



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

3/5/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of La Grande Plan Amendment  
DLCD File Number 002-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Wednesday, March 17, 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: Michael Boquist, City of La Grande  
Gloria Gardiner, DLCD Urban Planning Specialist  
Grant Young, DLCD Regional Representative

<paa> YA

**FORM 2**

**D L C D 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**

**FEB 26, 2010**

**LAND CONSERVATION  
AND DEVELOPMENT**

Jurisdiction: City of La Grande Local File No.: 02-CPA-09 & 02-ZON-09  
(If no number, use none)

Date of Adoption: February 17, 2010 Date Mailed: February 23, 2010  
(Must be filled in) (Must be filled in)

Date the Notice of Proposed Amendment was mailed to DLCD: October 16, 2009

- 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."  
Rezone Phase 1 of Aspen Park Subdivision from High Density Residential to 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: High Density Residential to Medium Density Residential

Zone Map Changed from: High Density Residential (R-3) to Medium Density Residential (R-2)

Location: T3S, R38E, Section 40C, Tax Lots 301, 302, 303, 304, 305, 306, 307, 308, 309 and the northeast portion of Tax Lot 300, La Grande, Oregon Acres Involved: 1.98±

Specified Density: Previous: 11+ units/acre New: 5-10 units/acre

Applicable Statewide Planning Goals: 1, 2, 6, 10, 11, 12, 14

Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD No.: 002-09 (17891) [16014]

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: City of La Grande

Local Contact: Michael J. Boquist, City Planner Area Code + Phone Number: (541) 562-1307

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](mailto:Larry.French@state.or.us) – ATTENTION: PLAN AMENDMENT SPECIALIST.

**CITY of LA GRANDE  
ORDINANCE NUMBER 3184  
SERIES 2010**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE,  
OREGON, REZONING PROPERTY FROM HIGH DENSITY RESIDENTIAL (R-3)  
TO MEDIUM DENSITY RESIDENTIAL (R-2) ON THE ZONING MAP AND FROM  
HIGH DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON THE  
COMPREHENSIVE PLAN MAP; AND DECLARING AN EFFECTIVE DATE**

WHEREAS, the applicant, Whiskey Creek Investments, LLC, applied for a Comprehensive Plan Designation Change, File Number 02-CPA-09, and Zone Designation Change, File Number 02-ZON-09, to rezone Aspen Park Subdivision and a portion of the adjacent property, from High Density Residential to Medium Density Residential; 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; and,

WHEREAS, the proper notices were published in *The Observer*, mailed to property owners within one hundred feet (100') of affected property, and posted on the property and in City Hall, duly advertising the Planning Commission and City Council Public Hearings 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 3081, Series 2009, 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:**

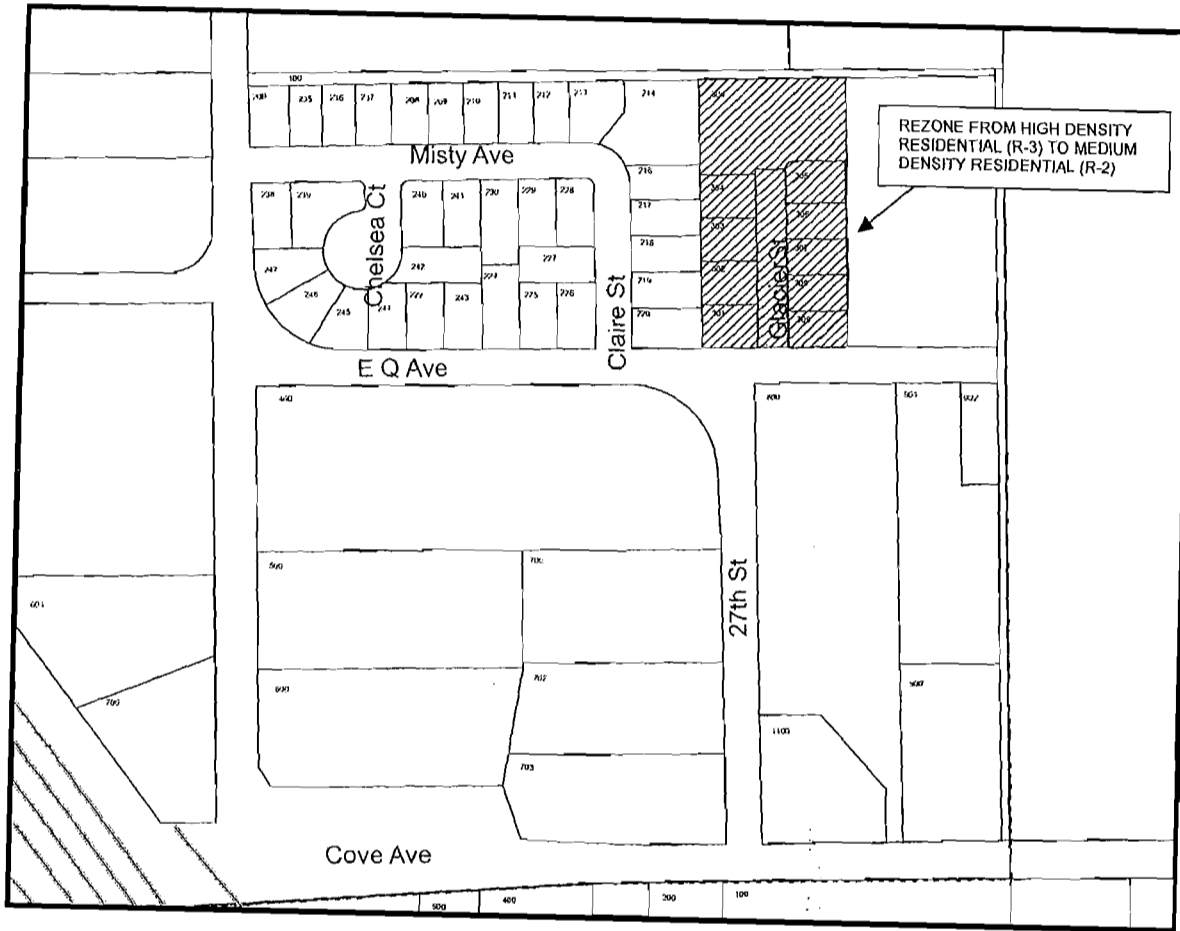
SECTION 1. That the Comprehensive Plan Map be amended to change the land use designation of the following property from High Density Residential to Medium Density Residential and that the Zoning Map be amended to change the zoning designation of the following property from High Density Residential (R-3) to Medium Density Residential (R-2) as depicted in Exhibit "A":

Tract One

A tract of land situated in Lot 2 of Eastgate Addition to La Grande, said tract being more particularly described as follows, with reference to the plat of Eastgate Addition; beginning at the Northeast corner of Lot 9 of Aspen Park, a subdivision of a portion of said Lot 2; thence, North 0°24'07" West, a distance of 137.24 feet to the North line of said Lot 2; thence, South 89°36'37" West, along said North line, a distance of 243.50 feet to the Northwest corner of said Lot 2; thence, South 0°24'07" East, along the West line of said Lot 2, a distance of 157.05 feet, to the Northwest corner of Lot 7 of Aspen Park; thence, South 89°52'31" East, along the North line of said Lot 7, a distance of 93.50 feet, to the Northeast corner of said Lot 7, said point also being on the West right of

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EXHIBIT 'A'



way line of Glacier Street; thence, North 0°24'07" West, along said West line, a distance of 8.42 feet; thence, North 89°35'53" East, a distance of 50.00 feet, to a point on the East right of way line of Glacier Street, said point being the Point of Curvature of a 13.00 radius curve to the right, said point also being on the West line of Lot 9 of Aspen Park; thence, Along said curve and the West line of said Lot 9, a distance of 20.54 feet, through a central angle of 90°31'37" (the long chord which bears North 44°51'41" East, a distance of 18.47 feet); thence, South 89°52'31" East, along the North line of said Lot 9, a distance of 86.88 feet to the Point of Beginning of this description; containing 35,912 sq. ft. (0.82 acres)

Tract Two

Lots 1 through 9 of ASPEN PARK SUBDIVISION, in the City of La Grande, Oregon, according to the recorded plat of said subdivision.

SECTION 2. The City Council adopts the Findings of Fact and Conclusions of Law as set forth in the Staff Report dated January 20, 2010, as its own Findings and Conclusions.

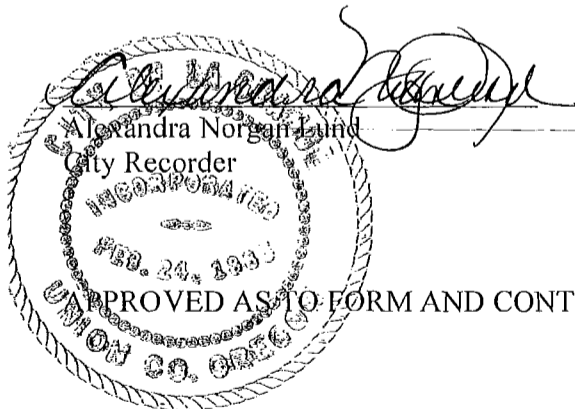
SECTION 3. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Oregon, and its approval by the Mayor; specifically, March 19, 2010

ADOPTED this Seventeenth (17<sup>th</sup>) day of February, 2010, by five ( 5 ) of six ( 6 ) Councilors present and voting in the affirmative.

APPROVED this Seventeenth (17<sup>th</sup>) day of February, 2010.

  
Colleen F. Johnson  
Mayor

ATTEST:



APPROVED AS TO FORM AND CONTENT:

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

CITY of LA GRANDE  
COUNCIL ACTION FORM

Council Meeting Date: February 17, 2010

PRESENTER: Michael Boquist, City Planner

COUNCIL ACTION: **PUBLIC HEARING FOR A ZONE DESIGNATION CHANGE AND COMPREHENSIVE PLAN DESIGNATION CHANGE**

- 1. MAYOR: Re-open the Public Hearing and announce that the Rules of Order for this item were read in their entirety during the January 20, 2010, 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 the subject property from R-3 High Density Residential to R-2 Medium Density on the Zoning Map; and, from High Density to Medium Density on the Comprehensive Plan Map, be Read a Second Time by Title Only, Put to a Vote and Adopted (as presented or amended).

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

\*\*\*\*\*  
EXPLANATION: Whiskey Creek Investments, LLC is requesting the City of La Grande's consideration to rezone the subject property from High Density Residential to Medium Density Residential. Such request requires an amendment to both the Comprehensive Plan Map and Zoning Map.

Background

The subject property is currently platted as a twenty-six lot subdivision, entitled Aspen Park. It is designed with 6,000 plus square foot lots, to be developed with a combination of single-family and duplex dwellings; with the option of triplex dwellings on some lots. Such development is consistent with the High Density Residential zoning, which requires a density of eleven (11) or more units per acre. The subdivision received two (2) separate land use approvals, allowing it to be developed in two (2) phases. Phase 1, consisting of Lots 1-9, has most of the infrastructure in place and has received Final Plat approval from the La Grande City Council. Phase 2, consisting of Lots 10-26, remains undeveloped.

The proposed zone change will affect all of Phase 1 (Lots 1-9) and only a portion of Phase 2 (Lots 10-13). The remaining portion of Phase 2 (Lots 14-26) will remain zoned for high density residential development. This portion is approximately 1.98 acres in size, excluding the public right-of-way.

**CITY OF LA GRANDE  
CITY COUNCIL ACTION FORM**

Commission Meeting Date: February 17, 2010  
Page 2 of 2

The Planning Commission considered this request on December 8, 2009, and unanimously recommends approval. There were no parties submitting testimony in opposition to this request.

The City Council considered this request during its January 20, 2010, Regular Session. There were no parties submitting testimony for this request.

The City Manager recommends approval of this request.

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<u>Reviewed By: (Initial)</u>		<b>COUNCIL ACTION (Office Use Only)</b>	
City Manager	<u>MS</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: _____
CED Department	_____		
Finance/Human Resources Department	<u>MS</u>		
Fire Department	_____		
Library	_____	<input type="checkbox"/> Resolution Passed	Recessed: _____
Parks Department	<u>MS</u>	Effective Date: _____	Work Session: _____
Planning Division	_____		Other: _____
Police Department	_____		
Public Works Department	_____		

SANDYMY DOCUMENTS\COUNCIL FOLDER\ACTION FORMS FOLDER\TEMPLATE REVISED 10-28-08



CITY of LA GRANDE  
ORDINANCE NUMBER \_\_\_\_\_  
SERIES 2010

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE,  
OREGON, REZONING PROPERTY FROM HIGH DENSITY RESIDENTIAL (R-3)  
TO MEDIUM DENSITY RESIDENTIAL (R-2) ON THE ZONING MAP AND FROM  
HIGH DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON THE  
COMPREHENSIVE PLAN MAP; AND DECLARING AN EFFECTIVE DATE**

WHEREAS, the applicant, Whiskey Creek Investments, LLC, applied for a Comprehensive Plan Designation Change, File Number 02-CPA-09, and Zone Designation Change, File Number 02-ZON-09, to rezone Aspen Park Subdivision and a portion of the adjacent property, from High Density Residential to Medium Density Residential; 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; and,

WHEREAS, the proper notices were published in *The Observer*, mailed to property owners within one hundred feet (100') of affected property, and posted on the property and in City Hall, duly advertising the Planning Commission and City Council Public Hearings 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 3081, Series 2009, 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 Map be amended to change the land use designation of the following property from High Density Residential to Medium Density Residential and that the Zoning Map be amended to change the zoning designation of the following property from High Density Residential (R-3) to Medium Density Residential (R-2) as depicted in Exhibit "A":

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\*way line of Glacier Street; thence, North 0°24'07" West, along said West line, a distance of 8.42 feet; thence, North 89°35'53" East, a distance of 50.00 feet, to a point on the East right of way line of Glacier Street, said point being the Point of Curvature of a 13.00 radius curve to the right, said point also being on the West line of Lot 9 of Aspen Park; thence, Along said curve and the West line of said Lot 9, a distance of 20.54 feet, through a central angle of 90°31'37" (the long chord which bears North 44°51'41" East, a distance of 18.47 feet); thence, South 89°52'31" East, along the North line of said Lot 9, a distance of 86.88 feet to the Point of Beginning of this description; containing 35,912 sq. ft. (0.82 acres)

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SECTION 2. The City Council adopts the Findings of Fact and Conclusions of Law as set forth in the Staff Report dated January 20, 2010, 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, March 19, 2010

ADOPTED this Seventeenth (17<sup>th</sup>) day of February, 2010, by \_\_\_\_\_  
( ) of \_\_\_\_\_ ( ) Councilors present and voting in the affirmative.

APPROVED this Seventeenth (17<sup>th</sup>) day of February, 2010.

\_\_\_\_\_  
Colleen F. Johnson  
Mayor

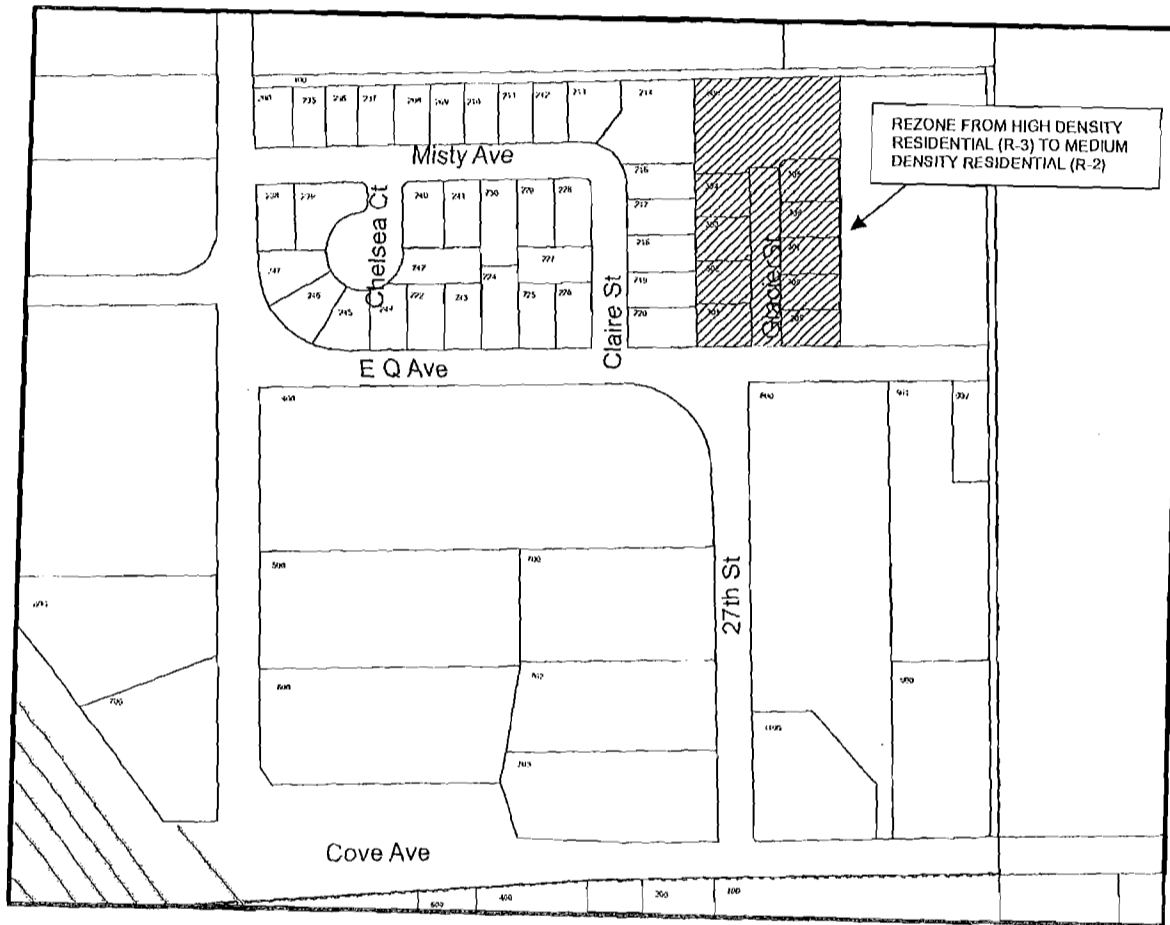
ATTEST:

\_\_\_\_\_  
Alexandra Norgan Lund  
City Recorder

APPROVED AS TO FORM AND CONTENT:

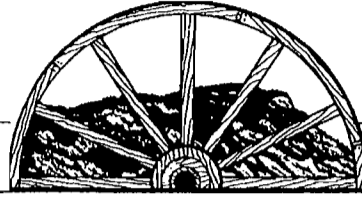
\_\_\_\_\_ for  
Jonel K. Ricker  
Legal Counsel for the City of La Grande

EXHIBIT 'A'



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CITY OF



LA GRANDE

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THE HUB OF NORTHEASTERN OREGON

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COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT / PLANNING DIVISION

P.O. Box 670 • 1000 Adams Avenue • La Grande, OR 97850

Phone: (541) 962-1307 • Fax: (541) 963-3333 • Email: [lgplanning@cityoflagrande.org](mailto:lgplanning@cityoflagrande.org) • Web: <http://planning.cityoflagrande.org>

## CITY COUNCIL STAFF REPORT

JANUARY 20, 2010

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**Application Files:** 02-ZON-09 02-CPA-09  
**Applicant:** Whiskey Creek Investments, LLC.  
Represented by Jason Hedgepeth  
**Proposal:** Zone Change from High Density Residential (R-3) to Medium  
Density Residential (R-2)  
**Location:** T3S, R38E, Section 4DC, Tax Lots 301, 302, 303, 304, 305,  
306, 307, 308, 309 and the northeast portion of Tax Lot 300,  
La Grande, Union County, Oregon.

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### REPORT CONTENTS

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<u>CONCLUSIONS</u>	5

## FINDINGS OF FACT

### **1. PROPOSAL DESCRIPTION**

Whiskey Creek Investments, LLC is requesting the City of La Grande's consideration to rezone the subject property from High Density Residential to Medium Density Residential. Such request requires an amendment to both the Comprehensive Plan Map and Zoning Map.

The subject property is currently platted as a twenty-six lot subdivision, entitled Aspen Park. It is designed with 6,000 plus square foot lots, to be developed with a combination of single-family and duplex dwellings; with the option of triplex dwellings on some lots. Such development is consistent with the High Density Residential zoning, which requires a density of eleven (11) or more units per acre. The subdivision received two (2) separate land use approvals, allowing for it to be developed in two (2) phases. Phase 1, consisting of Lots 1-9, has most of the infrastructure in place and has received Final Plat approval from the La Grande City Council. Phase 2, consisting of Lots 10-26, remains undeveloped.

The proposed zone change will affect all of Phase 1 (Lots 1-9) and only a portion of Phase 2 (Lots 10-13). The remaining portion of Phase 2 (Lots 14-26) will remain zoned for high density residential development. This portion is approximately 1.98 acres in size, excluding the public right-of-way.

The high density residential zoning requires eleven (11) or more units per acre. The area affected by this zone changes is approximately 2 acres, which amounts to a minimum density to include twenty-two (22) dwelling units. By rezoning this area to medium density residential, the density will be reduced to 5-10 units per acre; or 10-20 units. Given the development trend in the area, the 13 lots will most likely be developed with single-family dwellings at a density of 13 units per acre.

The Applicant has submitted a narrative addressing the applicable City Review Criteria in Articles 8.6 and 8.7 of the Land Development Code Ordinance 3081, Series 2009. A Staff evaluation of these Criteria have been provided below.

### **2. HISTORY OF EVENTS**

October 8, 2009	The application was submitted.
October 16, 2009	The application deemed complete and 45 Day Notice provided to DLCD
November 17, 2009	Public Notice circulated to the Development Review Committee and affected public
November 17, 2009	Public Notice published in <i>The Observer</i> , a newspaper of general circulation advertising the December 8, 2009, Planning Commission Hearing.
December 1, 2009	The Staff Report made available to the public.
December 8, 2009	Planning Commission Public Hearing.
January 20, 2010	City Council Public Hearing – First Reading of Ordinance
February 17, 2010	City Council Public Hearing – Second Reading of Ordinance
March 19, 2010	Expiration of thirty (30) day appeal period per Oregon Revised Statutes.

### **3. ARTICLE 8.6 – ZONE CHANGE DESIGNATION**

*This request is subject to the Review Criteria provided in Land Development Code Ordinance 3081, Series 2009, Section 8.6.003.*

**SECTION 8.6.003 – REVIEW CRITERIA**

A proposed Zone Designation Change shall meet the following criteria:

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

**Finding:** The Applicant's narrative provided a lengthy discussion about the various Comprehensive Plan Goals and Policies that apply, beginning on Page 9, Line 27 of the narrative. Also included, is a separate discussion about housing needs based on the information and statistics provided in the Goal 10 – Housing chapter of the Comprehensive Plan. This separate discussion is in response to questions raised by the Oregon Department of Land Conservation and Development (DLCD). The narratives provided by the Applicant appear to address all relevant Comprehensive Plan goals and policies and justify the request.

For the Land Development Code, the request must meet the Review Criteria for Comprehensive Plan and Zone Change amendments per Sections 8.6.003 and 8.7.003. Also, the request must conform to Section 2.2.005 and Section 2.2.006, which outline the density and design standards that govern the medium density residential and high density residential zones. These issues are all addressed in the Applicant's narrative.

However, while the Applicant's narrative identifies the rezone to include approximately 2.5 acres, it really amounts to just under 2 acres of developable land area, if excluding public right-of-way. The medium density residential zone supports a density of 5-10 dwelling units per acre. With a 2 acre developable area, the density must be between 10 and 20 dwelling units. There are 13 subdivision lots within the rezone area. If every lot is developed with a single-family home, then the density would exceed the minimum amount by 3 units.

This remaining area (portion of Phase 2) is approximately 1.98 acres in size, excluding the public right-of-way; and includes 13 lots. The existing high density residential zoning requires eleven (11) or more units per acre, which amounts to a minimum density to include twenty-two (22) dwelling units. With this portion of Phase 2 consisting of thirteen (13) lots, this density standard can easily be met with a combination of single-family and duplex or triplex dwelling units.

All applicable Land Development Code standards appear to be met.

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

**Finding:** This issue is discussed in Criterion A above. The Applicant's narrative addresses this criterion on Page 19, beginning on Line 23. The lots within the rezone area are generally in the 6,000 to 7,000 square foot lot size range. This lot size supports the medium density residential uses, which allow for single family and duplex dwelling. The minimum lot size for duplex dwellings is 6,000 square foot.

- C. The property affected by the proposed Zone Designation Change can adequately serve the uses that may be permitted therein; and such Change is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060);

**Finding:** The Applicant did not address this criterion directly in the narrative as former Code language was used for the application submittal. The language in this criterion was amended and went into effect on July 3, 2009. The Applicant did, however, briefly address this criterion in the Transportation discussion relating to a Criterion B, of Section 8.7.003 below.

This rezone is a down zone from high density residential to medium density residential, which may reduce the traffic demand. In this case, the lot sizes platted support both single family and duplex dwellings. Both the high density and medium density zoning support these dwelling types. The rezone will merely affect the quantity of single family vs. duplexes dwellings that are developed. Given that there may be a reduction in the number of dwelling units, translating to a reduction in potential traffic generated, there will be no negative impacts or changes to the transportation system. Thus, this request is in compliance with the Oregon Transportation Rule and no specific studies or analysis is required.

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

**Finding:** Based on the findings provided in this Staff Report and the findings discussed in the Applicant's narrative, this request will have no adverse effects on land uses or the development of properties. This is briefly discussed in the Applicant's narrative on Page 20, beginning on Line 12.

**4. ARTICLE 8.7 – COMPREHENSIVE PLAN DESIGNATION CHANGE**

*This request is subject to the Review Criteria provided in Land Development Code Ordinance 3081, Series 2009, Section 8.7.003.*

**SECTION 8.7.003 – REVIEW CRITERIA**

A proposed Comprehensive Plan Designation Change shall meet the following criteria:

- A. The proposed change is in compliance with the Statewide planning goals.

**Finding:** The Applicant narrative addresses this criterion beginning on Page 5, Line 10. The applicable Statewide Planning Goal includes Goals 1, 2, 6, 10, 11, 12, and 14. The request appears to meet all these Goals. However, it should be pointed out that extra focus or attention has been given to the Goal 10 – Housing elements. The narrative discusses economic challenges and housing trends occurring in the La Grande area which lean toward supporting a medium density residential density; single-family and duplex dwellings.

- B. The proposed change is in conformance with all policies of the City of La Grande Comprehensive Plan.

**Finding:** Similar to the Statewide Planning Goals, the same Comprehensive Plan Goals apply. Discussion on the Goals and Policies begin on Page 9, Line 27, in the Applicant's narrative. Additional Findings were provided in a supplemental narrative, specific to Goal 10 – Housing. All applicable Goals and Policies have been satisfied.

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

**Finding:** The Applicant has conducted market studies and is basing much of the justification on the local economy and development trends. The Applicant points out that market trends in the area show a need for single-family opportunities. Such opportunities could easily be supported on the subject property. The Applicant's evaluation is provided on Page 18, beginning on Line 6 of the narrative. There is also a fairly length discussion relating to this criterion in the criterion B discussion on Page 11 of the narrative. The Applicant has demonstrated a need to support the zone change.

#### **5. PUBLIC AND AGENCY COMMENTS**

No comments or concerns have been submitted from any Agencies concerning this request. The City received five (5) letters and/or emails in support of this request.

#### **6. PUBLIC AND AGENCY COMMENTS**

On December 8, 2009, the Planning Commission held a Public Hearing to consider this request. There were no parties filing letters or submitting testimony in opposition to this request. The Planning Commission voted to unanimously recommend approval to the City Council.

### **CONCLUSIONS**

1. The request complies with the provisions of Land Development Code Articles 8.6 and 8.7.
2. The request complies with applicable Goals and Policies of the Comprehensive Plan.

Report Prepared By:  
Michael J. Boquist, City Planner



Whiskey Creek Investments, LLC

# A Proposal to Re- Zone Property in La Grande, Oregon

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**Before the City Planning Commission  
City of La Grande, Oregon**

IN THE MATTER of an Application            )  
Submitted by Whiskey Creek                )  
Investments, LLC to re-designate            )  
Property from a High Density                )        BURDEN OF PROOF  
Residential Plan Designation and            )  
R-3 Zoning District to a Medium            )  
Density Residential Plan Designation        )  
And R-2 Zoning District                     )

Proposal

The applicant is requesting approval to re-designate about 2.5-acres from a High Density Residential Plan Designation and R-3 Zoning District to a Medium Density Plan Designation and R-2 Zoning District. The subject property is located north of Q Avenue and includes Phase I of the Aspen Park Subdivision.

Applicant

The primary property owner and applicant in this case is Whiskey Creek Investments, LLC. The applicant’s address of record is 4535 SW Obsidian Avenue, Redmond, Oregon 97756.

Introduction

The subject property is the western one-half, about 2.5-acres, of what had previously been Lot 2 of the East Gate Addition, La Grande, Oregon. The majority of the subject property is occupied by the Aspen Park Subdivision. The property may be described by map and tax lot numbers as Twp. 3 South, Range 38 EWM, Section 4DC, tax lots 301,302, 303, 304, 305, 306, 307, 308, 309 and the northeast portion of tax lot 300.

1 Three of the nine Aspen Park lots have been sold as of the date of this writing and a  
2 manufactured dwelling is present on tax lot 304. Construction of a single-family  
3 dwelling on tax lots 301 and 302 is expected to begin shortly. The lots in Aspen Park are  
4 served by Glacier Street, which has a paved travel surface and conforms to city standards  
5 and guidelines and generally range in size from 6,000 to about 7,000 square feet.  
6

7 The portion of the subject property located north of the Aspen Park Subdivision remains  
8 vacant, undeveloped and visually unremarkable. Ground cover consists of common  
9 native and nonnative vegetation. There are no distinguishing topographical or geologic  
10 features, streams, wetlands, trees or other naturally occurring characteristics on any of the  
11 subject property.  
12

#### 13 Neighborhood Characteristics and Land Use Pattern

14

15 Up until the Fall of 2002 much of the nearby property was planned and zoned for High  
16 Density Residential uses. On October 4, 2002 the La Grande City Council approved  
17 Ordinance 3004 and re-designated about 22-acres of land from R-3 to R-2. Please see  
18 Exhibit E attached. It is the applicant's understanding that the subject property was not  
19 included in the 2002 conversion project because the previous owner, the Northeast  
20 Oregon Housing Authority, held out hope that the property could be developed into a  
21 high density apartment complex. The Housing Authority's choice to market and  
22 eventually sell the property indicates that they may have lost faith in the property as a  
23 candidate for truly high density development. Regardless, the local entity charged with  
24 developing affordable housing projects has elected not to pursue high density  
25 development on this property, suggesting that it is probably well suited for alternative  
26 residential densities.  
27

28 Nearby land converted to R-2 includes the Sunset Meadows Subdivision, which is a  
29 successful single-family neighborhood consisting of about 45-lots. Other nearby features  
30 include the Walmart commercial center present only a short distance to the north and the  
31 variety of commercial and employment opportunities located along the Hwy 82 corridor

1 also just a short distance away. The consistently emerging employment center at the La  
2 Grande-Union County Airport Industrial Park is easily accessible and recent  
3 improvements to Cove Avenue help make traveling to the downtown central business  
4 district and Eastern Oregon University more simple than ever.

5  
6 The immediate surrounding neighborhood is a combination of vacant land and property  
7 developed into a variety of pursuits, including the Sunset Meadows residential  
8 neighborhood to the west, light industrial/commercial to the south and a longstanding  
9 manufactured home park to the north. The undeveloped lands lying directly to the east  
10 are also owned and controlled by Whiskey Creek Investments, LLC and are proposed to  
11 remain included in the R-3 Zoning District. Further to the east are lands included within  
12 the corporate city limits of Island City that are planned and zoned to receive residential  
13 development.

14  
15 The land use pattern of the area can therefore be identified as a gentle mixture of older,  
16 established residential uses, new detached single-family dwellings, low impact  
17 commercial/light industrial activities and future development opportunities.

#### 18 19 Project Purpose

20  
21 As stated above, this proposal would re-designate about 2.5-acres from R-3, High  
22 Density Residential to R-2, Medium Density Residential. The applicant acquired the  
23 subject property, including the 2.5-acres directly to the east (five-acres total) in 2006.  
24 The size, location and density opportunities provided by the R-3 zone were particularly  
25 appealing in those market conditions and the applicant envisioned selling some lots to  
26 other parties to raise capital to help facilitate development of the remaining properties.  
27 The end result was envisioned to be being a neighborhood of high-quality  
28 duplex/townhouse living opportunities.

29  
30 Since 2006 we have witnessed the global meltdown of the credit industry and the demise  
31 of much of many of the nation's largest banking institutions. We have also seen the

1 housing bubble burst and the onset of the worst national recession in decades. Today's  
2 economic climate and lending situation have forced all forms of businesses to reconsider  
3 how they are doing things. If business cannot adapt it cannot survive.

4  
5 The applicant has seen their prospective housing niche collapse as consumer confidence  
6 remains low and investors are no longer willing to take risks with real estate, particularly  
7 in smaller or unproven markets. This has forced Whiskey Creek Investments to think  
8 outside of their original business model and consider other possibilities to maintain any  
9 sort of viability. While the market for multi-family investment property has soured there  
10 continues to be a market for single-family lots in the La Grande-Island City area. The  
11 applicant has been repeatedly approached to sell lots for single-family construction.  
12 Although this was not part of the initial development concept the applicant has found that  
13 they can not afford to simply allow these opportunities to pass by and have any hope of  
14 remaining fiscally solvent.

15  
16 The city's R-3 zone allows single-family dwellings as an outright use its density  
17 requirement of 11 units per acre presents an impediment to marketing single-family lots.  
18 The applicant respects that La Grande is one of the only cities in Eastern Oregon,  
19 possibly in the entire state, that has chosen to impose minimum density requirements and  
20 perhaps that is why La Grande has one of the highest residential densities on this side of  
21 the Cascades. Please see Exhibit F attached.

22  
23 When the applicant realized that abandoning any possible sales opportunities seriously  
24 threatens to capsize the project and their investments made to date they approached the  
25 City Planning Director, Mr. Michael Boquist, for advice. Mr. Boquist opined that a zone  
26 change from R-3 to R-2 for the western half of the ownership was the best and most  
27 logical way to proceed. Mr. Boquist also expressly indicated that the city planning  
28 department could support such a proposal. The applicant has chosen to follow Mr.  
29 Boquist's advice. A change to R-2 allows the applicant to market lots for either single-  
30 family or duplex/townhome development and retains the possibility for residential  
31 densities rivaling those that could be achieved under the R-3 designation. Furthermore,

1 they remain optimistic that the original development intentions can be carried out in  
2 future phases and on the eastern half of their property that will retain the R-3 designation.

3

4 In other words, Whiskey Creek Investments, LLC have undergone the mental adaptations  
5 necessary to remain competitive and hopefully save the business. Now that the mental  
6 barriers have been overcome, lifting regulatory barriers is critical for the success of this  
7 venture.

8

9

#### Approval Criteria

10

11 The review criteria for a comprehensive plan amendment and zone change are set forth at  
12 SECTION 8.6 & SECTION 8.7 of the City of La Grande Development Code. The  
13 applicant's response to the identified approval criteria is included below.

14

#### **SECTION 8.7.003 – REVIEW CRITERIA**

15

##### **A. The proposed change is in compliance with the Statewide planning goals.**

16

17 **A.** The proposed change is in compliance with the Statewide planning goals.  
18  
19 Response: The Statewide planning goals are the foundation for Oregon land use  
20 planning. The goals have been adopted as administrative rules (Oregon Administrative  
21 Rules Chapter 660, Division 15) and are implemented and administered locally through  
22 the La Grande Comprehensive Plan and Development Code. There are a total of nineteen  
23 (19) goals. Some of the goals do not apply to this case due to the site location and other  
24 characteristics of the proposal. The following goals do apply to this proposal:

25

26 Goal 1 – Citizen Involvement. “To develop a citizen involvement program that insures  
27 the opportunity for citizens to be involved in all phases of the planning process.”

28

29 The city of La Grande has adopted public notice procedures in accordance with  
30 the Oregon Revised Statutes. These procedures can be found in the La Grande  
31 Development Code. Public notice is mailed to property owners within one hundred feet

1 (100') of the subject property at least twenty (20) days prior to the public hearing and  
2 advertised notice is published in "the Observer" a local newspaper of general circulation,  
3 at least twenty (20) days prior to the public hearing. Also, in accordance with State  
4 Statutes and Administrative Rules, notice of the Planning Commission public hearing  
5 will be mailed to the Oregon Department of Land Conservation and Development by the  
6 city at least forty-five (45) days in advance of the first evidentiary hearing.

7

8 *Goal 1 is Satisfied.*

9

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

13

14 The city of La Grande Comprehensive Plan , adopted in 1983 adopts goals and  
15 policies, consistent with the Statewide Planning Goals. Additionally, the city of La  
16 Grande Land Development Code is used as a tool to implement the Goals and Policies  
17 described in the Comprehensive Plan. The comprehensive plan is used as a basis for  
18 making all decisions and actions relating to land use. It further assures that all decisions  
19 will be made on a factual basis. The analysis of compliance with the Comprehensive  
20 Plan is included in the evaluation of SECTION 8.7.003. C. below.

21

22 *Goal 2 is Satisfied.*

23

24 Goal 6 – Air, Water and Land Resources Quality. "To maintain and improve the quality  
25 of the air and land resources of the state."

26

27 The Comprehensive Plan Designation Change is being requested to modestly  
28 reduce density on a property that has previously been provided with city utilities. The  
29 use of public water and sewer systems tend to preserve the land and water resources of  
30 the state. The change will also help facilitate development that may not otherwise occur  
31 in a timely fashion under the existing plan designation. Deferring development of the

1 subject property makes it more likely to succumb to noxious weeds and other undesirable  
2 species than if it was managed as residential homesites with lawns that are cared for by  
3 their owners. Deferring development will also prolong the planting of street trees that,  
4 among other things, contribute to clear air and serve as a land resource. Furthermore,  
5 housing development is proposed for the subject lands, which is not typically a  
6 significant source of air pollution.

7

8 *Goal 6 is Satisfied.*

9

10 Goal 10- Housing. “To provide for the housing needs of citizens of the state.”

11

12 The Comprehensive Plan Designation Change arises from the applicants need to  
13 remain flexible in the face of changing and difficult market conditions. Statewide  
14 planning goal 10 calls for a variety of housing types to meet all income levels. Exactly  
15 how that mission is carried out is not specifically articulated in the text of Goal 10.  
16 Nearly all cities choose to divide their residential land inventory into different categories  
17 providing for residential different types and opportunities. The amount and location of  
18 various residential categories are usually based on existing development patterns,  
19 locational characteristics, infrastructure availability, as well as residential density  
20 expectations and aspirations. Assumptions regarding owner occupancy rates, average  
21 house hold size , community income levels and population forecasts are often used to  
22 project a city’s housing needs.

23

24 Once these assumptions have been documented and agreed upon by local decision  
25 makers most cities carry out their housing program by implementing a zoning strategy  
26 that allows for certain types of residential development to occur. The city of La Grande  
27 has elected to take this process one step further. Not only are future residential density  
28 levels prescribed by the plan they are mandated by the city development code. Most city  
29 development codes do not mandate particular residential densities.

30



1 It has been the applicant's observation that genuinely high residential densities are  
2 achieved through large scale, multi-family development with a minimum of twelve units  
3 per individual project. Most overall zoning district density figures are calculated based  
4 on a handful of larger projects with the majority of development being devoted to single-  
5 family dwellings or duplexes. Also, most genuine large scale multi-family development  
6 occurring in the region has been completed by state and local partners with a mandate to  
7 provide affordable housing opportunities for under privileged citizens or special  
8 populations. This type of development is almost always contingent upon special grant  
9 funding and/or special financing arrangements consisting of low interest loans or tax  
10 credits offered by public agencies. The ability of public agencies, such as Oregon  
11 Housing & Community Services (OHCS), to offer financial assistance for these projects  
12 is dependent on their ability to sell bonds and raise revenue. Today's weak bond market  
13 has severely constrained bond sales and makes it very difficult for public agencies to  
14 raise revenue and fund projects. The upshot of this situation is that in today's challenged  
15 economy affordable housing projects, which provide the greatest potential for rural  
16 Oregon to see large scale, multi-family development are unlikely to be built.

17  
18 An R-2 designation reflects the way the existing settlement pattern is trending, which is  
19 consistent with the La Grande/Island City area market for single-family dwelling lots.  
20 The R-2 designation also retains opportunities for duplex development and could result in  
21 residential densities approaching those required by the R-3 designation. Should the city  
22 see a proposed large scale, multi-family project it can be placed on other lands designated  
23 R-3. Other alternatives could include rezoning other lands to R-3 or even considering  
24 broadening the density opportunities allowed in other residential zoning districts.

25  
26 In conclusion, the 2.5-acres proposed for the conversion from R-3 to R-2 is a very small  
27 portion of the city's residential land inventory that, according to the comprehensive plan,  
28 can provide for a surplus of over 900 dwelling units above and beyond what the city will  
29 need to accommodate its population growth based on a 2020 planning horizon. The  
30 development patterns and market demand for the subject property is strongly trending

1 towards single-family development and the majority of the property is currently  
2 subdivided into lots conducive to single family and duplex/townhome construction.

3

4 *Goal 10 is Satisfied.*

5

6 Goal 11 – Public Facilities and Services. “To plan and develop a timely, orderly and  
7 efficient arrangement of public facilities and services to serve as a framework for urban  
8 and rural development.”

9

10 The area proposed for the Comprehensive Plan Designation Change is provided  
11 with public facilities and services.

12

13 *Goal 11 is Satisfied.*

14

15 Goal 12 – Transportation. “To provide and encourage a safe, convenient and economic  
16 transportation system.”

17

18 Goal 12 is carried out by OAR Chapter 660, Division 12, also known as the  
19 Transportation Planning Rule or “TPR”. OAR 660-012-0060 requires local governments  
20 to determine if a plan amendment or zone change will impact a transportation facility. In  
21 this case there will be no impact to the transportation facilities because the proposal is to  
22 convert a small amount of land from an R-3 designation to an R-2 designation, which will  
23 slightly reduce the potential for traffic demand on the local transportation system.

24

25 *Goal 12 is Satisfied.*

26

27 Goal 14 – Urbanization. “To provide for an orderly and efficient transition from rural to  
28 urban use.”

29

30 No urban growth boundary expansion is proposed by this Comprehensive Plan  
31 Designation Change; thus the transition from rural to urban land use is not an issue.

1 **B. The proposed change is in conformance with all policies of the City of La**  
2 **Grande Comprehensive Plan.**

3  
4 Response: The comprehensive plan is the governing land use document for a local  
5 planning program. The comprehensive plan must be consistent with the statewide  
6 planning goals. More important, the comprehensive plan is an expression of policy based  
7 on facts and evidence balanced with the city's desires and vision. In other words, the  
8 comprehensive plan is a blueprint for how the city will strive to efficiently and  
9 economically meet the needs of its citizens over a specified planning period, usually 20-  
10 years.

11  
12 Citizen Involvement

13 Pages 11 & 12, Policies – That citizens have an opportunity to participate in all phases of  
14 the planning process.

15  
16 This item was addressed in detail in Statewide Planning Goal 1, above. Public  
17 notice will be mailed to surrounding property owners and notice will be published in  
18 "The Observer", a local newspaper of general circulation. Public hearings will be held  
19 before the Planning Commission and City Council giving interested parties an  
20 opportunity to appear before the city decision makers to provide evidence and testimony.

21  
22 *These Comprehensive Plan Policies are Satisfied.*

23  
24 Land Use Planning

25 Page 13, Policy 2 – That the plans of other local, state and federal agencies will be taken  
26 into account in preparing land use plans and making related decisions.

27  
28 The city routinely circulates land use proposals to all local utility companies, La  
29 Grande School District, Grande Ronde Hospital, Union County, city of La Grande  
30 Departments, the Oregon Department of Land Conservation and Development and the  
31 Oregon Department of Transportation. All agencies will be asked to review and

1 comment on the proposal. Should any comments be received any requests will be  
2 accommodated as much as possible.

3

4 *This Comprehensive Plan Policy is Satisfied.*

5

6 Page 13, Policy 3 – That public need be established before plan changes or related  
7 requests are approved, and that the burden of proof be borne by the requestor.

8

9         There are at least three ways that a public need can be found for the proposed plan  
10 change. First, the city can find there is a public need to promote well managed  
11 development supported by adequate levels of public infrastructure and other amenities.  
12 As described above, the property is well suited for single-family residential development  
13 and a growing number of individuals have approached the applicant with an interest in  
14 purchasing a lot to establish a home. Conversely, the market for land to build multi-  
15 family projects such as duplexes or townhomes has proven almost none existent. The  
16 applicant’s marketing attempts have quite simply fallen flat. So, in this situation, the plan  
17 amendment will facilitate neighborhood development that can be an asset to the  
18 community rather than remain a bare patch of vacant land full of weeds. This situation  
19 can, unfortunately, become what is known as an “attractive nuisance” inviting trespass,  
20 vandalism and any manner of questionable behavior.

21

22         Second, the city can find that there is a public need to promote home ownership among  
23 its citizens. Home ownership is usually the biggest investment most individuals will ever  
24 make and often serves as the principal equity source for economic security. Home  
25 ownership promotes pride and a sense of place in the community and contributes  
26 property taxes to help fund local governments. Owner occupied properties are more  
27 likely to be well kept and home owners are more likely to contribute to a stable  
28 environment.

29

30         Third, the city can find that there is a public need to provide opportunities for new home  
31 construction as a companion to employment generation and economic development

1 efforts. Many communities in the western United States grew to a sizable population  
2 during the early to mid-part of last century and then saw growth level off for several  
3 decades. In most cases this growth scenario has resulted in a housing stock primarily  
4 comprised of homes that are 30-100 years old. Older homes are can be entirely viable as  
5 housing units and are often unique. However, homes built many years ago where not  
6 generally designed to include features sought by many modern home buyers. For  
7 example, many modern home buyers are looking for a three bedroom, two bath home  
8 over 1,600 square feet in size. Buyers have come to expect features like an attached two  
9 car garage, walk in closets and bathrooms with dual vanities in the master bedroom.  
10 Other amenities such as a force air heating system and air conditioning, vaulted ceilings  
11 and tile or hardwood flooring have become common parts of the modern housing  
12 package. By comparison, most older homes are small, often 1,200 square feet or less and  
13 they usually lack all of the “bells and whistles” offered by new construction unless they  
14 have been substantially remodeled.

15

16 The city has been working diligently to position itself to capture employment  
17 opportunities that will provide needed jobs and tax base for the community. A frequent  
18 frustration expressed by western towns and cities is that while people are eager to move  
19 in they can’t find a home that suits them. A frequent concern expressed by these same  
20 towns and cities is that if their housing opportunities don’t align with their employment  
21 land supply companies will be reluctant to do business there, choosing instead some other  
22 community. Providing opportunities for new single-family dwellings will allow the city  
23 to be a more competitive candidate for job creation and retention.

24

25 *This Comprehensive Plan Policy is Satisfied.*

26

27 Page 13, Policy 8 – That compatibility of anticipated uses with surrounding area  
28 development will be evaluated in making planning related decisions.

29 Page 13, Policy 11 – That uses with undesirable noise, smoke, visual, and other  
30 objectionable characteristics will be discouraged from locating in areas where such  
31 conditions are incompatible with surrounding area development.

1           Given the nature of development in the vicinity, the proposed Medium Density  
2 Residential designation is more compatible than the existing High Density Residential  
3 designation.

4  
5 *These Comprehensive Plan Policies are Satisfied.*

6  
7 Page 13, Policy 9 – That alternative sites and alternative uses will be considered in  
8 making land use plan decisions.

9 Page 13, Policy 10 – That commercial and high density residential development will be  
10 located in areas where access, service, and related facilities can best accommodate such  
11 development.

12  
13           The subject lands are not within easy walking distance of any commercial or  
14 public service facility. High Density Residential lands should ideally be located closer to  
15 schools, parks, commercial activities and other services.

16  
17 *These Comprehensive Plan Policies are Satisfied.*

18  
19 Air, Water and Land Resource Quality

20 Page 30, Policy 1 – That those uses emitting noise and air pollution be located so as not  
21 to infringe upon the quality of residential living.

22 Page 30, Policy 3 – That every effort be made to protect air, water and land resource from  
23 destruction or degradation by urban uses.

24 Page 30, Policy 6 – The City shall review all land use proposals to determine if there may  
25 be possible detrimental aspects to air, water noise quality and make sure these uses  
26 conform in all respects to the state and federal emission regulations.

27  
28           Any development in this area, whether it be High or Medium Density Residential,  
29 will be required to utilize city utilities so that water and land resource quality will be  
30 maintained. The City has an Air Quality Program that seeks to educate all citizens of  
31 ways to keep the air clean.

1 *These Comprehensive Plan Policies are Satisfied.*

2

3 Housing

4

5 Page 150, Policy 8 - That medium density residential be located away from activities  
6 which generate heavy traffic and are otherwise incompatible with living areas.

7

8 The subject property is 2.5-acres, a portion of which is already developed with a  
9 single-family residence. As identified earlier the immediate surrounding neighborhood is  
10 a combination of vacant land and property developed into a variety of pursuits, including  
11 the Sunset Meadows residential neighborhood to the west, light industrial/commercial to  
12 the south and a longstanding manufactured home park to the north. The undeveloped  
13 lands lying directly to the east are also owned and controlled by Whiskey Creek  
14 Investments, LLC and are proposed to remain included in the R-3 Zoning District.  
15 Further to the east are lands included within the corporate city limits of Island City that  
16 are planned and zoned to receive residential development.

17

18 The land use pattern of the area can therefore be identified as a gentle mixture of older,  
19 established residential uses, new detached single-family dwellings, low impact  
20 commercial/light industrial activities and future development opportunities.

21

22 Based on the above, there are no uses that generate heavy levels of traffic (destination  
23 retail, fast food franchise, distribution center, etc...) currently located within a close  
24 enough proximity to have any impact on the area. Furthermore, existing planning and  
25 zoning do not permit such activities to occur near the subject property.

26

27 *This Plan Policy is Satisfied.*

28

29 Page 150, Policy 9 - That medium density residential areas be located with reference to  
30 shopping and other public and private services and be provided with good access to  
31 centers of employment.

32

1           The subject property is well positioned regarding commercial and employment  
2 opportunities, as well as public and private services because the Walmart commercial  
3 center is present only a short distance to the north and the variety of commercial and  
4 employment opportunities located along the Hwy 82 corridor are also just a short  
5 distance away. The consistently emerging employment center at the La Grande-Union  
6 County Airport Industrial Park is easily accessible and recent improvements to Cove  
7 Avenue help make traveling to the downtown central business district and Eastern  
8 Oregon University simple and efficient.

9  
10 *This Plan Policy is Satisfied.*

11  
12 Page 150, Policy 10 - That planned developments and duplexes be included in medium  
13 density residential areas provided the density does not exceed 10 units per gross acre.

14  
15           Although the majority of the subject property is already subdivided into nine (9)  
16 lots the remaining 0.88-acres could be available for some level of planned development.  
17 The potential for duplex development currently exists and will continue to remain. In  
18 fact, the applicant remains hopeful that lot sales in the Aspen Park Subdivision will reach  
19 a point to enable the applicant to commence duplex/townhome development on the  
20 remaining property. It is likely that that average residential density could be high, nearly  
21 that of what is required in the R-3 designation, but it will not exceed 10 units per gross  
22 acre as stipulated in the R-2 Zoning District. The applicant anticipates the area to build  
23 out at a density of 6-9 units per gross acre.

24  
25 *This Plan Policy is Satisfied.*

26  
27 Page 150, Policy 14 - That the street pattern within the residential neighborhood permits  
28 convenient circulation and easy, safe access to neighborhood parks and schools.

29  
30           The development plan submitted with the Aspen Park Subdivision and approved  
31 by the city shows a looping road system designed to provide convenient circulation for



1 motorists and pedestrians. Glacier St., which is the first portion of the proposed road  
2 system has been constructed and provides safe access to the city's main road network that  
3 lead to parks and schools.

4  
5 *This Plan Policy is Satisfied.*

6  
7 Page 150, Policy 15 - That residential areas be developed in a manner that provides a  
8 healthful, aesthetically pleasing atmosphere, and in a manner that affords safe and  
9 convenient access to neighborhood commercial centers, schools, and other public  
10 facilities.

11  
12 The majority of the subject property consists of the Aspen Park Subdivision. In  
13 addition to city development code standards, the Aspen Park Subdivision is subject to  
14 specific Conditions, Covenants and Restrictions (CC&R's) designed to promote quality  
15 development that is aesthetically pleasing.

16  
17 As stated in the response to Policies 9 & 15 above, the subject property is well oriented to  
18 provide safe and convenient access to neighborhood commercial centers, schools and  
19 other public facilities.

20  
21 *This Plan Policy is Satisfied.*

22  
23 Page 150, Policy 16 - That certain non-residential uses be located within residential areas  
24 if careful control is exercised over their location and their relationship to abutting  
25 property.

26  
27 The R-2 Zoning District specifies some non-residential uses that may be sited on  
28 lands designated for Medium Density Residential under certain conditions.

29  
30 *This Plan Policy is Satisfied.*

31

1 Public Facilities and Services

2

3 Page 154, Policy 1 - The City of La Grande will continue to provide and maintain  
4 urban services (water, sewer, storm drainage, services and transportation  
5 infrastructure) to

6 residential, commercial and industrial lands within the City's Urban Growth Area  
7 prior to or concurrent with development and following annexation.

8 Page 154, Policy 2 - The City will require urban development to be served by urban  
9 services.

10 Page 154, Policy 6 - That underground installation of utilities be encouraged on all new  
11 development.

12 Page 155, Policy 11 - That the cost for public services and street improvements for land  
13 being converted to urban uses be borne by the developer.

14

15 Please see Findings for Statewide Planning Goal 11 above.

16

17 *These Plan Policies are Satisfied.*

18

19 Transportation

20

21 The City has adopted a Transportation Plan for the UGB which shall be  
22 considered a support document to the Comprehensive Land Use Plan. All major  
23 transportation needs are discussed within the Transportation Plan. Please refer to  
24 Volume I of the adopted La Grande/Island City Transportation System Plan.

25

26 As stated in the response to statewide planning goal 12 above, . In this case there will  
27 be no impact to the transportation facilities because the proposal is to convert a small  
28 amount of land from an R-3 designation to an R-2 designation, which will slightly reduce  
29 the potential for traffic demand on the local transportation system.

30

31 *The Plan Provisions for Transportation are Satisfied.*

32

33 Energy Conservation

1  
2 Page 203, Policy 1 - That high density residential, commercial and industrial uses be  
3 located so as to minimize energy consumption.

4  
5 The subject area is not within easy walking distance of commercial and  
6 industrial employment centers. Development in the area has occurred at lower densities  
7 as a result.

8  
9 *This Plan Policy is Satisfied.*

10  
11 **C. The proposed change is supported by specific studies or other factual**  
12 **information which documents the public need for the change.**

13  
14 Response: The Comprehensive Plan Designation Change is supported by market  
15 studies  
16 conducted by the applicant and by evidence on the ground that marketing duplex and  
17 multi-family property is extremely challenging in today's constrained credit  
18 environment.  
19 Other factual information documenting the public need for the change includes the need  
20 for employment and other economic opportunity that is supported by the ability to offer  
21 new single-family residences, the need to avoid undeveloped areas becoming  
22 overwhelmed by weeds and other undesirable species and inviting trespass and  
23 vandalism, which could threaten the security of private investment and community  
24 stability.

25  
26 *This Criteria is Satisfied.*

27  
28 **SECTION 8.6.003 – REVIEW CRITERIA**

29  
30 **A. The Zone Change is in Conformance with the Comprehensive Plan, and all**  
31 **other provisions of the Land Development Code.**

32  
33 Response: Please see responses addressing compliance with Comprehensive Plan

1 Policies and the statewide planning goals above. Sections 2.2.005 and 2.2.006 of the  
2 Land Development Code state that the purpose of the R-2 Medium Density Residential  
3 and the R-3 High Density Residential zones are as follows:  
4

5 **SECTION 2.2.005 - MEDIUM DENSITY RESIDENTIAL (R-2)**

6 A. PURPOSE: The purpose of this zone is to establish areas for single-family and duplex  
7 residential dwelling units and necessary accessory uses. The Medium Density  
8 Residential Zone is intended to implement the Comprehensive Plan designation of a  
9 Medium Density Residential land use with a density of five (5) to ten (10) dwelling units  
10 per acre.  
11

12 **SECTION 2.2.006 - HIGH DENSITY RESIDENTIAL (R-3)**

13 A. PURPOSE: The purpose of this zone is to provide higher concentrations of dwelling  
14 units where the level of public services can adequately accommodate such development.  
15 The High Density Residential Zone, which provides for multi-family residential units, is  
16 appropriate in areas adjacent to large parks, schools, and major employment centers, and  
17 along arterials that can be efficiently served by public transit. This zone is intended to  
18 implement the Comprehensive Plan designation of High Density Residential land use of  
19 densities of eleven (11) or more dwelling units per acre.  
20

21 In analyzing the purpose statements of the R-2 and R-3 Zones, it is apparent that the  
22 subject lands, based on the location in the community and existing land uses, would most  
23 appropriately be zoned R-2.  
24

25 *This Criteria is Satisfied.*  
26

27 **B. The property affected by the zone change application is adequate in size and**  
28 **shape to facilitate those uses that are normally allowed in conjunction with**  
29 **such zoning.**  
30

31 Response: As mentioned several times in this Burden of Proof document, the majority  
32 of the 2.5-acres proposed for the zone change is occupied by the Aspen Park  
33 Subdivision, which is comprised of nine (9) lots generally between 6,000 and 7,000  
34 square feet in size. One lot is already developed with a single-family dwelling and  
35 another dwelling is expected to be constructed soon. Furthermore, the applicant has  
36 had many inquiries about the availability of other lots for single family dwelling  
37 purposes.

1 The portion of the property not included in the Aspen Park Subdivision would require  
2 only a minor extension of public services and utilities to provide for the creation of  
3 future lots or parcels.

4

5 *This Criteria is Satisfied.*

6

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

10

11 Response: Since the proposal constitutes a “down-zoning,” the impact of development  
12 on the street system is actually lessened as a result.

13

14 *This Criteria is Satisfied.*

15

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

18

19 Response: As shown in the findings above, the use of the property within the rezoning  
20 area is trending towards single-family residential. Abutting properties also include  
21 single-family residential, a manufactured home park and self-storage units. The Zone  
22 Change Designation will have no adverse effects on abutting properties, in that uses  
23 authorized by the R-2 Zone are as, or perhaps even more, consistent with abutting  
24 property use than uses allowed by the R-3 Zone.

25

26 *This Criteria is Satisfied.*

27

28

29

30

31

32

Conclusion

33

1 Based on the information and evidence included in this Burden of Proof Document the  
2 proposed Plan and Zone change to convert 2.5-acres from R-3, High Density  
3 Residential  
4 to R-2, Medium Density Residential is a legitimate and well supported request that  
5 complies with all applicable provisions of the Oregon statewide planning goals, the city  
6 of La Grande Comprehensive Plan and the city of La Grande Land Development  
7 Code.

8  
9 The request should be approved.

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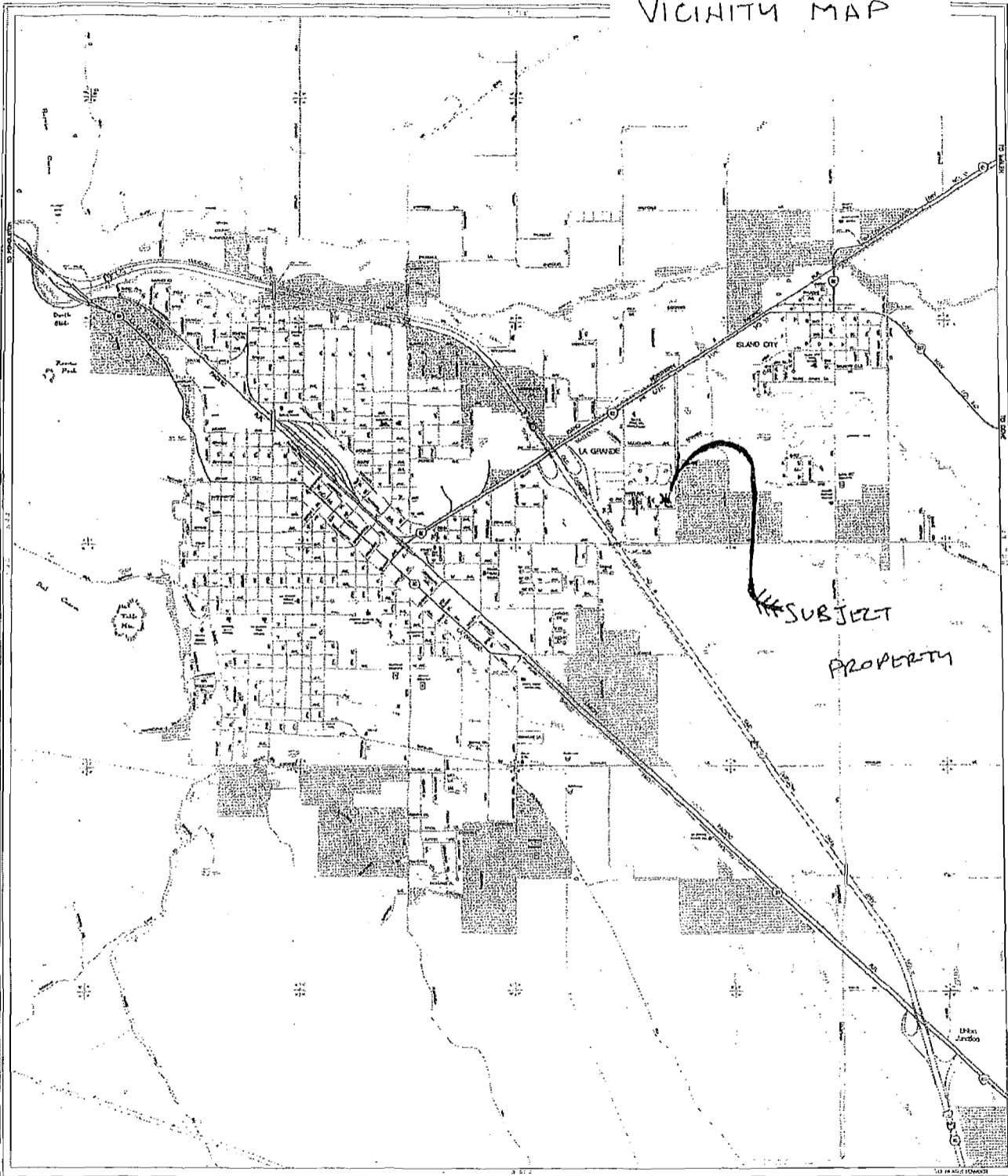
32 **List of Exhibits**



33 Exhibit A – Vicinity Map

1  
2 Exhibit B - Tax Lot Map 3S38EWM04DC  
3  
4 Exhibit C - Map showing property proposed for Plan and Zone Change  
5  
6 Exhibit D - City Zoning Map  
7  
8 Exhibit E - City Ordinance 2002 # 3004  
9  
10 Exhibit F - Table of Information for Eastern Oregon Cities  
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Exhibit A

VICINITY MAP

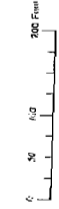


<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>Interstate</li> <li>State Route</li> <li>County Road</li> <li>City Street</li> <li>Local Road</li> <li>Unimproved Road</li> <li>Right-of-Way</li> <li>Waterway</li> <li>Water</li> <li>Canal</li> <li>Ditch</li> <li>Drainage</li> <li>Other</li> </ul>	<p>PLANNED BY</p>  <p><b>NORTH</b></p>  <p>PREPARED BY THE OREGON DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE U.S. DEPARTMENT OF TRANSPORTATION REGIONAL LABORATORY</p>	<p>The project is for informational purposes and does not constitute a contract. Users of the information shall make their own determination as to the accuracy and reliability of the information.</p> <p><b>SCALE</b></p> <p>0 200 400 FEET</p> <p>0 100 200 METERS</p>	<p><b>OREGON TRANSPORTATION MAP</b> Showing Functional Classification of Roads City of <b>LA GRANDE</b></p> <p>LA GRANDE Population: 12,319*</p> <p>UNION COUNTY 2004</p> <p>PRELIMINARY COPY SUBJECT TO CORRECTION</p>
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Data provided from the Oregon Department of Transportation, Map Distribution Unit, 146 David Street, P.O. Box 100, Salem, Oregon 97301-0100, Telephone: (503) 999-2354. No warranty is made for accuracy.



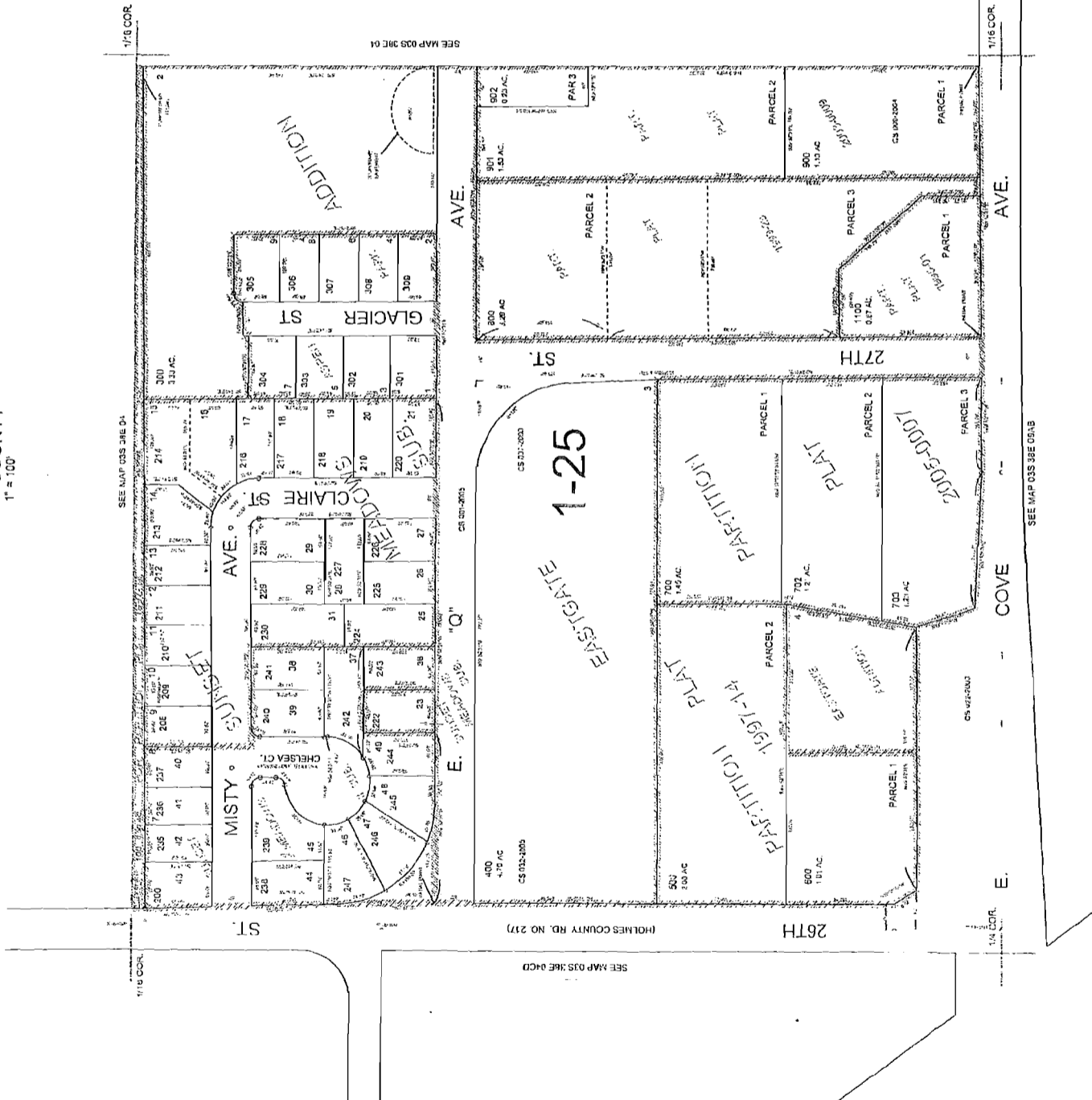
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.W. 1/4 S.E. 1/4 SEC. 4 T.3S. R.30E. W.M.  
UNION COUNTY

03S38E04DC  
LA GRANDE

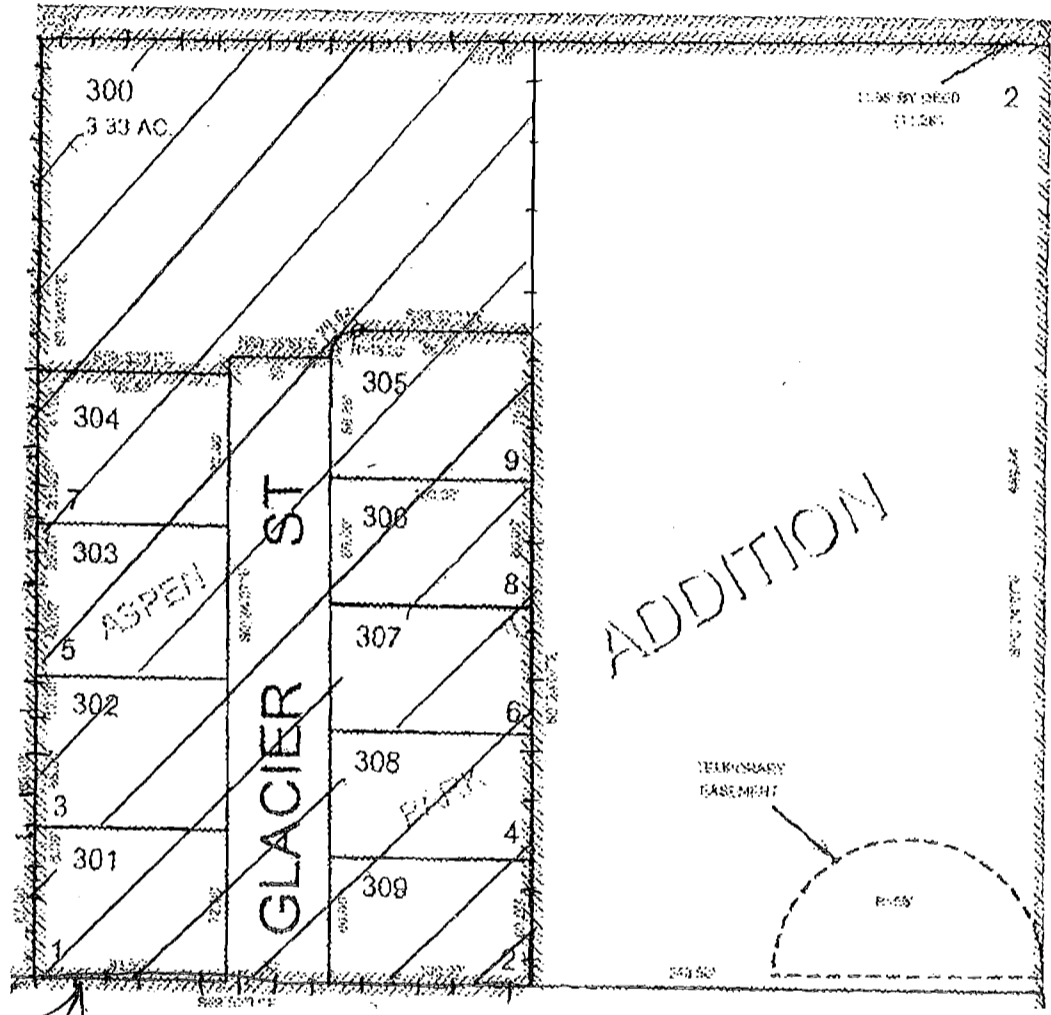
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Revised GC  
3/26/2008  
LA GRANDE  
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Exhibit B

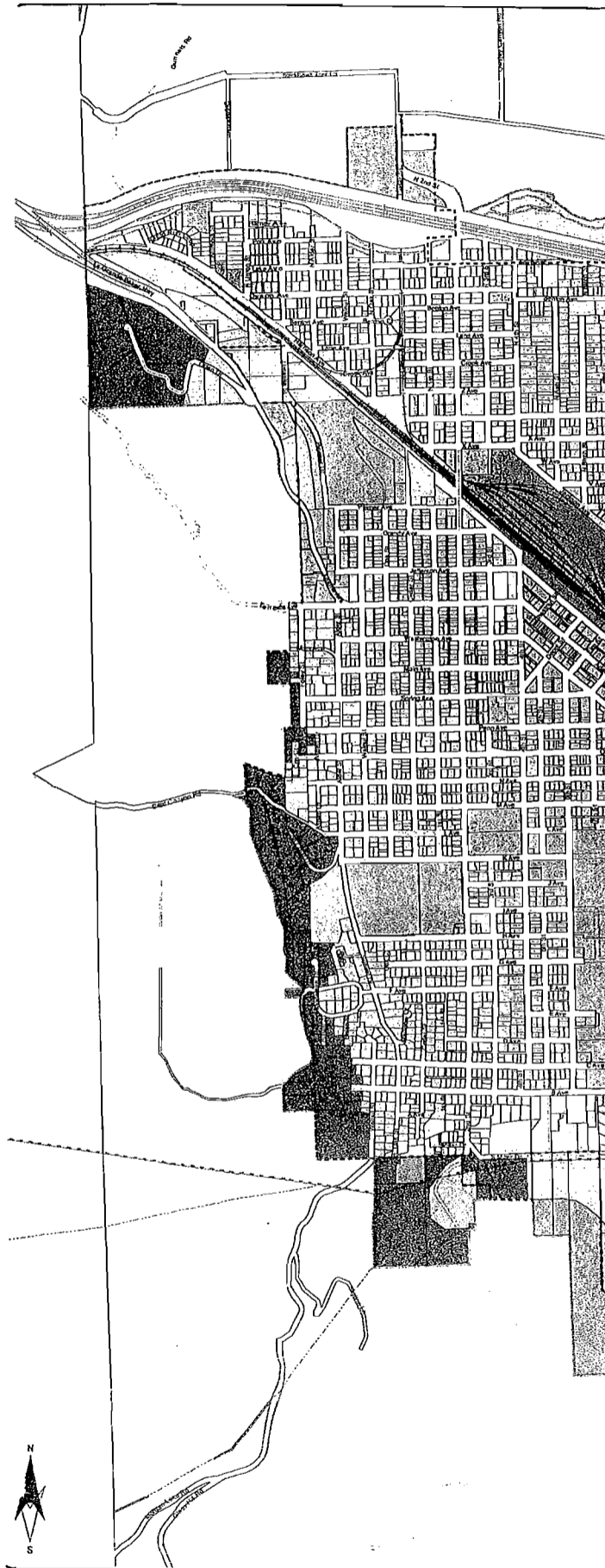
Exhibit C























2.5-ACRES PROPOSED FOR  
CHANGE FROM R-3 to R-2

Exhibit D

# City of La Grande Zoning Map



-  Hillside Development (HD)
-  Rural Residential (RR-1)
-  Low Density Residential (R-1)
-  Medium Density Residential (R-2)
-  High Density Residential (R-3)
-  Residential-Professional (R-P)
-  Central Business (CB)
-  General Commercial (GC)
-  Interchange Commercial (IC)
-  Light Industrial (M-1)
-  Heavy Industrial (M-2)
-  Business Park (BP)
-  Public Facilities (PF)

-  City Limits
-  UGB
-  Highways
-  Railroad
-  Pipeline
-  Powerline
-  River

0 2,000 4,000  
Feet

Adopted by Ordinance Number 3081, Series 2009

Exhibit E

CITY OF LA GRANDE  
ORDINANCE NUMBER 3004  
SERIES 2002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, OREGON,  
REZONING PROPERTY SITUATED IN THE TWENTY-SIXTH STREET AREA,  
GENERALLY NORTH OF EAST "Q" AVENUE, FROM HIGH DENSITY RESIDENTIAL TO  
MEDIUM DENSITY RESIDENTIAL ON THE COMPREHENSIVE PLAN MAP AND FROM  
R-3 HIGH DENSITY RESIDENTIAL TO R-2 MEDIUM DENSITY RESIDENTIAL ON THE  
ZONING MAP

WHEREAS, the applicant, Michael A. Hyde, Community Development Director/Planner, representing the City of La Grande, initiated a Comprehensive Plan Designation Change, File Number 01-CPA-02, and Zone Designation Change, File Number 01-ZON-02, for approval to amend the Comprehensive Plan Map and La Grande Zoning Map to rezone property located in the Twenty-Sixth Street area, north of East "Q" Avenue, from High Density Residential to Medium Density Residential on the Comprehensive Plan Map and from R-3 High Density Residential to R-2 Medium Density Residential on the Zoning Map; 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 in City Hall, duly advertising the Planning Commission Public Hearing to consider the applications; 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; and,

WHEREAS, the applications were reviewed under procedures set forth in the City of La Grande Land Development Code Ordinance Number 2989, Series 2001, ARTICLE 8.6 - ZONE DESIGNATION CHANGE, and ARTICLE 8.7 - COMPREHENSIVE PLAN DESIGNATION CHANGE; and,

WHEREAS, the Findings Document supporting this decision is attached hereto as Exhibit "A", the revised Comprehensive Plan Map is attached hereto as Exhibit "B", and the revised Zoning Map is attached hereto as Exhibit "C", by this reference incorporated herein as if fully set forth; and,

WHEREAS, the Amendment conforms to the La Grande Comprehensive Plan and Statewide Planning Goals, as evidenced by said Findings Document; and,

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

WHEREAS, the City Council conducted a Public Hearing to receive public testimony on the Ordinance incorporating the Amendment;

THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

**SECTION 1.** That the Comprehensive Plan Map be amended to change the land use designation from High Density Residential to Medium Density Residential and that the Zoning Map be amended to change the zoning designation from R-3 High Density Residential to R-2 Medium Density Residential of the following properties:

---

Beginning at a point which is South 89°53'34" East, 870.00 feet from the Northwest corner of Block 4 of McWhirter's Addition; said point also being North 66°54'36" East, 2,386.14 feet from the Southwest corner of said Section 4;

Thence, North 0°00'07" West, 131.00 feet;

Thence, North 89°53'34" West, 110.00 feet;

Thence, South 0°00'07" East, 131.00 feet;

Thence, South 89°53'34" East, 110.00 feet, to the point of beginning, and containing 0.33 acres, more or less; and subject to a road easement on the South 20.00 feet of said parcel.

**Township 3 South, Range 38 East, Section 4CD, Tax Lot 200**

That property situated in the Southeast Quarter of the Southwest Quarter of Section 4, Township 3 South, Range 38 East of the Willamette Meridian described as follows:

Beginning 50.00 feet North of the Northeast corner of Lot 4 in Block 6, McWhirter's Addition to La Grande, Union County, Oregon;

Thence, North 192.00 feet;

Thence, West 450.00 feet;

Thence, South 192.00 feet;

Thence, East 450.00 feet to the point of beginning.

Excepting therefrom public right-of-way dedicated for East "Q" Avenue.

**Township 3 South, Range 38 East, Section 4CD, Tax Lot 300**

A parcel of land in the East half of the Southwest Quarter of Section 4, Township 3 South, Range 38 East of the Willamette Meridian, in Union County, Oregon, more particularly described as follows, with reference to Map of Survey Number 50-76 as filed in the Office of the Union County Surveyor;

Beginning at a point which is South 89°53'34" East, 870.00 feet from the Northwest corner of Block Four (4) of McWhirter's Addition to La Grande, Union County, Oregon, according to the recorded plat of said Addition;

Said point also being North 66°54'36" East, 2,386.14 feet from the Southwest corner of said Section 4;

Thence, North 0°00'07" West, 131.00 feet;

Thence, North 89°53'34" West, 110.00 feet;

Thence, South 0°00'07" East, 131.00 feet;

Thence, South 89°53'34" East, 110.00 feet to the point of beginning.

---

Thence, South 0°24'07" East, along the East line of said Lot 1, a distance of 445.06 feet to the North line of East "Q" Avenue, as platted;

Thence, North 89°52'31" West, along said North line of East "Q" Avenue a distance of 745.60 feet to the intersection of the East line of Twenty-Sixth Street, said point being the point of beginning of this description.


Said Subdivision containing 7.59 acres.

**SECTION 2.** The City Council adopts the findings of fact and conclusions set forth in Planning Commission Order Number 21-2002, with the exception that the lands known as the Stonewood Manufactured Home Park (Township 3 South, Range 38 E.W.M., Section 4, Tax Lots 9900 and 10000 and Section 4DC, Tax Lot 100) are to be removed from the area to receive the new land use and zoning designation.


**SECTION 3.** 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, November 1, 2002.

ADOPTED this Second (2nd) day of October, 2002, by seven ( 7 ) of seven ( 7 ) Councilors present voting therefor.

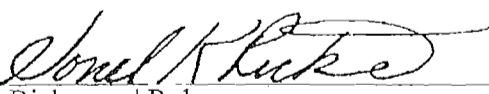
APPROVED this Second (2nd) day of October, 2002.

  
Colleen F. Johnson, Mayor

ATTEST:

  
Alexandra Norgan Lund, City Recorder

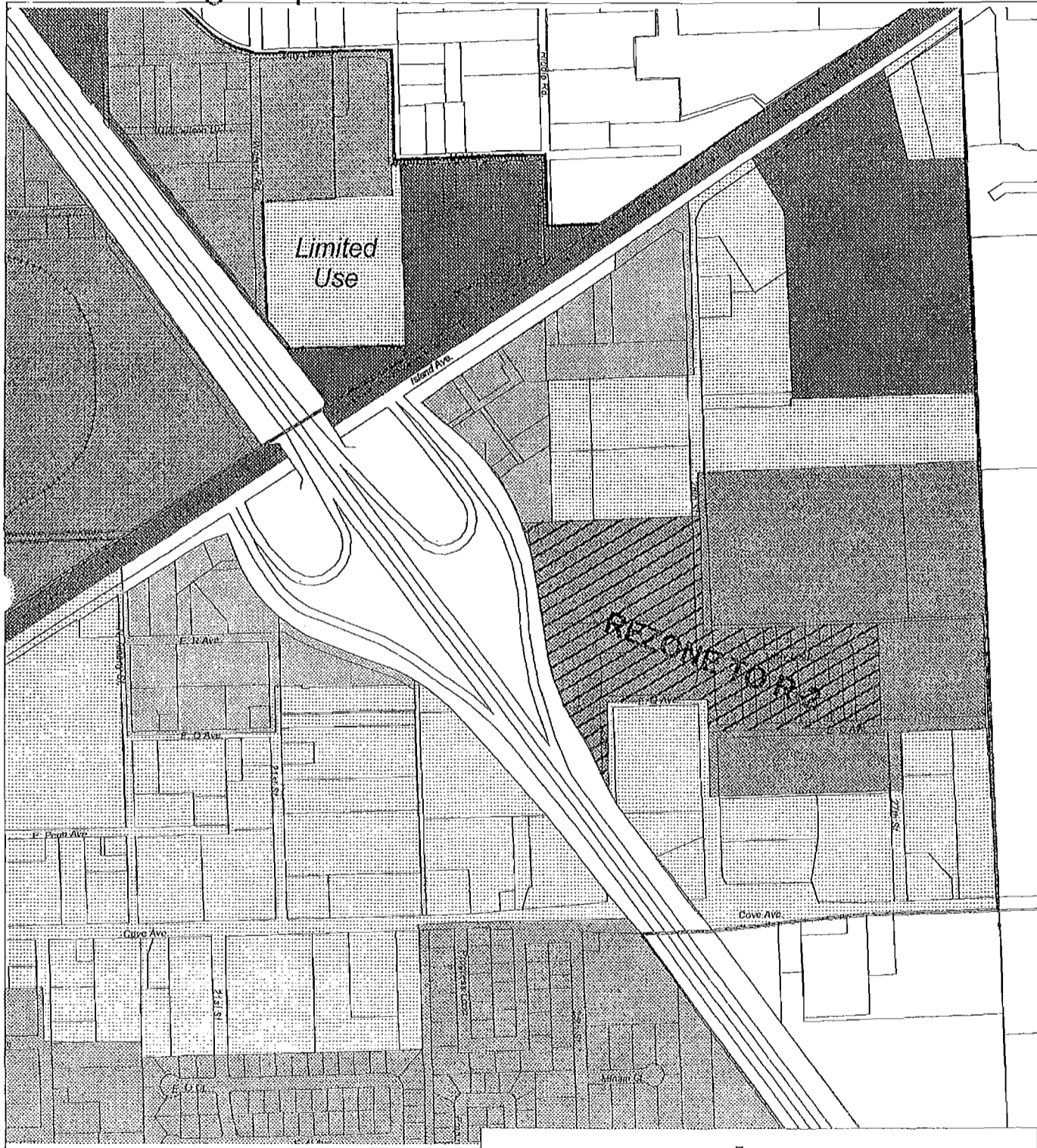
APPROVED AS TO CONTENT AND FORM:

  
Ricker and Roberson  
Legal Counsel for the City of La Grande

Attachments




# City of La Grande Zoning Map

AREA PROPOSED TO REZONE  
FROM R-3 TO R-2



Date: 8/20/2002

**Legend**

-  REZONE TO R-2
-  City Limits
-  UGB

**Zones**














 Hillside Development (HD)	 High Density Residential (R-3)	 Light Industrial (M-1)
 Rural Residential (RR-1)	 Residential-Professional (R-P)	 Heavy Industrial (M-2)
 Low Density Residential (R-1)	 Central Business (CB)	 Business Park (BP)
 Medium Density Residential (R-2)	 General Commercial (GC)	 Public Facilities (PF)
	 Interchange Commercial (IC)	

Exhibit F

City	Population	Residential Zones	Minimum Density	Overall City Density
Baker City	10,105	Y	N	2.19
Bend	77,780	Y	Y	3.237
Boardman	3,310	Y	N	1.329
Burns	3,020	Y	N	1.212
Hermiston	15,780	Y	N	3.539
Klamath Falls	21,040	Y	N	1.729
La Grande	12,850	Y	Y	4.446
Lakeview	2,730	Y	N	2.362
Madras	6,585	Y	N	3.784
Ontario	11,325	Y	N	3.885
Pendleton	17,260	Y	N	2.584
Prineville	10,190	Y	N	2.082
Redmond	24,805	Y	N	2.057
Umatilla	6,440	Y	N	2.375

Density Information from City-Data.com

All information deemed reliable but not guaranteed



**Michael Boquist**

---

**From:** Young, Grant S. [grant.s.young@state.or.us]  
**Sent:** Wednesday, November 04, 2009 5:30 PM  
**To:** 'Michael Boquist'  
**Subject:** Whiskey Creek

Hi Mike; here's the email.

After review and discussion with Salem Staff the feeling is that this proposal does not appear to contain justification for rezoning to a lower density based on the city's buildable lands inventory, housing needs analysis and residential land needs analysis.

The findings include a statement that the city can provide for a surplus of over 900 dwelling units based on their comprehensive plan population growth to year 2020. However they do not justify that this change on 2.5 acres will not affect the needed "affordable" housing that was slated for this zone. La Grande's local buildable lands inventory must document the amount of buildable land in each residential plan designation; findings need to be made for this proposal that are consistent with that document.

Since the 2.5 acre subject property is part of the Multi-family land (R-3) in the buildable land inventory, findings needs to show that this rezone will not negatively affect the land supply for that density range.

Our recommendation is that the applicant and/or city should provide adequate findings of compliance with Goal 10 and related rules and statutes.

Outside of these comments; would you be interested in ideas for possible changes to the City's Code that could provide more flexibility for developers and go further to ensure that land for "affordable" housing is more protected, all the while maintaining your adopted density standards? If so, let me know and I'll give you a call.

Thanks, Mike.

**Grant Young** | Northeast Regional Representative  
Community Services Division  
Oregon Dept. of Land Conservation and Development  
105 Fir Street, Suite 210 | La Grande, OR 97850  
Office: (541) 663-1393 | Cell: (541) 325-6924 | Fax: (541) 663-1056  
[grant.s.young@state.or.us](mailto:grant.s.young@state.or.us) | [www.oregon.gov/LCD](http://www.oregon.gov/LCD)

11/5/2009

SUBMITTED BY  
WHISKEY CREEK INVEST.  
IN RESPONSE TO DLCD  
EMAIL OF 11-4-09

## Supplemental Findings for Statewide Planning Goal 10 (Housing)

These additional Findings are provided to respond to comments made by the state of Oregon Department of Land Conservation and Development. The state's comments were delivered in a brief e-mail message sent to the city planning director.

The state's comments do not constitute an objection to applicant's proposal, nor do they request the city take any particular action whatsoever. Instead, they recommend that additional findings be developed to adequately demonstrate that :

"...this rezone will not negatively affect the land supply for that density range (ie. R-3)."

Applicant's original Burden of Proof Document provides a detailed description of statewide planning goal 10. This work is based on and, in Applicant's judgment, improves language that has been relied on by the city to approve larger zone change requests in the past. The state did not challenge these past decisions and they are not expected to challenge this current proposal, particularly with the additional information provided in this memo.

### City of La Grande Goal 10 Housing Element

The majority of the city's Housing element appears to have been prepared in 2001 to contemplate a 2020 planning horizon. The city's consultant patterned the element using a methodology described in the HB 2709 Hand Book prepared by the state of Oregon. HB 2709 (2005) was intended to help clarify planning for urban growth boundaries for cities of over 25,000.

Information in the Housing element shows that the city has gathered the data available in 2000 as well as established several base assumptions regarding average household size, forecasted densities, housing by income level and tenure and vacancy levels, as well as several other factors common to an urban housing discussion.

### Population Forecast:

The city's population forecast is probably the most basic and important set of assumption for understanding future housing needs and ensuring an adequate land base to satisfy those needs. Applicant's review shows that the city has created two different growth scenarios. Both scenarios use a base 2000 urban growth boundary population estimate of 14,015 (as compared to the estimated population inside the city limits of 12,340 provided by Portland State University's Center for Population Research). Scenario A assumes an average annual growth rate of 0.39% per year, resulting in a 2020 population of 15,144 for an increase in population of 1,129. Scenario B assumes an average annual growth rate (aagr) of 1.0% per year, resulting in a 2020 population of 17,101 for an increase in population of 3,086.

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City of La Grande

DEC 02 2009

Community & Economic  
Development

designation will have no measurable impact on the city's residential land supply because the city has an abundance of land.

**Projected Additional Needed Residential Acreage Scenario B (1.00% aagr)**

Type of Unit	Net Acreage Needed	Allocated Units	Net Buildable Acreage Available	Potential Units on Net Buildable Acreage	Deficit(Surplus of Units)	Additional Needed Acreage
Single-Family Detached	182.7	731	298.4	903	(172)	-
Single-Family Detached	6.9	55	7.8	61	(6)	-
Multi-family	30.8	339	7.7	316	23	2.1
Manufactured Homes in Parks	67.9	340	18.0	252	88	17.5
<b>Total</b>	<b>288.3</b>	<b>1,464</b>	<b>332.0</b>	<b>1,532</b>	<b>(68)</b>	<b>-</b>

A table very much like this one is also located on page 146 of the city's comprehensive plan. These numbers show that under Scenario B the city has a surplus of land for most housing types. A slight deficit is shown for multi-family and manufactured homes in parks. However, no number has been included in the "total" column for additional needed acreage. Applicant believes this reflects the understanding that much can happen over a 20 year period. While these figures represent the best available information to decision makers in 2001, any numbers that predict how things will occur 20 years into the future have to be considered somewhat soft. Under Scenario B rezoning 2.5-acres from an R-3 designation to an R-2 designation will have no measurable impact on the city's residential land supply because the city has a robust amount of land and any alleged deficit would be too small to attempt to account for.

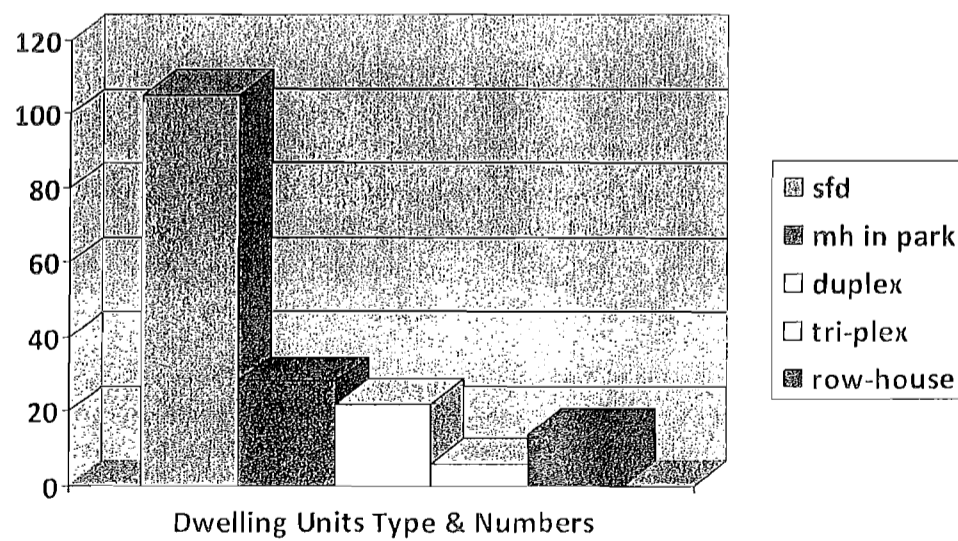
Applicant has reviewed the Union County Assessor's records for the 23 inventoried properties. This review shows that four (4) of the 23 original properties have been received development and that about 3.5-acres, including the subject property, should no longer be considered vacant and available. In other words, in late 2009, nearly halfway through the 20 year planning period the city has retained almost all of its high density residential land supply.

Therefore, rezoning Applicant's 2.5-acres from an R-3 designation to an R-2 designation will have no measurable impact on the city's residential land supply because after 45% of the 20-year planning period has elapsed the city still has about 90% of its high density residential land inventory remaining.

#### Residential Development Trends

Observing residential development trends is an important way to monitor a city's buildable land inventory. Ideally a city would revisit this issue every 3-5 years to ensure the plan is updated with fresh information and to ensure that the city's program is adequately responding to community needs.

Tracking building permit information is usually the best way to acquire data reflecting development activity. Applicant has researched residential building permits issued in the city dating back to January, 2005. The results show that about 175 new housing units were permitted during this period.



Therefore, rezoning Applicant's 2.5-acres from an R-3 designation to an R-2 designation will have no measurable impact on the city's residential land supply because the diversity of housing types constructed in the first portion of the 20-year planning period are available in the R-2 zoning district.

#### Conclusion

Statewide Planning Goal 10 (*Housing*) has been satisfied because, in addition to the information provided in Applicant's Burden of Proof Statement:

- a. The city has an adequate supply of residential land, including high density residential land based on a aagr of 0.39%, 0.76%, or 1.0% during the 2000-2020 planning period; and
- b. Nearly halfway through the 2000-2020 planning period the city has retained almost all of its high density residential land. After 45% of the 20-year planning period has elapsed the city still has about 90% of its high density residential land inventory remaining; and
- c. The diversity of housing types constructed in the first portion of the 20-year planning period are available in the R-2 zoning district.



CITY of LA GRANDE  
THE HUB OF NORTHEASTERN OREGON

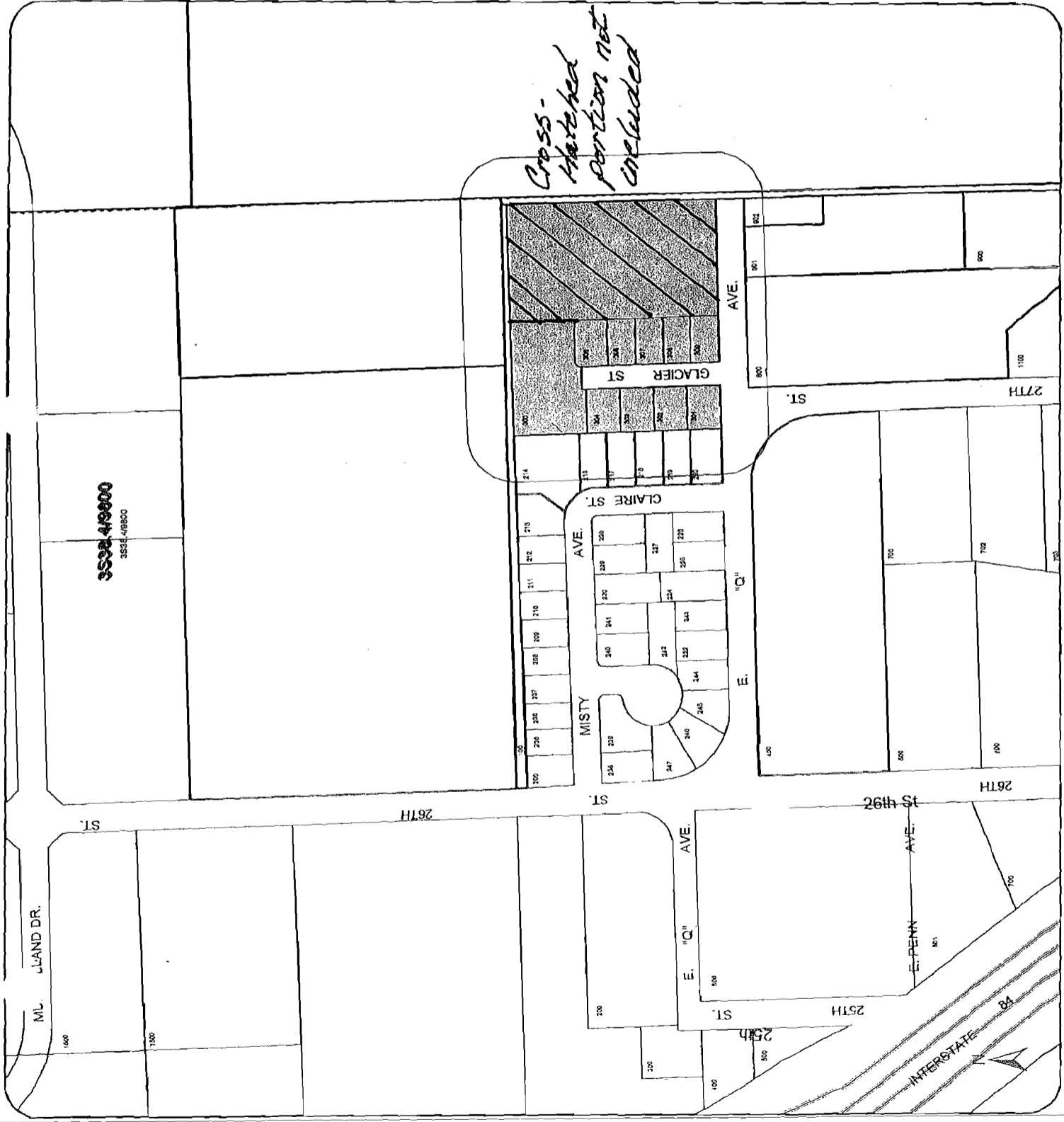
100' Notification

**Legend**

- Buffer
- Parcel
- City Limits
- UGB
- Map Index



November 2009





Mike Boquist  
City of La Grande  
P O Box 670  
1000 Adams Ave.  
La Grande, OR 97850

Dear Mike:

I am writing in support of the zone change that Whiskey Creek Investments is requesting for their 2 1/2 acre parcel, from R-3 to R-2.

I am in support of the zone change for several reasons. First in Union County we have very few places that are zoned R-2 that we can have manufactured homes and stick built both. I think that for a conducive neighborhood we need to have a mixture of all types of housing. In that particular area of La Grande, it lends itself to single family residences.

With our current economy and lending requirements the demand for multilevel housing is down. Which in turn will make them have to hold their property and not sell it until the economy improves. As a snowball effect we may or may not have seen the worst of the down turn in the multilevel housing need.

I know too that the owners have lost out on several sales due to the zoning of R-3. I myself have had several calls from different people wanting to make offers there and we can't help them. I have had to direct them to other areas they don't find as appealing. So they either don't buy or settle for something they really didn't want.

I understand that La Grande is one of the few cities that has density requirements like those in an R-3 zone. If it were in another city it would not even be an issue.

People are wanting to build homes in the La Grande area and, not be limited to just stick built homes. I hear that Home Showcase having to close maybe in part to the availability of lots that will allow manufactured homes.

Please pass this zone change so that we can help provide more affordable housing options for consumers. We all want everyone to buy local and then there are road blocks such as this one.

It is an easy fix with this zone change so I urge you to support it.

Sincerely,

Holly Walker  
Broker  
RE/MAX Real Estate Team

RECEIVED  
City of La Grande

DEC 08 2009

Community & Economic  
Development

**Holly Walker, Broker**  
**RE/MAX Real Estate Team**

2106 Island Avenue • La Grande, Oregon 97850  
Office: (541) 963-1000 ext 310 • Fax: (541) 963-3106  
Each Office Independently Owned and Operated





The Real Estate Leaders

December 8, 2009

Greetings,

I am writing to express my support for rezoning the Aspen Park Subdivision. As a local real estate professional familiar with our community's housing needs I am qualified to say that this re-zone will have no detrimental effect on the ability to site multi-family housing now or in the future.

The application shows that a few duplexes and only two tri-plexes have been granted building permits in the last five years. On the other hand, over 130 permits were issued for single-family dwellings. Almost no development has occurred on lands zoned R-3 for 10 years. This suggests that the city may want to revisit its growth policies. It looks like R-3 lands are artificially being held for something that isn't coming.

Based on what buyers are asking for I think it makes more sense to consider allowing this change.

Respectfully,

Jon Bruck, Broker  
RE/MAX Real Estate Team

RECEIVED  
City of La Grande

DEC 08 2009

Community & Economic  
Development

RE/MAX Real Estate Team

2106 Island Avenue • La Grande, Oregon 97850

Office: (541) 963-1000 • Fax: (541) 963-3106 • Toll-free: (866) 963-8800



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## Michael Boquist

---

**From:** City Manager (La Grande) [rstrope@cityoflagrande.org]  
**Sent:** Tuesday, December 08, 2009 9:11 AM  
**To:** 'Steve Clements'  
**Cc:** 'Michael Boquist'  
**Subject:** RE: [Fwd: Web Contact: A.J. Hardee : Whiskey Creek Investments]

Steve,

Yes, we will include this in the packet and you can disclose it during the meeting. I will also contact Mr. Hardee.  
Thanks.

Robert  
Robert A. Strobe  
City Manager  
City of La Grande  
(541) 962-1309  
(541) 963-3333 fax

CONFIDENTIALITY NOTICE: This transmission is intended only for the use of the individual(s) named as recipients. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law including, but not limited to, the attorney client privilege and/or work product doctrine. If you are not the intended recipient of this transmission, please notify the sender immediately by telephone. Do not deliver, distribute or copy this transmission, disclose its contents, or take any action in reliance on the information it contains.

-----Original Message-----

**From:** Steve Clements [mailto:sclement@eou.edu]  
**Sent:** Tuesday, December 08, 2009 8:42 AM  
**To:** Robert Strobe  
**Subject:** [Fwd: Web Contact: A.J. Hardee : Whiskey Creek Investments]

Robert:

I received this email via the city web page. Would this constitute exparti communication?

Steve

----- Original Message -----

**Subject:** Web Contact: A.J. Hardee : Whiskey Creek Investments  
**Date:** Mon, 07 Dec 2009 20:59:13 -0800  
**From:** cfmailbot@eoni.com  
**To:** sclement@eou.edu

WARNING: Do not REPLY directly to this message. It was automatically generated by a computer and cannot process any reply you make. If you want to correspond with the Web site visitor who submitted the online message form, you can try to use this email address that was submitted:  
ahardee@adairhomes.com .

Date/Time: 07-Dec-09 - 08:59 PM  
IP Address: 71.32.180.12

Visitor Name:  
A.J. Hardee  
Company Name:  
Adair Homes  
Visitor Phone:  
208-459-8274

**Michael Boquist**

---

**From:** Kent [kentc@uci.net]  
**Sent:** Sunday, December 06, 2009 3:04 PM  
**To:** mboquist@cityoflagrande.org  
**Subject:** Request for Zone Change  
To Mike Boquist,

It has come to my attention that Whiskey Creek Investments, LLC is asking to re-zone the Aspen Park subdivision from R-3 to R-2. The company is asking for this change so they can sell lots for single-family dwellings, which the R-3 zone limits. Four of the nine lots already are committed to a single-family dwelling. Clearly this is what people are asking for. If the company could sell lots for multi-family they would. The fact of the matter is that multi-family developments are very rare because they take a lot of money to build.

The city has areas in which multi-family development can happen. Furthermore, the most likely multi-family activity is probably going to be: 1) on 2-acres or less; 2) largely paid for by public dollars; 3) serve special needs populations; and 4) not going to happen for a long time because no one, private or public has the money to build it.

There is no need to save this property for a use that probably won't happen or that can happen just as easily at another location. There is plenty of R-3 already and this property is already committed to R-2. I recommend the city approve this re-zone request.

Best Regards,

Kent Coppinger

Century 21 Eagle Cap Realty

12/7/2009

**Michael Boquist**

---

**From:** Dennis Price [price@uci.net]  
**Sent:** Saturday, December 05, 2009 9:06 AM  
**To:** mboquist@cityoflagrande.org  
**Subject:** Zoning change

Hi Mike,  
I support this zoning change.  
D.Price  
Century 21 Eagle Cap Realty

12/7/2009



**CITY OF LA GRANDE**  
COMMUNITY DEVELOPMENT DEPARTMENT  
P.O. BOX 670  
LA GRANDE, OR 97850-0670

**TO:**

ATTENTION: PLAN AMENDMENT  
SPECIALIST  
DLCD  
635 CAPITOL STREET NE, STE 150  
SALEM, OR 97301-2540



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