



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

August 29, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of La Grande Plan Amendment
DLCD File Number 002-07

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 10, 2007

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Darren Nichols, DLCD Community Services Division Manager
Mark Radabaugh, Dlcd Regional Representative
Michael J. Boquist, City of La Grande

<paa> ya/

FORM 2

DLCD NOTICE OF ADOPTION

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

DEPT OF

AUG 22 2007

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: City of La Grande Local File No.: 02-CPA-07 & 02-ZON-07
(If no number, use none)

Date of Adoption: August 15, 2007 Date Mailed: August 20, 2007
(Must be filled in) (Must be filled in)

Date the Notice of Proposed Amendment was mailed to DLCD: April 26, 2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

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

Re-zone of property zoned M-1 Light Industrial to R-2 Medium Density Residential

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."

SAME

Plan Map Changed from: Industrial to Medium Density Residential

Zone Map Changed from: M-1 Light Industrial to R-2 Medium Density Residential

Location: 3S38.5AC/6100 Acres Involved: 1.58

Specified Density: Previous: N/A New: 5 to 10 Dwellings per Acre

Applicable Statewide Planning Goals: 1, 2, 9, 10, 11, 12

Was an Exception Adopted? Yes: _____ No: X

DLCD No.: 002-07(16073)

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: X 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: N/A

Local Contact: Michael J. Boquist, City Planner

Area Code + Phone Number: (541) 962-1307

Address: Planning Division, 1000 Adams Avenue / P.O. Box 670

City: La Grande

Zip Code + 4: 97850-0670

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, OR 97301-2540**

2. Submit **TWO (2) copies** of adopted materials, 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 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 in person who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8½ x 11 inch 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.

CITY OF LA GRANDE
ORDINANCE NUMBER 3064
SERIES 2007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE,
OREGON, REZONING PROPERTY IN THE 2300 BLOCK OF NORTH WILLOW
STREET FROM LIGHT INDUSTRIAL TO MEDIUM DENSITY RESIDENTIAL**

WHEREAS, the applicants, Gene and Norma Gillis, applied for a Comprehensive Plan Designation Change, File Number 02-CPA-07, and Zone Designation Change, File Number 02-ZON-07, to amend the Comprehensive Plan Map and La Grande Zoning Map to rezone property at 1903 "V" Avenue from Light Industrial to Medium Density Residential; and,

WHEREAS, said applications were expanded to include properties at 2312 North Willow Street, 1902 "X" Avenue and 1906 "X" Avenue, which are contiguous to the Gillis property and also zoned Light Industrial. Said inclusion resolves nonconforming uses; and,

WHEREAS, notice was provided to the Oregon Department of Land Conservation and Development at least forty-five (45) days in advance of the first public hearing, which was held by the Planning Commission on June 12, 2007; and,

WHEREAS, the proper notices were published in *The Observer*, mailed to affected property owners within one hundred feet (100') of affected property, and posted on the property and in City Hall, duly advertising the Planning Commission Public Hearing to consider the applications; and,

WHEREAS, the proper notices were published in *The Observer*, mailed to affected property owners within one hundred feet (100') of affected property, and posted on the property and in City Hall, duly advertising the first City Council Public Hearing, held on July 11, 2007, to consider the applications; and,

WHEREAS, the applications were found to conform to the standards and procedures set forth in the City of La Grande Land Development Code Ordinance Number 3047, Series 2006, Article 8.6 – Zone Designation Change, and Article 8.7 – Comprehensive Plan Designation Change; and,

WHEREAS, the Planning Commission and City Council conducted Public Hearings to receive public testimony on the Ordinance rezoning said property;

THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

SECTION 1. That the Comprehensive Plan Land Use Map be amended to change the land use designation of the following properties from Light Industrial to Medium Density Residential and that the Zoning Map be amended to change the zoning designation of the following property from M-1 Light Industrial to R-2 Medium Density Residential as depicted in Exhibit "A":

Parcel I (T3S, R38E, Section 5AC, Tax Lot 6100, 1903 "V" Avenue)

A parcel of land situated in the Southwest quarter of the Northeast quarter of Section 5, Township 3 South, Range 38 East of the Willamette Meridian, Union County, Oregon, more particularly described as follows:

Lot Number 8 in Block Number 2 of PLEASANT HOME ADDITION to La Grande, Union County, Oregon, according to the recorded plat of the addition.

Parcel II (T3S, R38E, Section 5AC, Tax Lot 5400, 1906 "X" Avenue)

A parcel of land situated in the Southwest quarter of the Northeast quarter of Section 5, Township 3 South, Range 38 East of the Willamette Meridian, Union County, Oregon, more particularly described as follows:

The North 117 feet of the East 115 feet of Lot Number 1 in Block Number 2 of PLEASANT HOME ADDITION to La Grande, Union County, Oregon, according to the recorded plat of the addition.

Parcel III (T3S, R38E, Section 5AC, Tax Lot 5401, 2312 North Willow Street)

A parcel of land situated in the Southwest quarter of the Northeast quarter of Section 5, Township 3 South, Range 38 East of the Willamette Meridian, Union County, Oregon, more particularly described as follows:

The South 90 feet of the East 115 feet of Lot Number 1 in Block Number 2 of PLEASANT HOME ADDITION to La Grande, Union County, Oregon, according to the recorded plat of the addition.

Parcel IV (T3S, R38E, Section 5AC, Tax Lot 5402, 1902 "X" Avenue)

A parcel of land situated in the Southwest quarter of the Northeast quarter of Section 5, Township 3 South, Range 38 East of the Willamette Meridian, Union County, Oregon, more particularly described as follows:

The West 60 feet of Lot Number 1 in Block Number 2 of PLEASANT HOME ADDITION to La Grande, Union County, Oregon, according to the recorded plat of the addition.

SECTION 2. The City Council adopts the Findings of Fact and Conclusions of Law as set forth in the City Council Staff Report on July 11, 2007, as its own Findings and Conclusions.

EXHIBIT 'A'



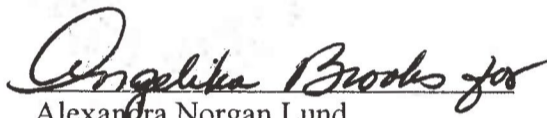
SECTION 3. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Oregon and its approval by the Mayor; specifically, September 14, 2007.

ADOPTED this Fifteenth (15th) day of August, 2007, by six (6)
of six (6) Councilors present and voting.

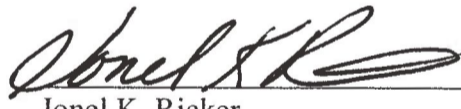
APPROVED this Fifteenth (15th) day of August, 2007.


Colleen F. Johnson
Mayor

ATTEST:


Alexandra Norgan Lund
City Recorder

APPROVED AS TO FORM AND CONTENT:


Jonel K. Ricker
Legal Counsel for the City of La Grande

CITY OF LA GRANDE
COUNCIL ACTION FORM

Council Meeting Date: August 15, 2007

PRESENTER: Michael Boquist, City Planner

COUNCIL ACTION: **PUBLIC HEARING TO CONSIDER COMPREHENSIVE PLAN DESIGNATION CHANGE AND ZONE DESIGNATION CHANGE (SECOND READING)**

1. MAYOR: Re-open the Public Hearing and announce that the Rules of Order for this item were Read in their entirety during the July 11, 2007, Regular Session, and request Councilor declarations and challenges since that time.
2. MAYOR: Request Staff Report.
3. MAYOR: Entertain Motion

SUGGESTED MOTION: I move that the Proposed Ordinance Rezoning Property in the 2300 Block of North Willow Street from Light Industrial to Medium Density Residential be Read a Second Time by Title Only, Put to a Vote and Adopted.

SUGGESTED MOTION: I move that the Proposed Rezoning Property in the 2300 Block of North Willow Street from Light Industrial to Medium Density Residential not be Read a Second Time by Title Only, Put to a Vote and Denied.

4. MAYOR: Invite Council Discussion.
5. MAYOR: Close the Public Hearing and, to adopt, Ask City Recorder to read the Proposed Ordinance for the Second Time by Title Only.
6. MAYOR: Call for the Vote

EXPLANATION:

1. The subject properties are currently zoned M-1 Light Industrial. Together, they amount to approximately 1.58 acres. All of the properties are developed with single family homes, consistent with the R-2 Medium Density Residential Zone standards. All of these properties lie within the City of La Grande's Urban Growth Boundary.
2. The Applicant, Norma Gillis, is in the process of annexing her property (Tax Lot 6100) into the City Limits of La Grande and has recently completed a minor land partition application to support the placement or construction of up to three (3) new residences.
3. This request is to change the Land Use Zone Designation and Comprehensive Plan Zone from M-1 to R-2, which will resolve non-conforming development issues and will facilitate future development consistent with adjacent neighboring uses and development patterns in the neighborhood.

Council Action Form
File Numbers 02-CPA-07 AND 02-ZON-07
August 15, 2007

4. The First Reading of the Ordinance occurred on July 11, 2007. No oral or written testimony was submitted in opposition to this request.

Reviewed By: (Initial)		COUNCIL ACTION (Office Use Only)	
City Manager	<u>CRJ</u>	<input type="checkbox"/> Ordinance Adopted	<input type="checkbox"/> Motion Passed
City Recorder	_____	First Reading: _____	<input type="checkbox"/> Motion Failed
Aquatics Division	_____	Second Reading: _____	<input type="checkbox"/> Action Tabled: _____
Building Division	_____	Effective Date: _____	Vote: _____
Finance Department	_____		
Fire Department	_____		
Library	_____	<input type="checkbox"/> Resolution Passed	Recessed: _____
Parks Department	_____	Effective Date: _____	Work Session: _____
Planning Division	<u>LYB</u>		Other: _____
Police Department	_____		
Public Works Department	_____		

C:\SHARED\CITY COUNCIL\2007\08-15-07\02-CPA-07 AND 02-ZON-07 CAF.DOC REVISED 06-14-07

CITY OF LA GRANDE
ORDINANCE NUMBER _____
SERIES 2007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE,
OREGON, REZONING PROPERTY IN THE 2300 BLOCK OF NORTH WILLOW
STREET FROM LIGHT INDUSTRIAL TO MEDIUM DENSITY RESIDENTIAL**

WHEREAS, the applicants, Gene and Norma Gillis, applied for a Comprehensive Plan Designation Change, File Number 02-CPA-07, and Zone Designation Change, File Number 02-ZON-07, to amend the Comprehensive Plan Map and La Grande Zoning Map to rezone property at 1903 "V" Avenue from Light Industrial to Medium Density Residential; and,

WHEREAS, said applications were expanded to include properties at 2312 North Willow Street, 1902 "X" Avenue and 1906 "X" Avenue, which are contiguous to the Gillis property and also zoned Light Industrial. Said inclusion resolves nonconforming uses; and,

WHEREAS, notice was provided to the Oregon Department of Land Conservation and Development at least forty-five (45) days in advance of the first public hearing, which was held by the Planning Commission on June 12, 2007; and,

WHEREAS, the proper notices were published in *The Observer*, mailed to affected property owners within one hundred feet (100') of affected property, and posted on the property and in City Hall, duly advertising the Planning Commission Public Hearing to consider the applications; and,

WHEREAS, the proper notices were published in *The Observer*, mailed to affected property owners within one hundred feet (100') of affected property, and posted on the property and in City Hall, duly advertising the first City Council Public Hearing, held on July 11, 2007, to consider the applications; and,

WHEREAS, the applications were found to conform to the standards and procedures set forth in the City of La Grande Land Development Code Ordinance Number 3047, Series 2006, Article 8.6 – Zone Designation Change, and Article 8.7 – Comprehensive Plan Designation Change; and,

WHEREAS, the Planning Commission and City Council conducted Public Hearings to receive public testimony on the Ordinance rezoning said property;

THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

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The West 60 feet of Lot Number 1 in Block Number 2 of PLEASANT HOME ADDITION to La Grande, Union County, Oregon, according to the recorded plat of the addition.

SECTION 2. The City Council adopts the Findings of Fact and Conclusions of Law as set forth in the City Council Staff Report on July 11, 2007, as its own Findings and Conclusions.

SECTION 3. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Oregon and its approval by the Mayor; specifically, September 14, 2007.

ADOPTED this Fifteenth (15th) day of August, 2007, by _____ ()
of _____ () Councilors present and voting.

APPROVED this Fifteenth (15th) day of August, 2007.

Colleen F. Johnson
Mayor

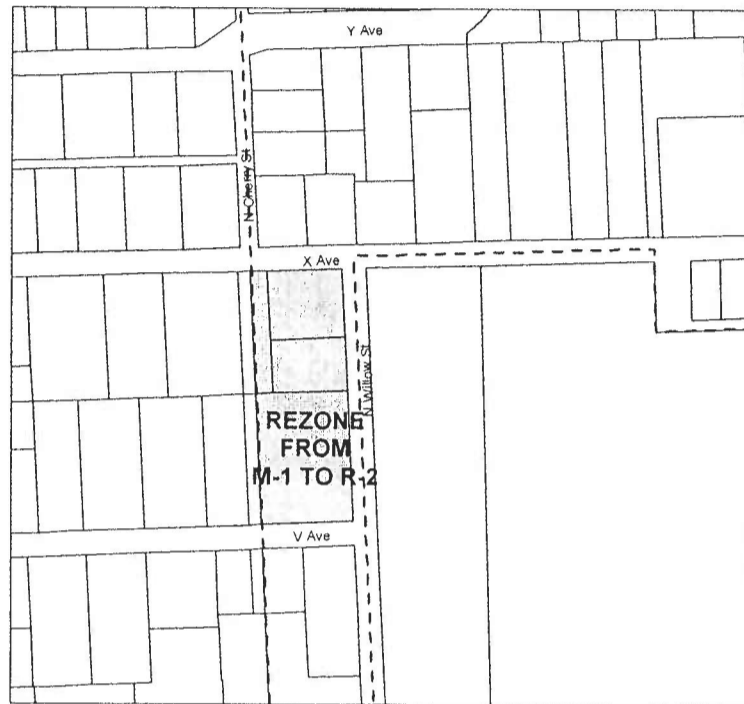
ATTEST:

Alexandra Norgan Lund
City Recorder

APPROVED AS TO FORM AND CONTENT:

_____ for
Jonel K. Ricker
Legal Counsel for the City of La Grande

EXHIBIT 'A'



**CITY OF LA GRANDE
CITY COUNCIL MEETING
WEDNESDAY, JULY 11, 2007**

STAFF REPORT

APPLICATION FILES: 02-CPA-07 and 02-ZON-07
APPLICANT: Norma Gillis
PROPOSAL: Comprehensive Plan Designation Change and Zone Designation Change from M-1 Light Industrial to R-2 Medium Density Residential
LOCATION: Property West of Willow Street, between "V" Avenue and "X" Avenue, Which Includes Property Described as being in T3S, R38E, Section 5AC, Tax Lots 5400, 5401, 5402, and 6100 La Grande, Union County, Oregon

PRESENT COMPREHENSIVE PLAN DESIGNATION: Industrial
PROPOSED COMPREHENSIVE PLAN DESIGNATION: Medium Density Residential
PRESENT ZONING DESIGNATION: M-1 Light Industrial
PROPOSED ZONING DESIGNATION: R-2 Medium Density Residential

REPORT CONTENTS

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PROPOSAL DESCRIPTION

1. The subject properties are currently zoned M-1 Light Industrial. Together, they amount to approximately 1.58 acres. All of the properties are developed with single family homes, consistent with the R-2 Medium Density Residential Zone standards. All of these properties lie within the City of La Grande's Urban Growth Boundary.
2. The Applicant, Norma Gillis, is in the process of annexing her property (Tax Lot 6100) into the City Limits of La Grande and has recently completed a minor land partition application to support the placement or construction of up to three (3) new residences.
3. This request is to change the Land Use Zone Designation and Comprehensive Plan Zone from M-1 to R-2, which will resolve non-conforming development issues and will facilitate future development consistent with adjacent neighboring uses and development patterns in the neighborhood.

No oral or written testimony was submitted during the Planning Commission Hearing in opposition to this request.

SCHEDULE OF EVENTS

April 18, 2007	The application was submitted and deemed incomplete.
April 26, 2007	Notice mailed to DLCD for 45 day notice in advance of first evidentiary hearing
May 15, 2007	Notice of Public Hearing mailed to affected property owners and Development Review Committee advertising the June Planning Commission, Regular Session and July City Council, Regular Session
May 21, 2007	Notice of Public Hearing published in <i>The Observer</i> , advertising the January 24, 2006, Planning Commission, Regular Session
June 12, 2007	Planning Commission Public Hearing and Recommendation to Council
July 11, 2007	City Council Public Hearing and First Reading of Ordinance
August 15, 2007	City Council Public Hearing and Second Reading of Ordinance
September 2007	Ordinance Effective Date; End of 30 Day Appeal Period

LAND DEVELOPMENT CODE CRITERIA

Ordinance Number 3047, Series 2006

ARTICLE 8.6 – ZONE CHANGE DESIGNATION. In accordance with Land Development Code Ordinance, a proposed Zone Change Designation must meet the following criteria:

- A. *The Zone Change Designation is in Conformance with the Comprehensive Plan, and all other provisions of the Land Development Code.***

Finding: The Findings addressing the Comprehensive Plan are discussed in its own Section later in this Report. Criteria "B", "C" and "D" below address specific elements of the Land Development Code, with regards to this request complying with lot sizes, residential density, transportation and neighborhood impacts.

Other applicable provisions of the Land Development Code pertain to the processing of this request and compliance with notification and public hearing procedures. By adhering to the following four steps, the processing provisions of the Land Development Code are met.

1. First: DLCD was provided with a notice of this request, 45 days in advance of the first evidentiary hearing.
2. Second: Mailed notice has been sent out to affected property owners within 200 feet of these properties and advertised notice has been published in the local news paper as required by State law.
3. Third: The La Grande Planning Commission will conduct a public hearing on this request on June 12, 2007, providing a recommendation to the La Grande City Council.
4. Fourth: The La Grande City Council will conduct two public hearings on this request, ending in either the adoption or rejection of an ordinance changing the zone.

B. The property affected by the Zone Change Designation is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning;

Finding: The properties, cumulatively are 1.58 acres in size, consisting of six (6) lots with four (4) single-family dwellings and three (3) vacant parcels. They are all currently zoned M-1 Light Industrial, which supports a variety of industrial uses from storage facilities to light manufacturing. Individually, none of the lots are of adequate size to facilitate an industrial development and the required off-street parking that will be required. Cumulatively, the 1.58 acres could support a small industrial business, but the location is less than ideal. It is located on the fringe of a residential zone, which can only be accessed via substandard local streets extending through a residential neighborhood. There is no direct access to a collector or arterial street; nor to any other major transportation corridor to mitigate or ease traffic impacts.

By changing the underlying zone to R-2 Medium Density Residential, it will be consistent with the existing development on the property and both the zoning and development on adjacent properties. The zoning of the abutting properties immediately to the West and North is R-2 Medium Density Residential. The properties adjacent to the South, across "V" Avenue are industrially zoned, but developed with single-family residences. The property to the East is also industrially zoned, but is developed as a log yard for Boise Cascade. This area of the Boise Cascades property is located in the rear of their parcel, which is accessed from Island Avenue, near interchange I-84/Hwy 82.

The 1.58 acres included in this request can support between eight (8) and sixteen (16) residential units under the R-2 Medium Density Residential Zone. There are currently six (6) separate lots that include four (4) existing single-family units. Tax Lot 6100, owned by Norma Gillis, consist of three (3) of the six (6) parcels. It has been master planned to accommodate at least one more parcel, ultimately bringing the density seven (7) units. Tax Lot 5401 could also support another single-family or duplex dwelling, bringing the density up to the eight (8) encouraged by the zone.

C. *The property affected by the proposed Zone Designation Change is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein;*

Finding: These properties are abutting public streets, which are developed with a substandard level of improvements. The properties are bounded by "X" Avenue to the North, Willow Street to the East and "V" Avenue to the South. All of these rights-of-way are forty feet (40') wide, developed with an oil mat road surface and gravel shoulders. These substandard road improvements are typical for the entire neighborhood.

All of the existing lots face squarely on the abutting streets, with direct street access. The lots are of adequate shape to facilitate the future lots also facing squarely on the abutting street with frontage access. In its current condition, the streets in the neighborhood hood have been adequate to serve the traffic generated by the neighborhood.

Under the current M-1 Light Industrial zoning, a property owner could build a warehouse or manufacturing facility without contributing to road infrastructure improvements. The potential development allowed in the M-1 Light Industrial Zone could cause a significant increase in traffic that will negatively impact the transportation system in the neighborhood. By rezoning this property to R-2 Medium Density Residential, it is expected that the potential (future) development impacts would be reduced. Please refer to the Transportation Planning Rule Findings below for additional discussion and justification for this Criterion.

D. *The proposed Zone Change Designation Change will have no adverse effect on the appropriate use and development of abutting properties.*

Finding: There six (6) properties included in this request. Four (4) of them are developed for residential purposes, consistent with the R-2 Medium Density Residential Zone. Two (2) of the six (6) parcels are built out and cannot support additional residential development. The other four (4) parcels have potential for additional development, consistent with the density of the zone. The properties are fairly level and open; and can easily support additional residential dwellings.

As discussed above, the abutting properties to the North and West are currently zoned R-2 Medium Density Residential and are developed with residential uses in accordance with the R-2 Zone. This request is consistent with abutting uses. Property to the East is currently zoned M-2 Heavy Industrial and is developed as a log yard for Boise Timber Company. Property to the South is zoned M-1 Light Industrial, but is developed with a residence.

The rezoning of this property will have no negative impacts on the neighboring uses as the existing development on the properties are all ready consistent with the neighboring residential uses. By not changing the zoning, it leaves open the opportunity for an industrial use to be developed, which could have negative effects on the abutting properties.

ARTICLE 8.7 - COMPREHENSIVE PLAN DESIGNATION CHANGE. In accordance with the Land Development Code Ordinance, a proposed Comprehensive Plan Designation Change must meet the following criteria:

A. *The proposed change is in compliance with the Statewide Planning Goals.*

The Statewide Planning Goals are the foundation for Oregon land use planning. The Goals have been adopted as administrative rules (Oregon Administrative Rules Chapter 660, Division 15) and are implemented and administered locally through the La Grande Comprehensive Plan and Land Development Code Ordinance. The La Grande Comprehensive Plan has been acknowledged by the State to be in compliance with these goals. There are a total of nineteen (19) Goals. Some of the Goals do not apply to this proposal due to the site location and other characteristics of the proposal. Compliance with the Statewide Planning Goals is addressed in a separate section later in this Report.

B. *The proposed change is in conformance with all policies of the City of La Grande Comprehensive Plan; and,*

The La Grande Comprehensive Plan has been acknowledged by the State and is used for implementing the Statewide Planning Goals. Out of the nineteen (19) Statewide Planning Goals, only seven (7) are applicable to La Grande. Due to the site location and other characteristics of this proposal, not all of these Goals apply to this request. Compliance with the Comprehensive Plan Goals is addressed in a separate section later in this Report.

C. *The proposed change is supported by specific studies or other factual information which documents the public need for the change.*

Finding: As discussed above, the properties are currently developed with residential dwellings and used entirely for residential purposes. This zone change will resolve nonconforming issues, facilitate future residential development, and maintain land uses that are compatible with adjacent properties.

As the proposed zone change only involves 1.58 acres, the number of potential residential dwelling that can be build in relation to the type and scale of industrial development is insignificant and does not warrant requiring a specific study to support the change. The factual information that supports this request lies in the fact that it is currently developed with residential uses consistent with the R-2 Medium Density Residential Zone and consistent with development on adjacent properties. The public need lies in the opinions and long range plans of the existing property owners and adjacent property owners that desire to see residential development on this property.

STATEWIDE PLANNING GOALS

Goal 1 - Citizen Involvement. *"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."*

Findings: The City of La Grande has adopted public notice procedures in accordance with Oregon Revised Statutes. These procedures can be found in the City of La Grande Land Development Code Ordinance Number 3047, Series 2006, Article 9.6. Public notice is mailed to property owners within two hundred feet (200') of the subject property at least ten (10) days prior to the Public Hearing and advertised notice is published in *The Observer*, a local newspaper of general circulation, at least twenty (20) days prior to the Public Hearing. Public will be mailed to surrounding property owners and published in *The Observer*. In addition, in accordance with State Statutes and Administrative Rules, notice of the Planning Commission Public Hearing was mailed to the Oregon Department of Land Conservation and Development at least forty-five (45) days in advance of the first evidentiary (Planning Commission) hearing. Notice will be posted on the property.

Goal 2 - Land Use Planning. *"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions."*

Findings: The City of La Grande Comprehensive Plan, last revised in 2005, adopts goals and policies, consistent with the Statewide Planning Goals. Additionally, the City of La Grande Land Development Code is used as a tool to implement the Goals and Policies described in the Comprehensive Plan. The Comprehensive Plan is used as a basis for making all decisions and actions relating to land use. It further assures that all decisions will be made on a factual base. An analysis of compliance with the Comprehensive Plan is included in the Findings herein.

Goal 6 – Air, Water and Land Resources Quality. *"To maintain and improve the quality of the air, water and land resources of the State."*

Findings: The City of La Grande Comprehensive Plan, revisions adopted in 2005, adopts goals and policies, consistent with this Statewide Planning Goal. An analysis of compliance with the Comprehensive Plan is included in the Findings herein, specifically with regards industrial uses adjacent to residential neighborhoods.

Goal 9 – Economic Development. *"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens."*

Findings: The proposal has minor, if any, implications for the local economy. The subject properties, consisting of seven (7) lots, under four (4) separate ownerships, amount to only 1.58 acres. The properties are currently developed with nonconforming single-family residential uses and the likelihood that they would ever be redeveloped to industrial uses are slim to none. The location of the properties are such that access would be less than ideal for an industrial use and the site sizes are too small to support most industrial uses. The largest set of lots under the same ownership is the Gillis properties, which amounts to slightly larger than 3/4 of an acre. As discussed earlier in this Report, access would be via substandard local street that extend through an R-2 Medium Density Residential subdivision. There is no alternative route to this property to avoid using local streets through the residential neighborhood. An analysis of compliance with the Goal 9 provisions of Comprehensive Plan is included in the Findings herein, specifically with regards industrial uses and neighborhood compatibility.

Goal 10 - Housing. *"To provide for the housing needs of citizens of the state."*

Findings: The site is currently zoned for M-1 Light Industrial, but developed as R-2 Medium Density Residential. Due to the residential nature and density of adjacent properties, as well as substandard local street access, this site is not ideal for industrial development. An industrial development on any or all of these properties will result in negative impacts for the adjacent residential uses. As these sites are currently developed with residential uses, with the potential of four (4) additional lots will be minimal and fairly insignificant in the overall scope of La Grande and available residential land supply.

Goal 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."*

Findings: If the property were to be developed with either Residential or Industrial uses, the Zoning Permit or Site Plan review process would ensure that adequate public facilities and services would be in place to serve the development. City services currently exist in the adjacent rights-of-way, which have all ready been evaluated and determined to be adequate for potential new residential development. Industrial development will require additional evaluation to determine if services are adequate to serve a proposed facility.

Goal 12 - Transportation. *"To provide and encourage a safe, convenient and economic transportation system."*

Findings: The properties are served by "V" Avenue, Willow Street and "X" Avenue. All these streets are "minor streets" or "local streets", which are developed to a substandard level. They consist of twenty-four foot (24') wide oil-mat surfaces with gravel shoulders. No curbs exist anywhere in the surrounding neighborhood. Sidewalks exist in some areas of the neighborhood, but are substandard as they are narrower than the City adopted design standards and poor condition/repair. If the property is rezoned and developed with new residential uses, the Zoning Permit process will require that the property owner's sign agreement to participate in a future Local Improvement District, should one be formed to bring the neighborhood streets into compliance with City standards.

It should also be pointed out that a Traffic Impact Analysis is not required by City Ordinances at this time, as potential development is well below the 400+ ADT prescribed by City Ordinances to require such analysis. A traffic impact analysis is not recommended as a Condition of Approval, as it is not necessary to address the Oregon Transportation Planning Rule.

COMPREHENSIVE PLAN GOALS

Goal 1 – Citizen Involvement

Policy 3: The City of La Grande shall strive to provide the opportunity for citizens to be involved in all phases of the planning process.

Finding: This Policy was addressed in Statewide Planning Goal 1, above. Public notice has been mailed to surrounding property owners and the notice has been published in *The Observer*, a local newspaper of general circulation. The notice has also been posted on the property. Public Hearings will be held by the Planning Commission and the City Council. Citizens will have the opportunity to participate throughout the planning process.

Goal 2 – Land Use Planning

Policy 1. That planning-related decisions will be made on a factual base, and that such base will be updated as base information changes, or at least every two years.

Findings: The City's Buildable Lands Inventory and Needs Analysis identifies excess Residential Zoned land and an adequate supply of Industrial Zoned land in La Grande. This Analysis was prepared by *The Benkendorf and Associates Corp.* The Residential, Commercial and Industrial Needs Analysis was prepared and fully adopted in 1999. The Commercial and Industrial components were updated in 2005, with adoption by the La Grande City Council in October 2005, by the Union County Commissioners in November 2005, and acknowledged by the Department of Land Conservation and Development in November 2005.

Although the buildable lands inventory identifies an excess amount of residential land in La Grande, this request will have little or no impact on the overall land supply. This is due to the property all ready being developed for residential purposes. Also, the undeveloped property area is small, and the potential for additional residences is limited.

It should be noted that of the land that is identified in the buildable land inventory as vacant or redevelopable, very little is currently available for sale. As a result, the data used to evaluate the status of available residential land is misleading. Due to the lack of available residential land for sale, this application was initiated with the intent to put two (2) additional residential lots on the market. This is a need that is frequently expressed by the real estate firms that is not currently being met in La Grande.

Policy 3. That public need be established before plan changes or related requests are approved and that the burden of proof be borne by the requestor.

Findings: As discussed in Policy #1 above, the buildable land inventory and needs analysis for La Grande is misleading. The analysis shows an excess amount of land, of which very little is available on the real estate market. The local real estate firms have expressed concern that there is very little property to offer for sale in La Grande, which signifies a need in the community. The rezone of the subject properties will provide an opportunity to satisfy part of that need, but only two (2) new lots. This will have very little impact on satisfying such need.

Policy 8. That compatibility of anticipated uses with surrounding area development will be evaluated in making planning related decisions.

Findings: This Policy is the most significant factor in this rezone. The subject properties are currently zone M-1 Light Industrial, but developed with nonconforming residential uses. The abutting properties are also developed with residential uses. Concerns have been expressed by the owners of the subject properties, as well as neighboring property owner about the potential impacts that industrial development could have on the livability of their properties. There is unanimous support for this rezone to ensure that proposed uses will be residential in nature.

As the subject properties are developed with residential uses, the rezone will change their status from nonconforming to conforming. It will also ensure neighborhood compatibility for the future and the land uses on the subject property will be the same as those on the abutting properties.

Goal 9 – Economic Development

Policy 1: That suitability of a proposed industrial development will be evaluated according, but not limited to the following factors: availability of labor force and materials, market locations, transportation and service needs, relationship to present economic base and similar conditions.

Finding: The availability of a labor force and materials, as well as the present economic base, are difficult topics to discuss with this proposal, as the request is to change the zone from industrial to residential. Also, the lot sizes are developed with residences and are too small for any sizeable industry that would have any impact on the economy. These are irrelevant topics, given the nature of this zone change.

The market location and transportation needs are definitely inadequate for industrial development on this site. As previously discussed, substandard residential street serve this area, which are not desirable or adequate for serving industrial uses. The rights-of-way are forty feet (40') wide, the streets are narrow, and the roadway surfaces are oil-mat with gravel shoulders. These narrow streets go through a residential neighborhood and include on-street parking on both sides. The width and congestion on these streets are not adequate for industrial development, which typically includes higher traffic volumes than residential development, including truck traffic.

Policy 2: That the City will encourage additional industrial and non-industrial development in the area, providing such development does not have a detrimental effect on living conditions.

Finding: As discussed previously, industrial development on the subject property may have negative impacts on the adjacent residential uses. There are no roads or other buffer areas that will adequately screen industrial development on these properties from the adjacent residential uses. As the property area is small, the development of buffer areas will make any industrial development on the subject property less practical.

Goal 10 – Housing

Policy 4: That quality residential environments will be assured by considering safety, health, design, provisions of services and overall ecology of the area.

Policy 8: That medium density residential areas be located away from activities which generate heavy traffic and are otherwise incompatible with living areas.

Finding: Both Policy 4 and 8 are support the clear separation of residential and industrial uses. As discussed above, the existing development on the subject properties and adjacent properties is residential. The development of industrial uses on the subject property will negatively affect the livability of the adjacent residential properties. Such development would be in conflict with Policy 4. Also, industrial uses typically generate more traffic than single-family residential uses, including heavy truck traffic. Policy 8 suggests that such uses be located away from residential areas. By developing the subject properties with industrial uses, it would be in conflict with Policy 8 as the industrial traffic would be required to travel through residential neighborhoods via narrow rights-of-way.

Goal 11 – Public Facilities and Services

Policy 2: The City will require urban development to be served by urban services.

Finding: Urban services are available in the abutting public rights-of-way ("V" Avenue, and Willow Street and "X" Avenue). Based on development patterns in the area and available services, future

development on these properties will be served with both City water and sewer. All abutting properties are currently served with City services.

Policy 6: That underground installation of utilities be encouraged on all new development.

Finding: The City's Land Development Code Ordinance requires that all new services be installed underground. All proposed development will be reviewed for compliance with these standards prior to receiving Zoning approval.

Goal 12 – Transportation

There are no specific Policies within this Goal that directly apply to this request. However, several Transportation Goals are discussed that relate to City wide planning rather than site specific planning. As the City builds out, specific Goals are listed to provide a transportation system that promotes economic development and meeting pedestrian, bicycle and vehicle transportation needs. None of the policies are development specific, but do give guidance to the City when making transportation system improvements.

Findings: The subject properties are bordered to the South by "V" Avenue, to the East by Willow Street and to the North by "X" Avenue. All are forty foot (40') wide rights-of-way developed with a twenty-four foot (24') oil-mat surface and gravel shoulders. At the time that development occurs, the Zoning Approval process will require an evaluation of existing improvement and will result in a determination of what level of improvement, if any, will need to occur to support the proposed development. Desired improvements include the installation of curbs, landscaped parkway strip, sidewalk and extending the pavement to the newly established curb line.

Further discussion on transportation issues is included in the following section entitled "Transportation Planning Rule".

TRANSPORTATION PLANNING RULE

(Oregon Administrative Rules, Chapter 660, Division 012, Section 0060)

660-012-0060

Plan and Land Use Regulation Amendments

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would **significantly affect** an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. **A plan or land use regulation amendment significantly affects a transportation facility if it would:**
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or level of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or,
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding (Criterion 1a): This request will not change the functional classification of either "V" Avenue, Willow Street or "X" Avenue. Industrial uses have higher traffic volumes than single-family residential uses. By changing the underlying zone from industrial to residential, the net result will be a reduction in potential traffic. This determination is supported by projected trip generations, based on the Trip Generation Manual 7th Addition, published by the Institute of Transportation Engineers (ITE).

Findings (Criterion 1b): There are no implementing standards proposed to be changed with this request that will affect the transportation system.

Findings (Criterion 1c): This request will not result in a level of development that will result in traffic levels inconsistent with the functional classification of the transportation facility. It will not reduce the performance of the existing or planned facility. It will not worsen the performance of the existing or planned transportation facility.

Based on the existing zoning, such determination is almost guaranteed. The streets are "minor streets" aka "local streets". They are designed for local low volume traffic flows. By developing the properties with industrial uses, the traffic volumes could easily increase to a level that is inconsistent with the existing and planned transportation facility. By changing the zoning to

Comprehensive Plan Designation Change and Zone Designation Change
City Council Staff Report
File Numbers 02-CPA-07 and 02-ZON-07
July 11, 2007
Page (12)

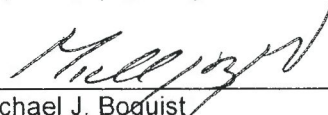
medium density residential, it will make the proposed development consistent with the neighborhood and consistent with the street classification and supported traffic volumes.

As a SIGNIFICANT IMPACT will not occur with this request, TPR 660-012-0060, Section 2, is not required to be addressed.

CONCLUSIONS

1. The request will meet all of the criteria for granting a Comprehensive Plan Designation Change and Zone Designation Change in that the request complies with all of the Statewide Planning Goals and all of the policies of the Comprehensive Plan.
2. This request has NOT been found to have A SIGNIFICAN EFFECT on the Transportation System.

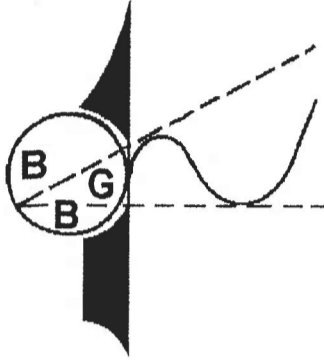
Report Prepared By:



Michael J. Boquist
City Planner

Attachments

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BAGETT - GRIFFITH & BLACKMAN
PROFESSIONAL LAND SURVEYORS

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Phone (541) 963-6092

LaGrande, Oregon 97850
Fax (541) 963-7322

La Grande Planning Commission
P.O. Box 670
La Grande, Oregon 97850

April 17, 2007

RE: Zone Change from M-1 Light Industrial to R-2 Residential

COMPREHENSIVE PLAN POLICIES

NEED: This zone change affects the Gillis ownership only, which is the only tract within this block with appreciable vacant land. The adjacent lots North, West and South are all currently being used as residential lots with single family residences on them. Currently there is no large inventory of residential land in this area. The surrounding blocks have a few tracts that could support further development, but as a whole, is largely "built out". The land East of Willow Street is the Boise Cascade Sawmill Log Yard, which is fully developed, and not expected to expand into this area, as the surrounding land is currently single family dwellings. The only land proposed to be rezoned is the Gillis ownership. The need is expressed in the fact that there are already potential buyers for the tracts that would be created should this be rezoned.

Compatibility: The area we are proposing to zone down to R-2 more closely resembles an R-2 residential zone. The area is nearly built out to with single family homes. The compatibility would be much better as R-2 than M-1 with the current development of the area in question. There aren't that many vacant parcels within the proposed zone change.

Infrastructure: The tract in question is served by existing City of La Grande utilities (Water and Sewer) and also Power, Telephone, Natural Gas and Cable Television. The area is currently served by "V" Avenue and Willow Street, with the property being

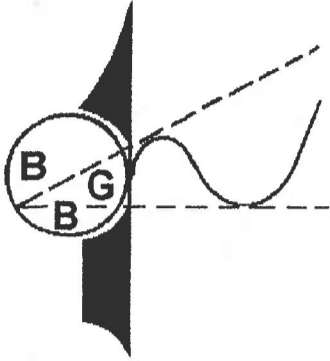
within the established traffic grid created by the original subdivisions in the area. All of the streets are oil mat surface. Should the tract remain in Light industrial use, there is the potential that the road system would have to be fortified in some manner to accommodate the potential heavier use and loads on the vehicles. The current access to the industrial use to the East (Boise Cascade Sawmill) is from the Island City Strip (Island Avenue), so with the existing streets in the zone change being constructed for residential use, there would be no need for improvements to the road system. The new R-2 zone will not generate heavy traffic. As a matter of fact less traffic will be generated than if it were left M-1, due to the factors stated above. The proposed use if rezoned would create three additional single family homes. I don't see any serious impact of traffic for these 3 units.

In my opinion the proposed zone change fits quite favorably with the existing use and development of the immediate area.

Sincerely;



Rick G. Robinson, OPLS 22
Bagett, Griffith and Blackman, Inc.



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La Grande Planning Commission
P.O. Box 670
La Grande, Oregon 97850

April 17, 2007

RE: Zone Change from M-1 Light Industrial to R-2 Residential

Honorable Commissioners;

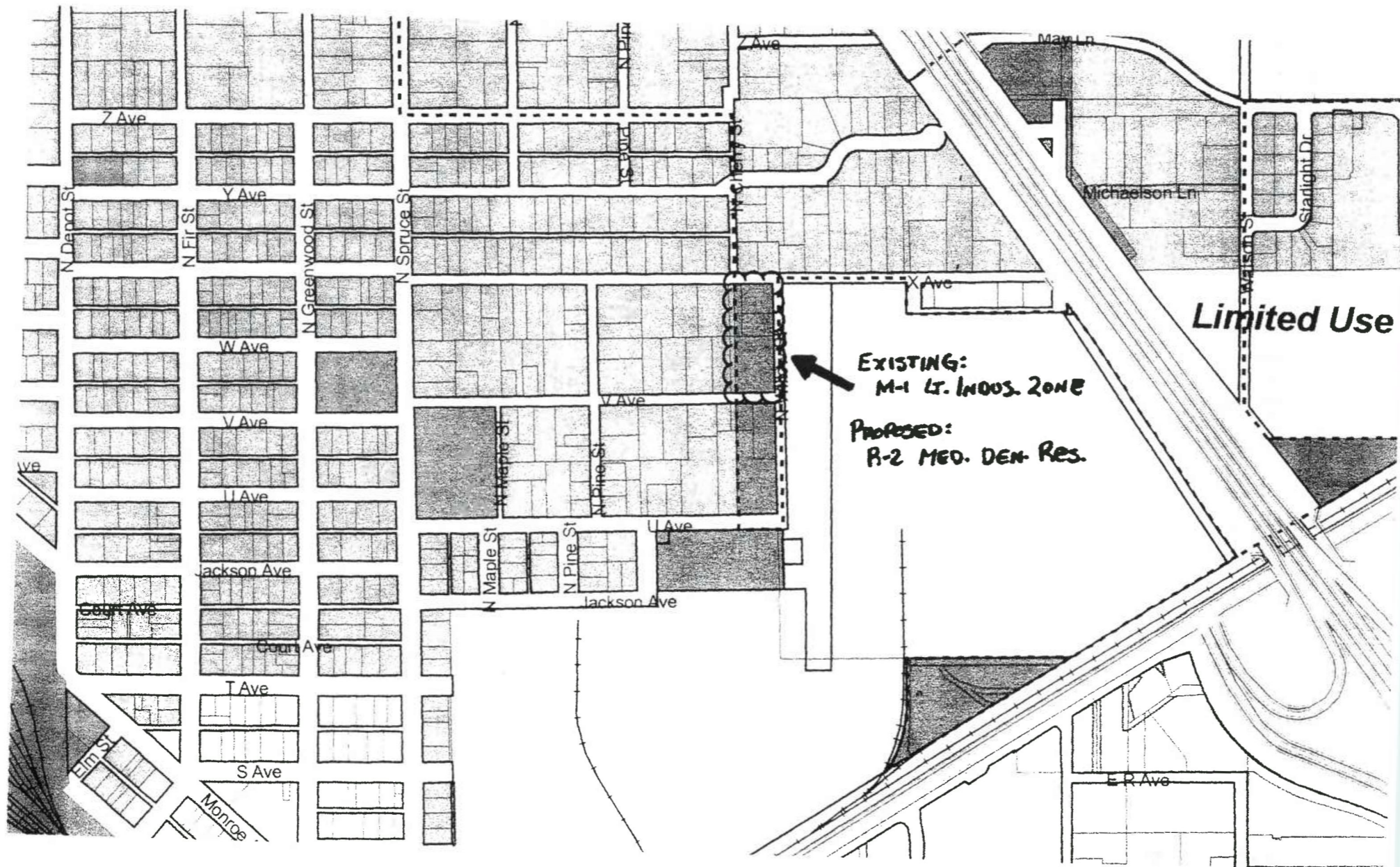
Norma and Gene Gillis hereby request the initiation of a zone change from M-1 Light Industrial to R-2 Residential on property currently owned by them and is identified as Tax Lot Number 6100, 03S 38 05AC. The property is situated at the corner of "V" Avenue and Willow Street, directly across from the Boise Cascade Sawmill Log Yard. and contains approximately 38,675 Sq. Ft. (0.89 Acres). Tax lot 6100 is currently occupied by a single family residence with vacant land.

This zone change affects the Gillis ownership only, which is the only tract within this block with appreciable vacant land. The adjacent lots North, West and South are all currently being used as residential lots with single family residences on them. As previously stated, the land East of Willow Street is the Boise Cascade Sawmill Log Yard. In the Block to the South of the Gillis ownership, there is a storage rental facility, which is the only non-residential use other than the Boise Cascade Mill. The land within this proposed zone change is residential in nature and one of the only tracts not fully developed. With the exceptions as previously stated, all of the remaining land in this area is currently in residential use.

Thank you for your immediate attention in this matter. We are hoping that this change can be accomplished in a timely manner.

Sincerely;

Rick G. Robinson, OPLS 2219
Bagett, Griffith and Blackman, Inc.



EXISTING:
M-1 LT. INDUS. ZONE

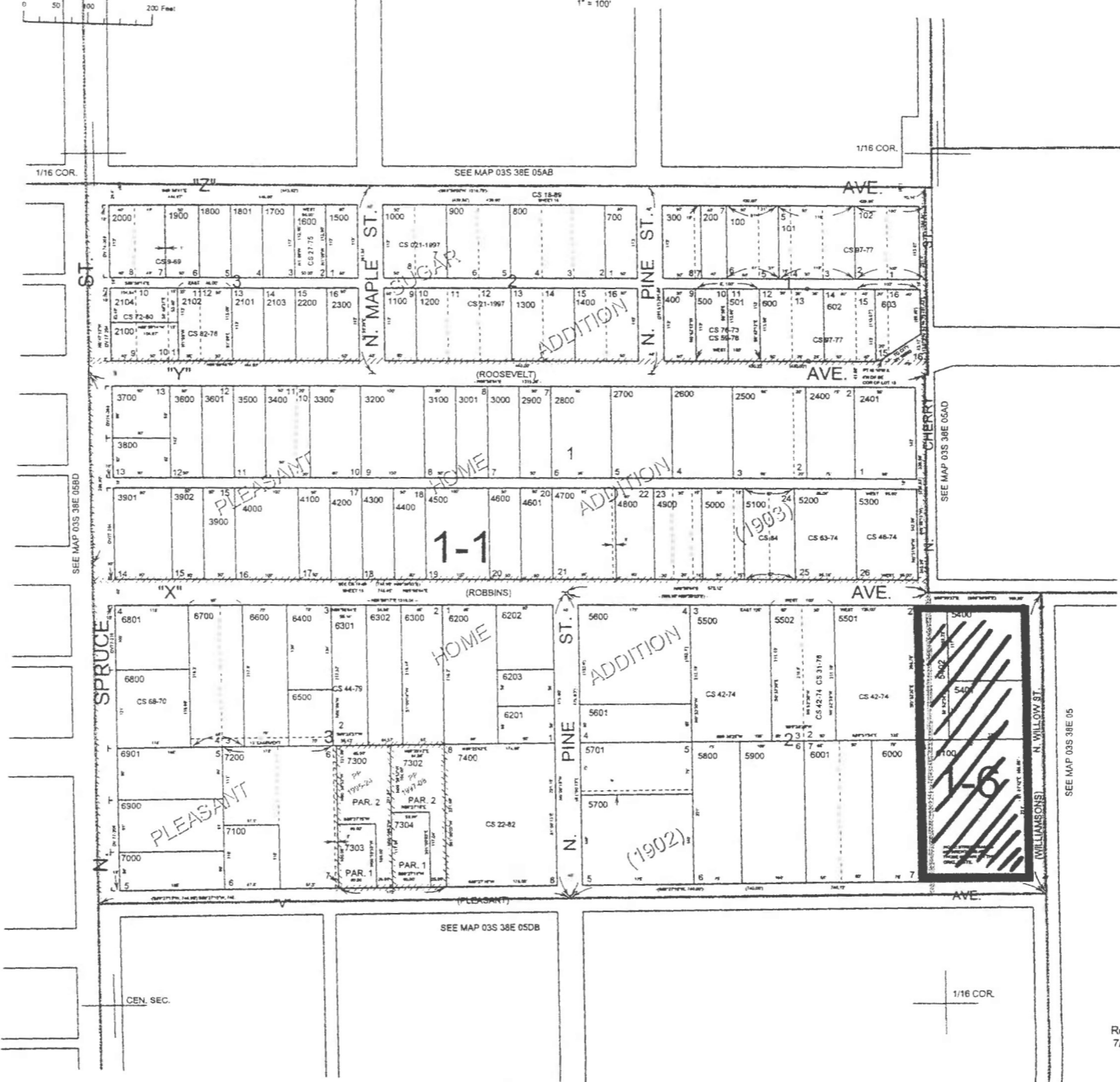
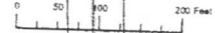
PROPOSED:
R-2 MED. DEN. RES.

Limited Use

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 NE1/4 SECTION 05 T.03S. R.38E. W.M. UNION COUNTY

03S 38E 05AC
CANCELLED NO.
103
501
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3301
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6002



Revised 9C
7/17/2006

03S 38E 05AC

CITY OF LA GRANDE
PLANNING COMMISSION MINUTES EXERPT
Regular Session of June 12, 2007

c. Comprehensive Plan Amendment & Zone
Change Designation
Files Number 02-CPA-07 & 02-ZON-07
Applicant: Gene & Norma Gillis

PUBLIC HEARING OPENED (6:19 p.m.)

LARVIK opened the Public Hearing and stated the Rules of Order were read during the first Public Hearing. Declarations and challenges were read. LARVIK requested the Staff Report, which was presented by Mike BOQUIST, City Planner. The Applicants are requesting a re-zone of their property from M-1 Light Industrial to R-2 Medium Density Residential. Adjoining property owners have joined in with this request. While reducing the need for industrial lands in La Grande is not ordinarily a good idea, this area is not an ideal spot for industrial businesses, but is compatible with the surrounding area which consists of residences.

LARVIK requested questions of Staff. KEHR inquired what was the property use to the south of the re-zone request. BOQUIST stated that the property is developed with storage units. ROSS asked how much of the block to the south was developed. BOQUIST replied that the lower half of the block to the south is storage, while the rest of the property has a small house. ROSS wondered if there was room for development, whereupon BOQUIST stated that the mini-storage could expand in the future if they so desired. ROSS said that he had concerns about the block to the south and felt it should stay M-1 Light Industrial.

LARVIK asked for testimony in favor of this Application. There was none. Let it be noted that the Applicants were not in the audience.

LARVIK requested testimony neutral to or in opposition of this Application. There was none.

LARVIK opened Commission discussion. Upon no questions from the Commission, LARVIK entertained a motion. Doug ROSS made the motion with Jason KEHR providing the second.

MOTION: That the Findings of Fact and Conclusions set forth in the Staff Report be adopted and that Zone Designation Change and Comprehensive Plan Designation Change be recommended to City Council for approval.

CITY OF LA GRANDE
PLANNING COMMISSION MINUTES EXERPT
Regular Session of June 12, 2007
Page 2 of 2

ROSS made the comment that this was a tough property since it was sandwiched between residential and heavy industrial zoning.

LARVIK called for a Vote.

MSC: (Unanimous)

LARVIK closed the Public Hearing.

PUBLIC HEARING CLOSED: (6:27 P.M.)