



# Oregon

Theodore R. Kubongski, 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

9/24/2010

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 002-10

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: Thursday, October 07, 2010

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 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  
Bill Holmstrom, DLCD Transportation Planner  
Gloria Gardiner, DLCD Urban Planning Specialist  
Thomas Hogue, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

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DEPT OF

SEP 17 2010

LAND CONSERVATION  
AND DEVELOPMENT

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-2010-01/ZC-2010-01**

Date of Adoption: **September 13, 2010**

Date Mailed: **September 14, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 7/2/10

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 applicant is proposing to change 19-03-14-12 Tax Lots 400 and 500 land designated Commercial (C) and zone General Commercial (GC) to a Residential designation (R) with medium density residential zoning (RM); and to change the zoning for 19-03-14-12 Tax Lot 200 from low density residential (RL) zoning to medium density residential zoning (RM). The applicant has indicated the anticipated development of the site will be for work force housing. The existing density for TL 200 which is currently zoned residential low density is no minimum density requirement and a maximum of 16.4 du/acre subject to lot standards; where the proposed medium density residential requires an eight (8) du/acre minimum with the same 16.4 du/ac maximum. Tax Lots 400 and 500 are currently zoned general commercial and have no density requirement. The justification proposed is a shortage of residential lands in the City and lack of choice in housing types based on data in the existing Comprehensive Plan and draft Buildable Lands Inventory conducted as part of the Comprehensive Plan Update process.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: **Commercial**

to: **Residential**

Zone Map Changed from: TL 200 RL/400 & 500 GC

to: **Medium Density Residential**

Location: **North of Art Lott Lane East of Hwy 99**

Acres Involved: **6.79**

Specify Density: Previous: **no min/16 du acre max**

New: **min 8 du/acre & 16 du/a max**

Applicable statewide planning goals:

**1** **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

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:

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Local Contact: Phone: ( ) - Extension:  
Address: Fax Number: - -  
City: Zip: E-mail Address:

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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. 467**

**AN ORDINANCE AMENDING THE CITY OF CRESWELL COMPREHENSIVE LAND  
USE PLAN DIAGRAM AND CRESWELL DEVELOPMENT CODE ZONING  
DISTRICT MAP FOR CERTAIN LAND WITHIN THE CITY  
(ASSESSOR'S MAP 19-03-14-12, TAX LOTS 200, 400 and 500)**

WHEREAS, there is a need to update the Comprehensive Plan Diagram and zoning map of the City to reflect changes in the City; and

WHEREAS, the amendments, changes and modifications to the Comprehensive Plan Diagram and zoning map reflect existing land use patterns and trends; 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 residential land to provide living opportunities within the city limits; and

WHEREAS, the Creswell Planning Commission held a public hearing on August 26, 2010, on the proposed Comprehensive Plan Diagram and zoning map amendments, and public notice of said meeting was published on August 12, 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 September 13, 2010, on the proposed Comprehensive Plan Diagram and zoning map amendments, and public notice of said meeting was published on September 2, 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 19-03-14-12, tax lot 200, 400 and 500 as follows:

19-03-14-12 Tax Lot 200-zoning district change from Low Density Residential to Medium Density Residential; and

19-03-14-12 Tax Lots 400 & 500-Plan Amendment from Commercial to Residential and zoning district change from General Commercial to Medium Density Residential

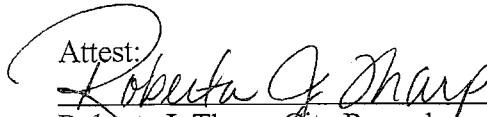
as shown in "Exhibit A-Existing Plan Designation and Zoning" and "Exhibit B-Proposed Plan Designation and Zoning" attached.

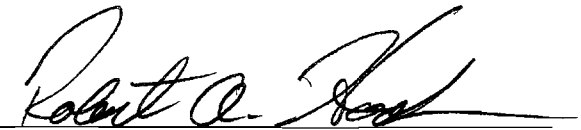
Section 2. The City Council adopts as "Findings of Fact" the Findings of Fact/Final Order and associated Staff Report included in the Planning Commission's action of recommendation (Exhibits C and D) and generally summarized below:

1. The Creswell Planning Commission met on August 26, 2010, after giving proper notice to the public in accordance with Section 4.1.400(C) and 4.1.500(D) 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) and 4.1.500(E) of the Creswell Development Code (Ordinance No., 449).
3. Amendments to the Comprehensive Plan Diagram and zoning map are consistent with the existing use of the property.
4. The Comprehensive Plan Diagram and zoning map amendment requests meet the requirements established in Sections 4.7.200, 4.7.300, and 4.7.600 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 as follows:
  - 19-03-14-12 Tax Lot 200-zoning district change from Low Density Residential to Medium Density Residential; and
  - 19-03-14-12 Tax Lots 400 & 500-Plan Amendment from Commercial to Residential and zoning district change from General Commercial to Medium Density Residential
6. The Planning Commission, at its August 26, 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.

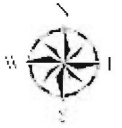
ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR ON THIS 13<sup>th</sup> DAY of September, 2010.

Attest:  
  
\_\_\_\_\_  
Roberta J. Tharp, City Recorder

  
\_\_\_\_\_  
Robert A. Hooker, Mayor

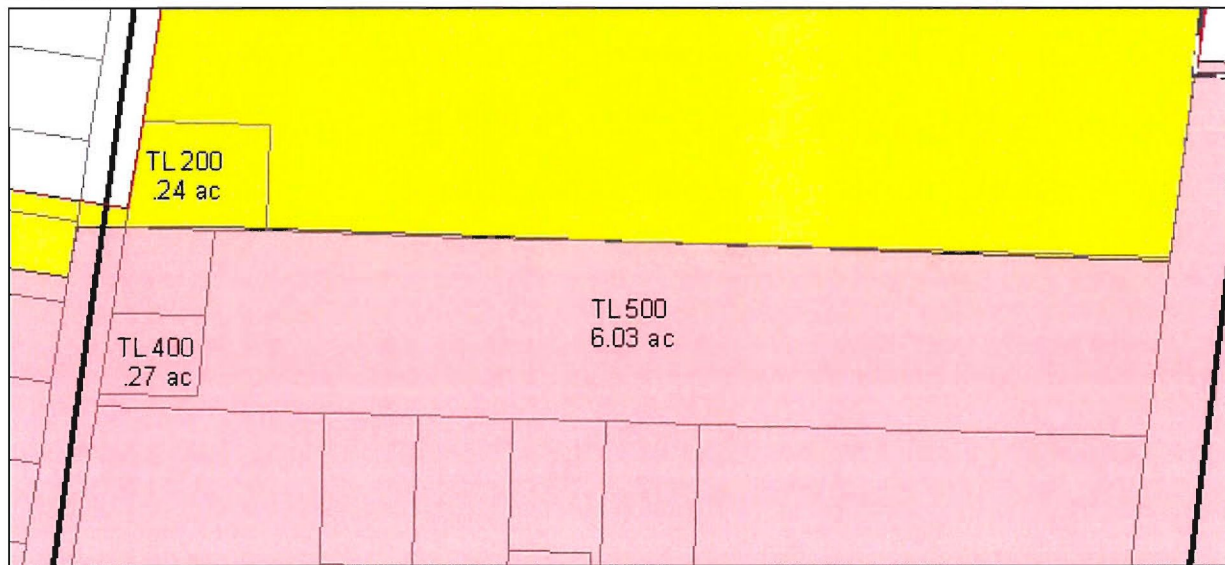
# Existing City of Creswell

## 19-03-14-12

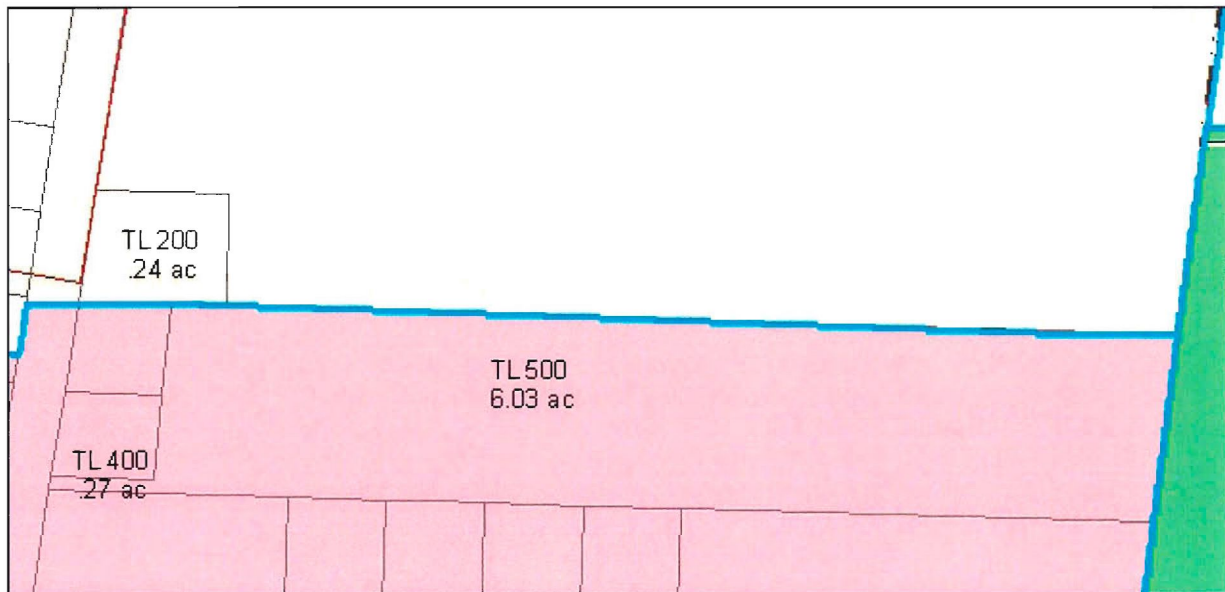


### ZONING

EXHIBIT A



### PLAN DESIGNATION



#### Zoning

Legend	
	Residential
	General Commercial
	Commercial / Resort
	Downtown Commercial
	Industrial
	Parks, Recreation, & Open Space
	Public Facilities / Government

#### Designation

Legend	
	Residential
	Commercial
	Industrial
	Park, Recreation, Open Space
	Public Facilities / Government

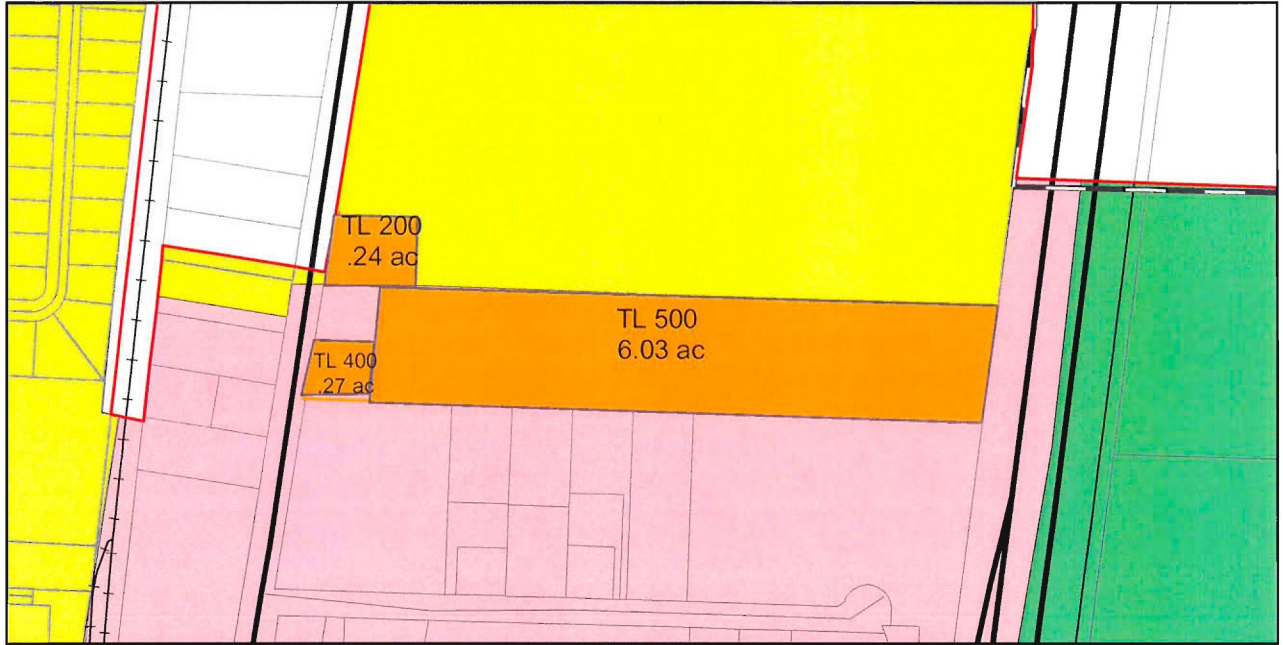
# Proposed City of Creswell

## 19-03-14-12

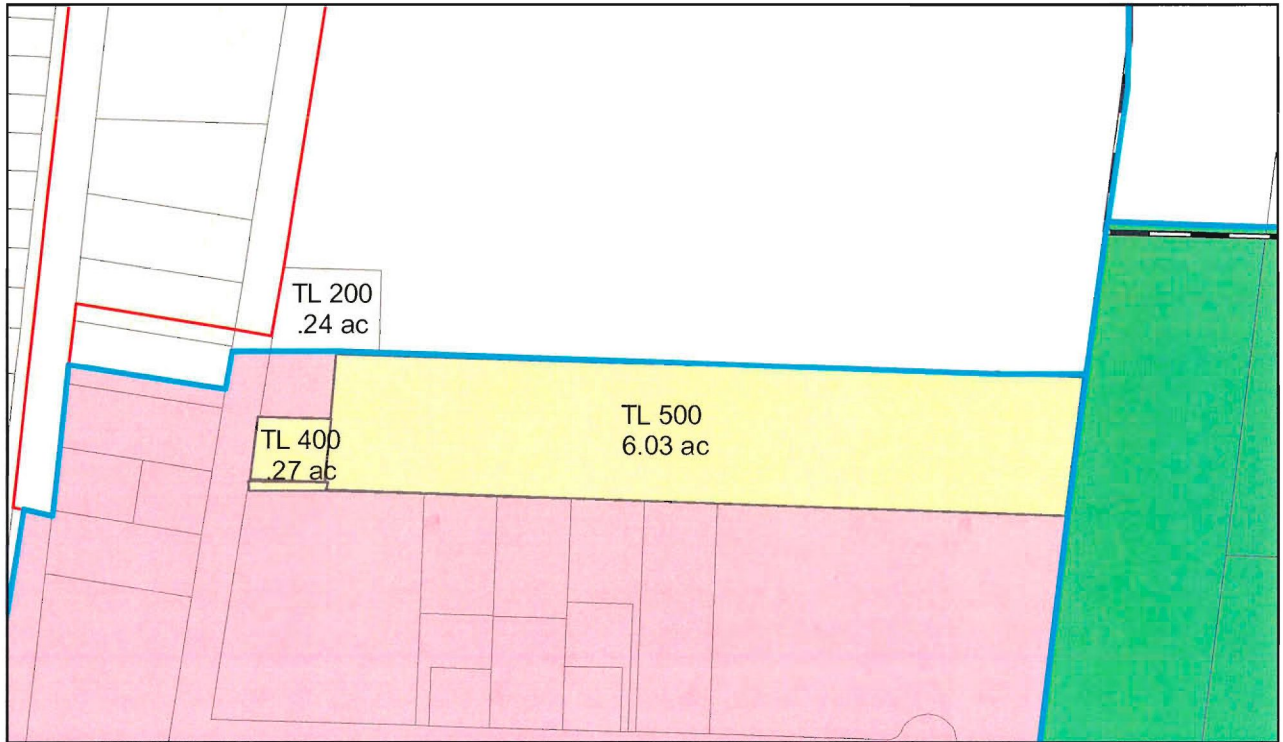
EXHIBIT B



### ZONING



### PLAN DESIGNATION



#### Zoning

 Medium Density Residential

#### Designation

 Residential

Note: No Designation Change is proposed for TL 200.



**CRESWELL CITY COUNCIL  
FINAL ORDER/FINDINGS OF FACT**

**COMPREHENSIVE PLAN DESIGNATION MAP AMENDMENT  
(PA-2010-01)**

Planning Commission Hearing Date: August 26, 2010  
City Council Hearing Date: September 13, 2010  
Findings Adopted: September 13, 2010  
Decision Date: September 13, 2010

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

**The Creswell Planning Commission and City Council find the following:**

1. The applicant submitted an application for a Comprehensive Plan Map Amendment (PA-2010-01), and provided all information required by applicable sections of the Creswell Development Code, Ordinance No. 449.
2. The Planning Commission met on August 26, 2010 and the City Council met on September 13, 2010, to review and discuss the application (Assessors Map 19-03-14-12, tax lots 400, and 500). The Commission and Council reviewed all material relevant to the application, including the following pieces of evidence:
  1. Application for a Comprehensive Plan Designation Map Amendment.
  2. Staff Report dated August 18, 2010.
  3. Written Submissions: Ron Staehlin, City Engineer; Scott Nelson, ODOT; Kristina Deschaine, State Fire Marshal
  4. Oral Testimony: See minutes of Planning Commission Public Hearing and City Council Hearing August 26, 2010 and September 13, 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 contained in Sections III.C.1 and 2 of the Creswell Comprehensive Plan: and the following Sections of the Creswell Development Code: Section 4.1.500-Type IV Procedure; Chapter 4.7-Land Use District Map and Text Amendments; and other applicable sections of the Code and Comprehensive Plan. 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 2-Land Use Planning, Goal 9-Economic Development, 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 2 Land Use Planning: the proposal is consistent with Goal 2 Land Use Planning Part I to "establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and ensure an adequate factual base for such decisions and actions" because the Development Code has established a review process and criteria for Comprehensive Plan Map Diagram changes and a factual base for decision is established in these findings of fact.

Goal 9- Economic Development: the site (includes all three tax lots, 200, 400 and 500) is approximately 6.72 acres. The City's Comprehensive Plan includes an analysis of community economic patterns, potentialities, strengths and deficiencies consistent with Statewide Planning Goal 9; the findings of fact for criterion two below, consistency with the Comprehensive Plan, further articulate the proposal's

compliance with Goal 9. Additionally, the City has adopted an economic opportunity analysis consistent with Oregon Administrative Rule (OAR) 660-009-0015 which provides more recent data than the Comprehensive Plan and is also discussed in criterion two below.

Goal 10: Housing: -The City's Comprehensive Plan includes a residential buildable land inventory and housing analysis. The findings of fact for criterion two below, consistency with the Comprehensive Plan, further articulate the proposal's compliance with Goal 10. Additionally, the City has conducted a draft residential buildable lands inventory consistent with House Bill 2709 and OAR 660 Division 8 which provides more current data that serve to reinforce the need and policies identified in the Comprehensive Plan.

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

**RESPONSE:** The following analysis and findings of fact are based on: the City's Comprehensive Plan adopted in 1982 and Economic Opportunities Analysis, adopted 2005; and augmented by a draft residential buildable lands analysis (2007) and draft North of Oregon Avenue development scenarios conducted as part of the City's Comprehensive Plan and Transportation System Plan (TSP) Update which are still in progress. The preceding documents are hereby incorporated into these findings of fact and the record by reference.

Based on the Buildable Lands Inventory conducted for the 1982 Comprehensive Plan the proposal to redesignate Tax Lots 400 & 500 (6.23 acres) from Commercial to Residential is consistent with the Comprehensive Plan because:

In the 1982 Comprehensive Plan Section II Resources Inventory Subsection E Housing it is stated that:

*Based on 1975 L-COG data, Creswell's housing issues center around:*

- 1. Need for all types of housing.*
- 2. Maintenance and/or upgrading existing inventory.*
- 3. Lower income housing assistance.*

Followed by Subsection K Urbanization:

- 3. An inventory of existing land use within the City Limits indicates a shortage of buildable land to accommodate estimates of growth needs, particularly residential growth needs*

Subsection K; Land Need Allocation; 2. Need for housing, employment opportunities and livability states:

*Housing: The Buildable Lands Inventory estimated a residential land need of 171 new acres over and above available buildable land within the City of Creswell.*

*Livability: City goal-Maintain the quality of air, water and land resources of a small community with individuality, scenic values and rural atmosphere.*

The proposal provides lands to diversify housing type; maintains and upgrades existing housing inventory; and addresses the shortage of residential lands to accommodate growth needs. The proposal also contributes to livability by proposing a less intense use of land which contains wetlands and functions as a significant area of stormwater conveyance.

Furthermore, the draft residential buildable land inventory and Goal 10 Housing analysis conducted for the Comprehensive Plan Update has found the current housing stock to have many of the same needs identified in the 1982 Comprehensive Plan particularly for multi-family housing options. The City developed a draft residential buildable lands inventory (BLI) in August 2007. This inventory shall be updated after the City completes a local wetland inventory (LWI), but is the most current analysis available. The draft BLI assumed a 2030 population of 8,000, however in June 2009 Lane County adopted a coordinate population projection estimating Creswell's population to be 11,060 by 2030 so in addition to incorporating LWI information, a BLI update will need to apply the new coordinated population number of 11,060. Thus, the draft BLI likely underestimates need for residential lands and multifamily units.

Since the adoption of the 1982 Comprehensive Plan, the City's population has increased by more than 150%. The draft BLI found generally:

- *There are approximately 92.0 buildable acres of land designated for residential use within the existing UGB as of March 2007.*
- *Redevelopment potential adds 22.8 acres back into the supply for potential residential development.*
- *Infill potential adds 6.2 acres back into the supply for potential residential development.*
- *There will be a demand for 946 housing units by 2027, which translates into a demand for 150.8 acres including 25.1 acres for non-residential uses (20%).*
- *The analysis performed to produce this Preliminary Report indicate that the City has a deficit of approximately 29.8 acres in their residential land inventory to meet the needs of its projected population to the year 2027.*

The analysis projects the following housing mix based on past trends (pp. 32-33) 60% single-family residential, 25% multifamily, 10% one-unit attached (duplex), and 5% mobile/manufactured homes in parks. The analysis also projects a need for 237 multi-family units (p.39).

The proposal to redesignate Tax Lots 400 and 500 from Commercial to Residential in addition to being consistent with the Comprehensive Plan is consistent with needs identified in the draft residential BLI: inadequate supply of residential land and diversification of housing options.

Section III. C.(2) says the purpose of Residential Land is:

*To provide for, encourage, promote and protect the character of community residential areas having a suitable environment for a range of housing choices in support of small city urban and suburban family life. This area and density options therein, is intended for application only to those areas having facilities available to support the expected density and to carry out the above stated purposes.*

The proposal to redesignate Tax Lots 400 and 500 from Commercial to Residential is consistent with providing for, encouraging, promoting and protecting the character of residential areas having a suitable environment for a range of housing choices and densities because the site is located near commercial services, adjacent to existing residential development, and with approval of the concurrent proposed re-zoning to medium density residential, is an appropriate site for higher densities than found in other residential areas of the City.

The purpose of Commercial Land is:

*To create and protect areas suitable for commercial uses and services of community residents, visitors and tourists. These areas shall be adequately served by freeway access and/or accessible to outlying areas of the community.*

Section III. C. (7) Economic Policies:

*(b) The City shall encourage expansion of freeway oriented services to capitalize on through and tourist traffic.*

The Economic Opportunities Analysis done by EcoNorthwest in 2005 concluded that the City had an adequate supply of commercial lands in terms of acres and:

*For commercial lands, several of the sites have access restrictions and do not appear to be desirable sites for commercial uses. These sites, located north of Oregon Avenue and east of Highway 99, are surrounded by residential development. Portions of the sites that are close to I-5 may have some potential for commercial or light industrial use, but any use that generates heavy traffic will cause use conflicts with nearby residences. Moreover, access to the site would need significant improvements to accommodate uses that generate a lot of traffic. (Chapter 2, page 11)*

The subject site is in the area described on page 2-11 of the EOA. The proposal to redesignate Tax Lots 400 and 500 from Commercial to Residential lands is consistent with the adopted EOA and Comprehensive Plan policies given the constraints of the site for commercial development as articulated above and on page 2-11 of the EOA which render the site not viable for accomplishing the Comprehensive Plan Economic Policy (b) above and better suited for the purpose of the Residential rather than Commercial designation.

Section III. C. (8) Housing Policies;

*(a) Through land use policies of the Comprehensive Plan, the City shall provide an adequate inventory of residential lands to accommodate anticipated housing needs which offer housing choices and development flexibility.*

- (b) *Under the provision of the Residential Zone of the Creswell Zoning Ordinance, the City shall encourage the development and/or redevelopment of residential lands in proximity to the commercial service area; for high density residential to provide housing choices in multi-family and rental categories.*
- (c) *The City shall continue to integrate mobile home and/or factory housing into the local housing inventory through development guidance and zoning administration.*

The proposal to redesignate Tax Lots 400 and 500 from Commercial to Residential is consistent with Housing Policy (a) above because it provides needed supply of residential land and the site provides an opportunity for more housing choices based on the concurrent re-zoning proposal for medium density housing; an opportunity that is somewhat limited on much of the existing residential land in the City given existing development and parcel sizes.

- 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:*

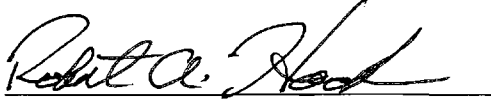
- 1. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the 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 (state Highway 99): no change in the functional classification of existing transportation facilities would result; no change in the standards for the classification would result; the proposal is consistent with the Creswell Transportation System Plan as the Highway is improved and functioning at at least the minimum performance standard and the proposal to redesignate land to Residential is a less intense use than the current Commercial designation.

### III. DECISION

The Creswell City Council determines that the request by Creswell Court 2<sup>nd</sup> LLC for an amendment to the Comprehensive Plan Map (PA-2010-01) for Assessors Map 19-03-14-12, tax lot 400 and 500 to change the Plan Designation from Commercial (C) to Residential (R) satisfies the relevant criteria as described above and recommends approval of this proposal to City Council.



Robert A. Hooker, Mayor  
City of Creswell

9-13-10

Date

EXHIBIT D

**CRESWELL CITY COUNCIL  
FINAL ORDER/FINDINGS OF FACT**

**LAND USE DISTRICT MAP CHANGE  
(ZC-2010-01)**

Planning Commission Hearing Date: August 26, 2010  
City Council Hearing Date: September 13, 2010  
Findings Adopted: September 13, 2010  
Decision Date: September 13, 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 Map Change (ZC-2010-01), and provided all information required by applicable sections of the Creswell Development Code, Ordinance No. 449.
2. The Planning Commission met on August 26, 2010 and the City Council met on September 13, 2010, to review and discuss the application (Assessors Map 19-03-14-12, tax lots 200, 400, and 500). The Commission and Council reviewed all material relevant to the application, including the following pieces of evidence:
  1. Application for a Comprehensive Plan Designation Map Amendment.
  2. Staff Report dated August 18, 2010.
  3. Written Submissions: Ron Staehlin, City Engineer; Scott Nelson, ODOT; Kristina Deschaine, State Fire Marshal
  4. Oral Testimony: See minutes of Planning Commission Public Hearing and City Council Hearing August 26, 2010 and September 13, 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 District Map Changes 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; and other applicable sections of the Code and Comprehensive Plan. 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 land use district (zone) 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 2-Land Use Planning, Goal 9-Economic Development, 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 2 Land Use Planning: the proposal is consistent with Goal 2 Land Use Planning Part I to "establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and ensure an adequate factual base for such decisions and actions" because the Development Code has established a review process and criteria for Comprehensive Plan Map Diagram changes and a factual base for decision is established in these findings of fact.

Goal 9- Economic Development: the site (includes all three tax lots, 200, 400 and 500) is approximately 6.72 acres. The City's Comprehensive Plan includes an analysis of community economic patterns, potentialities, strengths and deficiencies consistent with Statewide Planning Goal 9; the findings of fact for criterion two below, consistency with the Comprehensive Plan, further articulate the proposal's

compliance with Goal 9. Additionally, the City has adopted an economic opportunity analysis consistent with Oregon Administrative Rule (OAR) 660-009-0015 which provides more timely data than the Comprehensive Plan and is also discussed in criterion two below.

Goal 10: Housing: -The City's Comprehensive Plan includes a residential buildable land inventory and housing analysis. The findings of fact for criterion two below, consistency with the Comprehensive Plan, further articulate the proposal's compliance with Goal 10. Additionally, the City has conducted a draft residential buildable lands inventory consistent with House Bill 2709 and OAR 660 Division 8 which provides more current data that serve to reinforce the need and policies identified in the Comprehensive Plan.

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

**RESPONSE:** The following analysis and findings of fact are based on: the City's Comprehensive Plan adopted in 1982 and Economic Opportunities Analysis, adopted 2005; and augmented by a draft residential buildable lands analysis (2007) and draft North of Oregon Avenue development scenarios conducted as part of the City's Comprehensive Plan and Transportation System Plan (TSP) Update which are still in progress. The preceding documents are hereby incorporated into these findings of fact and the record by reference.

Based on the Buildable Lands Inventory conducted for the 1982 Comprehensive Plan the proposal to rezone Tax Lot 200 (.49 acre) from Low Density Residential to Medium Density Residential and Tax Lots 400 & 500 (6.23 acres) from General Commercial to Medium Density Residential is consistent with the Comprehensive Plan as amended by the Proposed Plan Amendment (PA-2010-01) because:

In the 1982 Comprehensive Plan Section II Resources Inventory Subsection E Housing it is stated that:

*Based on 1975 L-COG data, Creswell's housing issues center around:*

- 1. Need for all types of housing.*
- 2. Maintenance and/or upgrading existing inventory.*
- 3. Lower income housing assistance.*

Followed by Subsection K Urbanization:

- 3. An inventory of existing land use within the City Limits indicates a shortage of buildable land to accommodate estimates of growth needs, particularly residential growth needs*

Subsection K; Land Need Allocation; 2. Need for housing, employment opportunities and livability:

*Housing: The Buildable Lands Inventory estimated a residential land need of 171 new acres over and above available buildable land within the City of Creswell.*

*Livability: City goal-Maintain the quality of air, water and land resources of a small community with individuality, scenic values and rural atmosphere.*

The proposal provides lands to diversify housing type; maintains and upgrades existing housing inventory; and addresses the shortage of residential lands to accommodate growth needs. The proposal also contributes to livability by proposing a less intense use of land (residential rather than commercial) with wetlands and stormwater conveyance.

Furthermore, the draft residential buildable land inventory and Goal 10 Housing analysis conducted for the Comprehensive Plan Update has found the current housing stock to have many of the same needs identified in the 1982 Comprehensive Plan particularly for multi-family housing options. The City developed a draft residential buildable lands inventory (BLI) in August 2007. This inventory shall be updated after the City completes a local wetland inventory (LWI), but is the most current analysis available. The draft BLI assumed a 2030 population of 8,000, however in June 2009 Lane County adopted a coordinate population projection estimating Creswell's population to be 11,060 by 2030 so in addition to incorporating LWI information, a BLI update will need to apply the new coordinated population number of 11,060. Thus, the draft BLI likely underestimates need for residential units.

Since the adoption of the 1982 Comprehensive Plan, the City's population has increased by more than 150%. The draft BLI found generally (p. 7):

- *There are approximately 92.0 buildable acres of land designated for residential use within the existing UGB as of March 2007.*
- *Redevelopment potential adds 22.8 acres back into the supply for potential residential development.*
- *Infill potential adds 6.2 acres back into the supply for potential residential development.*
- *There will be a demand for 946 housing units by 2027, which translates into a demand for 150.8 acres including 25.1 acres for non-residential uses (20%).*
- *The analysis performed to produce this Preliminary Report indicate that the City has a deficit of approximately 29.8 acres in their residential land inventory to meet the needs of its projected population to the year 2027.*

The analysis projects the following housing mix based on past trends (pp. 32-33) 60% single-family residential, 25% multifamily, 10% one-unit attached (duplex), and 5% mobile/manufactured homes in parks. The analysis also projects a need for 237 multi-family units (p.39).

The proposal to rezone Tax Lot 200 from Low Density Residential to Medium Density Residential and Lots 400 and 500 from General Commercial to Medium Density Residential is consistent with needs identified in the draft residential BLI: inadequate supply of residential land and diversification of housing options, specifically the need for 237 multi-family units.

Section III. C.(2) says the purpose of Residential Land is:

*To provide for, encourage, promote and protect the character of community residential areas having a suitable environment for a range of housing choices in support of small city urban and suburban family life. This area and density options therein, is intended for application only to those areas having facilities available to support the expected density and to carry out the above stated purposes.*

The proposal to rezone Tax Lot 200 from Low Density Residential to Medium Density Residential and Lots 400 and 500 from General Commercial to Medium Density Residential is consistent with providing for, encouraging, promoting and protecting the character of residential areas having a suitable environment for a range of housing choices and densities because the site is located near commercial services, adjacent to existing residential development, and is an appropriate site for higher densities than found in other residential areas of the City given its size, access to State Highway, and natural resources on site that could perform open space function to any development.

The purpose of Commercial Land is:

*To create and protect areas suitable for commercial uses and services of community residents, visitors and tourists. These areas shall be adequately served by freeway access and/or accessible to outlying areas of the community.*

Section III. C. (7) Economic Policies:

*(b) The City shall encourage expansion of freeway oriented services to capitalize on through and tourist traffic.*

The Economic Opportunities Analysis done by EcoNorthwest in 2005 concluded that the City had an adequate supply of commercial lands in terms of acres and:

*For commercial lands, several of the sites have access restrictions and do not appear to be desirable sites for commercial uses. These sites, located north of Oregon Avenue and east of Highway 99, are surrounded by residential development. Portions of the sites that are close to I-5 may have some potential for commercial or light industrial use, but any use that generates heavy traffic will cause use conflicts with nearby residences. Moreover, access to the site would need significant improvements to accommodate uses that generate a lot of traffic. (Chapter 2, page 11)*

The subject site is in the area described on page 2-11 of the EOA. The proposal to rezone Tax Lot 200 from Low Density Residential to Medium Density Residential and Lots 400 and 500 from General Commercial to Medium Density Residential is consistent with the adopted EOA and Comprehensive Plan policies given the constraints of the site for commercial development as articulated above and on page 2-11 of the EOA which render the site not viable for

accomplishing the Comprehensive Plan Economic Policy (b) above and is better suited for the purpose of Residential rather than Commercial Land.

The North of Oregon Avenue draft development scenarios consider land use zoning in relation to Comprehensive Plan economic and transportation policies, and transportation network and access management needs. The scenarios generally concentrate commercial development along Oregon Avenue in the interchange area with higher density (which would be the medium density residential zone) residential uses on lands near Art Lott Lane and further north moving toward the subject site. The proposal to rezone Tax Lots 200, 400 and 500 to Medium Density Residential in addition to being consistent with the Comprehensive Plan, is consistent with efforts currently underway to address transportation and land use issues in the Interstate 5 interchange area.

Section III. C. (8) Housing Policies;

- (a) Through land use policies of the Comprehensive Plan, the City shall provide an adequate inventory of residential lands to accommodate anticipated housing needs which offer housing choices and development flexibility.*
- (b) Under the provision of the Residential Zone of the Creswell Zoning Ordinance, the City shall encourage the development and/or redevelopment of residential lands in proximity to the commercial service area; for high density residential to provide housing choices in multi-family and rental categories.*
- (c) The City shall continue to integrate mobile home and/or factory housing into the local housing inventory through development guidance and zoning administration.*

The proposal to rezone Tax Lot 200 from Low Density Residential to Medium Density Residential and Lots 400 and 500 from General Commercial to Medium Density Residential is consistent with Housing Policy (a) above because it provides needed supply of residential land and the site provides an opportunity for more housing choices an opportunity not readily available on much existing residential land in the City given existing development and parcel sizes.

- 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**

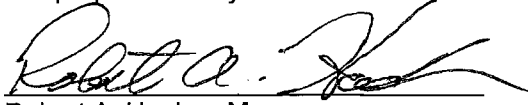
**A. Review of Applications for Effect on Transportation Facilities.** *When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with 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 (state Highway 99): no change in the functional classification of existing transportation facilities would result; no change in the standards for the classification would result; the proposal is consistent with the Creswell Transportation System Plan as the Highway is improved and functioning at at least the minimum performance standard and the proposal to redesignate land to Residential is a less intense use than the current Commercial designation.

### III. DECISION

The Creswell City Council determines that the request by Creswell Court 2<sup>nd</sup> LLC for a Land Use District Map Change (ZC-2010-01) for Assessors Map 19-03-14-12, tax lots 200, 400 and 500 to change the Zoning District from Low Density Residential (RL) to Medium Density Residential (RM) for Tax Lot 200 and from General Commercial (GC) to Medium Density Residential (RM) for Tax Lots 400 & 500 satisfies the relevant criteria as described above and recommends approval of this proposal to City Council.



Robert A. Hooker, Mayor  
City of Creswell

9-13-10  
Date

Lane Council of Governments  
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