



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/17/2011

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 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, October 28, 2011

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
Angela Lazarean, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative

<paa> YA

FORM 2

DEPT OF

OCT 11 2011

DLCD NOTICE OF ADOPTION

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

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of La Grande Local File No.: 01-ZON-11
(If no number, use none)

Date of Adoption: October 5, 2011 Date Mailed: October 7, 2011
(Must be filled in) (Must be filled in)

Date the Notice of Proposed Amendment was mailed to DLCD: June 20, 2011

- 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 property from Interchange Commercial to General Commercial to allow for additional permitted use types, such as, administrative offices, financial institutions, etc. The property is predominantly undeveloped and the rezone is not anticipated to increase impacts to the transportation system or other impacts beyond what would be permitted under the existing Interchange Commercial zoning. A development request for a financial office use is pending this rezone request.

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: N/A to N/A

Zone Map Changed from: Interchange Commercial to General Commercial

Location: T3S, R38E, Section 4DC, Tax Lots 301, 302, 303, 304, 305, 306, 307, 309 and the northeast portion of Tax Lot 300 Acres Involved: 7.61

Specified Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1, 2, 9 and 12

Was an Exception Adopted? Yes: _____ No: X

DLCD No.: 001-11 (18868) [16794]

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: Oregon Department of Transportation

Local Contact: Michael J. Boquist, City Planner Area Code + Phone Number: (541) 962-1307

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

City: La Grande Zip Code + 4: 97850-0670

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 – Division 18

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540**

2. Submit **TWO (2) copies** of adopted materials, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify in person who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8½ x 11 inch green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or email your request to Larry.French@state.or.us – ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY of LA GRANDE
COUNCIL ACTION FORM

Council Meeting Date: October 5, 2011

PRESENTER: Michael Boquist, City Planner

COUNCIL ACTION: **PUBLIC HEARING FOR A ZONE 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 September 7, 2011, Regular Session, and request Councilor declarations and challenges since that time.
2. MAYOR: Request Staff Report.
3. MAYOR: Entertain Motion

SUGGESTED MOTION: I move that the Proposed Ordinance Rezoning property from Interchange Commercial (IC) to General Commercial (GC) on the Zoning Map be read a second time by title only, put to a vote and adopted.

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

EXPLANATION: *Eastern Oregon Land Development, LLC.* is requesting the City of La Grande's consideration to rezone the subject properties from Interchange Commercial (IC) to General Commercial (GC). Such request requires only an amendment to the Zoning Map, as the City of La Grande Comprehensive Plan Map groups both of these zones under one "Commercial Zone" category. The proposed zone boundary includes approximately 7.61 acres, of which approximately 1.5 acres is fully developed with commercial uses, approximately .5 acres is committed to public storm water drainage improvements, and the remaining 5.61 acres are undeveloped shovel-ready sites available for new commercial development.

The Planning Commission considered this request on August 9, 2011, and unanimously recommends approval. The City Council held a public hearing to consider this request and heard the first reading of the Ordinance by Title only on September 7, 2011. During the Public Hearings, the Applicant provided testimony and answered Commission and Council questions. There was no public testimony submitted in opposition to this request.

The City Manager recommends that the Council proceed with the second reading by title only and adoption of the proposed Ordinance.

<u>Reviewed By:</u> (Initial) City Manager _____ City Recorder _____ Aquatics Division _____ Building Division _____ CED Department _____ Finance/Human Resources Department _____ Fire Department _____ Library _____ Parks Department _____ Planning Division _____ Police Department _____ Public Works Department _____	<u>COUNCIL ACTION</u> (Office Use Only) <input type="checkbox"/> Ordinance Adopted First Reading: _____ Second Reading: _____ Effective Date: _____ <input type="checkbox"/> Resolution Passed Effective Date: _____	<input type="checkbox"/> Motion Passed <input type="checkbox"/> Motion Failed <input type="checkbox"/> Action Tabled: _____ Vote: _____ Recessed: _____ Work Session: _____ Other: _____
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SANDY\MY DOCUMENTS\COUNCIL FOLDER\ACTION FORMS FOLDER\TEMPLATE REVISED 10-28-08

CITY of LA GRANDE
ORDINANCE NUMBER 3195
SERIES 2011

DRAFT

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, OREGON,
REZONING PROPERTY FROM INTERCHANGE COMMERCIAL (IC) TO GENERAL
COMMERCIAL (GC) ON THE ZONING MAP; AND DECLARING AN EFFECTIVE DATE**

WHEREAS, the applicant, Eastern Oregon Land Development, LLC., applied for a Zone Designation Change, File Number 01-ZON-11, to rezone properties encompassed by Island Avenue, Twenty-Sixth Street and Mulholland Drive, from Interchange Commercial (IC) to General Commercial (GC); 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 application; 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,

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 Zoning Map be amended to change the zoning designation of the following property from Interchange Commercial (IC) to General Commercial (GC) as depicted in Exhibits “A” and “B”:

A tract of land situated in the Southeast quarter of the Northwest quarter and in the Northeast quarter of the Southwest quarter of Section 4, Township 3 South, Range 38 East of the Willamette Meridian, City of La Grande, Union County, Oregon, said tract being more particularly described as follows, with reference to Minor Partition Plat Number 20070009T, filed as microfilm number 20071675T and stored in the Plat Cabinet C, Slides 879 and 880, in the plat records of Union County,

All that land within Parcels 1, 2, 3 of said Minor Partition Plat,

TOGETHER WITH:

A tract of land situated in the Northeast quarter of the Southwest quarter of said Section 4, said tract being more particularly described as follows:

Beginning at the Southeast corner of Parcel 1 of said Minor Partition Plat, said point also being on the West right-of-way line of 26th Street,

Thence; South 89°12'55" West, along the South line of said Parcel 1, a distance of 549.77 feet, to the Southwest corner of said Parcel 1, said point being on

the Northeasterly right-of-way line of Mulholland Drive, said point being the Point of Curvature of a 216.06 foot radius curve left,

Thence; Southeasterly around said curve left, and along said right-of-way line, a distance of 185.94 feet, (Long Chord bears South 65°13'16" East, a distance of 180.25 feet),

Thence; South 89°52'32" East, along the Northerly right-of-way line of Mulholland Drive, a distance of 354.24 feet, to an angle point in said right-of-way,

Thence; North 45°17'28" East, a distance of 44.79 feet, to the West right-of-way line of 26th Street,

Thence; North 0°01'16" West, along said West line, a distance of 52.33 feet, to the Point of Beginning of this description.

SECTION 2. That the City Council adopts the findings of fact and conclusions set forth in the City Council Staff Report, dated September 7, 2011.

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, November 4, 2011.

ADOPTED this Fifth (5th) day of October, 2011, by _____ () of _____ () Councilors present and voting in the affirmative.

APPROVED this Fifth (5th) day of October, 2011.

Daniel S. Pokorney
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'
(Union County Assessor Map 03S3804BD)
(Tax Lots 1300, Portion of 2700, 2800 and 2900)

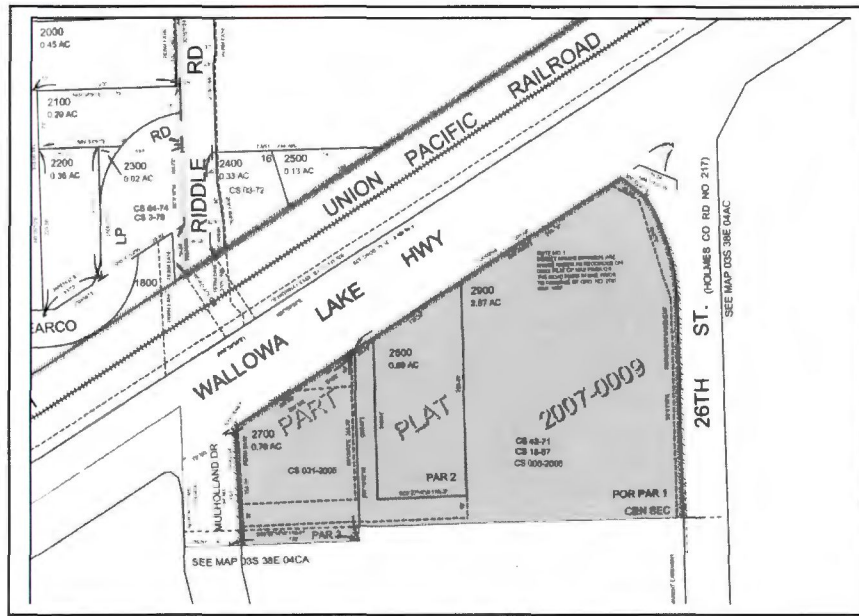
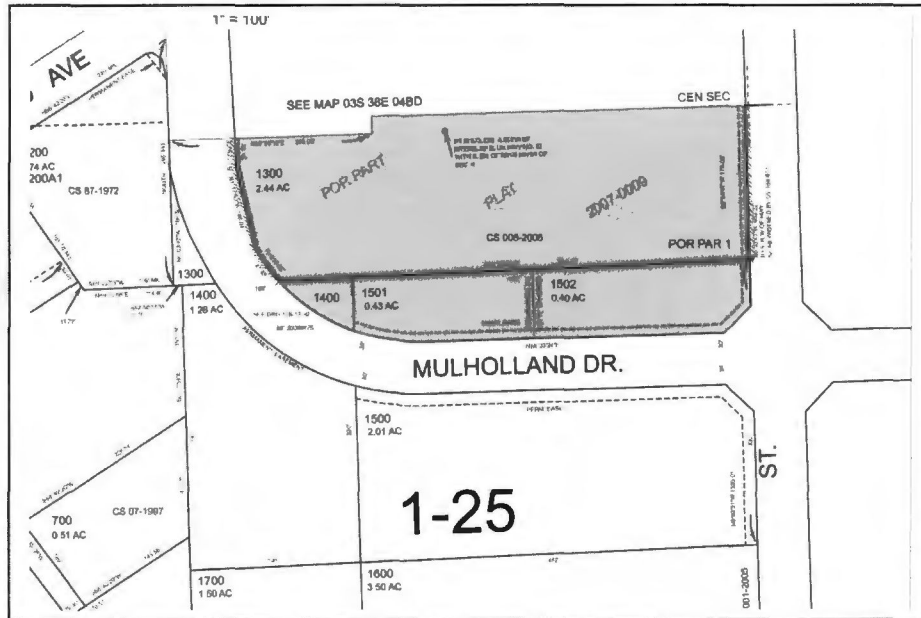
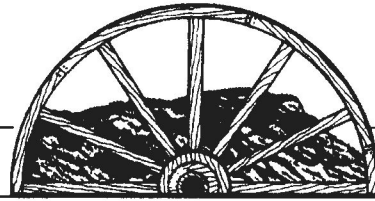


EXHIBIT 'B'
(Union County Assessor Map 03s3804CA)
(Tax Lots 1300, Portion of 1400, 1501 and 1502)



CITY OF



LA GRANDE

THE HUB OF NORTHEASTERN OREGON

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 • Web: <http://planning.cityoflagrande.org>

CITY COUNCIL STAFF REPORT

SEPTEMBER 7, 2011, Regular Session

Application Files: 01-ZON-11

Applicant: Patty Glaze, Valley Realty
Representing *Eastern Oregon Land Development, LLC.*

Proposal Zone Change from Interstate Commercial (IC) to General Commercial (GC)

Location: T3S. R38E, Section 4BD, Tax Lots 1300, 1501, 1502, 2700, 2800, 2900. And a Portion of 1400, La Grande, Union County, Oregon.

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FINDINGS OF FACT

1. PROPOSAL DESCRIPTION

Eastern Oregon Land Development, LLC. is requesting the City of La Grande's consideration to rezone the subject properties from Interchange Commercial (IC) to General Commercial (GC). Such request only requires an amendment to the Zoning Map as the City of La Grande Comprehensive Plan Map groups both of these zones under one "Commercial Zone" category. The proposed zone boundary includes approximately 7.61 acres, of which approximately 1.5 acres is fully developed with commercial uses, approximately .5 acres is committed to public storm water drainage improvements, and the remaining 5.61 acres are undeveloped shovel-ready sites available for new commercial development.

The Applicant has submitted a narrative addressing the applicable City Review Criteria in Article 8.6 of the Land Development Code Ordinance 3081, Series 2009; see attached Exhibit 4. A Staff evaluation of these Criteria has been provided below, with the applicants "response" incorporated into the Findings.

The Planning Commission considered this request on August 9, 2011, and unanimously recommends approval. There were no parties submitting testimony in opposition to this request.

2. SCHEDULE OF EVENTS

June 16, 2011	The application was submitted.
June 21, 2011	The application was deemed complete and 45 Day Notice mailed to DLCD, with anticipated delivery on or before June 24, 2011.
July 15, 2011	Public Notice will be circulated to the Development Review Committee, which consists of local Agencies and City Department; and, to affected public.
July 18, 2011	Public Notice will be published in <i>The Observer</i> , a newspaper of general circulation advertising the August 2, 2011, Planning Commission Hearing.
August 2, 2011	The Staff Report made available to the public.
August 9, 2011	Planning Commission Public Hearing will be held.
August 2011	Public Notice will be published in <i>The Observer</i> , a newspaper of general circulation advertising the September City Council Hearing.
September 2011	City Council Public Hearing – First Reading of Ordinance will be held.
October 2011	City Council Public Hearing – Second Reading of Ordinance will be held.
November 2011	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;

<p>Finding: The Applicant's narrative directly responds to the various Comprehensive Plan Goals and Policies that apply to this request. The narrative provided by the Applicant appears to address all relevant Comprehensive Plan goals and policies and justify the request.</p>
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Goal 1 – Citizen Involvement

Policy 1: *The City of La Grande shall strive to provide for widespread citizen involvement, especially in its land use planning process.*

Policy 2: *The City of La Grande shall strive to assure effective two-way communication with citizens.*

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

Policy 4: *The City of La Grande shall strive to assure that technical information is available in an understandable form.*

Policy 12: *That the City of La Grande shall continue to provide all citizens who participate in the land use process with a copy of the final decision and findings.*

Finding: Public notice was mailed to all affected property owners. Citizens have been invited either via public notice or advertised notice; and are encouraged to participate throughout the Public Hearing Process. Information regarding this request is readily available, upon request. They will have the opportunity to participate and raise issues during any one or all three Public Hearings, and they have an opportunity Appeal the decision. A list of participating agencies and citizens is maintained as part of the public record and a Notice of the decision will be provided to them.

Goal 2 – Land Use Planning

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

Policy 3: *That the plans of other local, state and federal agencies will be taken into account in preparing land use plans and making related decisions.*

Policy 7: *That commercial development be concentrated so as to strengthen existing commercial activities.*

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

Policy 11: *That uses with undesirable noise, smoke, visual, and other objectionable characteristics will be discouraged from locating in areas where such conditions are incompatible with surrounding area development.*

Finding: In regard to Policies 1 and 3, the public/economic need justifies the need to change the zone. The property has been heavily marketed outside of the area and it seems the demand for use includes office space for professional services that are not presently allowed. The location is desirable and the demand is for this location. Policy 7 – The concentration of commercial development is within this site and vicinity. Policies 8 and 11 – the neighborhood is compatible with a variety of commercial uses that will not negatively impact, but instead strengthen the economic viability of the commercial area. Other uses in the vicinity, including two on the same property, include restaurants, banks, retail sales, office, personal services (barber), hotel, and fuel service stations.

Goal 9 – Economic Development

Policy 4: *The City shall require that business development occurs only after sufficient right-of-way, improvements and special control of access points have been obtained to accommodate the added traffic generated.*

Policy 5: *The City shall ensure that public services will be planned for and made available to those areas designated and zoned for industrial and commercial uses.*

Policy 11: *The City shall encourage the grouping of commercial uses in such a manner as will facilitate customer involvement from one store to another.*

Policy 12: *The City shall locate commercial areas so as to provide good access between them and the trade area served.*

Finding: Policy 4 – Street improvements along Highway 82, 26th Street and newly constructed Mulholland Drive were done in advance of development, which supports the proposed uses. Policy 5 – There are public services available to serve the property. Policy 11 – By grouping commercial uses we can facilitate customer involvement from one business/store to another. Policy 12 – the property is in an accessible location to the clients/customers that the site is intended to serve. Highway 82, bordering this property to the North is an Arterial street that serves as a major transportation route for residents of the La Grande area, Island City and outlying communities as they commute from their residences to work, shopping and/or recreation destinations.

Goal 12 – Transportation

As discussed in Criterion C below, the re-zoning will be adequately served by the existing transportation system and this request is in compliance with the Oregon Transportation Planning Rule (OAR 660-012-0060).

The re-zone will not significantly affect the transportation facility and it will not change the function classification of the existing planned transportation facility. In fact, the change may function to reduce traffic because the General Commercial will allow offices, which are a lower traffic generator than many of the commercial retail uses that allowed under the Interchange Commercial Zone.

The Commercial re zone will not result in inconsistent uses or change levels of travel within the planned transportation facility. The subject area is within the center of commercial development and consistent with neighboring commercial uses.

There will not be a reduction or worse performance of the transportation facility. The infrastructure is in place and can easily accommodate the development of the uses allowed in the General Commercial Zone, including a conceptual worst case scenario.

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: The subject land proposed for rezone is over 4 acres. The General Commercial zone has a minimum lot size requirement of 2500 sq ft. The lot size is more than adequate to support the proposed use or any future use that may seek to develop on this property.

- 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: There are City services, utilities, street access, etc available that are adequate to serve the full build-out of the subject properties. There will not be a significant affect on a transportation facility as the Interchange Commercial zoning and General Commercial zoning are nearly identical. The difference between these zones is that the General Commercial Zone allows additional uses, such as administrative offices, which are a lesser impact and lower traffic generating use than many of the retail uses, currently

allowed. This rezone will not change the function of the existing streets, how the streets are classified nor will it increase traffic in a way that cannot be handled by the existing transportation system.

Upon development of this property, there should only be "minor" impacts to the street systems. These impacts will occur under the existing Interchange Commercial zoning. There are already major improvements existing within the 26th Street right-of-way, such as the four-way "stop" traffic control signs, sidewalks, curbs, etc. In addition to these improvements, the Mulholland Drive/Hwy 82 intersection has a four-way traffic control like and signalized left turn lanes. All of these improvements were approved and the construction funded by ODOT TGM to accommodate the future build-out of this property and others in the vicinity and will therefore, not cause a "significant" effect on the "transportation facility".

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

Finding: Currently the surrounding properties are commercially zoned; and they include a mix of retail, state facilities, banking, veterinary, auto sales, eating and drinking establishments and a full range of retail goods and services. The area requesting re zone is a large vacant space open to development. It is expected that the development of this property will be with similar uses to what currently exists in the area.

4. PUBLIC AND AGENCY COMMENTS

NONE

CONCLUSIONS

1. This request complies with all applicable provisions of Land Development Code Ordinance 3081, Series 2009, Articles 8.6.
2. This request complies with all applicable Goals and Policies of Comprehensive Plan Ordinance 3182, Series 2009.

Report Prepared by Michael J. Boquist, City Planner

CITY of LA GRANDE
COUNCIL ACTION FORM

Council Meeting Date: October 5, 2011

PRESENTER: Michael Boquist, City Planner

COUNCIL ACTION: **PUBLIC HEARING FOR A ZONE 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 September 7, 2011, Regular Session, and request Councilor declarations and challenges since that time.
2. MAYOR: Request Staff Report.
3. MAYOR: Entertain Motion

SUGGESTED MOTION: I move that the Proposed Ordinance Rezoning property from Interchange Commercial (IC) to General Commercial (GC) on the Zoning Map be read a second time by title only, put to a vote and adopted.

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

EXPLANATION: *Eastern Oregon Land Development, LLC.* is requesting the City of La Grande's consideration to rezone the subject properties from Interchange Commercial (IC) to General Commercial (GC). Such request requires only an amendment to the Zoning Map, as the City of La Grande Comprehensive Plan Map groups both of these zones under one "Commercial Zone" category. The proposed zone boundary includes approximately 7.61 acres, of which approximately 1.5 acres is fully developed with commercial uses, approximately .5 acres is committed to public storm water drainage improvements, and the remaining 5.61 acres are undeveloped shovel-ready sites available for new commercial development.

The Planning Commission considered this request on August 9, 2011, and unanimously recommends approval. The City Council held a public hearing to consider this request and heard the first reading of the Ordinance by Title only on September 7, 2011. During the Public Hearings, the Applicant provided testimony and answered Commission and Council questions. There was no public testimony submitted in opposition to this request.

The City Manager recommends that the Council proceed with the second reading by title only and adoption of the proposed Ordinance.

Reviewed By: (Initial)

- City Manager _____
- City Recorder _____
- Aquatics Division _____
- Building Division _____
- CED Department _____
- Finance/Human Resources Department _____
- Fire Department _____
- Library _____
- Parks Department _____
- Planning Division _____
- Police Department _____
- Public Works Department _____

COUNCIL ACTION (Office Use Only)

- Ordinance Adopted
 - First Reading: _____
 - Second Reading: _____
 - Effective Date: _____

- Motion Passed
- Motion Failed
- Action Tabled: _____
- Vote: _____

- Resolution Passed
 - Effective Date: _____

- Recessed: _____
- Work Session: _____
- Other: _____

CITY of LA GRANDE
ORDINANCE NUMBER 3195
SERIES 2011

DRAFT

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, OREGON,
REZONING PROPERTY FROM INTERCHANGE COMMERCIAL (IC) TO GENERAL
COMMERCIAL (GC) ON THE ZONING MAP; AND DECLARING AN EFFECTIVE DATE**

WHEREAS, the applicant, Eastern Oregon Land Development, LLC., applied for a Zone Designation Change, File Number 01-ZON-11, to rezone properties encompassed by Island Avenue, Twenty-Sixth Street and Mulholland Drive, from Interchange Commercial (IC) to General Commercial (GC); 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 application; 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,

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 Zoning Map be amended to change the zoning designation of the following property from Interchange Commercial (IC) to General Commercial (GC) as depicted in Exhibits "A" and "B":

A tract of land situated in the Southeast quarter of the Northwest quarter and in the Northeast quarter of the Southwest quarter of Section 4, Township 3 South, Range 38 East of the Willamette Meridian, City of La Grande, Union County, Oregon, said tract being more particularly described as follows, with reference to Minor Partition Plat Number 20070009T, filed as microfilm number 20071675T and stored in the Plat Cabinet C, Slides 879 and 880, in the plat records of Union County,

All that land within Parcels 1, 2, 3 of said Minor Partition Plat,

TOGETHER WITH:

A tract of land situated in the Northeast quarter of the Southwest quarter of said Section 4, said tract being more particularly described as follows:

Beginning at the Southeast corner of Parcel 1 of said Minor Partition Plat, said point also being on the West right-of-way line of 26th Street,

Thence; South 89°12'55" West, along the South line of said Parcel 1, a distance of 549.77 feet, to the Southwest corner of said Parcel 1, said point being on

the Northeasterly right-of-way line of Mulholland Drive, said point being the Point of Curvature of a 216.06 foot radius curve left,

Thence; Southeasterly around said curve left, and along said right-of-way line, a distance of 185.94 feet, (Long Chord bears South 65°13'16" East, a distance of 180.25 feet),

Thence; South 89°52'32" East, along the Northerly right-of-way line of Mulholland Drive, a distance of 354.24 feet, to an angle point in said right-of-way,

Thence; North 45°17'28" East, a distance of 44.79 feet, to the West right-of-way line of 26th Street,

Thence; North 0°01'16" West, along said West line, a distance of 52.33 feet, to the Point of Beginning of this description.

SECTION 2. That the City Council adopts the findings of fact and conclusions set forth in the City Council Staff Report, dated September 7, 2011.

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, November 4, 2011.

ADOPTED this Fifth (5th) day of October, 2011, by _____ () of _____ () Councilors present and voting in the affirmative.

APPROVED this Fifth (5th) day of October, 2011.

Daniel S. Pokorney
Mayor

ATTEST:

Alexandra Norgan Lund
City Recorder

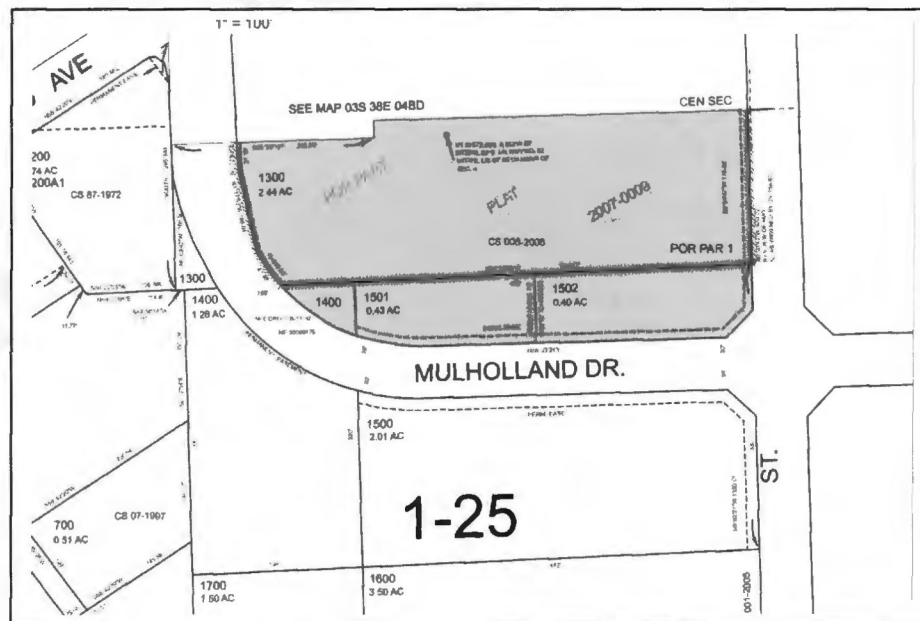
APPROVED AS TO FORM AND CONTENT:

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

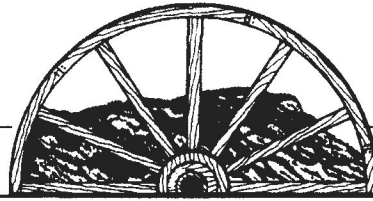
EXHIBIT 'A'
(Union County Assessor Map 03S3804BD)
(Tax Lots 1300, Portion of 2700, 2800 and 2900)



EXHIBIT 'B'
(Union County Assessor Map 03s3804CA)
(Tax Lots 1300, Portion of 1400, 1501 and 1502)



CITY OF



LA GRANDE

THE HUB OF NORTHEASTERN OREGON

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT / PLANNING DIVISION

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CITY COUNCIL STAFF REPORT

SEPTEMBER 7, 2011, Regular Session

Application Files: 01-ZON-11

Applicant: Patty Glaze, Valley Realty
Representing *Eastern Oregon Land Development, LLC.*

Proposal Zone Change from Interstate Commercial (IC) to General Commercial (GC)

Location: T3S. R38E, Section 4BD, Tax Lots 1300, 1501, 1502, 2700, 2800, 2900. And a Portion of 1400, La Grande, Union County, Oregon.

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FINDINGS OF FACT

1. PROPOSAL DESCRIPTION

Eastern Oregon Land Development, LLC is requesting the City of La Grande's consideration to rezone the subject properties from Interchange Commercial (IC) to General Commercial (GC). Such request only requires an amendment to the Zoning Map as the City of La Grande Comprehensive Plan Map groups both of these zones under one "Commercial Zone" category. The proposed zone boundary includes approximately 7.61 acres, of which approximately 1.5 acres is fully developed with commercial uses, approximately .5 acres is committed to public storm water drainage improvements, and the remaining 5.61 acres are undeveloped shovel-ready sites available for new commercial development.

The Applicant has submitted a narrative addressing the applicable City Review Criteria in Article 8.6 of the Land Development Code Ordinance 3081, Series 2009; see attached Exhibit 4. A Staff evaluation of these Criteria has been provided below, with the applicants "response" incorporated into the Findings.

The Planning Commission considered this request on August 9, 2011, and unanimously recommends approval. There were no parties submitting testimony in opposition to this request.

2. SCHEDULE OF EVENTS

June 16, 2011	The application was submitted.
June 21, 2011	The application was deemed complete and 45 Day Notice mailed to DLCD, with anticipated delivery on or before June 24, 2011.
July 15, 2011	Public Notice will be circulated to the Development Review Committee, which consists of local Agencies and City Department; and, to affected public.
July 18, 2011	Public Notice will be published in <i>The Observer</i> , a newspaper of general circulation advertising the August 2, 2011, Planning Commission Hearing.
August 2, 2011	The Staff Report made available to the public.
August 9, 2011	Planning Commission Public Hearing will be held.
August 2011	Public Notice will be published in <i>The Observer</i> , a newspaper of general circulation advertising the September City Council Hearing.
September 2011	City Council Public Hearing – First Reading of Ordinance will be held.
October 2011	City Council Public Hearing – Second Reading of Ordinance will be held.
November 2011	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;

<p>Finding: The Applicant's narrative directly responds to the various Comprehensive Plan Goals and Policies that apply to this request. The narrative provided by the Applicant appears to address all relevant Comprehensive Plan goals and policies and justify the request.</p>
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Goal 1 – Citizen Involvement

Policy 1: *The City of La Grande shall strive to provide for widespread citizen involvement, especially in its land use planning process.*

Policy 2: *The City of La Grande shall strive to assure effective two-way communication with citizens.*

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

Policy 4: *The City of La Grande shall strive to assure that technical information is available in an understandable form.*

Policy 12: *That the City of La Grande shall continue to provide all citizens who participate in the land use process with a copy of the final decision and findings.*

Finding: Public notice was mailed to all affected property owners. Citizens have been invited either via public notice or advertised notice; and are encouraged to participate throughout the Public Hearing Process. Information regarding this request is readily available, upon request. They will have the opportunity to participate and raise issues during any one or all three Public Hearings, and they have an opportunity Appeal the decision. A list of participating agencies and citizens is maintained as part of the public record and a Notice of the decision will be provided to them.

Goal 2 – Land Use Planning

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

Policy 3: *That the plans of other local, state and federal agencies will be taken into account in preparing land use plans and making related decisions.*

Policy 7: *That commercial development be concentrated so as to strengthen existing commercial activities.*

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

Policy 11: *That uses with undesirable noise, smoke, visual, and other objectionable characteristics will be discouraged from locating in areas where such conditions are incompatible with surrounding area development.*

Finding: In regard to Policies 1 and 3, the public/economic need justifies the need to change the zone. The property has been heavily marketed outside of the area and it seems the demand for use includes office space for professional services that are not presently allowed. The location is desirable and the demand is for this location. Policy 7 – The concentration of commercial development is within this site and vicinity. Policies 8 and 11 – the neighborhood is compatible with a variety of commercial uses that will not negatively impact, but instead strengthen the economic viability of the commercial area. Other uses in the vicinity, including two on the same property, include restaurants, banks, retail sales, office, personal services (barber), hotel, and fuel service stations.

Goal 9 – Economic Development

Policy 4: *The City shall require that business development occurs only after sufficient right-of-way, improvements and special control of access points have been obtained to accommodate the added traffic generated.*

Policy 5: *The City shall ensure that public services will be planned for and made available to those areas designated and zoned for industrial and commercial uses.*

Policy 11: *The City shall encourage the grouping of commercial uses in such a manner as will facilitate customer involvement from one store to another.*

Policy 12: *The City shall locate commercial areas so as to provide good access between them and the trade area served.*

Finding: Policy 4 – Street improvements along Highway 82, 26th Street and newly constructed Mulholland Drive were done in advance of development, which supports the proposed uses. Policy 5 – There are public services available to serve the property. Policy 11 – By grouping commercial uses we can facilitate customer involvement from one business/store to another. Policy 12 – the property is in an accessible location to the clients/customers that the site is intended to serve. Highway 82, bordering this property to the North is an Arterial street that serves as a major transportation route for residents of the La Grande area, Island City and outlying communities as they commute from their residences to work, shopping and/or recreation destinations.

Goal 12 – Transportation

As discussed in Criterion C below, the re-zoning will be adequately served by the existing transportation system and this request is in compliance with the Oregon Transportation Planning Rule (OAR 660-012-0060).

The re-zone will not significantly affect the transportation facility and it will not change the function classification of the existing planned transportation facility. In fact, the change may function to reduce traffic because the General Commercial will allow offices, which are a lower traffic generator than many of the commercial retail uses that allowed under the Interchange Commercial Zone.

The Commercial re zone will not result in inconsistent uses or change levels of travel within the planned transportation facility. The subject area is within the center of commercial development and consistent with neighboring commercial uses.

There will not be a reduction or worse performance of the transportation facility. The infrastructure is in place and can easily accommodate the development of the uses allowed in the General Commercial Zone, including a conceptual worst case scenario.

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: The subject land proposed for rezone is over 4 acres. The General Commercial zone has a minimum lot size requirement of 2500 sq ft. The lot size is more than adequate to support the proposed use or any future use that may seek to develop on this property.

- 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: There are City services, utilities, street access, etc available that are adequate to serve the full build-out of the subject properties. There will not be a significant affect on a transportation facility as the Interchange Commercial zoning and General Commercial zoning are nearly identical. The difference between these zones is that the General Commercial Zone allows additional uses, such as administrative offices, which are a lesser impact and lower traffic generating use than many of the retail uses, currently

allowed. This rezone will not change the function of the existing streets, how the streets are classified nor will it increase traffic in a way that cannot be handled by the existing transportation system.

Upon development of this property, there should only be "minor" impacts to the street systems. These impacts will occur under the existing Interchange Commercial zoning. There are already major improvements existing within the 26th Street right-of-way, such as the four-way "stop" traffic control signs, sidewalks, curbs, etc. In addition to these improvements, the Mulholland Drive/Hwy 82 intersection has a four-way traffic control like and signalized left turn lanes. All of these improvements were approved and the construction funded by ODOT TGM to accommodate the future build-out of this property and others in the vicinity and will therefore, not cause a "significant" effect on the "transportation facility".

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

Finding: Currently the surrounding properties are commercially zoned; and they include a mix of retail, state facilities, banking, veterinary, auto sales, eating and drinking establishments and a full range of retail goods and services. The area requesting re zone is a large vacant space open to development. It is expected that the development of this property will be with similar uses to what currently exists in the area.

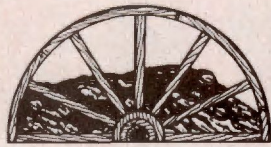
4. PUBLIC AND AGENCY COMMENTS

NONE

CONCLUSIONS

1. This request complies with all applicable provisions of Land Development Code Ordinance 3081, Series 2009, Articles 8.6.
2. This request complies with all applicable Goals and Policies of Comprehensive Plan Ordinance 3182, Series 2009.

Report Prepared by Michael J. Boquist, City Planner



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COMMUNITY DEVELOPMENT DEPARTMENT
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TO:

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DLCD
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

DEPT OF

OCT 11 2011

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