



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: (503) 378-5518

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

NOTICE OF ADOPTED AMENDMENT

January 30, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Roseburg Plan Amendment
DLCD File Number 009-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without text.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 13, 2006

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
Steven Santos, DLCD Economic Development Planning Specialist
Leslie C. Wilson, City of Roseburg

<paa> ya



FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

JAN 26 2006

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18
(See reverse side for submittal requirements)

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: City of Roseburg Local File No.: ZC-05-4/AN-05-4

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

Date the Notice of Proposed Amendment was mailed to DLCD: August 4, 2005

<input type="checkbox"/> Comprehensive Plan Text Amendment	<input type="checkbox"/> Comprehensive Plan Map Amendment
<input type="checkbox"/> Land Use Regulation Amendment	<input checked="" type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> New Land Use Regulation	<input checked="" type="checkbox"/> Other: <u>Annexation</u>

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write See Attached.
Annexation of private lands into city limits and change Zoning from County Heavy Industrial (M-3) to City Mixed Use (MU)

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.
On DLCD form 1, the Comprehensive Plan Amendment box was checked in error. A CPA was not part of this application. The area involved has been confirmed at 29.18 acres. it was originally estimated at 28.28± acres

Plan Map Changed from : _____ to _____

Zone Map Changed from: M-3 to MU

Location: Northwest corner Sunshine Rd & Diamond Lake Blvd Acres Involved: 29.18± ac

Specify Density: Previous: Zero New: Zero

Applicable Statewide Planning Goals: 1, 2, 9, 12, 14

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 009-05
(14579)

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

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

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:
Affected State or Federal Agencies, Local Governments or Special Districts: City of Roseburg, Douglas County, ODOT, Dixonville Water Dist, Roseburg Urban Sanitary Authority, Douglas Fire District No 2

Local Contact: Leslie C. Wilson, Community Planner

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

Address: 900 SE Douglas Ave.

City: Roseburg Zip Code+4: 97404

ADOPTION SUBMITTAL REQUIREMENTS

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

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

ORDINANCE NO. 3220

AN ORDINANCE DECLARING THE ANNEXATION OF 29.18+ACRES OF LAND KNOWN AS SHILLER PROPERTY; WITHDRAWING PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; AND A QUASI-JUDICIAL AMENDMENT TO THE ROSEBURG ZONING MAPS; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

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

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This matter came before the Roseburg Planning Commission as an Owner Consent Annexation and Zone Change.
3. The consent annexation petition complies with provisions of ORS Chapter 222.170.
4. The subject properties are contiguous to the City limit boundary and therefore a logical extension of that boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been annexed to the City upon the effective date of the withdrawal.
8. That the Roseburg Urban Area Comprehensive Plan was adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.
9. That the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996, establishes procedures for hearing Comprehensive Plan Amendment applications.

10. That the Planning Commission received an application (File Nos. AN-05-4 & ZC-05-4) and held a Quasi-Judicial public hearing after due and timely notice.
11. The proposal includes annexation of lands and change in Zone designation for said lands.
12. The subject lands are currently designated in the Roseburg Urban Area Comprehensive Plan as Industrial and upon annexation will remain Industrial.
13. The subject lands are currently zoned County - Heavy Industrial (M-3) and upon annexation will cause a change to City - Mixed Use (MU).
14. All public facilities and services are within distance of serving the subject property.
15. That the following criteria exist:
 - a. The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.
 - b. The site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.

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

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

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

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

SECTION IV. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated October 24, 2005 and incorporates that document herein as shown in Exhibits "B" & "C".

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

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

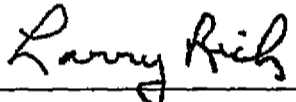
SECTION VII. The Recorder of the City of Roseburg shall make and submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225.

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

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


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

APPROVED BY THE MAYOR THIS 23RD DAY OF JANUARY 2006.



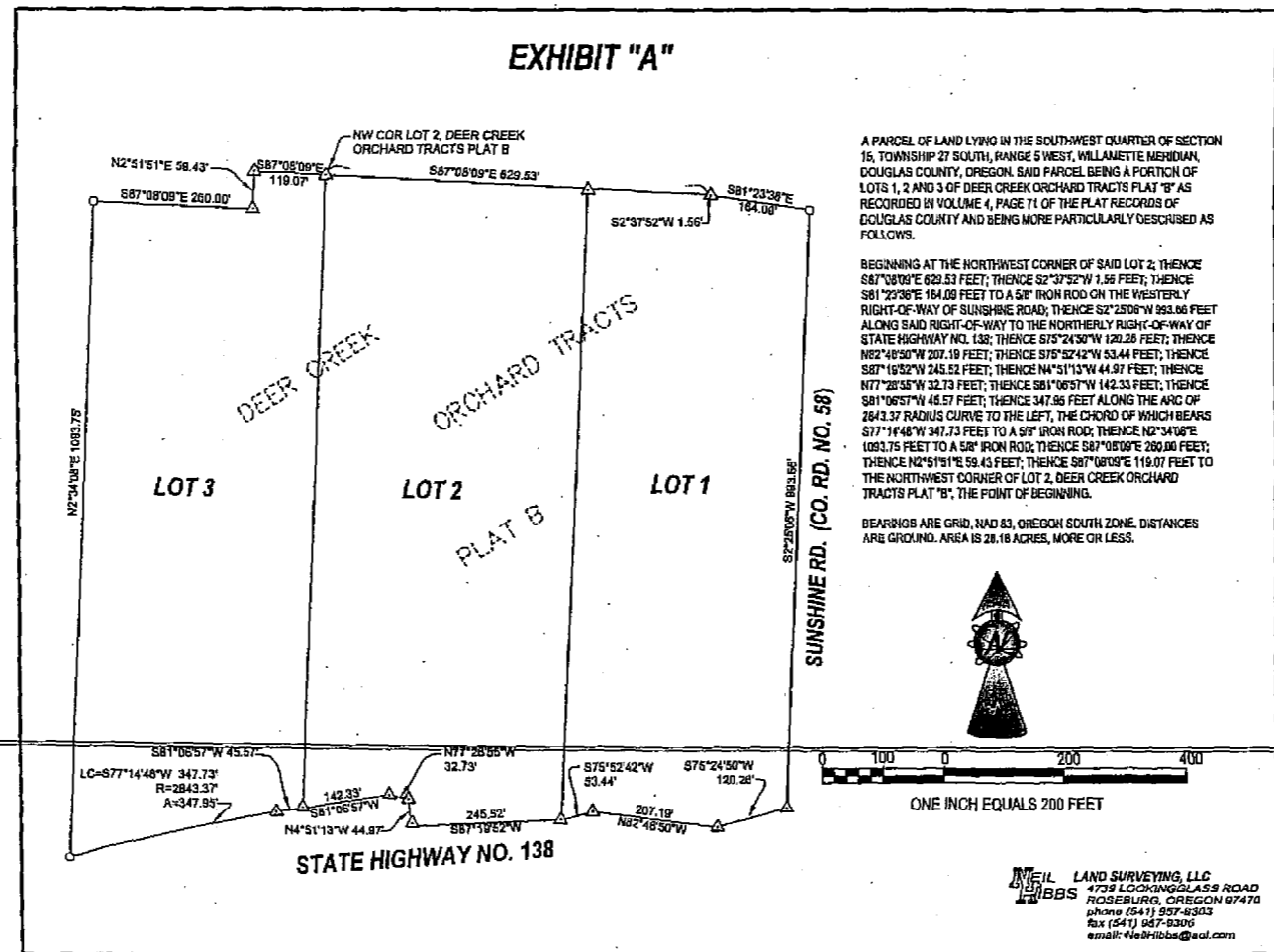
Mayor

ATTEST:



Acting Recorder

EXHIBIT "A"



A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 27 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON. SAID PARCEL BEING A PORTION OF LOTS 1, 2 AND 3 OF DEER CREEK ORCHARD TRACTS PLAT "B" AS RECORDED IN VOLUME 4, PAGE 71 OF THE PLAT RECORDS OF DOUGLAS COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE S87°08'09"E 629.53 FEET; THENCE S2°37'52"W 1.56 FEET; THENCE S81°23'38"E 164.09 FEET TO A 5/8" IRON ROD ON THE WESTERLY RIGHT-OF-WAY OF SUNSHINE ROAD; THENCE S2°25'06"W 883.06 FEET ALONG SAID RIGHT-OF-WAY TO THE NORTHERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. 138; THENCE S15°24'30"W 120.26 FEET; THENCE N82°48'50"W 207.19 FEET; THENCE S75°52'42"W 53.44 FEET; THENCE S87°19'52"W 245.52 FEET; THENCE N4°51'13"W 44.97 FEET; THENCE N77°28'55"W 32.73 FEET; THENCE S81°06'57"W 142.33 FEET; THENCE S81°06'57"W 45.57 FEET; THENCE S47°06' FEET ALONG THE ARC OF 2643.37 RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS S77°14'48"W 347.73 FEET TO A 5/8" IRON ROD; THENCE N2°34'06"E 1093.75 FEET TO A 5/8" IRON ROD; THENCE S87°08'09"E 260.00 FEET; THENCE N2°51'51"E 59.43 FEET; THENCE S87°08'09"E 119.07 FEET TO THE NORTHWEST CORNER OF LOT 2, DEER CREEK ORCHARD TRACTS PLAT "B", THE POINT OF BEGINNING.

BEARINGS ARE GRID, NAD 83, OREGON SOUTH ZONE. DISTANCES ARE GROUND. AREA IS 28.18 ACRES, MORE OR LESS.

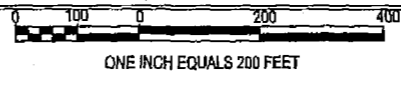


EXHIBIT B

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

In the matter of the)
application of California)
Cedar Products for an)
Annexation of Territory into)
City of Roseburg for three)
parcels totaling 29.18±)
acres, from that area located)
Northwest of North Umpqua)
Highway and Sunshine)
Road; commonly known as,)
Tax Lot 00200 in Section)
15C, and Tax Lots 00300 &)
00400 in Section 15, Twp 27)
S, Rng 5 W, Douglas)
County, Oregon; Property ID)
No.s R34292, R34300,)
R34308, R34316, R34324,)
R34332, and R34340.)

FINDINGS OF FACT
AND DECISION

FILE NO. AN-05-4

Finding No. 1

This matter came before the Planning Commission for public hearing on September 19, 2005 and was continued date certain to October 3, 2005, 6:00 PM, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

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

Finding No. 3

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

The subject parcels are further described as:

1. Tax Lot 00200 is identified as a 10.00 ± acre parcel located in Section 15C in Township 27 South, Range 05 West Willamette Meridian and further identified as Tax Accounts R34292, R34300, and R34308.
2. Tax Lot 00300 is identified as a 9.88 ± acre parcel located in Section 15D in Township 27 South, Range 05 West Willamette Meridian and further identified as Tax Accounts R34316 and R34324.

ORDINANCE NO. 3220 - PAGE 5 - EXHIBIT "B"

3. Tax Lot 00400 is identified as a 9.30 ± acre parcel located in Section 15D in Township 27 South, Range 05 West Willamette Meridian and further identified as Tax Account R34332 and R34340.

Finding No. 4

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

The 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**

ORDINANCE NO. 3220 - PAGE 6 - EXHIBIT "B"

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

ORS 222.125

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

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

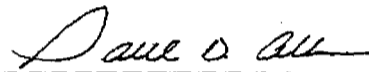
Proposed Finding No. 5

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

DECISION

In consideration of the foregoing findings of fact and conclusions, the Planning Commission supports a recommendation to the City Council, **APPROVAL** of Planning File AN-05-4, a Petition for Annexation for subject lands described herein.

DATED THIS 19TH DAY OF OCTOBER, 2005



Paul Allen, Chairman



Fred Alley
Community Development Director

Planning Commission Members:

- Paul Allen - Chairman
- Chris Clark
- Jim Gamble
- Ron Hughes
- Don Metzger
- Samuel Sweet
- Ingrid Weisenbach

EXHIBIT C

BEFORE THE PLANNING COMMISSION
OF THE CITY OF ROSEBURG

In the matter of the application of)
California Cedar Enterprises for)
a Zone change from County)
Heavy Industrial (M-3) to City)
Mixed Use (MU) on three)
parcels totaling 29.18± acres)
located at the Northwest corner)
of North Umpqua Highway and)
Sunshine Road; commonly)
known as, Tax Lot 00200 in)
Section 15C, and Tax Lots)
00300 & 00400 in Section 15,)
Twp 27 S, Rng 5 W, Douglas)
County, Oregon; Property ID)
No.s R34292, R34300, R34308,)
R34316, R34324, R34332, and)
R34340.)

FINDINGS
OF FACT
AND DECISION

FILE NO. ZC-05-4

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

Finding No. 1

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

Finding No. 2

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

Finding No. 3

The subject properties, 29.18 ± total acres, are situated at the Northwest corner of North Umpqua Highway and Sunshine Road. The subject parcels are further described as Tax Lot 01700 in Section 14DC, and, Tax Lot 00200 in Section 15C, and Tax Lots 00300 & 00400 in Section 15, Township 27 South, Range 05 West Willamette Meridian and further identified as Tax Accounts R34292, R34300, R34308, R34316, R34324, R34332, and R34340; commonly known as 436 Quarry Road.

Finding No. 4

This matter came before the Planning Commission for public hearing on September 19, 2005 and was continued date certain to October 3, 2005, 6:00 PM, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 5

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

Finding No. 6

Four letters of remonstrance was received by the Roseburg Community Development Department. No other remonstrance was received from property owners and affected persons within the 300-foot notice boundary and the vicinity of the project. The following are recorded as remonstrators.

- a. Sue M. Shaffer
P.O. Box 456
Canyonville, Oregon 97417
- b. Bruce Caldwell
942 NW Keasey Street
Roseburg, Oregon 97470
- c. Douglas County Planning
Douglas County Courthouse
Room 106 Justice Building
Roseburg, Oregon 97470
- d. Oregon Department of Transportation, Region 3
Roseburg, Oregon 97470

The following Findings support Criterion identified in Roseburg Land Use and Development Ordinance Article 38:

Finding No. 7

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

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

Growth Policy No. 2

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

Growth Policy No. 4

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

Finding No. 8

Criterion contained in City of Roseburg Land Use and Development Ordinance and Comprehensive Plan clearly define growth policies for the evaluation of this application.

Economic Growth Policy No. 1

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

Economic Growth Policy No. 3

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

Economic Growth Policy No. 4

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

Economic Growth Policy No. 8

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

Finding No. 9

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

Transportation Policy No. 4

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

Transportation Policy No. 7

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

Transportation Policy No. 9

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

Finding No. 10

Criterion contained in City of Roseburg Land Use and Development Ordinance and Comprehensive Plan clearly define transportation policies for the evaluation of this application.

Energy Conservation Policy No. 2

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

Energy Conservation Policy No. 4

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

Finding No. 11

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

Public Facilities and Services Policy No. 1

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

Public Facilities and Services Policy No. 2

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

~~**Public Facilities and Services Policy No. 3**~~

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

Public Facilities and Services Policy No. 7

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

Public Facilities and Services Policy No. 8

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

Public Facilities and Services Policy No. 9

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

Public Facilities and Services Policy No. 16

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

Finding No. 12

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

The following are adopted policies relevant for the discussion of Commercial Development:

Commercial Development Policy No. 4

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

Commercial Development Policy No. 5

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

Commercial Development Policy No. 6

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

Commercial Development Policy No. 8

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

Finding No. 13

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

Transportation Development Policy No. 1

When practical, the circulation system shall utilize existing facilities and rights-of-way, and on-street parking shall be removed in preference to widening streets for additional travel lanes.

Transportation Development Policy No. 2

The transportation system should be located and constructed to preserve the character of the neighborhoods. The need for landscaping and noise reduction shall be considered in design.

Transportation Development Policy No. 3

Transportation facilities shall be designed and constructed to minimize noise, energy consumption, neighborhood disruption, cost, and social, environmental and institutional disruptions, and to encourage the use of public transit, bikeways, and walkways.

Finding No. 14

Criterion contained in City of Roseburg Land Use and Development Ordinance and Comprehensive Plan clearly define transportation policies for the evaluation of this application. The applicant has submitted a Traffic Impact Analysis for consideration that corresponds and supports City and State policies.

Finding No. 15

~~*The rezoning as proposed conforms to the Roseburg Urban Area Comprehensive Plan, including the land use map(s), designations, and written policies.*~~

Finding No. 16

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

Finding No. 17

Criterion contained in City of Roseburg Land Use and Development Ordinance and Comprehensive Plan clearly define growth policies for the evaluation of this application.

Finding No. 18

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

Finding No. 19

Criterion contained in City of Roseburg Land Use and Development Ordinance and Comprehensive Plan clearly define transportation policies for the evaluation of this application. The applicant has submitted a self prepared Traffic Impact Analysis for consideration that corresponds to City and State policies.

Finding No. 20

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

Finding No. 21

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

Finding No. 22

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

Finding No. 23

~~*The rezoning as proposed conforms to the Roseburg Urban Area Comprehensive Plan, including the land use map(s), designations, and written policies.*~~

Finding No. 24

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

CONCLUSION

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

Findings demonstrate that there is a sufficient level of public services and facilities available to the property; 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 site is physically and topographically well-suited for residential use; the site is not needed for public recreational facilities; the zone change will not negatively impact the existing housing stock in the surrounding area, result in significant population growth or increase the demand for housing beyond previous projections; 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 urban services appropriate for the type 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 the potential additional traffic resulting from the zone change; and finally, that there is a public need for the proposed amendment, and that the public need will be best served by changing the designation on the subject property as compared with other available property.

DECISION

In consideration of the foregoing findings of fact and conclusions, the Planning Commission supports a recommendation to the City Council, **APPROVAL with Conditions** of Planning File ZC-05-4 allowing a Zone change from County Heavy Industrial (M3) to City Mixed Use (MU) for the subject lands.

Condition #1

At time of development, applicant or other shall submit a Traffic Impact Analysis that identifies mitigation measure(s) to reduce any negative traffic impact to the ~~North Umpqua Highway for ODOT and City review; and, subsequent mitigation~~ construction approval.

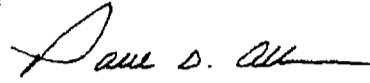
Condition #2

Development shall have no direct access to North Umpqua Highway.

Condition #3

At time of development, applicant or other shall construct a public parallel roadway to jurisdictional standards to provide alternative (mitigated) movement of traffic.

DATED THIS 24TH DAY OF OCTOBER, 2005



Paul Allen, Chairman



Fred Alley
Community Development Director

Planning Commission Members:

Paul Allen - Chairman
Chris Clark
Jim Gamble
Ron Hughes
Don Metzger
Samuel Sweet
Ingrid Weisenbach

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