



# Oregon

Theodore R. Kubongoski, 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

6/15/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Creswell Plan Amendment  
DLCD File Number 001-10

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: Tuesday, June 29, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Denise Walters, City of Creswell  
Gloria Gardiner, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD DEPT OF

# Notice of Adoption

In person  electronic  mailed

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**DEPT OF**

JUN 09 2010

**LAND CONSERVATION  
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the final **Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Creswell**

Local file number: **PA-ZC-2009-01**

Date of Adoption: *6/7/10*

Date Mailed: *6/8/10*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: *Feb 5  
Mar 15  
Apr 6*

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

**The proposal is to change the Plan Designation and Zoning District for a parcel dedicated to the City to be used as a public recreational facility. The Designation is proposed to change from Residential to Public Lands and the zone is proposed to change from Residential to Public Facilities/Government.**

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Residential (R)** to: **Public (X)**

Zone Map Changed from: **Residential Low Density** to: **Public Facilities/Government**

Location: **364 Cobalt Lane** Acres Involved: **1.2**

Specify Density: Previous: New: **NA**

Applicable statewide planning goals:

- |                          |                                     |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                            | <b>9</b>                 | <b>10</b>                           | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None.

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Local Contact: **Denise Walters**

Phone: (541) 895-2531 Extension:

Address: **P.O. Box 276**

Fax Number: 541-895-3647

City: **Creswell**

Zip: **97426**

E-mail Address: **dwalters@lcog.org**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 465

**AN ORDINANCE AMENDING THE CITY OF CRESWELL COMPREHENSIVE LAND USE PLAN DIAGRAM AND CRESWELL DEVELOPMENT CODE ZONING MAP FOR CERTAIN LAND WITHIN THE CITY (ASSESSOR'S MAP 19-03-11-31, TAX LOT 6800) FROM A RESIDENTIAL (R) PLAN DESIGNATION WITH LOW DENSITY RESIDENTIAL ZONING (RL) TO A PUBLIC (X) DESIGNATION WITH PUBLIC FACILITIES/GOVERNMENT (PF) ZONING**

**WHEREAS**, there is a need to update the Comprehensive Plan Diagram and zoning map of the City to reflect parks and open space dedication requirements for the development of the Hazelwood Terrace Subdivision (SUB-2005-01); and

**WHEREAS**, the amendments, changes and modifications to the Comprehensive Plan Diagram and zoning map reflect existing land use patterns; and

**WHEREAS**, the proposed Comprehensive Plan Diagram and zoning map changes aid in the accomplishment of statewide and local goals and guidelines for provision of recreational opportunities within the city limits; and

**WHEREAS**, the Creswell Planning Commission held a public hearing on May 20, 2010, on the proposed Comprehensive Plan Diagram and zoning map amendments, and public notice of said meeting was published on April 27, 2010 in the Creswell Chronicle, a newspaper of general circulation in the City of Creswell, and the public was offered an opportunity to testify along with statements from various officials and staff ; and

**WHEREAS**, the Planning Commission has recommended approval of the proposed Comprehensive Plan Designation and zoning map amendments to the City Council; and

**WHEREAS**, the City Council held a public hearing on June 7, 2010, on the proposed Comprehensive Plan Diagram and zoning map amendments, and public notice of said meeting was published on May 27, 2010, in the Creswell Chronicle, a newspaper of general circulation in the City of Creswell, and the public was offered the opportunity to testify along with statements from various officials and staff; and

**WHEREAS**, these amendments are being sought out of public necessity and convenience and the general welfare of the City.

**NOW THEREFORE**, the City of Creswell ordains as follows:

Section 1. The Comprehensive Plan Diagram and zoning map of the City of Creswell as adopted are amended for Assessor's Map 19-03-11-31 Tax Lot 6800 by changing the Plan Designation from Residential (R) to Public (X) and the zoning map from Low Density Residential (RL) to Public Facilities/Government (PF), as shown in "Exhibit A-Existing Plan Designation and Zoning" and "Exhibit B-Proposed Plan Designation and Zoning" attached.

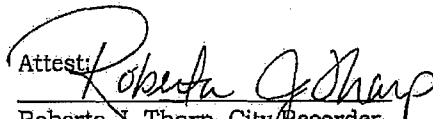
Section 2. The City Council adopts as "Findings of Fact" the Findings of Fact/Final Order and associated Staff Report included in the Planning Commission's action of recommendation (Exhibit C) and generally summarized below:

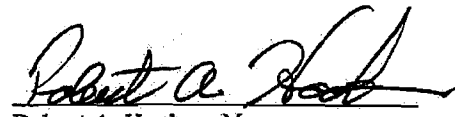
1. The Creswell Planning Commission met on May 20, 2010, after giving proper notice to the public in accordance with Section 4.1.400(C) of the Creswell Development Code (Ordinance No. 449), and gave the public an adequate opportunity to testify on the proposed amendments.
2. The public hearing was conducted in accordance with procedures for the conduct of public hearings before the Planning Commission as required by Section 4.1.400(D) of the Creswell Development Code (Ordinance No., 449).

3. Amendments to the Comprehensive Plan Diagram and zoning map would reflect parks and open space dedication requirements for the development of the Hazelwood Terraces Subdivision (SUB-2005-01); and be consistent with the existing use of the property.
4. The Comprehensive Plan Diagram and zoning map amendment requests, initiated by the City, meet the requirements established in Section 4.7.300 of the Creswell Development Code (Ordinance No. 449).
5. The Planning Commission voted to recommend approval of the requested amendments for a Comprehensive Plan Diagram and zoning map change for Assessor's Map 19-03-11-31 Tax Lot 6800 by changing the Plan Designation from Residential (R) to Public (X) and the zoning map from Low Density Residential (RL) to Public Facilities/Government (PF).
6. The Planning Commission, at its May 20, 2010 meeting, adopted the findings of fact/final order, and forwarded a recommendation of approval to the City Council on these amendment requests, as required by Section 4.7.300 of the Creswell Development Code (Ordinance No. 449).
7. The proposed Comprehensive Plan Diagram and zoning map amendments are consistent with the City of Creswell Comprehensive Land Use Plan and Development Code (Ordinance No, 449) as sequentially applied (Comprehensive Plan Diagram Amendment, then zoning map amendment).

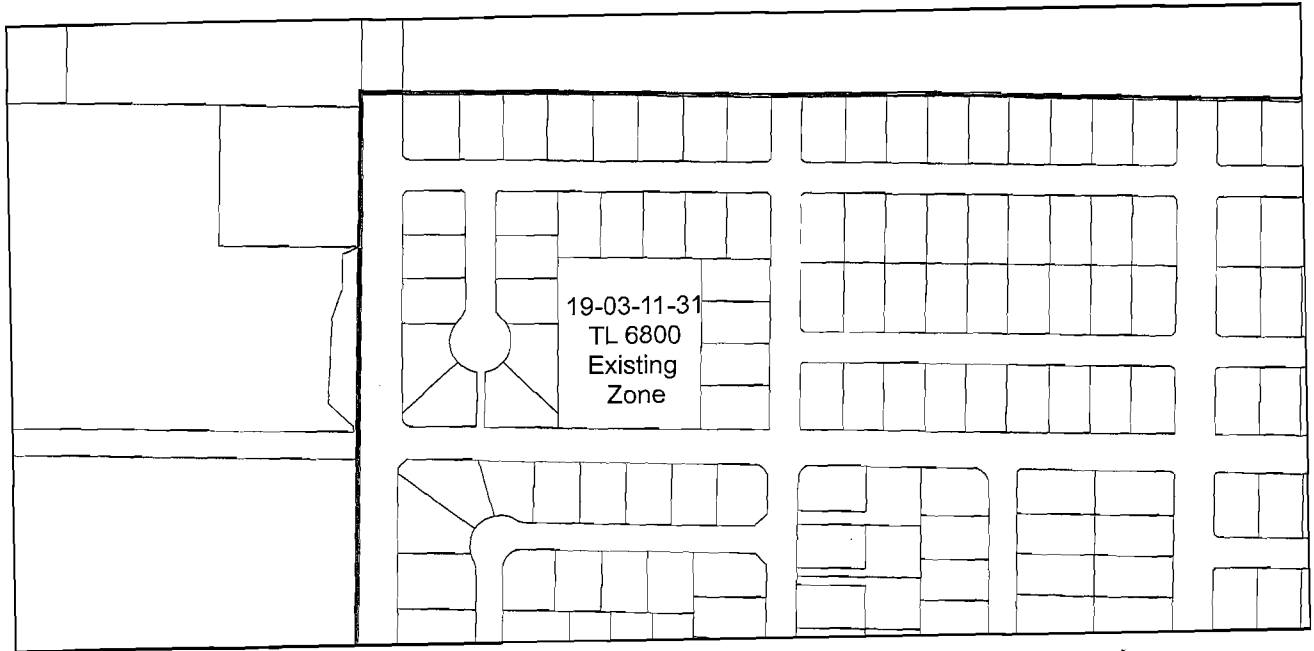
Section 3. This Ordinance becomes effective thirty days after adoption by the City Council and approved by the mayor.

ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR ON THIS 7<sup>th</sup> DAY of June, 2010.

Attest:   
Roberta J. Tharp, City Recorder

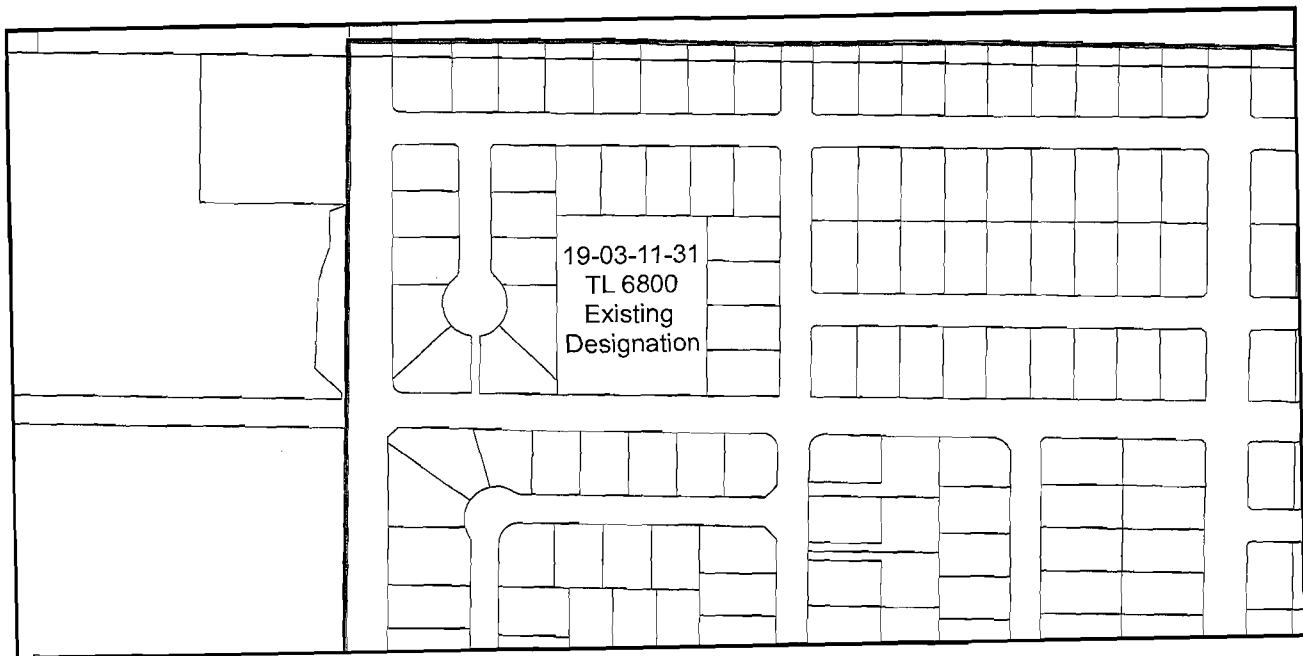
  
Robert A. Hooker, Mayor

# Creswell Existing Zoning and Plan Designation: PA\_ZC-2009-01



Legend

 RESIDENTIAL



Legend

 RESIDENTIAL

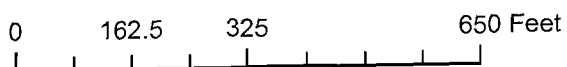
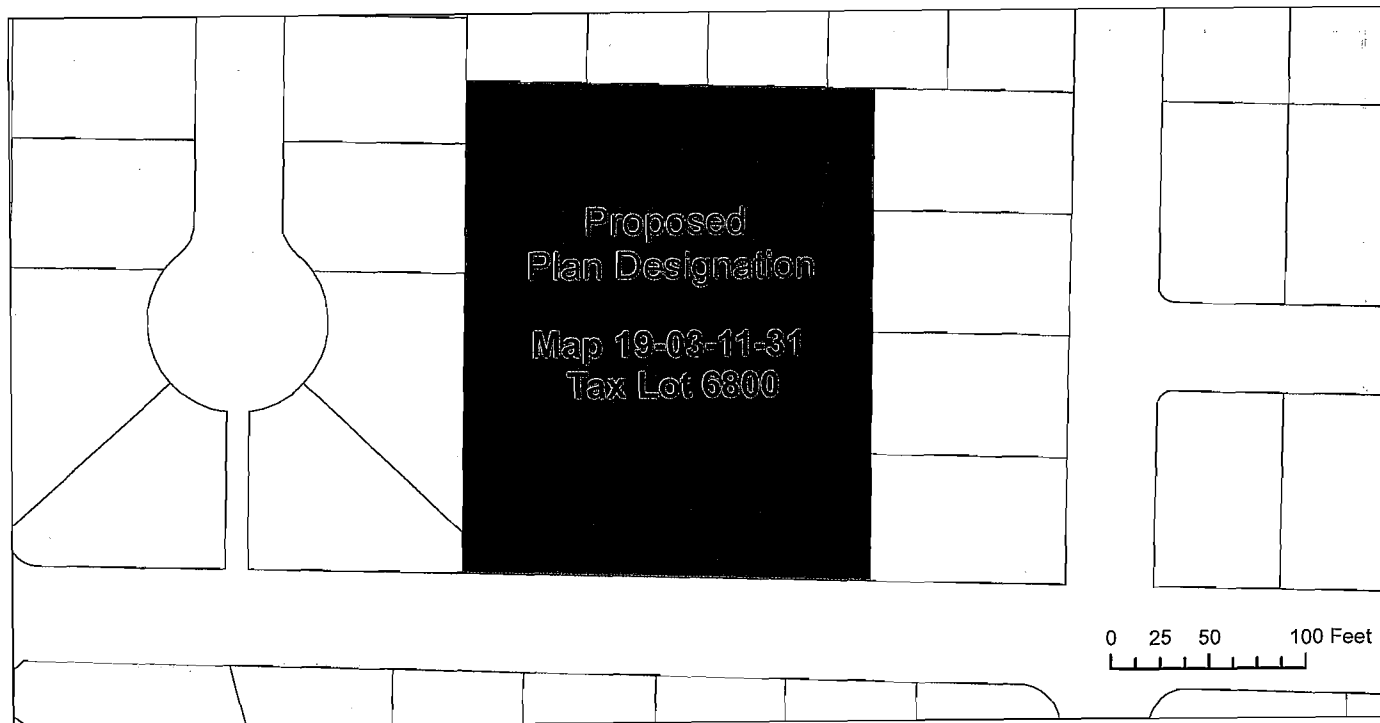
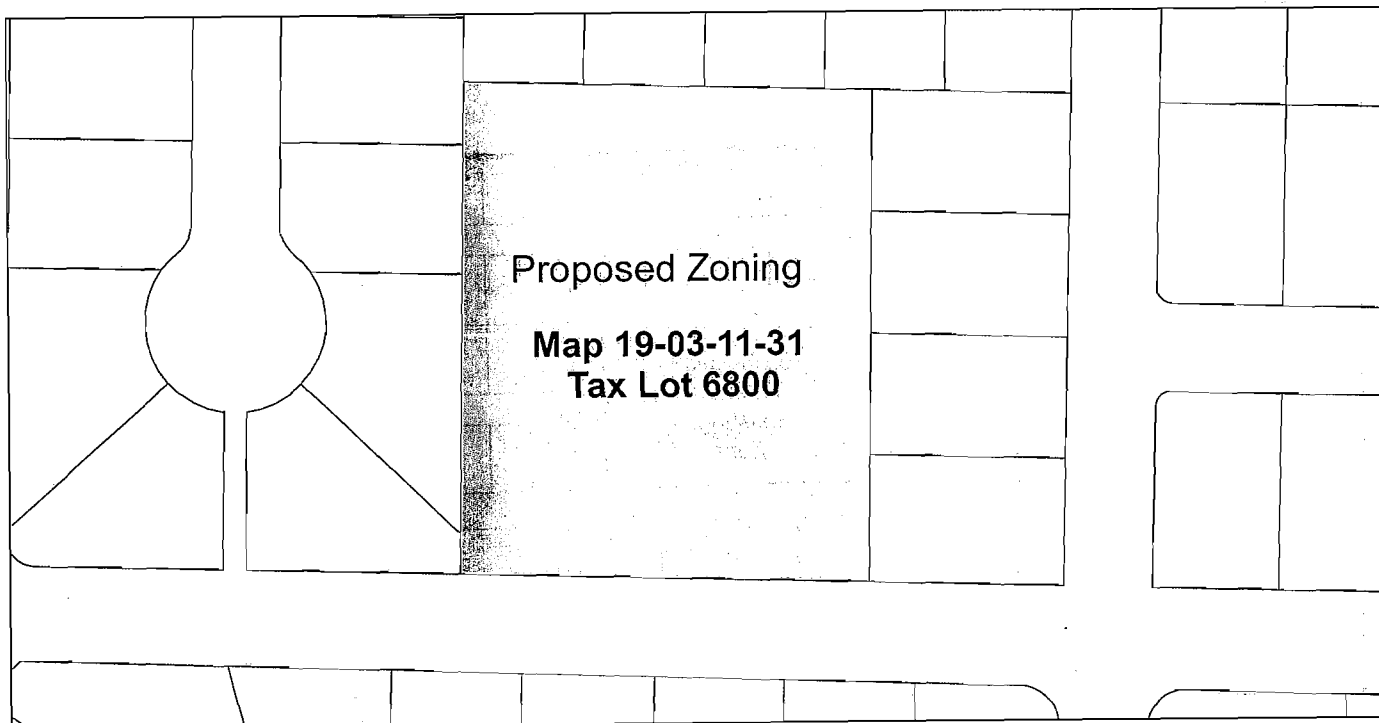







Exhibit B: Proposed Plan Designation and Zoning



**Creswell Proposed Zoning and Plan Designation: PA\_ZC-2009-01**

| Zoning   |   | Plan Designation  |  |
|--|---|---|--|
|  Tax Lots |  Residential       |  Residential |  |
|  |  Public Facilities |  Public      |  |



## EXHIBIT C

### CRESWELL CITY COUNCIL PROPOSED FINDINGS OF FACT AND RECOMMENDATION

#### CITY OF CRESWELL (COBALT BUILDING ) PROPERTY ZONING DISTRICT & COMPREHENSIVE PLAN DESIGNATION MAP AMENDMENTS (PA--2009-01 & ZC-2009-01)

Planning Commission Hearing Date: May 20, 2010  
City Council Hearing Date: June 7, 2010  
Findings Adopted: June 7, 2010  
Decision Date: June 7, 2010

#### I. FINDINGS AND CONFORMANCE WITH APPLICABLE CRITERIA

The Creswell Planning Commission and City Council finds the following:

1. The applicant submitted an application for a Land Use District Change that involves a Comprehensive Plan Map Amendment (PA\_ZC-2009-01), and provided all information required by applicable sections of the Creswell Development Code, Ordinance No. 449.
2. The Planning Commission met on May 20, 2010 and the City Council met on June 7, 2010, to review and discuss the application (Assessors Map 19-03-11-31, tax lot 6800). The Commission reviewed all material relevant to the application, including the following pieces of evidence:
  1. Application for a Zoning District and Comprehensive Plan Designation Map Amendment.
  2. Staff Report dated May 10, 2010.
  3. Written Submissions:
  4. Oral Testimony: See minutes of Planning Commission Public Hearing and City Council Hearing May 20, 2010 and June 7, 2010 respectively.
3. The Planning Commission and City Council provided proper notice of the public hearing according to Section 4.1.500 of the Creswell Development Code.
4. The Planning Commission and City Council followed the required procedures and standards as set forth in Section 4.1.500 of the Creswell Development Code.
5. The application meets or can meet all of the relevant Creswell Comprehensive Plan and Development Code requirements for a Comprehensive Land Use Plan Map Amendment and Zoning District Change contained in Sections III.C.1 and 2 of the Creswell Comprehensive Plan; and the following Sections of the Creswell Development Code: Section 4.1.400-Type III Procedure; Chapter 4.7-Land Use District Map and Text Amendments, Section 4.7.200-Legislative Amendments; and other applicable sections of the Code. Each relevant Creswell Development Code standard is listed in *italics*, followed by a response.



## CHAPTER 4.7 LAND USE DISTRICT MAP AND TEXT AMENDMENTS

### 4.7.300 Quasi-Judicial Amendments

**A. Applicability of Quasi-Judicial Amendments.** *Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial district map amendments shall follow the Type III procedure, as governed by Section 4.1.400, using standards of approval in Section 4.7.300.B. The approval authority shall be as follows:*

3. *The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.*

**RESPONSE:** The proposal is consistent with these criteria because the Planning Commission shall make a recommendation to the City Council for decision on the plan map amendment and land use district change

**B. Criteria for Quasi-Judicial Amendments.** *A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:*

1. *Approval of the request is consistent with the Statewide Planning Goals;*

**RESPONSE:** The proposal is consistent with the applicable Statewide Planning Goals which are Goal 1-Public Involvement, Goal 8-Recreational Needs, and Goal 10-Housing, because:

- Goal 1 Public Involvement-the proposal is consistent with the notice and decision making procedures set forth in the Development Code which implement Goal 1 Public Involvement;
- Goal 8: Recreational Needs-the lot was dedicated to the City as part of a planned unit development to meet the parks and open space dedication requirement. The existing facility on the site is to be used as a City recreational facility.
- Goal 10: Housing-the housing needs of citizens are currently met through the supply of residential lands in the City; the site had functioned as an industrial site prior to development of the Hazelwood Terrace Subdivision (planned unit development); and its dedication to the City for use as a community recreation center is to fulfill the parks and open space dedication requirement applicable to planned unit developments and subdivisions; and

2. *Approval of the request is consistent with the Comprehensive Plan;*

**RESPONSE:** The proposal is consistent with the Comprehensive Plan because Section III. C.(2) says the purpose of Public Lands is:

*To reserve areas for the accommodation of public facilities and associated support facilities...*

and the re-designation to Public Lands reserves the site dedicated to the City as part of development requirements for parks, open space and recreation which is currently designated and zoned residential. The re-zone to Public Facilities/Government is consistent with the purpose of Public Lands established in the Comprehensive Plan and is consistent with the Comprehensive Plan Map as amended by this proposal and findings of fact

3. *The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and*

**RESPONSE:** The proposal is consistent with this criterion because the site and affected area is presently provided with adequate public facilities, services and transportation networks to support its planned use.

**4.7.600 Transportation Planning Rule Compliance**

**A. Review of Applications for Effect on Transportation Facilities.** *When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the Traffic Impact Study provisions of Section 4.1.900. “Significant” means the proposal would:*

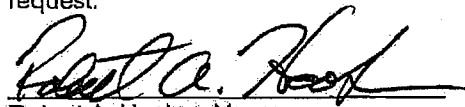
1. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the City’s Transportation System Plan (TSP); or*
2. *Change the standards implementing a functional classification system; or*
3. *As measured at the end of the planning period identified in the road authority’s adopted TSP allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or*
4. *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the road authority’s TSP; or*

5. *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 road authority's TSP.*

**RESPONSE:** The proposal is consistent with these criteria because it does not significantly affect existing transportation facilities; no change in the functional classification of existing transportation facilities would result; no change in the standards for the classification would result; the Creswell Transportation System Plan supports the level of use; the Hazelwood Terrace Subdivision Traffic Impact Study concluded development of the site would have no significant impact on the surrounding street system; and no performance of the transportation facility serving the site would worsen.

### III. DECISION

The Creswell City Council determines that the request by the City for an amendment to the Comprehensive Plan Map and Zoning District Map for Assessors Map 19-03-11-31, tax lot 6800 to change the Plan Designation from Residential to Public Lands and the Zoning from Residential to Public Facilities/Government satisfies the relevant criteria as described above and approves this request.



Robert A. Hooker, Mayor  
City of Creswell

6-7-10  
Date