

#### **Department of Land Conservation and Development**

635 Capitol Street, Suite 150 Salem, OR 97301-2540 (503) 373-0050 Fax (503) 378-5518 www.lcd.state.or.us

#### NOTICE OF ADOPTED AMENDMENT

June 12, 2007

TO:

Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM:

Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Oakland Plan Amendment

DLCD File Number 001-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

#### DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 28, 2007

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.

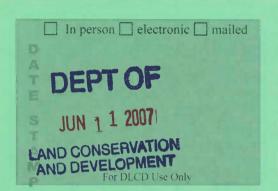
Cc: Doug White, DLCD Community Services Specialist John Renz, DLCD Regional Representative Elainna Carter, City of Oakland

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### **DLCD**

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



Jurisdiction: City of Oakland	Local file number: AX 06-01
Date of Adoption: 6/5/2007	Date Mailed: 6/7/2007
Was a Notice of Proposed Amendment (Form 1) n	nailed to DLCD? YesDate: 4/6/2007
Comprehensive Plan Text Amendment	Comprehensive Plan Map Amendment
Land Use Regulation Amendment	
New Land Use Regulation	Other:
Summarize the adopted amendment. Do not use	technical terms. Do not write "See Attached".
Annexation and zone change for residential property at Growth Boundary (county zone R-1 Single residential); Residential.	
The property at 1315 NE Locust St., was zoned R1/A L City of Oakland's UGB which compares to Douglas Co	
Plan Map Changed from: <b>Urban Growth Bounda</b>	ry to: City Limits
Zone Map Changed from: County R-1	to: R 1/A Low Density Res
Location: 25-05W-03BC 01300	Acres Involved: .55
Specify Density: Previous: low	New: low
Applicable statewide planning goals:	1 12 12 14 15 16 17 19 10
1 2 3 4 5 6 7 8 9 10 1: □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	1 12 13 14 15 16 17 18 19
Did DLCD receive a Notice of Proposed Amendme	ent
45-days prior to first evidentiary hearing?	⊠ Yes □ No
DLCD #001-07 (16019)	

If no, do the statewide planning goals apply?  If no, did Emergency Circumstances require immediate adoption?			☐ Yes	☐ No
DLCD file No				
	or Federal Agencies	, Local Governments or Specia	al Districts:	
	or Federal Agencies	, Local Governments or Specia		
		Phone: (541) 459-5510	al Districts:  Extension	n:
Please list all affected State			Extension	n:

#### **ADOPTION SUBMITTAL REQUIREMENTS**

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

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

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

- 2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
- 3. <u>Please Note</u>: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
- 4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
- 5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE** (21) days of the date, the Notice of Adoption is sent to DLCD.
- 6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
- 7. **Need More Copies?** You can now access these forms online at http://www.lcd.state.or.us/. Please print on 8-1/2x11 green paper only. You may also call the DLCD Office at (503) 373-0050; or Fax

#### CITY OF OAKLAND ORDINANCE NO. 532

AN ORDINANCE AUTHORIZING A ZONE CHANGE FOR PROPERTY LOCATED AT 1315 NE LOCUST STREET IN THE URBAN GROWTH BOUNDARY FROM COUNTY ZONE R-1 SINGLE RESIDENTIAL TO CITY ZONE R-1/A LOW DENSITY RESIDENTIAL.

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

- 1. Barbara Peebles applicant, has filed a Petition, pursuant to the provisions of the Oakland Zoning Ordinance (Ord. 499), for a change in the land use zoning designation of the property located at 1315 NE Locust Street in the Urban Growth Boundary from County Zone R-1 Single Family Residential to City Zone R-1/A Low Density Residential and that the Petitioner is the sole owner of all property within the area to be rezoned and,
- 3. The Oakland Planning Commission, upon its review of the applicable criteria, found the Applicants' requested zone change to be consistent with and promotional of (1) the objectives of the City's acknowledged Comprehensive Plan and other adopted policies and goals of the City; (2) the objectives of the Oakland Zoning Ordinance and other City Ordinances; and, (3) Oregon's Statewide Planning Goals; and,
- 4. Upon the Applicant's specific request, the Oakland Planning Commission, by its affirmative and unanimous vote, recommended to this Council that the requested zone change be approved and given full force and effect; and,
- 5. This Council, upon a duly noticed hearing pursuant to the procedures prescribed by the Oakland Zoning Ordinance and applicable state statutes, has approved and adopted the Findings of Fact and Decision of the Oakland Planning Commission in this matter as the Council's own Findings of Fact and Decision; and,
- 6. Appearing to this Council that there are no substantive or procedural impediments to giving the Applicant's requested Zone Change full force and effect;

#### THE CITY OF OAKLAND ORDAINS AS FOLLOWS:

NOW, THEREFORE, based on the evidence and testimony received and the foregoing finding of fact and conclusions, THE COMMON COUNCIL OF THE CITY OF OAKLAND HEREBY adopts the findings prepared by the Planning Commission and that the following land use request be GRANTED:

1. The Land Use Zoning Designation of that certain property, located at and commonly known as 1315 NE Locust Street, in the City of Oakland (URBAN GROWTH BOUNDARY), shall be and is hereby changed from County R-1 Single Residential to City R-1/A Low Density Residential. The City Clerk shall make such appropriate notations and changes to the City's Zoning Map and Future Land Use Map as are necessary to effectuate said re-designation.

PASSED by the Common Council this 5th day of June 2007.

APPROVED by:

Nanci Staples

Mayor

ATTEST:

Barb Mock, City Recorder

#### **ORDINANCE NO 533**

AN ORDINANCE DECLARING THE ANNEXATION BY CONSENT OF THE SOLE PROPERTY OWNER OF LAND KNOWN AS THE PEEBLES PROPERTY ABUTTING THE PRESENT CITY LIMITS OF THE CITY OF OAKLAND, OREGON; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE

#### THE CITY COUNCIL OF THE CITY OF OAKLAND, OREGON, finds.

- 1. That the following annexation for land known as the Peebles property complies with the Oakland Urban Area Comprehensive Plan Goals, Objectives and Policy Statements (Goal 11-Public Services and Goal 14- Urbanization).
- 2. That the Petitioner is the sole owner of all property within the area to be annexed, and there are no electors residing on the property to be annexed.
- 3. The consent annexation petition complies with provisions of ORS Chapter 222.125
- 4. The property is contiguous to the City limits boundary and therefore a logical extension of that boundary.
- 5. All public facilities and services are within distance of serving the subject property and is currently being serviced by public water and sewer.

#### THE CITY OF OAKLAND ORDAINS AS FOLLOWS:

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

<u>SECTION II.</u> The subject real property known as the Peebles property more particularly described in Exhibit "A" attached hereto and made part of this ordinance, be and the same hereby is annexed to the City of Oakland as a part thereof.

<u>SECTION III.</u> This annexation is made pursuant to the provisions of ORS 222.125, and pursuant to the written consent of land owner and has been filed with the City Clerk and governing body of the City of Oakland.

SECTION IV. The City Clerk of the City of Oakland shall make and submit to the Secretary of the State of Oregon for filing, copies of all ordinances 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.

SECTION V. The City Clerk of the city of Oakland 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.

PASSED BY THE CITY COUNCIL THIS 5

\_DAY of \_\ DAY of June

APPROVED BY THE MAYOR THIS 5th

ATTEST:

CITY RECORDER

Peebles Ordinance NO 533

ORIGINAL

### BEFORE THE COMMON COUNCIL OF THE CITY OF OAKLAND

In the Matter of

BARBARA N. PEEBLES,

File No.

AX-06-01

FINDINGS OF FACT AND DECISION

Applicant.

nmon Council of the City of Oakl

This matter is before the Common Council of the City of Oakland ("Council") on the Applicant's Petition for Annexation, and the Review and Recommendation of the Oakland Planning ("Commission"). The Council having heard the presentation of its Planning Staff and examined the Staff Report submitted to the Commission, the Council sets forth its Findings of Fact and Decision in connection with the above-entitled matter.

#### **PROCEDURAL FINDINGS**

1.

The Applicant's Petition for Annexation was submitted to City Staff on or about November 13, 2006, together with the required fees and deposits. City Staff brought the Petition before the Commission at its regular, November, 2006, meeting for preliminary review and assignment of Planning Staff. The Petition was thereafter deemed substantially complete and scheduled for Commission Review and Recommendation. At its regular, January, 2007, meeting, the Commission heard the presentation of Planning Staff and reviewed the Petition and the Staff Report. At the conclusion of the review, the Commission voted to forward the Petition to the Council with a recommendation that the Petition be approved.

Neither the City Charter of the City of Oakland, nor any specific ordinance passed by the City's Common Council, provides direction in effecting an annexation. Accordingly, the default provisions of ORS Chapter 222 govern the procedural requirements for review and decision with respect to the Petition.

4.

Upon receiving written consent to annexation by: (a) all owners of land; and, (b) not less than fifty percent (50%) of all electors residing, within the territory to be annexed, the Council may, by resolution or ordinance, set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. The Council finds that under such circumstances, neither election nor hearing is required to procedurally perfect the annexation. Upon proclamation by the Council, annexation would be made effective by the City Recorder filing with the Secretary of State appropriate annexation records as required by law.

#### **EXISTING CONTEXT**

5.

The existing factual context of the subject property is as follows:

(1) Owner : Barbara Peebles

(2) Applicants : Barbara Peebles

(3) Situs : 1315 NE Locust Street

(4) Assessors' Map & 25-05W-03 BC

Tax Lot No. : 01300

(5) Legal Description Set forth in the attached Exhibit 1

(6) Land Use Designation . Specific Residential - 1

(7) Zoning Designation : R-1/A (Low Density Residential) -

 $7,500 \text{ ft}^2$ )

(8) Parcel Area : 0.55 acre (approx. 23,958 ft.<sup>2</sup>)

(9) Observed Non-conformities: Non-conforming Use: No

Non-conforming Lot :No Non-conforming Structure :No

#### **CRITERIA FOR DECISION**

6.

The criteria for evaluation the Petition shall be:

Criteria 1. Whether the annexation process complies with and meets the procedural requirements of ORS Chapter 222.

Criteria 2. Whether the proposed annexation is consistent with and promotes the objectives of the Comprehensive Plan and other adopted policies and goals of the City.

Criteria 3. Whether the change is consistent with and promotes Oregon's Statewide Planning Goals as developed and amended by the Department of Land Conservation and Development.

#### FINDINGS OF FACT

7.

Based upon the substantial evidence in the record, the Council makes the following Findings of Fact:

- A. FINDINGS OF FACT RELATING TO CRITERIA -1 [Whether the annexation process complies with and meets the procedural requirements of ORS Chapter 222]
  - 1. The property proposed for annexation is contiguous to the City of Oakland.
  - 2. The Applicant is the sole owner of property within the continuous area proposed for

#### PAGE 3 - FINDINGS OF FACT AND DECISION [AX-06-1 (Peebles)]

annexation.

- 3. The Applicant is the sole elector within the contiguous area proposed for annexation.
- 4. As evidenced by the attached Exhibit 2, the Applicant has filed with the Council a duly executed Consent to Annexation.
- 5. The requirements of ORS 222.125 have been met and there is no applicable procedural impediment to approval of the Petition by proclamation, without election or hearing.
- **6.** Based upon the foregoing, the Council finds that the Applicant's Petition meets the first criteria for approval.
- B. FINDINGS OF FACT RELATING TO CRITERIA 2 [Whether the proposed annexation is consistent with and promotes the objectives of the Comprehensive Plan and other adopted polices and goals of the City]
- 1. The subject property is on the south side of Locust Street adjacent to the northeast boundary of, and partially within, the Oakland city limits as shown on the vicinity and zoning, and assessor's maps provided by the Applicant and attached to these Findings and Decision as Exhibits 3, 4 and 5, respectively.
- 2. The *situs* comprises a single parcel of just over a half acre. (Approx. 23,958 ft<sup>2</sup>). The property straddles the city limits, with its western most corner extending slightly within the city.
- 3. The existing zoning classification of the property is Low Density Residential (7,500 ft²) R-1/A. There is existing residential development around the property's location. The property is currently developed with a single-story, wood-frame construction, primary building.
  - 4. The entirety of the property is within Oakland's Urban Growth Area.
- 5. The Future Land Use designation for the property as specified in the Oakland Comprehensive Plan is Specific Residential-1. The Oakland Comprehensive Plan recognizes a

#### PAGE 4 - FINDINGS OF FACT AND DECISION [AX-06-1 (Peebles)]

largely developed area east of the city. The area east of the subject property is zoned primarily for residential use, but there is some light industrial zoning and existing development.

- 6. The Applicant does not seek any change in land use designation or classification for the property proposed for annexation; nor does the application involve any related development or change in use for the property.
- 7. Annexation of the subject property would not present any inconsistency with Oakland's Acknowledged Comprehensive Plan, as to existing development or to present or future planned land use designation and classification.
- 8. Based on the foregoing, the Council finds that the proposed annexation is consistent with and promotes the objectives of the Comprehensive Plan and other adopted policies and goals of the City.
- C. FINDINGS OF FACT RELATING TO CRITERIA 3 [Whether the change is consistent with and promotes Oregon's Statewide Planning Goals as developed and amended by the Department of Land Conservation and Development]
- 1. There are no *special districts* to be impacted by approval of this annexation. The City of Oakland is wholly within the Oakland Rural Fire District and therefore the subject property's inclusion in that district will remain unchanged.
- 2. Based upon the attached Exhibit 6, the Council finds that the property proposed for annexation is currently served by City sewer and water infrastructure, and no extension of City services is necessary for the property's existing development and use. Annexation of the subject property would not burden utilities or City services beyond that contemplated by the City's Comprehensive Plan.

- 3. The City's Comprehensive Plan has been acknowledged by the Oregon Department of Land Conservation and Development. Annexation of the subject property would not present any inconsistency with Oakland's Acknowledged Comprehensive Plan, as to existing development or to present or future planned land use designation and classification. The proposed annexation of the subject property is accordingly generally consistent with Oregon's Statewide Planning Goals.
- 4. The Council finds, based on the totality of the evidence before it, that the proposed annexation is specifically consistent with Statewide Planning Goal 3 (Agriculture) and Goal 14 (Urbanization).
- 5. Based on the foregoing, the Council finds that the proposed annexation is consistent with and promotes Oregon's Statewide Planning goals as developed and amended by the Department of Land Conservation and Development.

#### **ATTACHMENTS**

8.

The following attachments, labeled Exhibits 1 through 6 respectively, are attached hereto and incorporated herein as though fully set forth.

- Exhibit 1 Legal Description of property proposed for annexation
- Exhibit 2 Signed Consent to Annexation (Application)
- Exhibit 3 Site vicinity map
- Exhibit 4 City Zoning Map
- Exhibit 5 Assessor's Map
- Exhibit 6 Statement of Available Services (Public Works)

#### PAGE 6 - FINDINGS OF FACT AND DECISION [AX-06-1 (Peebles)]

#### RECOMMENDATION

### EXHIBITI

Beginning at a 2"x24" iron pipe set in the ground at the Northeast corner of the tract, from which the Section corner common to Sections 3 & 4 of Township 25 South, Range 5 West of Willamette Meridian and Sections 33 & 34, Township 24 South, Range 5 West of Willamette Meridian, bears North 2°59'West 1853.47 feet; thence South 43°55'East 157.6 feet to a ¾" iron pipe; thence South 39°30'West along the northerly right of way line of County Road, 160.4 feet to a ¾" iron pipe; thence North 43°12'West 100 feet more or less to the West line of said Section 3, Township 25 South, Range 5 West, Willamette Meridian; thence North 100 feet more or less along said West line of said Section 3 to a point which bears South 46°12' West 90 feet more or less from the point of beginning; thence North 46°12' East 90 feet more or less to the point of beginning.

### Exhibit la

Property Details for Property ID: R18776

Owner Information:

Owner Name: PEEBLES, BARBARA N

Owner Address #1: PO BOX 687

Owner Address #2:

Owner Address # 3:

Owner City/State/Zip: OAKLAND, OR 97462

**Property Information:** 

Township: 25

Range: 05W

Section: 03 Quarter: B

Sixteenth: C

Maintenance Area: 2

Year Built: 1910

Bedrooms: 4

Exemption Code: VET-WNSC

MFD Home ID:

Value Information :

Improvement Appr \$135,367.00 Value:

Land Appr. Value: \$61,000.00

Land Market Value: \$61,000.00

Total Real Market Value: \$196,367.00

Sales Information:

Deed No: 1988-16584

Sale Price: \$0.00

Alternate Account #: 5656.00

Account Status: A

Situs Address: 1315 NE LOCUST ST OAKLAND, OR 97462

Map ID: 250503BC01300

County Property Class: 101

Legal Acreage: 0.55 Code Area: 00111

Neighborhood Code: SH

Living Area: 1814

Baths: BATH1.5

**VETERAN WIDOW-**

Exemption Desc.: NOT SERVICE

CONNECTED

Total Appr. Value: \$196,367.00

Exemption Value: \$15,000.00

Total Assessed Value: \$98,695.00 Taxes Imposed: \$802.68

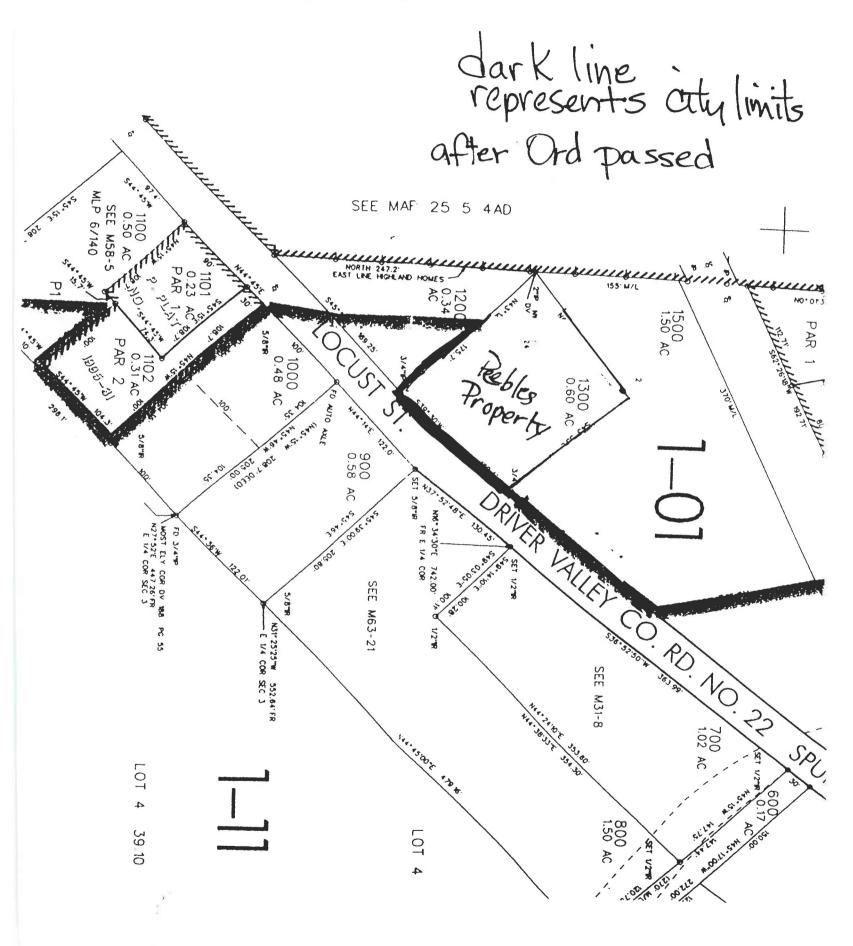
Sale Date: 11/1/1988

EXHIBIT 2

### CITY OF OAKLAND APPLICATION FOR ANNEXATION

PLEASE PRINT IN INK OR TYPE
Applicant's
Name BARBARA N PEEBLES
Applicant's
Address 1315 N.E LOCUST
(street) (city) (state) (ZIP)
Applicant is: Owner Contract Purchaser Developer Agent Other
Applicant Phone Number: 541) 459-2673 Applicant Fax Number:
Applicant Signature: Date: 2/21/02 Barbara Yl Recolu
Owner's Name BAKBAKA N. PEEBLES
Phone (541) 459-2673 Fax Number
Owner's
Address 1315 N.E. LOCUST
(street) (city) (state) (ZIP)
Assessor's Map Number 25 5 3 BC
Tax Lot Number(s) $25-05W-03BC-0$
Tax Lot (Validoci(s) 25-05 W OSAC-0
Address of Property 1315 N.E LOCUST
Lot Area 0.55 acres
Current County Zone RIA CLOW Density Residential)
Proposed City Planning District KIA
Current Use Single Fam.ly Residential,
Proposed Use Single Family Residentia   Rights-of-Way to be Included:
Rights-of-Way to be Included:
Charles F. Byles
As the person responsible for this application, I, the undersigned hereb
acknowledge that I have read the above application and its attachments, understand
the requirements described herein, and state that the information supplied is a
complete and detailed as is currently possible, to the best of my knowledge.
Name Burhara M. Pechlis Date 2/21/07
Phone (541) 459-2673  Address
1315 N.E. LOCUST ONKLAND, OR 97462 (P.O. BOX 687)
(street) (city) (state) (ZIP)
(Sirver) (Sirver)
FOR STAFF USE ONLY;
Case # Received By
City Filing Fee Receipt #750 144/06 7/4/06
Date Received 1/13/66 Complete Date Annexation Application Instructions City of
Oakland Community Development Dept - Planning Division

## Exhibit 3



## EXHIBIT 3a

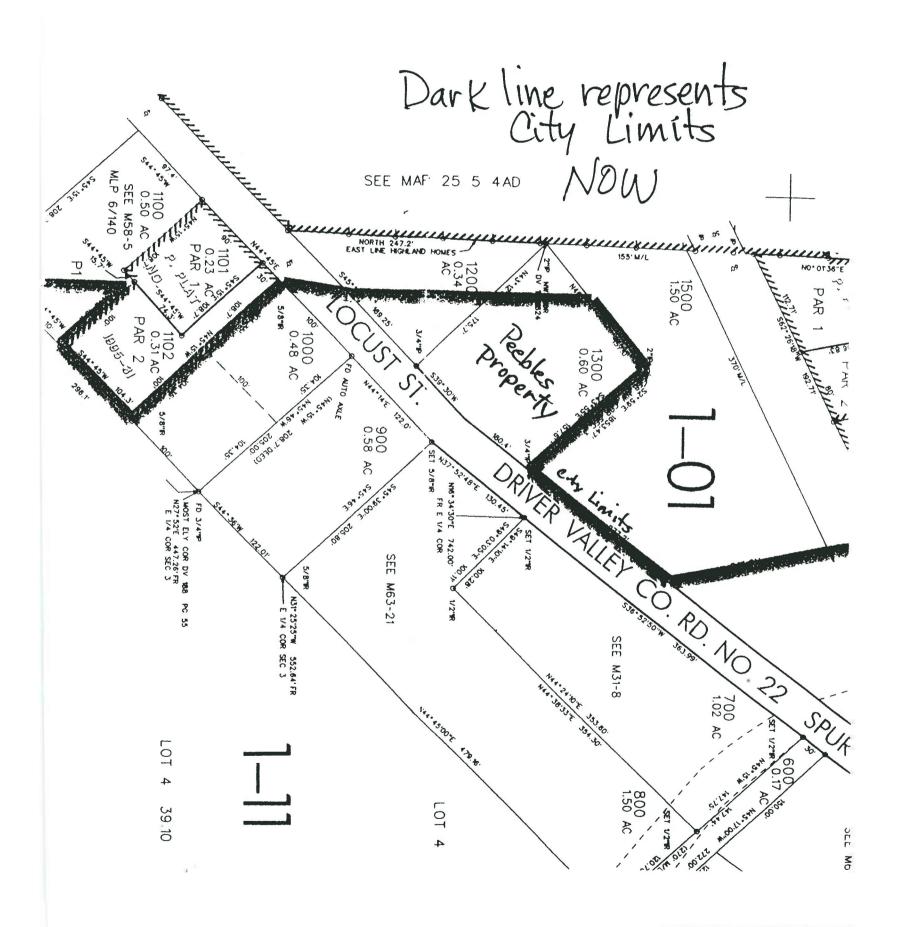


EXHIBIT 4

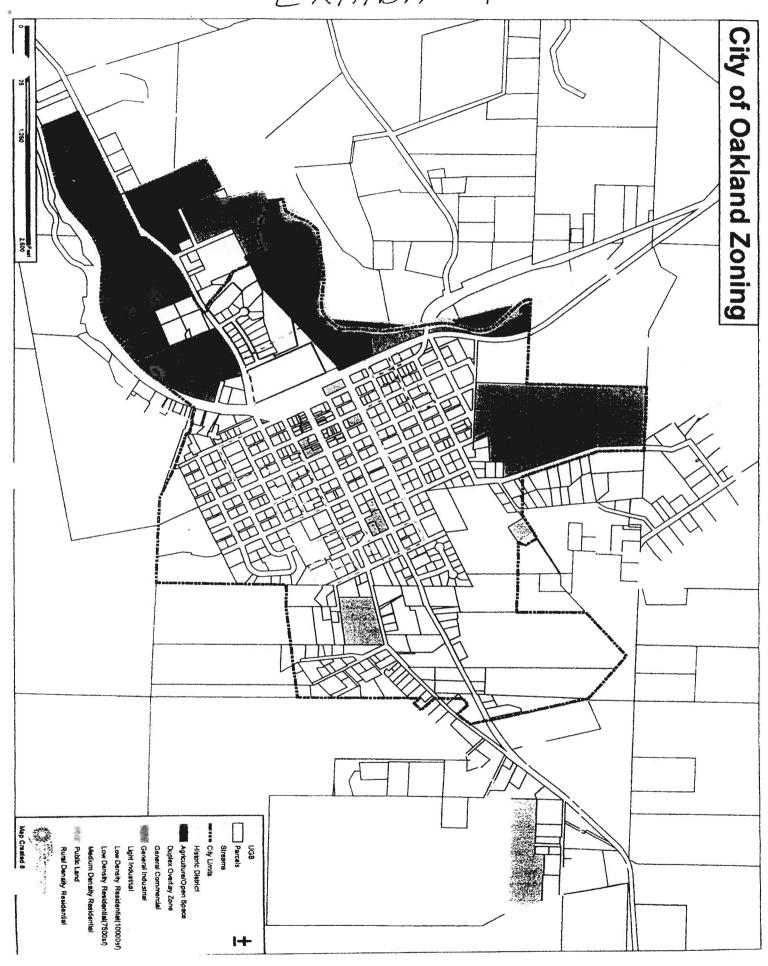


Exhibit 5

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SW1/4 NW1/4 SEC.3 T.25S. R.5W. W.M. DOUGLAS COUNTY

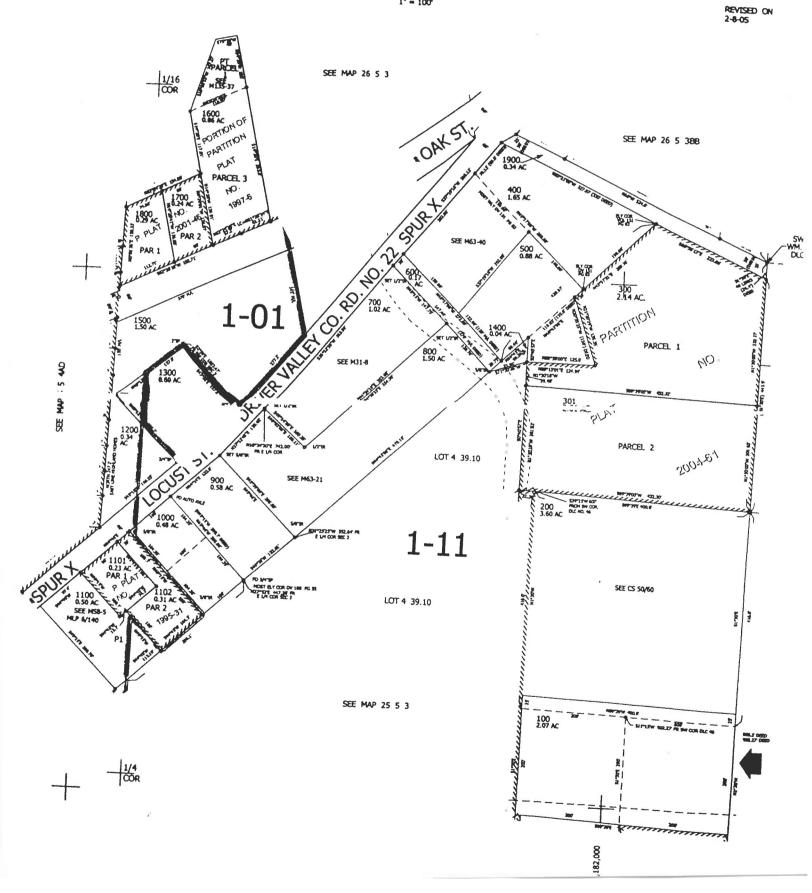


Exhibit 6

### City of Oakland Annexation Improvements Form

Barb teebles

1.	Existi	Existing Improvements:				
	A.	Water system				
		erro				
	В.	Sanitary sewer				
2.	Desire	sired Improvements:				
	A.	Water service Yes No				
	В.	Sanitary sewer Yes No				
	C.	Street improvements Yes No If "yes", what improvements desired?				
	D.	Drainage improvements Yes No Comments?				
	E.	Other:				
3.	,	nent of contemplated public improvements with time frame: WATER & SEWER Systems ARE  EXISTING				
		Public Work Department Head				