



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: March 16, 2015  
Jurisdiction: City of Roseburg  
Local file no.: AN-14-1/ZC-14-3/BLA-14-5  
DLCD file no.: 004-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/11/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 45 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
004-14  
File No.: {22601}  
Received: 3/11/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Roseburg

Local file no.: **AN-14-1, ZC-14-3, BLA-14-5**

Date of adoption: 3/9/15

Date sent: 3/11/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/22/14

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Brian Davis, Community Development Director

Phone: 541-492-6750

E-mail: [bdavis@cityofroseburg.org](mailto:bdavis@cityofroseburg.org)

Street address: 900 SE Douglas Ave

City: Roseburg

Zip: 97470-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from County R1	to City MR40	Acres: 0.91
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 27-06-01DA/202

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List affected state or federal agencies, local governments and special districts: Douglas County Fire District #2

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

**ORDINANCE NO. 3425 3443\***

**AN ORDINANCE ANNEXING 0.91 ACRES OF PROPERTY AND ASSOCIATED RIGHT-OF-WAY LOCATED EAST OF THE INTERSECTION OF NE STEPHENS STREET AND EDENBOWER BOULEVARD; WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2; AMENDING THE ROSEBURG ZONING MAP; ADJUSTING THE BOUNDARY LINE**

**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 proposal includes annexation of land and concurrent Zone Change and Boundary Line Adjustment for said land which came before the Roseburg Planning Commission as a Quasi-judicial matter considered at a public hearing after due and timely notice.
3. The annexation complies with provisions of ORS 222.120 and ORS 222.125, annexation by consent.
4. Owner of the subject property consents to annexation into the City as a logical extension of the city 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 has been annexed to the City upon the effective date of the withdrawal.
8. The City Council takes note of the Roseburg Urban Area Comprehensive Plan as 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. The City Council takes note of the Roseburg Land Use and Development Ordinance (LUDO) No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3408 on March 11, 2013.
10. The subject land is zoned County Single Family Residential (R-1), and annexation will cause a Zone Change to a City designation of High-Density Residential (MR40).

11. All public facilities and services are within distance to serve the subject property.
12. Upon adoption of the ordinance, the City Recorder shall file a copy of the annexation ordinance with the Secretary of State as required by ORS 222.177.
13. Within 10 days from the effective date of the annexation, the City shall submit to the Douglas County Clerk, County Assessor, and Oregon Department of Revenue a detailed legal description of the new boundaries established by the city in accordance with ORS 222.010.
14. The following criteria exist:
  - a. The Annexation complies with ORS 222.125 and City Council Annexation Policies of Resolution 2006-04.
  - b. The Zone Change and Boundary Line Adjustment comply with Land Use and Development Ordinance Sections 5.4.030 and 6.1.210, respectively.

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

**SECTION 1.** The foregoing findings are hereby approved and incorporated herein.

**SECTION 2.** The subject real property was known as Tax Lot 201 of Township 27 South, Range 06 West, Section 1DA, Willamette Meridian. The property is annexed by way of Boundary Line Adjustment with the property to the east in a consolidated application per LUDO 5.1.060. Therefore, the subject property, with Boundary Line Adjustment and Annexation, is hereby annexed into the City of Roseburg and is now part of Tax Lot 202 of Township 27 South, Range 06 West, Section 1DA, Willamette Meridian, addressed as 3353 NE Stephens Street. The subject property annexation, also known as DOR File #10-P486-2015, is described in attached Exhibit "A" and shown on the map in attached Exhibit "B."

**SECTION 3.** This annexation and concurrent Zone Change and Boundary Line Adjustment have been processed pursuant to Roseburg Land Use and Development Ordinance.

**SECTION 4.** The City Council hereby adopts as its own the Findings of Fact and Decision of the Planning Commission dated February 2, 2015 and by reference incorporated herein.

**SECTION 5.** This annexation is made pursuant to the provisions of ORS 222.120, and 222.125, annexation by consent, for which a public hearing was conducted.

**SECTION 6.** The subject property shall be withdrawn from Douglas County Fire District No. 2 on the effective date of the annexation; at which time, 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 September 23, 2013.

**SECTION 8.** Upon adoption of the ordinance, the City Recorder shall file a copy of the annexation ordinance with the Secretary of State as required by ORS 222.177.

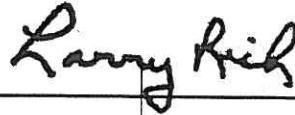
**SECTION 9.** The City Recorder shall submit the legal description of the territory annexed (attached hereto as Exhibit "A") and accurate map showing the annexed territory (attached hereto as Exhibit "B") to the Douglas County Assessor and the Oregon Department of Revenue as required by ORS 308.225.

**SECTION 10.** On the effective date of the annexation, the City shall amend the Roseburg Zoning Map by applying the identified zones to the subject properties, as shown by the list herein made part of this ordinance.

**SECTION 11.** Within 10 days from the effective date of the annexation, the City shall submit to the Douglas County Clerk, County Assessor, and Oregon Department of Revenue a detailed legal description of the new boundaries established by the city in accordance with ORS 222.010.


**ADOPTED BY THE CITY COUNCIL THIS 9<sup>TH</sup> DAY OF MARCH, 2015.**

**APPROVED BY THE MAYOR THIS 9<sup>TH</sup> DAY OF MARCH, 2015.**



MAYOR

ATTEST:

  
SHEILA R. COX, CITY RECORDER

*\* Number corrected per attached Administrative Order of the City Recorder.*



## EXHIBIT A

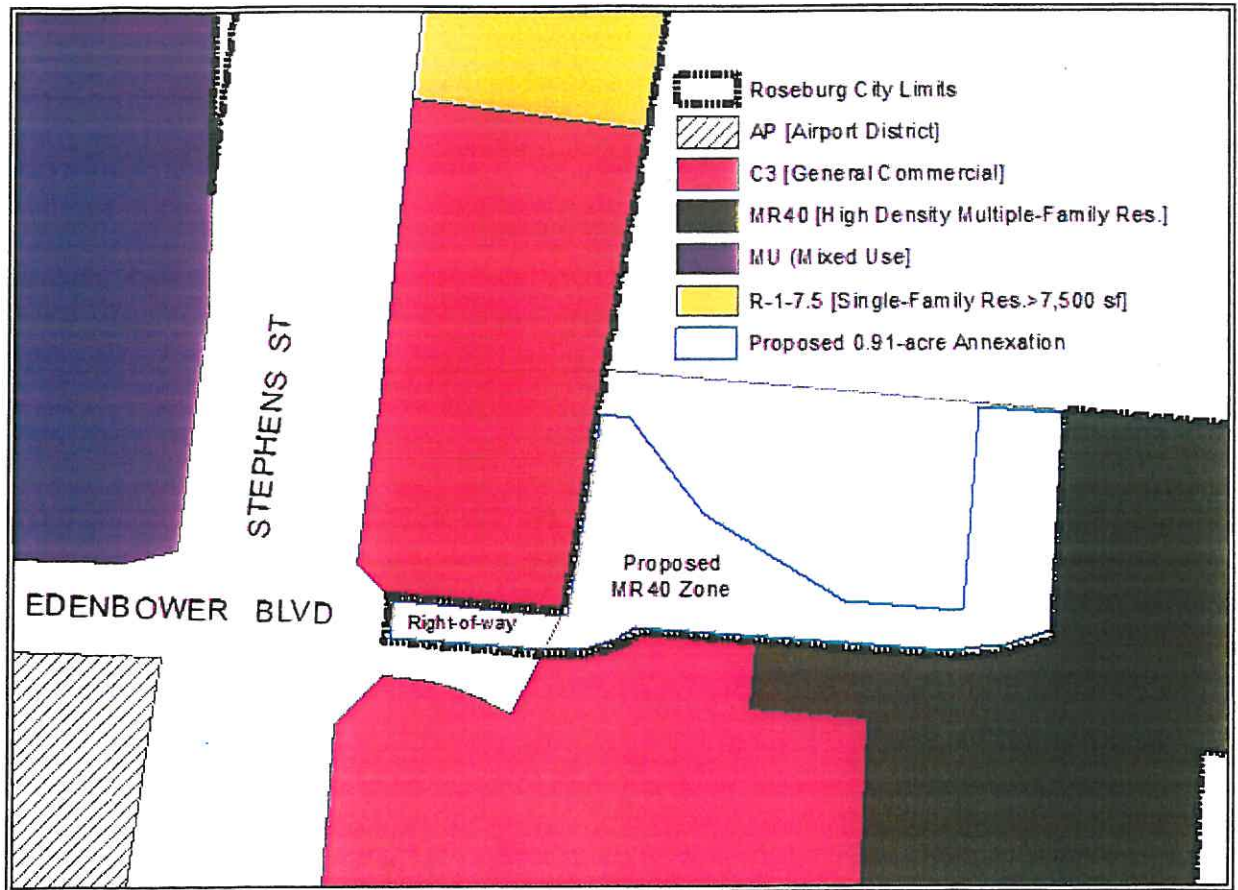
### ANNEXATION DESCRIPTION:

Beginning at a 5/8 inch iron rod from which the Northwest Corner of Donation Land Claim Number 39, Township 27 South Range 6 West bears North 6°51'55" East 521.22 feet and North 89°32'07" West 345.38 feet; thence South 83°15'55" East 35.63 feet; thence South 42°33'34" East 82.12 feet; thence South 65°44'26" East 117.36 feet; thence South 85°39'24" East 85.04 feet; thence North 03°07'28" East 157.23 feet; thence South 87°15'11" East 63.05 feet; thence South 00°00'08" East 171.46 feet; thence South 72°34'36" West 40.80 feet; thence South 82°09'46" West 33.13 feet; thence North 88°23'34" West 75.18 feet; thence North 86°56'25" W 64.97 feet; thence North 87°16'14" W 98.15 feet; thence South 55°33'11" W 13.91 feet; thence South 71°35'43" W 29.87 feet; thence South 87°57'28" West 28.30 feet; thence North 87°11'20" West 5.23 feet; thence North 21°41'09" East 36.61 feet; thence North 06°51'55" East 128.25 feet to the POINT OF BEGINNING, all situated in Parcel 2 of the Major Land Partition recorded in Book 6, Page 26 of the official plat records of Douglas County, Oregon, containing 0.81 acres more or less.

### ANNEXATION DESCRIPTION OF A 0.10-ACRE PORTION OF EDENBOWER BLVD:

Beginning at a point from which the Northwest Corner of Donation Land Claim Number 39, Township 27 South Range 6 West bears North 6°51'55" East 649.47 feet and North 89°32'07" West 345.38 feet; thence North 87°08'01" West 132.49 feet; thence South 47°48'03" East 3.58 feet; thence South 04°39'11" West 32.51 feet; thence South 87°11'20" East 118.93 feet; thence North 21°41'09" East 36.61 feet to the POINT OF BEGINNING, situated in the Right of Way of Edenbower Blvd. dedicated in Deed Record Number 2008-02568 and 2008-02582 of the records of Douglas County, Oregon, containing 0.10 acres more or less.

# EXHIBIT B





In the matter of the application  
by Pinnacle Western, Inc.

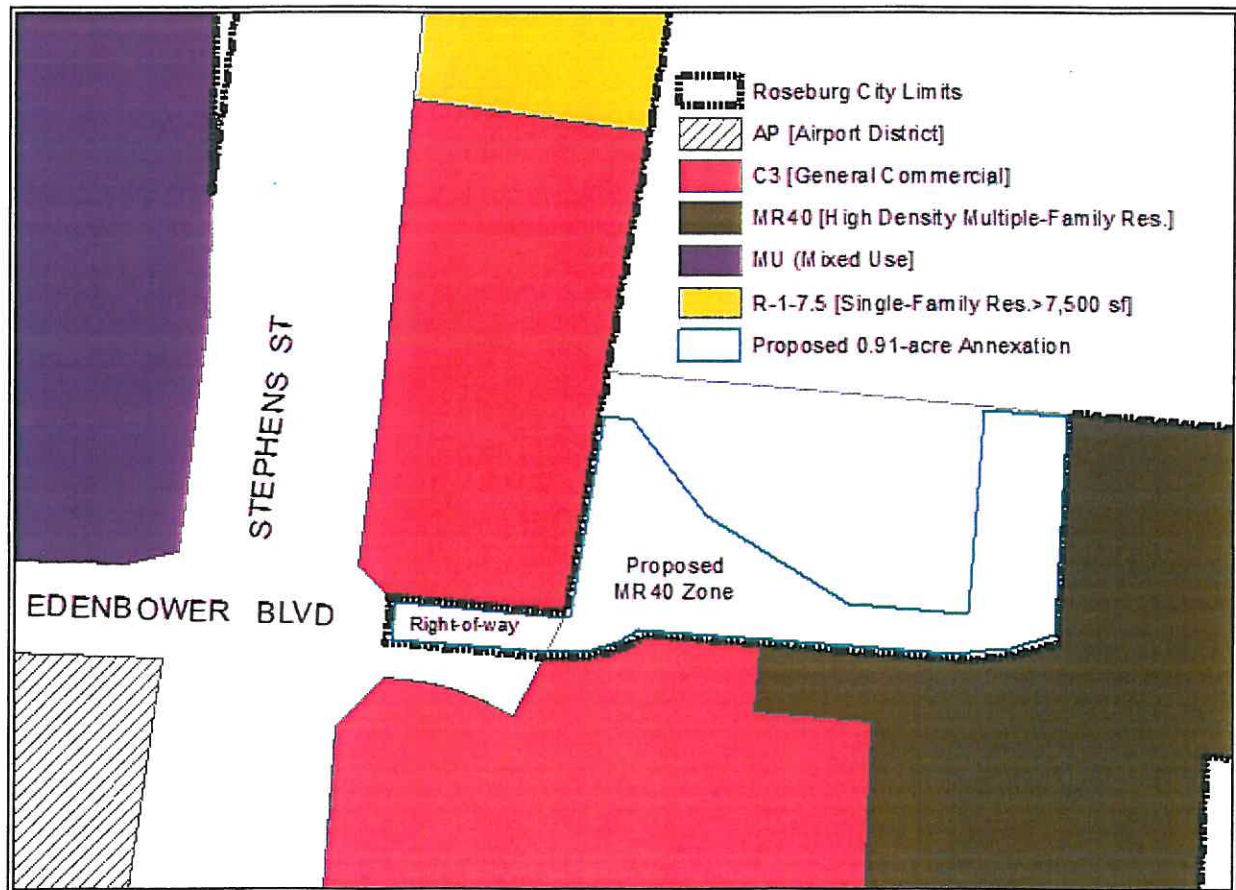
- ) Annexation: AN-14-1
- ) Boundary Line Adjustment: BLA 14-5
- ) Zone Change: ZC-14-3

**BEFORE THE ROSEBURG PLANNING COMMISSION**

**FINDINGS OF FACT AND ORDER**

**I. NATURE OF APPLICATION**

The applicant, Pinnacle Western, Inc., requests an Annexation and concurrent Zone Change, with a Boundary Line Adjustment, for 0.81 acres of property east of the intersection of Stephens St. and Edenbower Blvd. The Annexation also includes a 0.10 acre portion of Edenbower Blvd. east of Stephens St (see map below).



## II. PUBLIC HEARING

A public hearing was held on the application before the Roseburg Planning Commission on February 2, 2015. The Planning Commission reviewed Case No. AN-14-1 / BLA 14-5 / ZC-14-3, an application for an Annexation, Boundary Line Adjustment, and Zone Change, and it was made part of the record.

## III. FINDINGS OF FACT

### A. EXISTING CONDITIONS

1. The City Council 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 (LUDO) No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3408 on March 11, 2013, as both may have been amended from time-to-time.
2. Notice of the public hearing before the Planning Commission was given by publication in The News Review, a newspaper of general circulation, at least 20 days prior to the hearing. Notice of the public hearing before the Planning Commission was mailed to all owners of property within 300 feet of the property 20 days prior to the hearing.
3. Notice of the public hearing and proposed land use regulations was sent to affected property owners per LUDO 5.1.190.
4. The property may be described as a 0.81-acre portion of Tax Lot 201 of Township 27 South, Range 06 West, Section 1DA, Willamette Meridian, and an adjacent 0.10-acre portion of Edenbower Blvd. The property is being annexed by way of Boundary Line Adjustment with the property to the east in a consolidated application per LUDO 5.1.060. Therefore, the subject property, after Boundary Line Adjustment and Annexation, will become part of Tax Lot 202 of Township 27 South, Range 06 West, Section 1DA, Willamette Meridian, currently addressed as 3353 NE Stephens Street.
5. The subject property has a Comprehensive Plan Land Use Designation of High-Density Residential (HDR) and a Douglas County Zoning of Single-Family Residential (R-1).
6. The land subject to the annexation proposal is not developed. Because it is in the Urban Growth Boundary, it is – or can be – served by all utilities and urban services.

### B. PROPOSAL

The proposal is to annex 0.81 acres of private property and rezone it to High-Density Multi-Family Residential MR40. The proposal also includes the annexation of 0.10 acres of Edenbower right-of-way. The 0.81 acres of private property would be added to a parcel to the east already in the City Limits by way of a Boundary

Line Adjustment. The Zoning of the newly added and annexed land would change from County R-1 to City MR40.

C. AGENCY COMMENTS

ODOT: "We reviewed the proposed project and determined it does not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000)."

Roseburg Urban Sanitary Authority: Ensure the existing building sewer at 3357 & 3367 NE Stephens Street is within the proposed utility easement."

D. PUBLIC COMMENTS

The Community Development Department notified all owners of surrounding properties per and LUDO 5.1.190. No comments were received.

E. ANALYSIS

The annexation is required to satisfy ORS 222.125, and conform to the Roseburg Annexation Policies in Resolution 2006-04. Zone Changes and Boundary Line Adjustments are required to satisfy approval criteria contained within Roseburg Land Use and Development Ordinance (LUDO) Sections 5.4.030 and 6.1.210, respectively.

F. REVIEW CRITERIA

**1. Pursuant to ORS 222.125, "Annexation by consent of all owners of land," the following criteria must be demonstrated:**

- a) *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.*

**Finding:** The subject property is contiguous with the city limits of Roseburg, and the applicant has given written consent, by applying for the annexation, to be annexed into the city.

**2. Pursuant to City of Roseburg Resolution 2006-04, "Annexation Policies," the following Policies shall be adhered to:**

- a) ***Annexation Encouraged.*** *Over time, the City of Roseburg shall be the primary provider of municipal water service and other urban services within the UGB, provided the City can offer these services in an efficient and cost-effective manner.*

*Annexation to the City should be encouraged:*

- 1.** *For unincorporated areas that are now receiving some City services, are urban in character, or are logically served by the City because of*

*geographic factors such as drainage basins, boundaries, or environmental constraints;*

2. *Where the availability of infrastructure and services allows for the development of urban densities.*

**Finding:** The subject property can logically be served by the City given that it is surrounded on three sides by incorporated land. Infrastructure and services necessary for urban densities can be provided when approval is granted for development consistent with the proposed Zoning.

- b) **City Initiated Annexation.** *If the City initiates an annexation, then the City shall analyze the financial impacts of the annexation including a calculation of revenues derived from a proposed annexation and the expenses to provide services in the area to be annexed.*

**Finding:** The City did not initiate this annexation.

- c) **Full-Range of City Services in Timely Manner.** *The City shall not initiate annexation proceedings on any property if it cannot provide a full range of City services within approximately a three-year period of time. A full range of City services means a level of urban services approximately similar to that enjoyed by residents currently living in the City of Roseburg.*

**Finding:** Surrounding properties of the subject property are already served by municipal water and sewer. Extending services to the subject property can be provided within three years, depending on development activity.

- d) **Preference for Annexation Areas.** *Highest preference for annexation shall be given to those areas that best meet annexation policies and where revenues derived from the annexed areas exceed City expenses. Lowest preference shall be given to those annexation requests that exhibit a negative financial situation for the City of Roseburg or only minimally meet City annexation policies. Fiscal impacts are only one of many criteria to be evaluated, and must be balanced with other annexation policies and goals.*

**Finding:** The location of the subject property is at the intersection of two city arterial streets and is less than 2,000 feet from Interstate 5. The property has, or can have, urban services provided to it in a cost-effective manner consistent with logical growth patterns.

- e) **Unincorporated Islands.** *Property that is currently surrounded by land within the City limits (unincorporated islands) shall be discouraged. As soon as practical, the City shall initiate annexation proceedings for such islands.*

**Finding:** The property is not an island.

- f) **Properties Now Served by Municipal Water But Located Outside Existing City Limits.** *Property owners now receiving municipal water*

*service from the City of Roseburg are encouraged to initiate annexation proceedings on their property consistent with these policies.*

**Finding:** Properties surrounding the subject property are currently served by municipal water service.

- g) New Consent to Annexation Agreements Prohibited.** *After Council adoption of a change to Roseburg Municipal Code 5.04.060, no new municipal water service shall be provided unless the property is annexed to the City of Roseburg.*

**Finding:** While surrounding properties are served with city water service, the land proposed for annexation does not. It is therefore being annexed prior to receiving city water service.

**3. Pursuant to LUDO 5.4.030 the following criteria must be demonstrated as being satisfied by the application for approval of the zone change:**

- a)** *The rezoning will conform to the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.*

**Finding:** The proposed MR40 Zone conforms to the Comprehensive Plan under the High-Density Residential map and applicable written policies.

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

**Finding:** Public health, safety and welfare can be adversely impacted by uses with significant external impacts, dangerous activities, and unsafe or inadequate transportation facilities that provide access to a site. The proposed Zoning District is compatible with the existing development, and as such is presumably no less suitable than the existing County Zoning.

- c)** *The rezone is consistent with the safety and performance measures of the transportation system.*

**Finding:** The locally-classified street network that serves the existing residential development is consistent with the safety and performance measures of the transportation system. The property is served by Edenbower Blvd., an arterial street. Any future development would be required to meet access standards determined by the Transportation System Plan, LUDO and Public Works standards.

**4. Pursuant to LUDO 6.1.210 the following criteria must be demonstrated as being satisfied by the application for approval of a common boundary line adjustment:**

- a)** *The [application] information required by [LUDO] has been provided*



- b) *The design and development standards of [LUDO] and the Comprehensive Plan have been met*
- c) *All adjusted lots will be no more non-conforming than the original lots with respect to minimum lot area, dimensions, and building set back requirements for the given zone*
- d) *All adjustments are within a given zone and not among differing zones*
- e) *No substandard lots shall be created*
- f) *The adjustment will not affect or impede the public right of way or any recorded easement*

**Finding:** The application as submitted satisfied these criteria. Approval of the boundary line adjustment shall be subject to approval conditions set forth in LUDO 6.1.210.

#### IV. CONCLUSION

Based on the above findings, the Planning Commission concludes that the application meets the criteria for approval in ORS 222.125, Resolution 2006-04, and LUDO 5.4.030 and 6.1.210.

#### V. ORDER

Based on the Findings and Conclusions above, the Planning Commission recommends **APPROVAL** of his application to the City Council with following conditions:

1. Upon signature by the Community Development Director, the Final Plat of the Boundary Line Adjustment shall be filed with the County Surveyor's Office
2. The applicant shall provide to the City copies of filed maps and deeds pertaining to the Boundary Line Adjustment upon recordation.

  
 \_\_\_\_\_  
 Ron Hughes, Chair

FEB 2, 2015  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Brian Davis, Community Development Director

2/2/15  
 \_\_\_\_\_  
 Date

Planning Commission:  
 Ron Hughes, Chair  
 Scotty Ingeman  
 Jesse McLean  
 Dan Onchuck  
 Patrick Parson  
 Matthew Powell