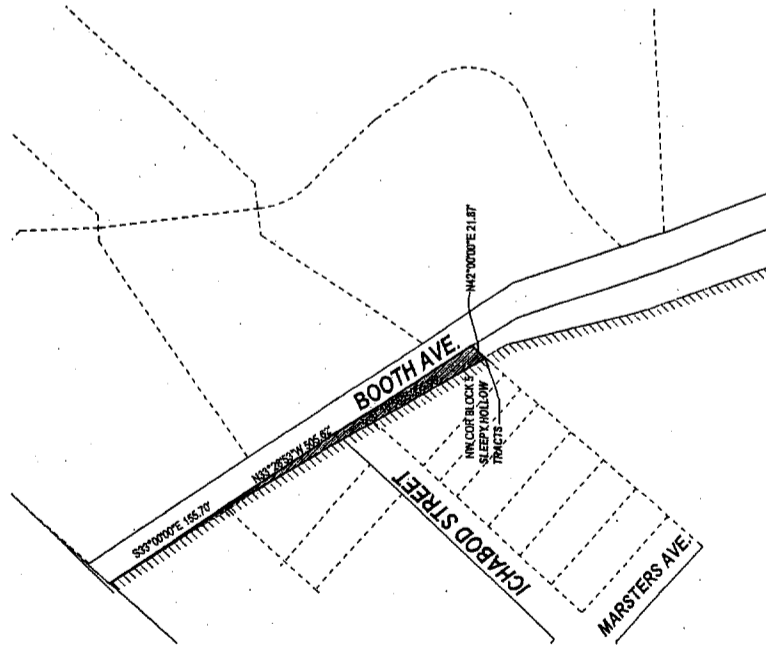
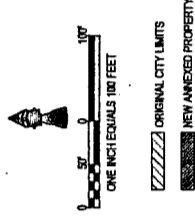
RECEIVED
SEP 20 2006


DESCRIPTION OF AREA TO BE ANNEXED

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 27 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING A PORTION OF BOOTH AVENUE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF BLOCK 6, SLEEPY HOLLOW TRACT AS RECORDED IN VOLUME 4, PAGE 107 OF THE PLAT RECORDS OF DOUGLAS COUNTY; THENCE N42°00'00"E 21.87 FEET TO THE POINT OF BEGINNING; THENCE S33°00'00"E 143.70 FEET; THENCE S27°18'57"E 324.88 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.09 ACRES, MORE OR LESS. DESCRIPTION BASED ON A COMBINATION OF MDS-35 AND M27-20 AS RECORDED IN THE SURVEY RECORDS OF DOUGLAS COUNTY, THE PLAT OF SLEEPY HOLLOW TRACTS AND ORDINANCE NO. 1947.



ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE LYING IN THE NW 1/4 OF SECTION 15, T21S, R5W WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON		REGISTERED PROFESSIONAL LAND SURVEYOR  OREGON No. 11, 1996 F. J. ADAMS 628588 EXPIRATION DATE 08/20/11
CLIENT: CITY OF ROSEBURG 900 S.E. DOUGLAS ROSEBURG, OREGON 97470	SURVEYOR: JAMES LAND SURVEYING, INC. 27112 S.W. 10TH AVE SUITE 100 PORTLAND, OREGON 97224 (503) 837-2000 www.jlsurvey.com	JOB #: 025-0007H DWG. BY: FB DATE: JULY 2006
ORDNANCE NO. _____ DWG. SCALE: 1" = 100'		

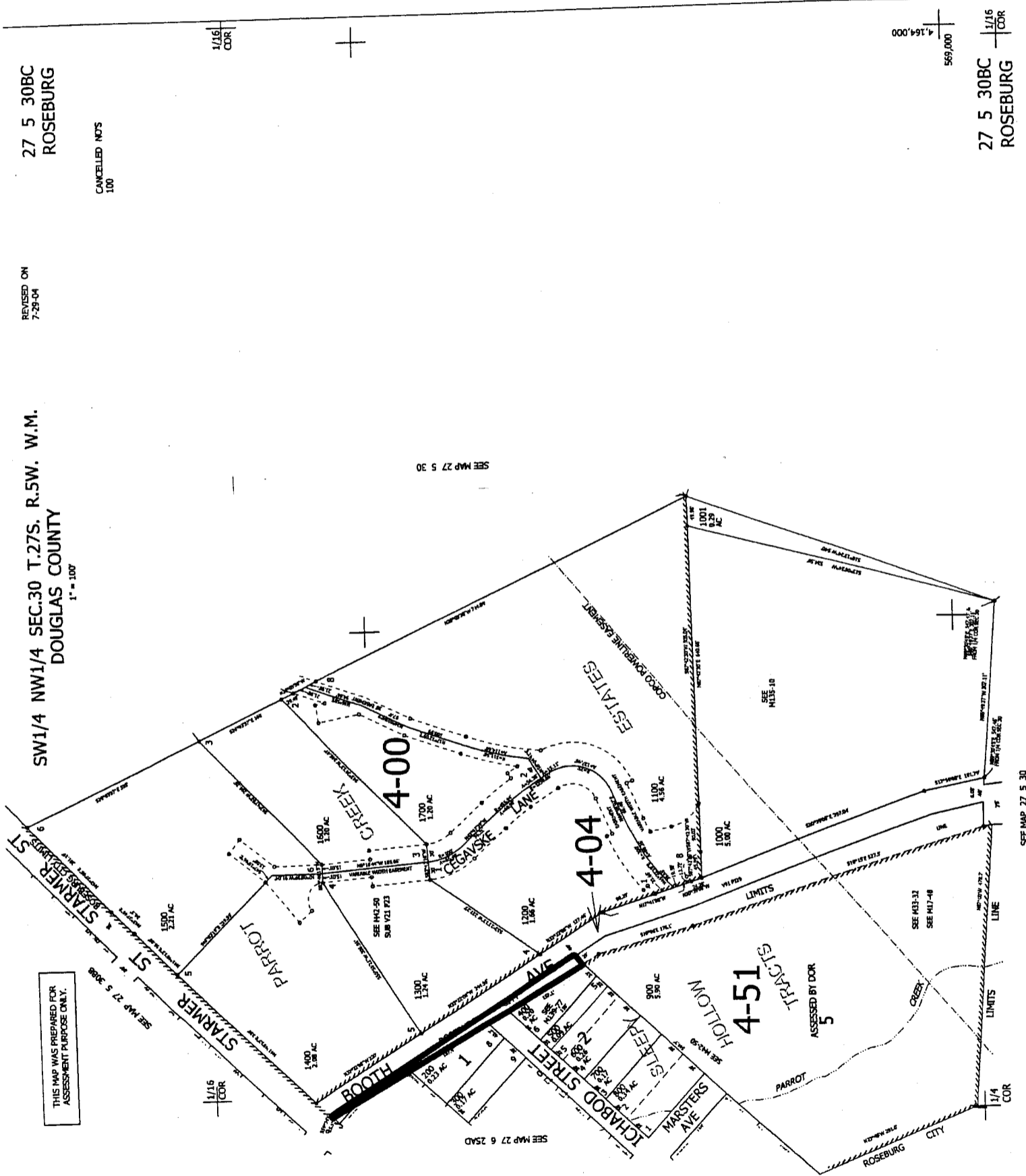
27 5 30BC
ROSEBURG

REVISED ON
7-28-04

SW1/4 NW1/4 SEC.30 T.27S. R.5W. W.M.
DOUGLAS COUNTY
1" = .100'

CANCELLED NOS
100

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.



27 5 30BC
ROSEBURG

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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 9.23)
acres, of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary; described as Tax Lot)
1400, Section 25, Township 27)
South, Range 06 West, Willamette)
Meridian, Tax Account R20497)
and M84906; currently zoned)
County RR (Rural Residential) and)
to be zoned City R-1-7.5 (Single)
Family Residential); and Tax Lot)
900, Section 30BC, Township 27)
South, Range 05 West, Willamette)
Meridian, Tax Account R15941)
and R70160, currently zoned)
County RR (Rural Residential) and)
to be zoned City R-1-6 (Single)
Family Residential).)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 5 - Exhibit 11**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory:

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

The subject properties are adequately described and applicable to annexation of territories described as follows:

1. Tax Lot 1400 identified as approximately 8.46 acres located in Section 25, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R20497 and M84906, commonly known as 1991 Ichabod.
2. Tax Lot 900 identified as approximately 0.68 acres located in Section 30BC, in Township 27 South, Range 05 West, Willamette Meridian and further identified as Tax Account R15941 and R70160, located southwest of SE Booth Avenue, southerly of Starmer Street.
3. SE Booth Avenue right-of-way, located on the westerly side of the road, extending southeasterly from Starmer Street.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

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

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

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the

territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, and the majority of the electors consents to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would enhance citizen involvement, and public safety services; stabilize service delivery; reliability in water availability; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including

voting on future taxes, special elections and serve on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this

policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at a density and having a level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre

- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR. The City of Roseburg Comprehensive Land Use Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zonings are an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zoning, and will provide for the existing land uses.
- E. The R-1-6 and R-1-7.5 zones are available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water, or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

Properties on Military Avenue are portions of parcels that are developed and in the City. The proposed R-1-6 and R-1-7.5 zones for these properties will provide a continuance zone designation for the entire property, as well as implement the LDR Comprehensive Plan.

The LDR designation will be implemented with the proposed R-1-6 and R-1-7.5 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

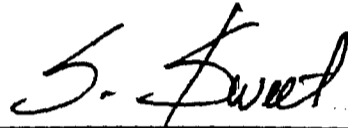
Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6 and R-1-7.5) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the

properties without undue expense to the public and to serve the properties in an efficient manner.

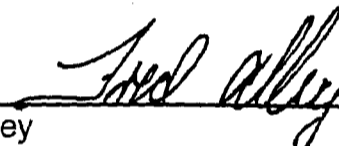
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel Sweet , Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3245

AN ORDINANCE DECLARING THE ANNEXATION OF 8.46± ACRES OF PROPERTY LOCATED AT THE SOUTHWEST TERMINUS OF ICHABOD STREET AND MARSTERS AVENUE, ADDRESSED AS 1991 ICHABOD AVENUE FURTHER DESCRIBED AS TAX LOT 1400, IN TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 25 INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P174-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 5) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Rural Residential (RR) and upon annexation will cause a change to City Single Family Residential (R-1-7.5).
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 SE Booth Avenue, Tax Lot 900 in Range 30BC, Township 27 South, Range 05 West, Willamette Meridian is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.125, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

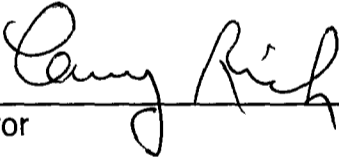
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-7.5) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13th DAY OF November 2006.

APPROVED BY THE MAYOR THIS 13th DAY OF November 2006.



Mayor

ATTEST:



City Recorder

RECEIVED
 AUG 22 2006

DESCRIPTION OF AREA TO BE ANNEXED

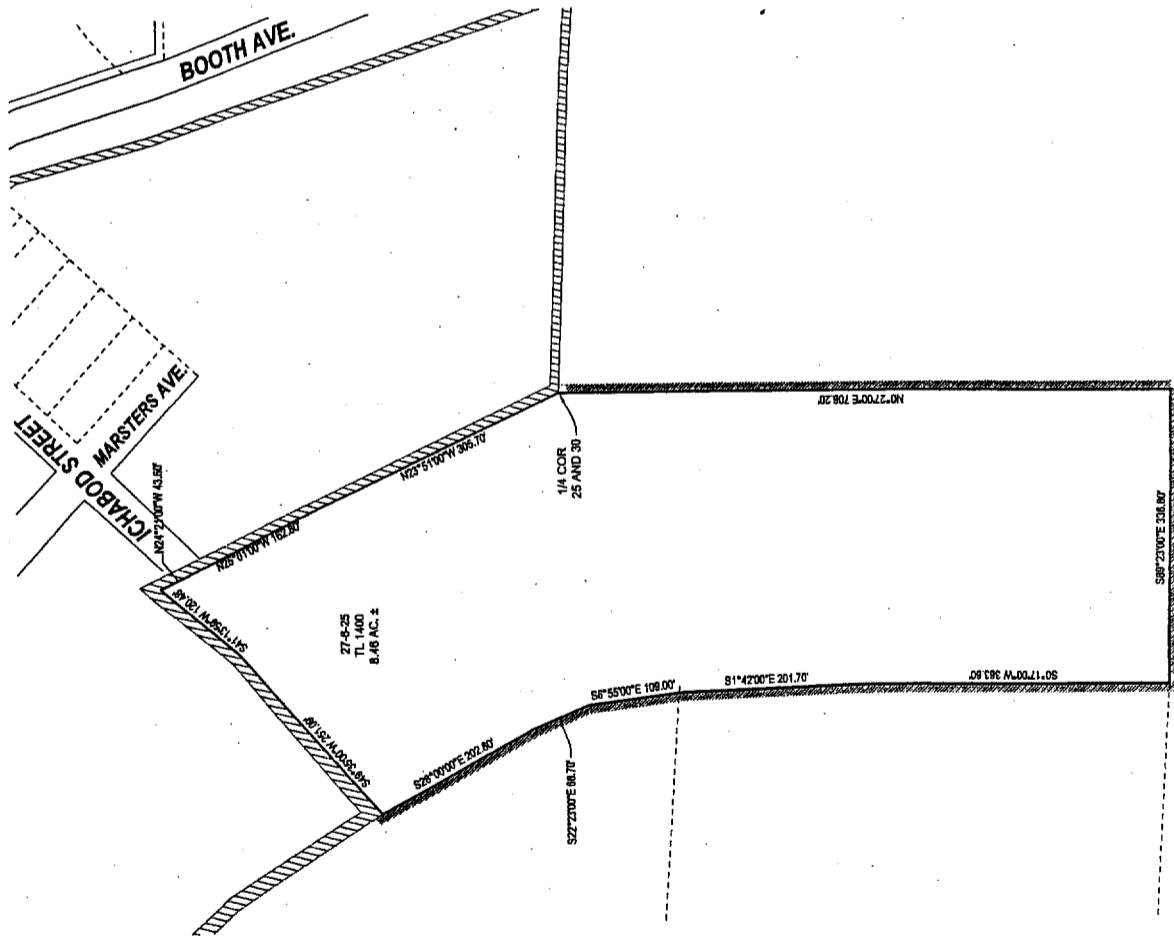
A PARCELS OF LAND LYING IN THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 27 SOUTH, RANGE 9 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE 1/4 CORNER COMMON TO SECTION 24, TOWNSHIP 27 SOUTH, RANGE 9 WEST AND SECTION 26, TOWNSHIP 27 SOUTH, RANGE 9 WEST; THENCE S72°00'W 100.00 FEET; THENCE N67°20'00"W 300.00 FEET; THENCE N17°00'W 100.00 FEET; THENCE S22°30'00"W 80.00 FEET; THENCE N62°00'00"W 80.00 FEET; THENCE S22°30'00"W 80.00 FEET; THENCE N17°00'W 100.00 FEET; THENCE S22°30'00"W 80.00 FEET; THENCE S22°30'00"W 100.00 FEET; THENCE S22°30'00"W 100.00 FEET TO THE 1/4 CORNER COMMON TO SECTIONS 25 AND 30, THE PLACE OF BEGINNING.

SAID PARCELS CONTAINING 8.46 ACRES, MORE OR LESS, DESCRIPTION BASED ON A COMPARISON OF RECORDS AS RECORDED IN THE SURVEY RECORDS OF DOUGLAS COUNTY.



ORIGINAL CITY LIMITS
 NEW ANNEXED PROPERTY



REGISTERED PROFESSIONAL LAND SURVEYOR OREGON F. AUSTIN HIBBS 525989 EXPIRATION DATE 6/30/2017	
ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE LYING IN THE NW 1/4 OF SECTION 15, T27S, R9W WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON	
CLIENT: CITY OF ROSEBURG 900 S.E. DOUGLAS ROSEBURG, OREGON 97470	SURVEYOR: J. A. HIBBS LAND SURVEYING, INC. 4785 LOCKWOOD ROAD SEASIDE, OREGON 97138 (503) 325-8200 www.jahibbs.com
ORDINANCE NO. 3245	JOB #: 49-25-34 DWG. BY: F.B. DATE: JULY 2008 DWG. SCALE: 1" = 100' JOB #: 49-25-34 DWG. BY: F.B. PAGE: 1 OF 1

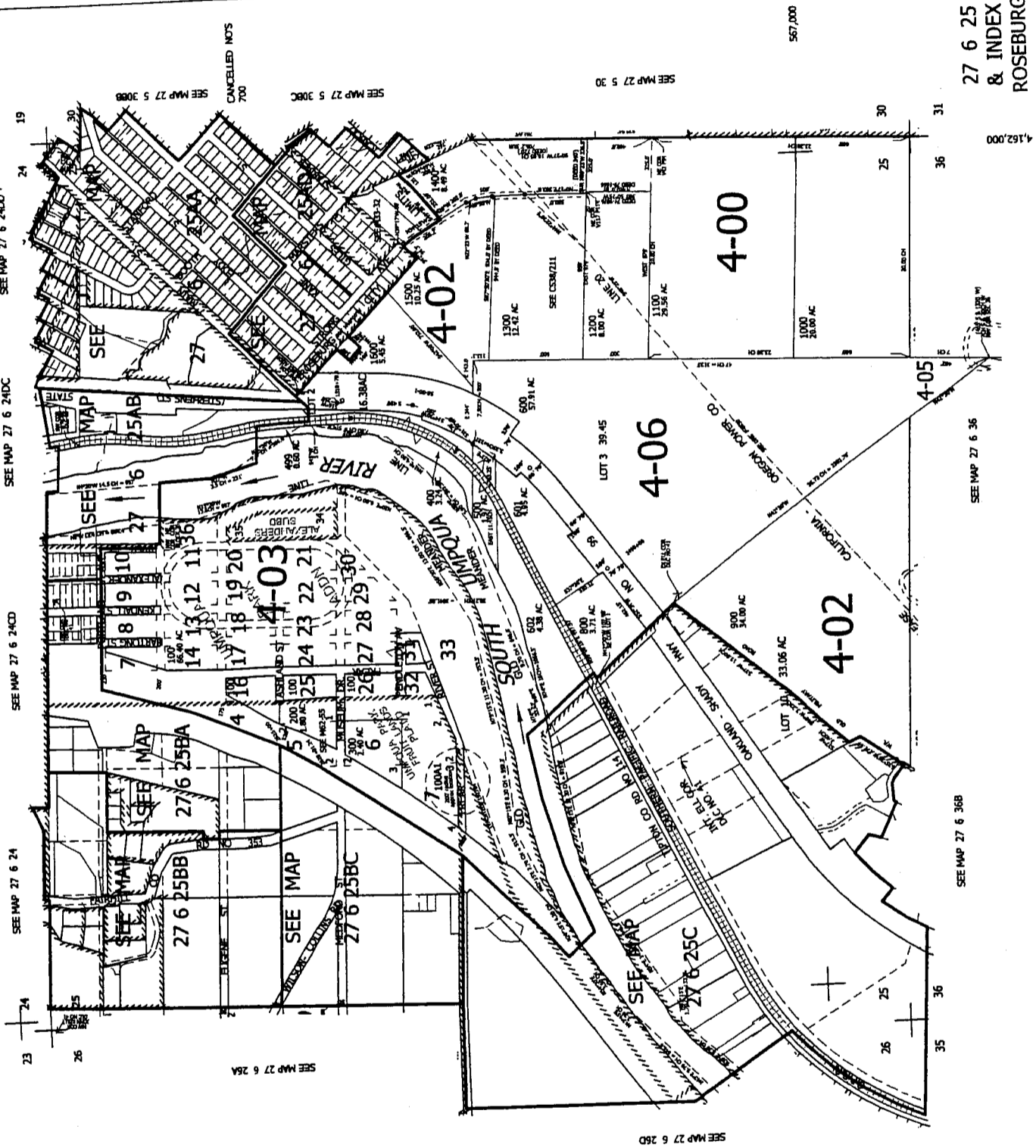
27 6 25
& INDEX
ROSEBURG

SEC.25 T.27S. R.6W. W.M.
DOUGLAS COUNTY

REVISED ON
12-6-05

1" = 400'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.



27 6 25
& INDEX
ROSEBURG

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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 9.23)
acres, of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary; described as Tax Lot)
1400, Section 25, Township 27)
South, Range 06 West, Willamette)
Meridian, Tax Account R20497)
and M84906; currently zoned)
County RR (Rural Residential) and)
to be zoned City R-1-7.5 (Single)
Family Residential); and Tax Lot)
900, Section 30BC, Township 27)
South, Range 05 West, Willamette)
Meridian, Tax Account R15941)
and R70160, currently zoned)
County RR (Rural Residential) and)
to be zoned City R-1-6 (Single)
Family Residential).)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 5 - Exhibit 11**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

The subject properties are adequately described and applicable to annexation of territories described as follows:

1. Tax Lot 1400 identified as approximately 8.46 acres located in Section 25, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R20497 and M84906, commonly known as 1991 Ichabod.
2. Tax Lot 900 identified as approximately 0.68 acres located in Section 30BC, in Township 27 South, Range 05 West, Willamette Meridian and further identified as Tax Account R15941 and R70160, located southwest of SE Booth Avenue, southerly of Starmer Street.
3. SE Booth Avenue right-of-way, located on the westerly side of the road, extending southeasterly from Starmer Street. ~

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

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

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

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the

territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, and the majority of the electors consents to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would enhance citizen involvement, and public safety services; stabilize service delivery; reliability in water availability; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including

voting on future taxes, special elections and serve on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this

policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at a density and having a level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre

- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR. The City of Roseburg Comprehensive Land Use Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zonings are an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zoning, and will provide for the existing land uses.
- E. The R-1-6 and R-1-7.5 zones are available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water, or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

Properties on Military Avenue are portions of parcels that are developed and in the City. The proposed R-1-6 and R-1-7.5 zones for these properties will provide a continuance zone designation for the entire property, as well as implement the LDR Comprehensive Plan.

The LDR designation will be implemented with the proposed R-1-6 and R-1-7.5 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

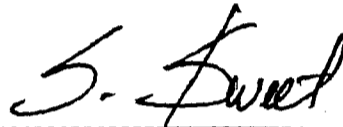
Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single-Family Residential (R-1-6 and R-1-7.5) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the

properties without undue expense to the public and to serve the properties in an efficient manner.

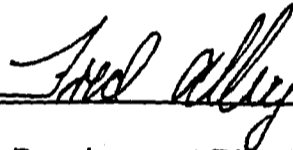
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel Sweet , Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3246

AN ORDINANCE DECLARING THE ANNEXATION OF APPROXIMATELY 0.68 ACRES OF PROPERTY LOCATED ON THE EASTERLY SIDE OF BOOTH AVENUE, SOUTHERLY OF STARMER STREET AND FURTHER DESCRIBED AS TAX LOT 900, IN SECTION 30BC, TOWNSHIP 27 SOUTH, RANGE 05 WEST, WILLAMETTE MERIDIAN AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P175-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is within lands that are contiguous to the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 5) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Rural Residential (RR) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 SE Booth Avenue, Tax Lot 900 in Range 30BC, Township 27 South, Range 05 West, Willamette Meridian is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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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.

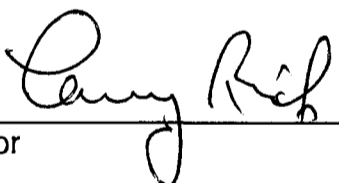
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



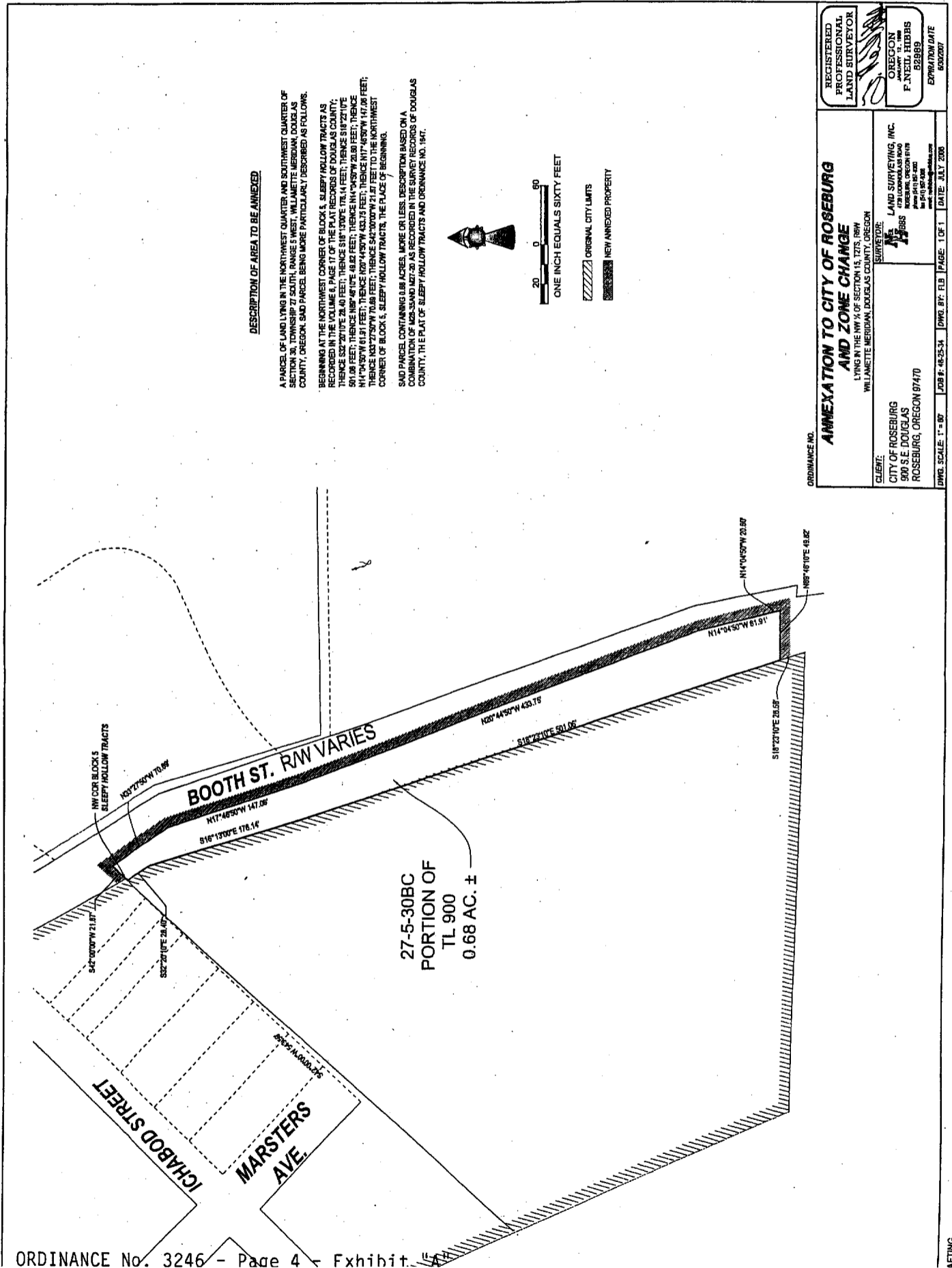
Mayor

ATTEST:



City Recorder

RECEIVED
SEP 20 2006



DESCRIPTION OF AREA TO BE ANNEXED

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 27 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHWEST CORNER OF BLOCK 5, SLEEPY HOLLOW TRACTS AS RECORDED IN THE VOLUME 6, PAGE 17 OF THE PLAT RECORDS OF DOUGLAS COUNTY; THENCE S32°20'10"E 28.40 FEET; THENCE S18°13'00"E 176.14 FEET; THENCE S18°21'10"E 50.08 FEET; THENCE N89°46'10"E 48.82 FEET; THENCE N44°50'W 20.80 FEET; THENCE N14°04'50"W 81.91 FEET; THENCE N27°59'W 70.88 FEET; THENCE N27°59'W 70.88 FEET; THENCE N17°46'30"W 147.06 FEET; THENCE N27°59'W 70.88 FEET; THENCE S42°00'00"W 21.87 FEET TO THE NORTHWEST CORNER OF BLOCK 5, SLEEPY HOLLOW TRACTS, THE PLACE OF BEGINNING.
 SAID PARCEL CONTAINING 0.68 ACRES, MORE OR LESS, DESCRIPTION BASED ON A COMBINATION OF 1928-33 AND 1927-30 AS RECORDED IN THE SURVEY RECORDS OF DOUGLAS COUNTY, THE PLAT OF SLEEPY HOLLOW TRACTS AND ORDINANCE NO. 1847.



20 0 60
ONE INCH EQUALS SIXTY FEET

ORIGINAL CITY LIMITS
NEW ANNEXED PROPERTY

ORDINANCE NO. 3246 - Page 4 - Exhibit 4

ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE
 LYING IN THE NW ¼ OF SECTION 15, T27S, R5W, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON

CLIENT:
 CITY OF ROSEBURG
 900 S.E. DOUGLAS
 ROSEBURG, OREGON 97470

SURVEYOR:
 F. NEILL HIBBIS
 178 LORRAINE ROAD
 ROSEBURG, OREGON 97470
 PH: 541-947-2200
 FAX: 541-947-2201
 www.fneillhibbis.com

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 JANUARY 12, 1988
 F. NEILL HIBBIS
 523695
 EXPIRATION DATE 6/30/2007

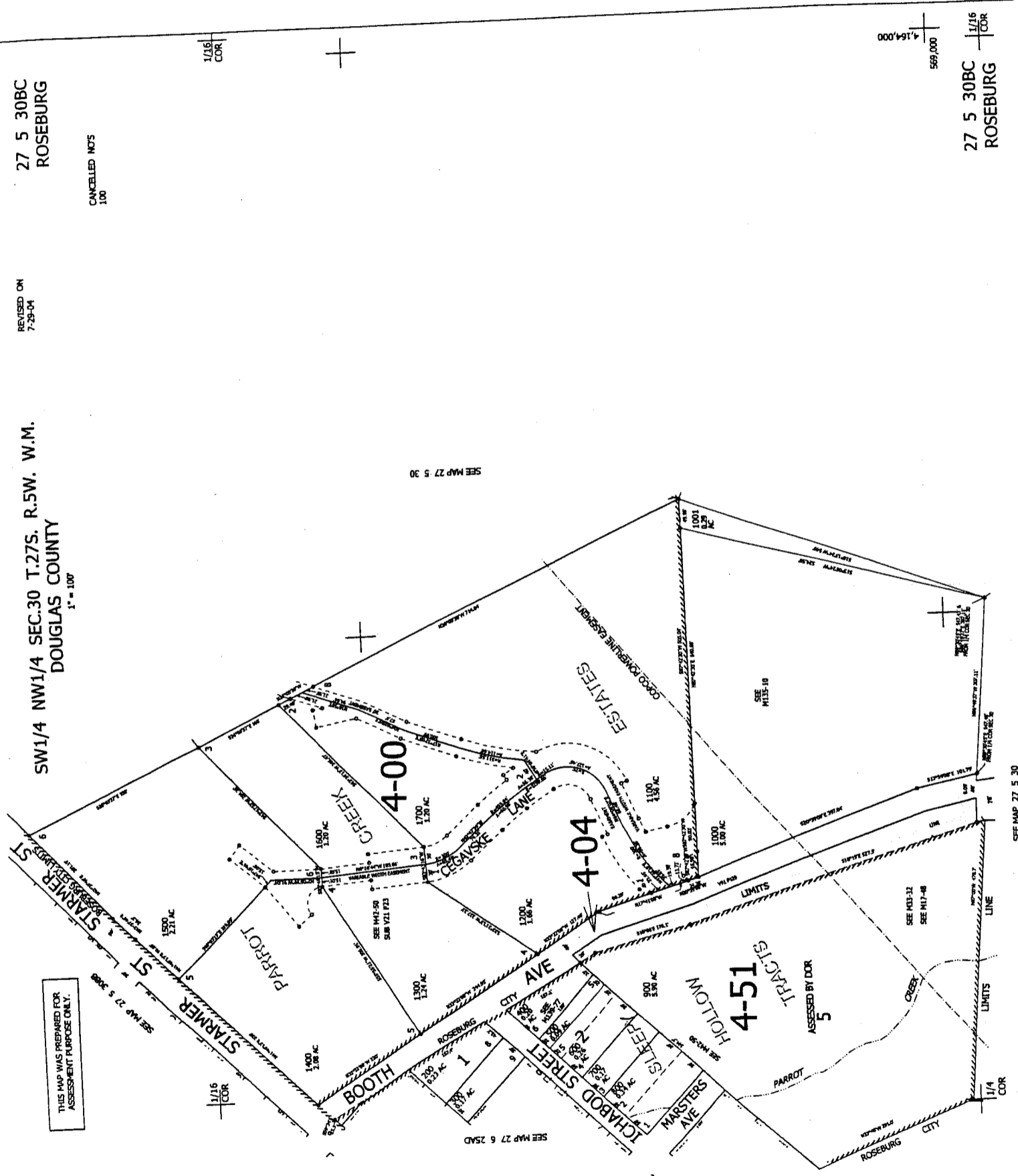
DATE: JULY 2006
 DWG. NO. 48-25-34 DWG. BY: FLB PAGE: 1 OF 1

27 5 30BC
ROSEBURG

CANCELLED NOS
100

REVISED ON
7-29-04

SW1/4 NW1/4 SEC.30 T.27S. R.5W. W.M.
DOUGLAS COUNTY
1" = 100'



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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 9.23)
acres, of area contiguous to the)
current City Limits; and within the)
Roseburg Urban Growth)
Boundary; described as Tax Lot)
1400, Section 25, Township 27)
South, Range 06 West, Willamette)
Meridian, Tax Account R20497)
and M84906; currently zoned)
County RR (Rural Residential) and)
to be zoned City R-1-7.5 (Single)
Family Residential); and Tax Lot)
900, Section 30BC, Township 27)
South, Range 05 West, Willamette)
Meridian, Tax Account R15941)
and R70160, currently zoned)
County RR (Rural Residential) and)
to be zoned City R-1-6 (Single)
Family Residential).)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 5 - Exhibit 11**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

The subject properties are adequately described and applicable to annexation of territories described as follows:

1. Tax Lot 1400 identified as approximately 8.46 acres located in Section 25, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R20497 and M84906, commonly known as 1991 Ihabod.
2. Tax Lot 900 identified as approximately 0.68 acres located in Section 30BC, in Township 27 South, Range 05 West, Willamette Meridian and further identified as Tax Account R15941 and R70160, located southwest of SE Booth Avenue, southerly of Starmer Street.
3. SE Booth Avenue right-of-way, located on the westerly side of the road, extending southeasterly from Starmer Street.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

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

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

ORS 222.125

Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the

territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, and the majority of the electors consents to annexation.

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would enhance citizen involvement, and public safety services; stabilize service delivery; reliability in water availability; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including

voting on future taxes, special elections and serve on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this

policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at a density and having a level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Comprehensive Plan Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre

- C. The current County Zone implementing the comprehensive plan is Rural Residential and Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR. The City of Roseburg Comprehensive Land Use Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zonings are an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zoning, and will provide for the existing land uses.
- E. The R-1-6 and R-1-7.5 zones are available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water, or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

Properties on Military Avenue are portions of parcels that are developed and in the City. The proposed R-1-6 and R-1-7.5 zones for these properties will provide a continuance zone designation for the entire property, as well as implement the LDR Comprehensive Plan.

The LDR designation will be implemented with the proposed R-1-6 and R-1-7.5 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

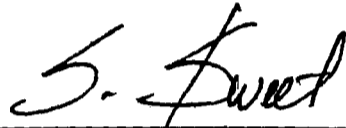
Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6 and R-1-7.5) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the

properties without undue expense to the public and to serve the properties in an efficient manner.

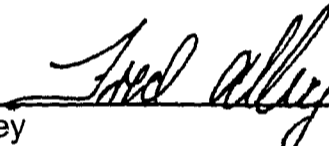
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel Sweet , Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3247

AN ORDINANCE DECLARING THE ANNEXATION OF 1.76± ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF LOOKINGGLASS ROAD, ADDRESSED AS 1595 LOOKINGGLASS ROAD FURTHER DESCRIBED AS TAX LOT 800, IN TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 22DB AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P168-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is surrounded by the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 3) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and Change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Suburban Residential (RS) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 1595 Lookingglass Road is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 222.750, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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 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 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13TH DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER 2006.



Mayor

ATTEST:



City Recorder

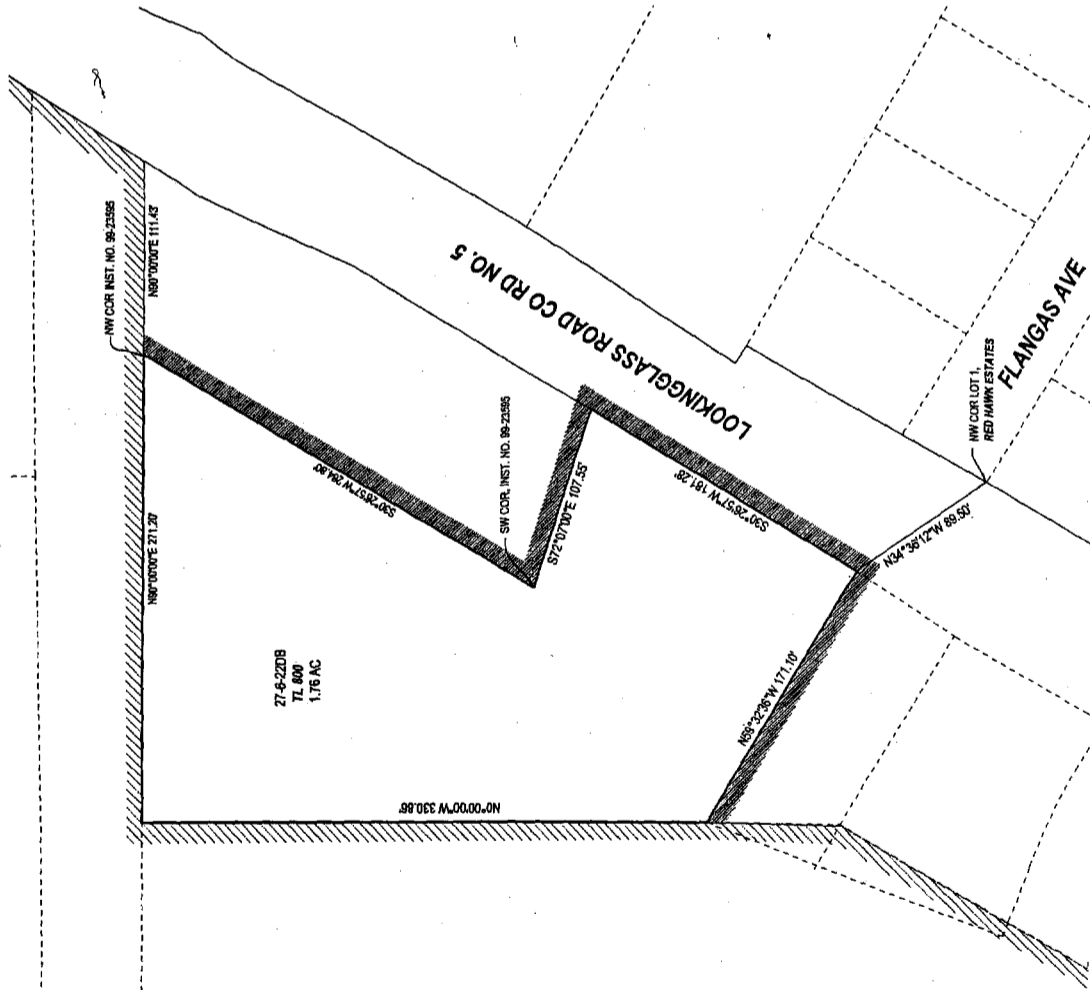
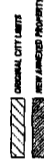
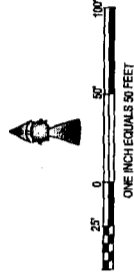
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SEP 21 2006


DESCRIPTION OF AREA TO BE ANNEXED

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 8 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY OF LOOKINGGLASS ROAD WHICH BEARS N44°28'12"W 89.50 FEET FROM THE SW CORNER OF THE NE 1/4 OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 8 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, THENCE S87°28'17"W 284.8 FEET TO AN IRON ROD AT THE SOUTHWEST CORNER OF THAT LAND DESCRIBED IN INSTRUMENT NO. 74-02103 OF THE DEED RECORDS OF DOUGLAS COUNTY; THENCE NORTH 330.98 FEET TO AN IRON PIPE AT THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN SAID INSTRUMENT NO. 74-02103; THENCE EAST 271.2 FEET TO AN IRON PIPE AT THE NORTHWEST CORNER OF THAT LAND DESCRIBED IN INSTRUMENT NO. 86-23265 OF THE DEED RECORDS OF DOUGLAS COUNTY; THENCE S20°28'17"W 284.8 FEET AND S72°07'E 107.25 FEET ALONG WESTERN AND SOUTHERN BOUNDARIES OF THAT LAND DESCRIBED IN SAID INSTRUMENT NO. 86-23265 TO THE WESTERLY RIGHT-OF-WAY OF LOOKINGGLASS ROAD; THENCE S30°28'17"W 181.28 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1.76 ACRES, MORE OR LESS.



REGISTERED PROFESSIONAL LAND SURVEYOR  F. NEIL HIBBS 929889 EXPIRATION DATE 8/31/2017	
ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE LYING IN THE SE 1/4 OF SECTION 22, T27S, R8W, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON	
CLIENT: CITY OF ROSEBURG 900 S.E. DOUGLAS ROSEBURG, OREGON 97470	LAND SURVEYING, INC. F. NEIL HIBBS 929889 EXPIRATION DATE 8/31/2017 www.fneilhibbs.com
ORDINANCE NO. 3247	DATE: JULY 2008 JOB #: 48-25-38 DWG. BY: F.B. PAGE: 1 OF 1

27 6 22DB
ROSEBURG

REVISED ON
5-15-06

NW1/4 SE1/4 SEC.22 T.27S. R.6W. W.M.
DOUGLAS COUNTY

1" = 100'

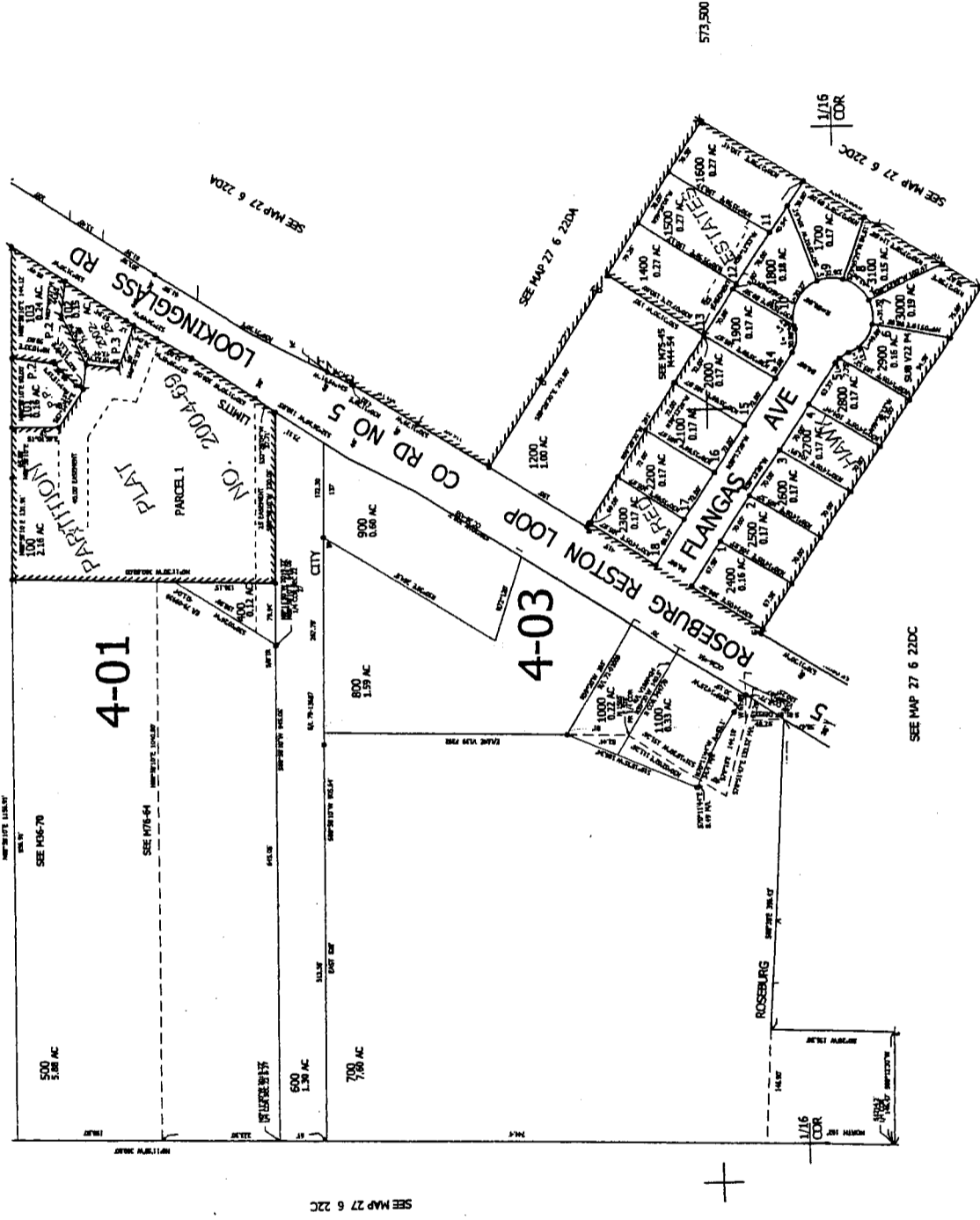
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THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

CANCELLED NOS
200 300 1300
701 702 1101

SEE MAP 27 6 22

+



4,150,000

27 6 22DB
ROSEBURG

BEFORE THE PLANNING COMMISSION
OF THE CITY OF ROSEBURG

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 1.63)
acres of that area surrounded by)
the current City Limits; and within)
the Roseburg Urban Growth)
Boundary; located at 1595 and)
1559 Lookingglass Road, and)
further described as Tax Lots 800)
and 900, Section 22DB, Township)
27 South, Range 06 West,)
Willamette Meridian, Tax Account)
R19337 and R19361. The request)
will annex 1.63 acres and)
establish an R-1-6 (Single Family)
Residential) zone to replace the)
County RS (Suburban Residential))
zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 3 - Exhibit 9**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

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

1. Tax Lot 800 identified as approximately 1.03 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19337 and commonly known as 1595 Lookingglass Road.
2. Tax Lot 900 identified as approximately 0.60 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19361 and commonly known as 1559 Lookingglass Road.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

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

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

ORS 222.125

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

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

ORS 222.750

Annexation of unincorporated territory surrounded by city. When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, it is within the power and authority of that city to annex such territory. However, this section does not apply when the territory not within a city is surrounded entirely by water. Unless otherwise required by its charter, annexation by a city under this section shall be by ordinance or resolution subject to referendum, with or without the consent of any owner of property within the territory or resident in the territory. [Amended by 1963 c.444 § 1; 1985 c.702 §16]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent; or the property is surrounded by the City limits. This application is property surrounded by the City, referred to as an "island".

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to

provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serve on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at a density and having a level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

- 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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR. The City of Roseburg Comprehensive Land Use Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zoning, and will provide for the existing land uses.
- E. The R-1-6 zones are available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections

of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

The LDR designation will be implemented with the proposed R-1-6 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities; eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

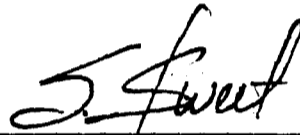
Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the

proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

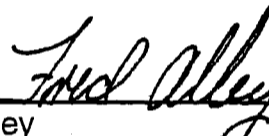
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:

Samuel J. Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach

ORDINANCE NO. 3248

AN ORDINANCE DECLARING THE ANNEXATION OF 0.66± ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF LOOKINGGLASS ROAD, ADDRESSED AS 1559 LOOKINGGLASS ROAD FURTHER DESCRIBED AS TAX LOT 900, IN TOWNSHIP 27 SOUTH, RANGE 06 WEST, WILLAMETTE MERIDIAN, SECTION 22DB AND INCLUDED IN THE 2006 ISLAND/CONSENT ANNEXATIONS AS FILE #DOR-10-P170-2006; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; MAKING A LEGISLATIVE AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as a Legislative Annexation and Zone Change.
3. The legislative annexation complies with provisions of ORS Chapter 222.120 and ORS Chapter 222.125.
4. The subject property is surrounded the City limit boundary and therefore a logical inclusion of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.

9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Change of Zone applications.
10. That the Planning Commission received an application (File Nos. AN-06-2 & ZC-06-2, Group 3) and held a Legislative public hearing after due and timely notice.
11. The proposal includes annexation of lands and change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Low Density Residential (LDR) and upon annexation will remain LDR.
13. The subject lands are currently zoned County Suburban Residential (RS) and upon annexation will cause a change to City Single Family Residential (R-1-6).
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 1559 Lookingglass Road is legally described and shown in Exhibit "A", attached hereto and incorporated herein, is annexed to the City of Roseburg as a part thereof.

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2006 and incorporates that document herein as shown in Exhibits "B".

SECTION V. This annexation is made pursuant to the provisions of ORS 222.120 and 22.750, and pursuant to a legislative annexation without election by city electors; and, with public hearing.

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.

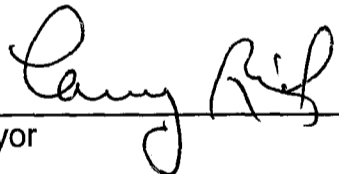
SECTION VII. The Recorder of the City of Roseburg shall submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225 (Attached hereto as Exhibit "A").

SECTION VIII. The City Council hereby amends the Roseburg Zoning Map by applying the City Single Family Residential (R-1-6) 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 submit to the Secretary of State of Oregon for filing, copies of the 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 13th DAY OF NOVEMBER 2006.

APPROVED BY THE MAYOR THIS 13th DAY OF NOVEMBER 2006.



Mayor

ATTEST:



City Recorder

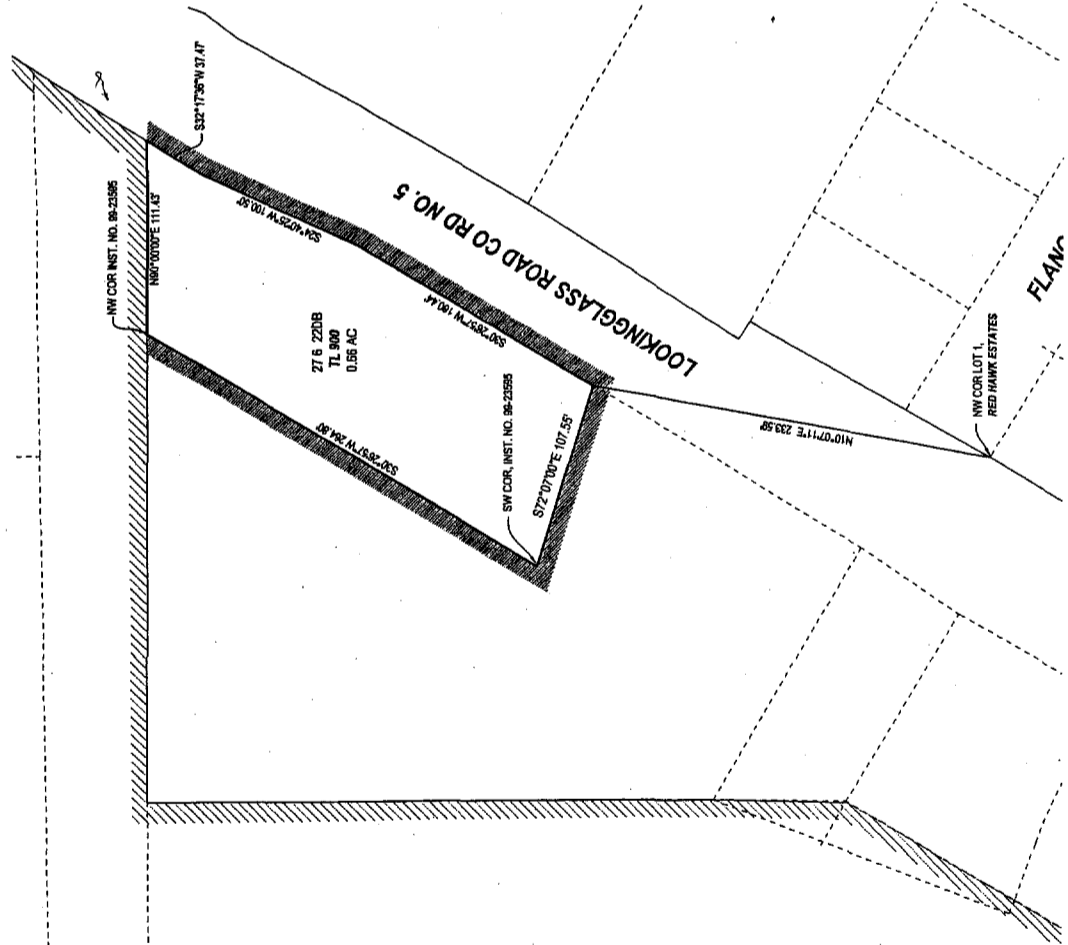
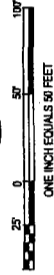
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DESCRIPTION OF AREA TO BE ANNEXED

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 6 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY OF LOOKINGGLASS ROAD WHICH BEARS N10°11'12" E 233.50 FEET FROM THE SW CORNER OF THE NORTHWEST CORNER OF LOT 1, RED HAWK ESTATES AS RECORDED IN VOLUME 22, PAGE 4 OF THE PLAT RECORDS OF DOUGLAS COUNTY; THENCE N72°07'00" W 107.55 FEET TO AN IRON PIPE AT THE SOUTHWEST CORNER OF THAT LAND DESCRIBED IN INSTRUMENT NO. 99-23595 OF THE DEED RECORDS OF DOUGLAS COUNTY; THENCE N07°26'57" E 244.8 FEET TO AN IRON PIPE AT THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN SAID INSTRUMENT NO. 99-23595; THENCE EAST 111.43 FEET TO THE WESTERLY RIGHT-OF-WAY OF LOOKINGGLASS ROAD; THENCE S22°17'36" W 37.47 FEET, S24°40'25" W 100.50 FEET AND S20°26'57" W 161.44 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.88 ACRES, MORE OR LESS.



ANNEXATION TO CITY OF ROSEBURG AND ZONE CHANGE LYING IN THE SE 1/4 OF SECTION 22, T27S, R6W WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON	
CLIENT: CITY OF ROSEBURG 900 S.E. DOUGLAS ROSEBURG, OREGON 97470	REGISTERED PROFESSIONAL LAND SURVEYOR OREGON JANUARY 12, 1994 F. NEILL HIBBS 928289 EXPIRATION DATE 6/30/2007
SURVEYOR: LAND SURVEYING, INC. 4728 LOOKINGGLASS ROAD ROSEBURG, OREGON 97470 503-671-1100 www.landingsurvey.com	DATE: JULY 2006 JOB #: 48-25-29 DRAWN BY: F.B. PAGE: 1 OF 1

27 6 22DB
ROSEBURG

REVISED ON
5-15-06

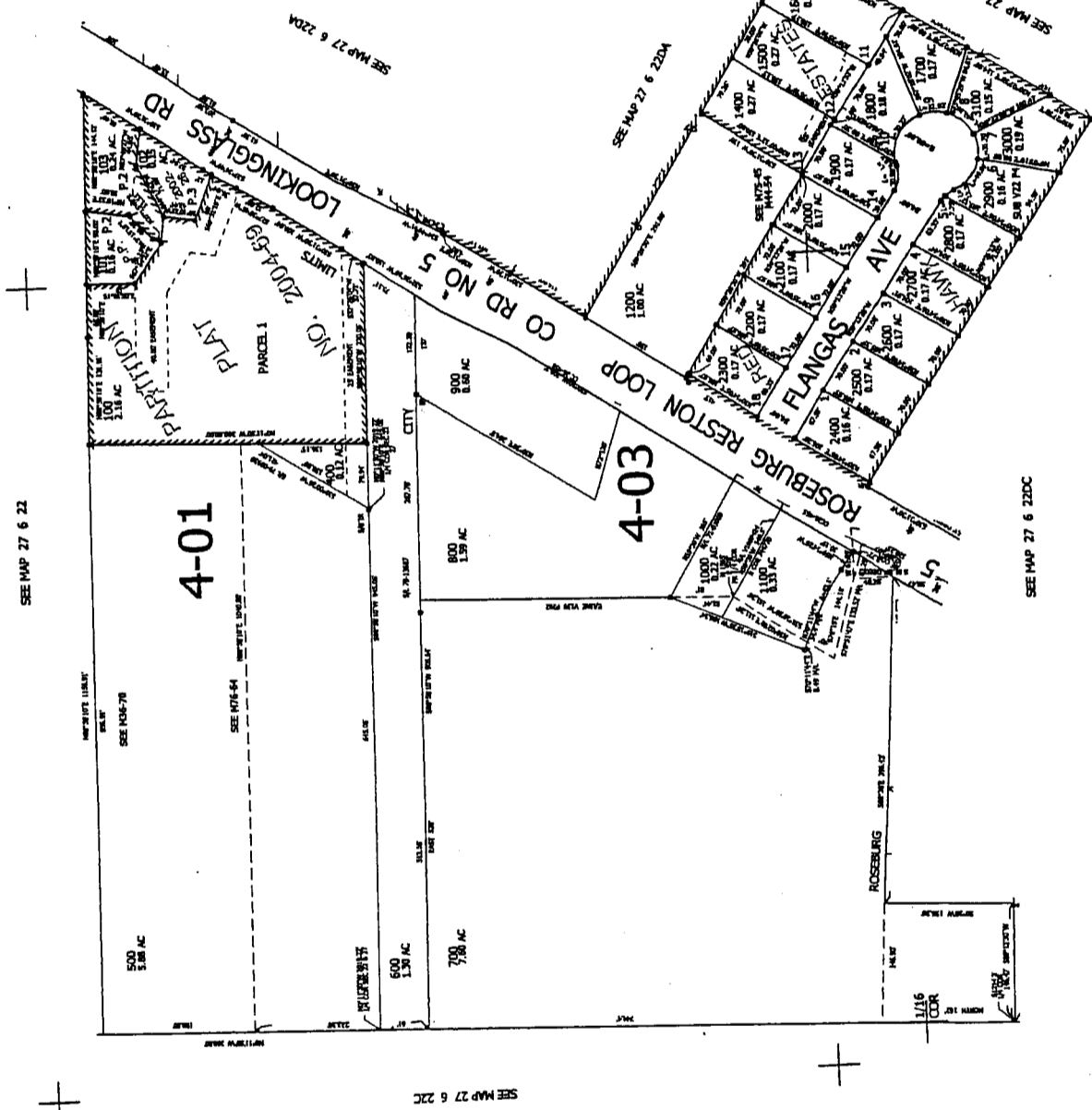
NW1/4 SE1/4 SEC.22 T.27S. R.6W. W.M.
DOUGLAS COUNTY

1" = 100'

1/16
COR

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

CANCELLED NO'S
200 300 1300
701 702 1101



SEE MAP 27 6 22

SEE MAP 27 6 22C

SEE MAP 27 6 22DC

4150,000

27 6 22DB
ROSEBURG

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

In the matter of the application of)
the City of Roseburg, applicant,)
for Annexation of Territory into)
the City of Roseburg and Zone)
Change for approximately 1.63)
acres of that area surrounded by)
the current City Limits; and within)
the Roseburg Urban Growth)
Boundary; located at 1595 and)
1559 Lookingglass Road, and)
further described as Tax Lots 800)
and 900, Section 22DB, Township)
27 South, Range 06 West,)
Willamette Meridian, Tax Account)
R19337 and R19361. The request)
will annex 1.63 acres and)
establish an R-1-6 (Single Family)
Residential) zone to replace the)
County RS (Suburban Residential))
zone.)

**FINDINGS OF FACTS
AND DECISION**

**FILE NO. AN-06-2/ZC-06-2
Group 3 - Exhibit 9**

Finding No. 1

This matter came before the Planning Commission for public hearing on September 18, 2006, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Said application was initiated in due format as provided by the City of Roseburg, applicable to annexation of territory.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

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

1. Tax Lot 800 identified as approximately 1.03 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19337 and commonly known as 1595 Lookingglass Road.
2. Tax Lot 900 identified as approximately 0.60 acres located in Section 22DB, in Township 27 South, Range 06 West, Willamette Meridian and further identified as Tax Account R19361 and commonly known as 1559 Lookingglass Road.

Finding No. 5

Notice of the public hearing was mailed to affected property owners a minimum of 30 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.6

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

ORS 222.120

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

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

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

ORS 222.125

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

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

ORS 222.750

Annexation of unincorporated territory surrounded by city. When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, it is within the power and authority of that city to annex such territory. However, this section does not apply when the territory not within a city is surrounded entirely by water. Unless otherwise required by its charter, annexation by a city under this section shall be by ordinance or resolution subject to referendum, with or without the consent of any owner of property within the territory or resident in the territory. [Amended by 1963 c.444 § 1; 1985 c.702 §16]

Summarized, the annexation may take place when owner(s) consent, and if electors reside in the area, a majority of the electors consent; or the property is surrounded by the City limits. This application is property surrounded by the City, referred to as an "island".

Finding No. 7

Section 197.175 of Oregon Revised Statutes state that "Cities ... shall exercise their planning and zoning responsibilities, including, but not limited to, a city ... boundary change..." The following Statewide Planning Goals have been determined to be applicable for this application:

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

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. In order to implement the Comprehensive Plan the City has adopted the Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet the State of Oregon Revised Statutes.

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

The City of Roseburg provided notice for the annexation and zone change as mandated through the ORS requirements and LUDO as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to

provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information and/or provide information regarding conditional approval.

Benefits of annexing properties into the City's jurisdiction would include such elements as enhanced citizen involvement and public safety services; reliability in water availability; stabilize service delivery; and broaden financial support. There would also be coordinated urban service delivery and transportation facilities, as well as urban planning and code enforcement functions. Citizens would be able to participate in community civic affairs including voting on future taxes, special elections, and serve on the City Council and other City commissions.

The citizen involvement mechanism only involved public notice and public hearing platforms. Citizen Involvement as discussed in the Guidelines for Goal 1 refer to "planning programs" such as master planning and programs of general interest. The City of Roseburg has a policy of appointing a "citizen" committee for every general interest plan or program considered. The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO.

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

Part I - Planning

The City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City Urban Growth Boundary (UGB). In addition, the City of Roseburg and Douglas County have adopted an Urban Growth Management Agreement (UGMA) that more specifically identifies process and policy framework for urban area issues and coordination within the unincorporated areas.

Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has also been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both may have been amended from time to time).

Part II – Exceptions

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

Statewide Planning Goal No. 11 – Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Roseburg Urban Area Comprehensive Plan Public Facilities and Services Policy indicate that in addition to the physical, economic, energy and social considerations addressed by other policies in the Plan, the timing and location of urban development within the urban areas shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

There are adequate sanitary sewer, water and storm drainage facilities available to serve the level and type of development contemplated by the adopted land use designations. If review of future development plans indicates utilities may be inadequate for the proposal, then the developer will be required to make improvements at his cost for appropriate service facilities to accommodate said development. As noted above the annexation of these island and contiguous properties will facilitate the timely, orderly and efficient utilization of public facilities and services, based on standards put forth in Master Planning documents (Water, Sewer, Storm Drainage, Parks and Public Facilities) adopted by the City Council.

Additionally, City Council Resolution 2006-04 provides policies and guidelines for future annexations and notes that the City's UGB defines the areas where urban level of services will occur. Annexations of existing unincorporated islands should occur as soon as practical.

Statewide Planning Goal No. 14 – Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

City of Roseburg adopted Comprehensive Plan policies include:

Urban Growth Policy No. 3

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

Urban Growth Policy 8

Sewer and water services shall not be extended outside jurisdictional boundaries except as may be provided for through an intergovernmental agreement or upon agreement by the affected property owner to annex to the jurisdiction providing such service.

Urban Growth Policy No. 10

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Urban Growth Policy No. 11

Within the urban growth boundary, residential subdivisions, commercial and industrial development shall be permitted only within the service districts or within the City of Roseburg where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City, the County, and the affected service districts.

The properties identified are currently using or have available City services. Annexation of these properties will not require additional public funds to extend City utilities or services. If and when future site plan review for development should occur, departments may require upgrading of the existing facilities to current City standards. If upgrading of utilities is required as a condition of building permit approval, the developer will be responsible for the cost and installation of those improvements.

On October 12, 1994, the City of Roseburg and Douglas County signed and executed an Urban Growth Management Agreement (UGMA). Annexation of these properties complies with the provisions of Section 6. Annexations.

Recently adopted City of Roseburg Annexation Policies recognizes fiscally responsible annexation policies. Annexation of UGB provides a means for residents outside the City limits who are affected by City decisions to have involvement by becoming part of the City limits. Properties within the UGB are recognized as being at a density and having a level of services that are urban in nature, and are identified as the appropriate and logical extent of the City limits. In addition, annexation should occur to correct existing inconsistencies of the City's borders and include unincorporated islands and peninsulas.

ZONE CHANGE CRITERIA

Criteria for amending the City of Roseburg zoning map is provided in Article 38 of the Land Use and Development Ordinance. Article 38 provides that the approving authority may grant a zone change only if the following is found:

- 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.*

Zone Change Criteria No. 1 - The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

An analysis of the Housing and Land Use Goals finds the following:

- A. The subject properties are within the Roseburg Urban Growth Boundary and are designated, by the Roseburg Urban Area Comprehensive Plan (PLAN) Map for Low Density Residential (LDR) uses.
- B. The PLAN indicates that the appropriate density for LDR land is between one and six dwelling units per acre.
- C. The current County Zone implementing the comprehensive plan is Suburban Residential, which is a single-family residential zone allowing from one to three dwelling units per acre. This zone is appropriate for the planned density in the LDR. The City of Roseburg Comprehensive Land Use Plan provides that land use designations are intended to define the relationship of various land use designations, prevent a mix of incompatible uses, and recognize the predominant type of land use and permissible mix of compatible uses. Thus, applying a zone that continues the basic land use while implementing the Comprehensive Plan conforms to the goals and objectives of that PLAN.
- D. The proposed zone is an extension of the predominant zone, consistent with the current Comprehensive Plan Land Use designation, compatible with the current County zoning, and will provide for the existing land uses.
- E. The R-1-6 zones are available for implementing the LDR plan designation.

An analysis of the Urban Service Goals finds the following:

- A. Rights-of-way exist or can be created within the areas. The property is either within an established service level for city water or service can be provided upon development. Roseburg Urban Sanitary Authority has sufficient capacity to serve the lands within the existing UGB and these lands lie entirely within the UGB.
- B. According to the Fire Department due to proximity to the existing City boundary, City police and fire services are already provided to the properties. The annexation and zone changes will consolidate services without requiring any additional fire stations or police patrol. Fire response time will not be extended as a result of this action.

Zone Change Criteria No. 2 - The site is suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area.

Both the Comprehensive Plan and State law provide that, upon annexation to the City, the zoning of the annexed territory shall be changed to conform to the land use designation prescribed by the Comprehensive Plan. As indicated in previous sections

of this report, the properties are within the City UGB and more specifically the subject areas are designated Low Density Residential (LDR).

The LDR designation will be implemented with the proposed R-1-6 (Single-family Residential) zone. The physical characteristics of the properties, the availability of necessary and appropriate public facilities and services, adequate access and accessibility to local transportation facilities, absence of potential hazards to the site from flooding, unstable geology, etc., and compatibility with adjacent and nearby land use activities, eliminates concerns that cannot be adequately mitigated under LUDO if, and when, future development should occur.

Specific findings addressing the public health, safety and welfare aspects of changing the zones on the subject properties are included in preceding sections of this report. Those findings demonstrate there is a sufficient level of public services and facilities available to the properties. The zone changes will not adversely impact the carrying capacity of local air sheds, degrade land and water resources, or threaten the availability of such resources. The subject properties have not been identified as having the potential to be subjected to natural disasters and hazards and the subject properties are not needed for public recreational facilities.

The zone changes will not significantly impact the existing housing stock in the surrounding areas, result in population growth or increase the demand for housing beyond previous projections contained in the Comprehensive Plan. The zone changes will not adversely impact the present or future provision of public facilities and service in the surrounding area; the full range of services appropriate for the types of land use activity contemplated is available and can be provided in a timely, orderly and efficient manner. Public roads in the area are adequate to accommodate current and future improvements to handle any potential additional traffic resulting from the zone changes.

CONCLUSION/RECOMMENDATION

Based on the above findings the proposed Annexations conform to the guidelines and policies adopted by Resolution No. 2006-04, are within the existing City of Roseburg Urban Growth Boundaries, and are a logical extension of the existing City boundaries.

The proposed Zone Changes comply with criteria set forth in the City of Roseburg Land Use and Development Ordinance Article 38, Section 3.30.100 Zone Change; are consistent with the existing County zone designation; are compatible with the Roseburg Urban Area Comprehensive Plan; and comply with Section 197.175 of the Oregon Revised Statutes.

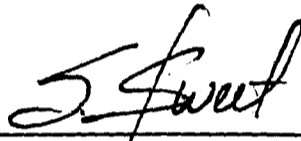
Zone Change criterion No. 1 for the proposal has been addressed through analysis of Comprehensive Plan Policies. Analysis of Zone Change Criterion No. 2 finds that the Single Family Residential (R-1-6) will be an appropriate zone for the area designated Low Density Residential. Applicable laws will control subsequent development and the

proposed zones are compatible with adjacent uses and fully implement the Comprehensive Plan. Public infrastructure is available to serve the properties without undue expense to the public and to serve the properties in an efficient manner.

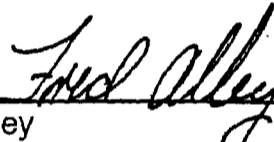
DECISION

In consideration of the foregoing Findings of Facts and conclusions, the Planning Commission supports a recommendation to the City Council for **APPROVAL** of Planning File AN-06-2, a Petition for Annexation and File ZC-06-2, Zone Change for subject lands described herein.

DATED THIS 18 DAY OF SEPTEMBER, 2006



Samuel J. Sweet, Chairman



Fred Alley
Community Development Director

Planning Commission Members:
Samuel J. Sweet, Chairman - Abstain
Chris Clark
Don Dole - Absent
Jim Gamble
Ron Hughes
Patrick Pearson - No
Ingrid Weisenbach