



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/23/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Corvallis Plan Amendment
DLCD File Number 002-10

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, January 07, 2013

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: Brian Latta, City of Corvallis
Gordon Howard, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

Christine Shirley, DLCD Natural Hazards/Flooplain Specialist

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 002-10 (18234)
[17717]
Received: 12/17/2013

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Corvallis

Local file no.: **ANN10-00002 / ZDC10-00002**

Date of adoption: 12/16/2013 Date sent: 12/17/2013

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): April 2, 2010
 No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

The Planned Development Overlay portion of the zone change request (PLD10-00006) was withdrawn from the overall application due to TPR rule change. Applicant ended up proposing Annexation and Zone Change (upon annexation) of RS-6 (Low Density Residential). Voters approved in Fall 2013 election.

Local contact (name and title): Jason Yaich (Associate Planner)

Phone: 541-766-6577 E-mail: jason.yaich@corvallisoregon.gov

Street address: 501 SW Madison Ave City: Corvallis Zip: 97333-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from to . acres. A goal exception was required for this change.
Change from to . acres. A goal exception was required for this change.
Change from to . acres. A goal exception was required for this change.
Change from to . acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): .

- The subject property is entirely within an urban growth boundary
 The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from UR-5 (Benton County zone) to RS-6 (upon annexation). Acres: 10.74

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address): 12s, 5w, Sec. 9 - CB, Tax Lots 600,700 and 801; 2650 SW 49th

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance 2013-15 proclaiming annexation (official adoption following election results); Ordinance 2013-16 regarding withdraw of property from Corvallis Rural Fire Protection District.

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

Ordinance 2013-15

AN ORDINANCE proclaiming annexation to the City of Corvallis of certain described real property

WHEREAS, the question of the 49th Street property was submitted to the electorate at a special election held on November 5, 2013, as required by Section 53 of the Corvallis City Charter; and

WHEREAS, the Assistant to City Manager/City Recorder has certified that the 49th Street annexation was approved by a majority vote.

NOW, THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Corvallis proclaims that the below-described real property is annexed to the City of Corvallis:

49th Street Annexation Boundary Description

Beginning at a 3/4 inch iron pipe located at the Southeast corner of Lot 9 of "Pleasant View Fruit Farms", a subdivision plat of record in the Southwest Quarter of Section 9, Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence South 89°59'41" West 623.34 feet to a 3/4 inch iron pipe at the Southwest corner of said lot 9, also being the Southeast corner of Lot 6 of said "Pleasant View Fruit Farms"; thence South 89°57'21" West 620.26 feet to a 3/4 inch iron pipe at the Southwest corner of said lot 6, also being on the East right-of-way line of SW 53rd Street (County Road 25271 - a 60 foot wide right-of-way); thence continuing South 89°57'21" West 56.58 feet to a point on the West line of the George W. Bethers Donation Land Claim Number 49 in said Township 12 South, Range 5 West of the Willamette Meridian; thence along said Bethers West line North 0°09'00" West 193.12 feet; thence leaving said Bethers West line North 89°57'28" East 56.58 feet to a 5/8 inch iron rod on the aforementioned East right-of-way line of SW 53rd Street, also being the Southwest corner of "Parcel A" of Minor Land Partition recorded as M-9131-79 in the Benton County Deed Records; thence continuing North 89°57'28" East 208.12 feet to a 5/8 inch iron rod at the Southeast corner of said "Parcel A"; thence North 0°06'57" West 209.42 feet to a 5/8 inch iron rod at the Northeast corner of said "Parcel A", also being on the North line of the aforementioned Lot 6; thence North 89°57'40" East 411.50 feet to a 5/8 inch iron rod at the Northeast corner of said Lot 6, also being the Northwest corner of the aforementioned Lot 9; thence North 89°58'42" East 623.92 feet to a 1/2 inch iron pipe at the Northeast corner of said Lot 9; thence South 0°08'25" East 402.66 feet to the point of beginning, and containing 10.74 acres of land, more or less.

PASSED by the City Council this 2nd day of December, 2013.

APPROVED by the Mayor this 2nd day of December, 2013.

EFFECTIVE this 12th day of December, 2013.



Mayor

ATTEST:



City Recorder

ORDINANCE 2013- 16

AN ORDINANCE withdrawing certain real property heretofore annexed to the City of Corvallis from the Corvallis Rural Fire Protection District, and declaring an emergency.

WHEREAS certain real property in the territory described in Section 1 below and located at 2650 SW 49th Street was annexed to the City of Corvallis by public vote on November 5, 2013; and

WHEREAS that territory is located within the boundaries of the Corvallis Rural Fire Protection District; and

WHEREAS the City Council of the City of Corvallis held a public hearing on December 16, 2013, for the purpose of hearing any objections to the withdrawal of the property mentioned from the public service district mentioned;

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Withdrawal. The City Council of the City of Corvallis determines that the withdrawal from the Corvallis Rural Fire Protection District of the following described real property is in the best interests of the City and such annexed property shall be, upon the effective date of this Ordinance, withdrawn from the Corvallis Rural Fire Protection District.

Legal Description of 49th Street Annexation Property and Portions of Abutting Rights of Way for Annexation

Beginning at a ¾ inch iron pipe located at the Southeast corner of Lot 9 of "Pleasant View Fruit Farms", a subdivision plat of record in the Southwest Quarter of Section 9, Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence South 89°59'41" West 623.34 feet to a ¾ inch iron pipe at the Southwest corner of said lot 9, also being the Southeast corner of Lot 6 of said "Pleasant View Fruit Farms"; thence South 89°57'21" West 620.26 feet to a ¾ inch iron pipe at the Southwest corner of said lot 6, also being on the East right-of-way line of SW 53rd Street (County Road 25271- a 60 foot wide right-of-way); thence continuing South 89°57'21" West 56.58 feet to a point on the West line of the George W. Bethers Donation Land Claim Number 49 in said Township 12 South, Range 5 West of the Willamette Meridian; thence along said Bethers West line North 0° 09' 00" West 193.12 feet; thence leaving said Bethers West line North 89°57'28" East 56.58 feet to a 5/8 inch iron rod on the aforementioned East right-of-way line of SW 53rd Street, also being the Southwest corner of "Parcel A" of Minor Land Partition recorded as M-9131-79 in the Benton County Deed Records; thence continuing North 89°57'28" East 208.12 feet to a 5/8 inch iron rod at the Southeast corner

of said "Parcel A"; thence North 0° 06' 57" West 209.42 feet to a 5/8 inch iron rod at the Northeast corner of said "Parcel A", also being on the North line of the aforementioned Lot 6; thence North 89°57'40" East 411.50 feet to a 5/8 inch iron rod at the Northeast corner of said Lot 6, also being the Northwest corner of the aforementioned Lot 9; thence North 89°58'42" East 623.92 feet to a ½ inch iron pipe at the Northeast corner of said Lot 9; thence South 0° 08' 25" East 402.66 feet to the point of beginning, and containing 10.74 acres of land, more or less.

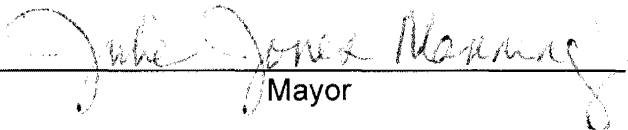
Section 2. Assumption of Obligation. As the Rural Fire Protection District pays the City for fire protection at a flat rate, rather than on the basis of property valuation, the City assumes no obligation to the District.

Section 3. Emergency Clause. The earliest imposition of the provisions of this ordinance is necessary to preserve the peace, health, and safety of the public. Accordingly, an emergency is declared, and this ordinance will take effect immediately upon its passage by the Council and approval by the Mayor.

PASSED by the Council this 16th day of December, 2013.

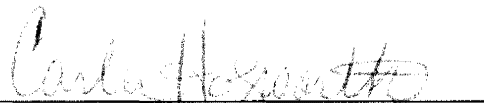
APPROVED by the Mayor this 16th day of December, 2013.

EFFECTIVE this 16th day of December, 2013.



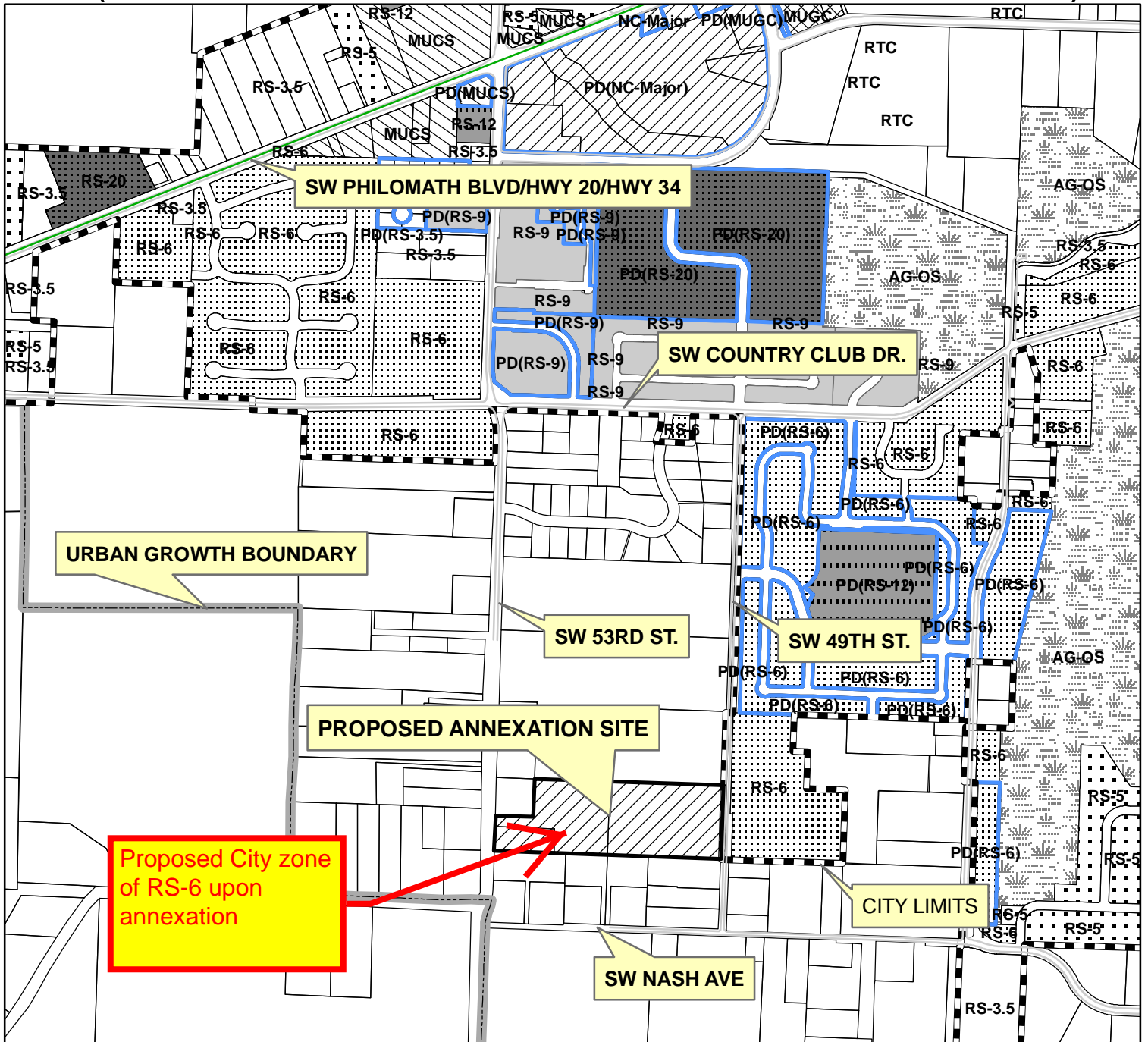
Mayor

ATTEST:



City Recorder

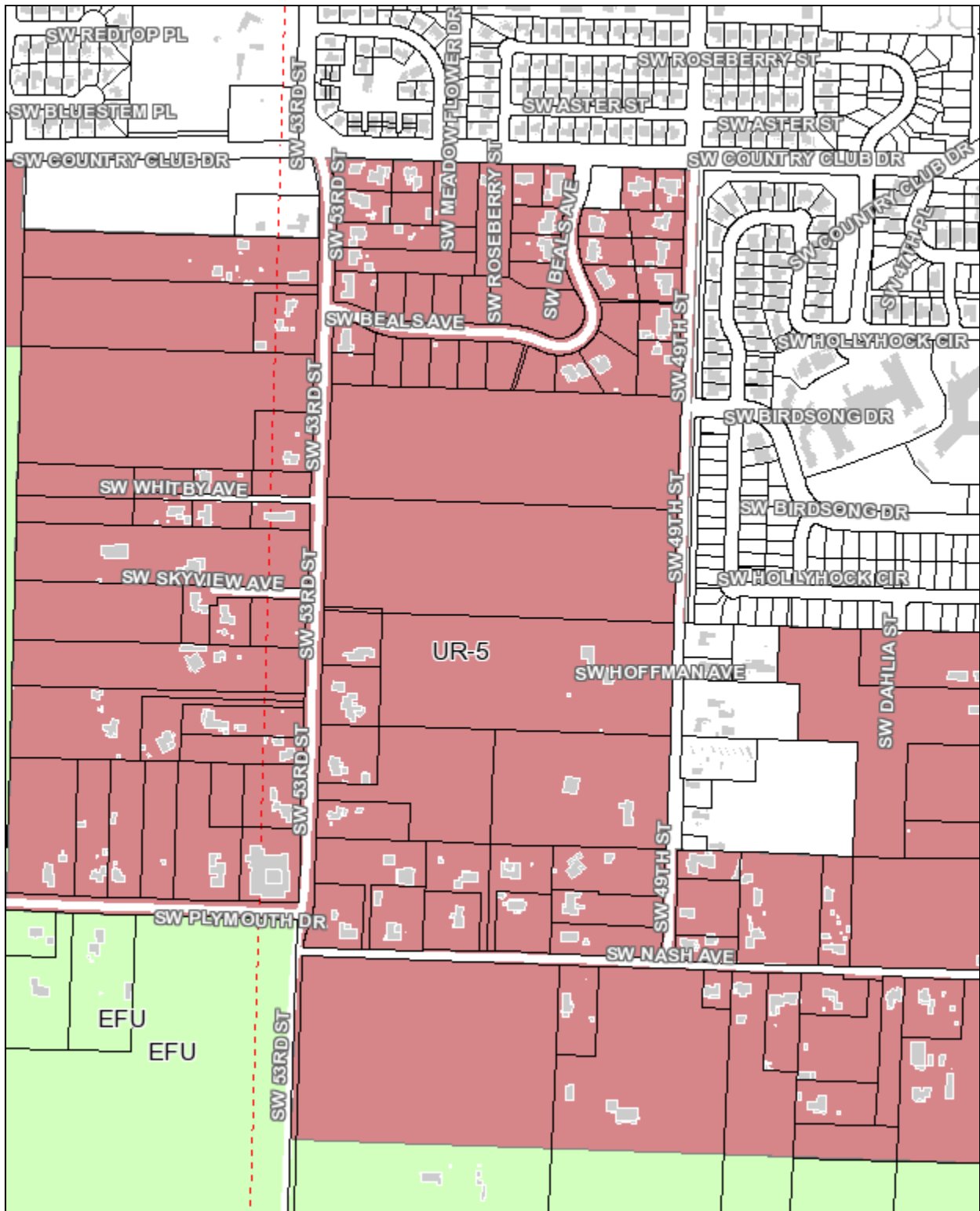
49th Street Annexation - City Zoning Map (ANN10-00002; ZDC10-00002; PLD10-00006)



Proposed City zone of RS-6 upon annexation

Highways	Zoning Districts - GRAYSCALE		PD(RS-9)	MUCS
Street Curblines	ZONE	RS-12	PD(MUCS)	MUGC
City Limits Boundary	RS-3.5	PD(RS-12)	PD(MUGC)	RTC
UGB Boundary	PD(RS-3.5)	RS-20	PD(RS-20)	AG-OS
PD Overlay	RS-5	PD(RS-20)	NC-Major	
	RS-6	PD(RS-6)	PD(NC-Major)	
	PD(RS-6)	RS-9		

Benton County Zoning Map



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



**CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION**

ORDER 2013 - 027

CASE: 49th Street Annexation (ANN10-00002; ZDC10-00002)

REQUEST: To place an annexation measure on the November 5, 2013, ballot to annex 10.74 acres of privately-owned land, and public right-of-way into the City Limits.

Applicant	Owner	Owner
49 th Street Annexation Partners 2022 SW 45 th Street Corvallis, OR 97333	Russell Crenshaw PO Box 31089 Flagstaff, AZ 86003	Joe and Jean Ellingson 420 W Lassen Avenue Chico, CA 95973

LOCATION: The site is located at 2650 SW 49th Street. In general, the site is south of SW Country Club Drive, north of SW Nash Avenue, and abuts SW 49th and 53rd Street. The subject site is also identified as Tax Lots 600, 700, and 801 on Benton County Assessor's Map 12-5-09 CB.

DECISION: The Corvallis City Council conducted a public hearing on April 15, 2013, closed the public hearing, deliberated, and voted preliminarily to place the Annexation measure on the November 5, 2013, ballot, and uphold the appeal of the Zone Change decision. On May 6, 2013, the City Council adopted Resolution 2013- 16 (see Attachment) to submit the question of the 10.74-acre Annexation to the voters. In support of that decision, the City Council adopted the findings which support placing the measure on the ballot, as outlined in the April 30, 2013, Memorandum from Community Development Director, Ken Gibb, to the Mayor and City Council, and as reflected in the City Council minutes of April 15, and May 6, 2013.

APPEALS: Full copies of the project's staff reports and Planning Commission and City Council hearing minutes are available at the Corvallis-Benton County Public Library (645 Monroe Avenue).

If you wish to appeal these decisions, an appeal must be filed with the State Land Use Board of Appeals (LUBA) within 21 days from the signature date of this decision.


Mayor Julie Manning
City of Corvallis

Signed: May 6, 2013

LUBA Appeal Deadline: May 27, 2013

After consideration of all the testimony and evidence the City Council voted to tentatively approve the request to place the annexation measure on the November 5, 2013 ballot, subject to adoption of these formal findings.

Applicable Criteria

All applicable legal criteria governing review of this application are identified in the public notices for the June 4, 2010, and April 15, 2013, public hearings; the Staff Report to the Planning Commission dated May 21, 2010; the minutes of the Planning Commission hearing and deliberations held on June 4, 2010; the staff memorandum to the City Council dated April 5, 2013, and the minutes of the City Council public hearing and deliberations held on April 15, 2013. The cited Corvallis Comprehensive Plan (CCP) policies are fully implemented by the LDC. Where LDC provisions are ambiguous CCP policies have been utilized to provide context and to clarify the purpose of ambiguous language.

FINDINGS AND CONCLUSIONS RELATED TO THE APPROVAL OF THE 49TH STREET ANNEXATION REQUEST (ANN10-00002)

I. General Discussion

1. The City Council accepts and adopts those findings made in the April 5, 2013, staff memorandum to the City Council that support approving the Major Annexation. The City Council also adopts as findings, those portions of the draft Minutes of the City Council meeting dated April 15, 2013, that demonstrate support for approving the Major Annexation. The City Council specifically accepts and adopts as findings the rationale given during deliberations held on April 15, 2013, meeting by Council members expressing their support for approving the Major Annexation application. All of the above-referenced documents shall be referred to in these findings as the "Incorporated Findings." The findings below, (the "Supplemental Findings"), supplement and elaborate the findings contained in the materials noted above, all of which are incorporated herein, by reference. The Supplemental Findings include all of the applicable review criteria needed to evaluate the proposed Major Annexation application. When there is a conflict between the Supplemental Findings and the Incorporated Findings, the Supplemental Findings shall prevail.
2. The City Council notes during the April 15, 2013, meeting, Council deliberated on the application and a motion to approve the request, and forward the annexation to the voters of Corvallis, was made by Councilor Brown. The Council notes that the motion made by Councilor Brown passed unanimously.
3. The City Council notes that the record contains all information needed to evaluate the Major Annexation application for compliance with the relevant criteria.
4. The Incorporated Findings list all of the applicable approval criteria, and demonstrate compliance with these approval criteria. These supplemental findings elaborate upon and clarify the Incorporated Findings. These supplemental findings like the Incorporated Findings are grouped into four categories which facilitate a comprehensive and cohesive review of the applicable Annexation review criteria. The categories include Public Need,

Advantages and Disadvantages of Annexation, Urban Services and Facilities, and Compatibility. The issue categories are identified with a Roman numeral, issue subcategories, if necessary are identified by a letter, and findings are assigned chronological numbers.

SUPPLEMENTAL FINDINGS FOR ANNEXATION

II. Public Need

Applicable Criteria

2.6.30.06 - Review Criteria

Requests for Annexations shall be reviewed to ensure consistency with the purposes of this Chapter, applicable policies of the Comprehensive Plan, particularly Article 14, and other applicable policies and standards adopted by the City Council and State of Oregon.

Annexations can only be referred to the voters when the proposed Annexation site is within the City's Urban Growth Boundary (UGB), and where the findings below are made. The criteria are highlighted in bold type.

- a. The applicant has demonstrated a public need for the Annexation -
 2. **Major Annexations** - Factors to be considered in evaluating public need for Major Annexations shall include, but are not limited to:
 - a) The five-year supply of serviceable land of the Annexation's land use category (single-family, multi-family, Commercial, or Industrial). Annexations of land designated as Public Institutional, Open Space-Conservation, or Open Space-Agriculture on the Comprehensive Plan Map are exempt from this criteria;
 - b) Availability of sufficient land of this type (single-family, multi-family, Commercial, or Industrial) to ensure choices in the market place. Annexations of land designated as Public Institutional, Open Space-Conservation, or Open Space-Agriculture on the Comprehensive Plan Map are exempt from this criteria; and
 - c) Compliance with adopted community-wide livability indicators and benchmarks relative to Major Annexations, as identified in Section 2.6.30.07.c.

The City shall provide annually updated Citywide data for the applicant to use in calculating supply and demand for the major land use categories (single-family residential, multi-family residential, Commercial and Industrial). Residential land supply and demand data shall be calculated using housing units. Commercial and Industrial land supply and demand data shall be calculated using acres.

The required data sources and methodologies for use in determining land supply and demand for Major Annexations, and the requirements for addressing community-wide benchmarks, are outlined below in Section 2.6.30.07.

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on pages 20-21, and 34-53 of Exhibit VI of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that the subject site is designated on the Corvallis Comprehensive Map for Low Density Residential development, as shown on page 76 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council also notes that the site is proposed to be zoned RS-6, Low Density Residential, consistent with the Comprehensive Plan Map Designation for the site as shown on page 77 of Exhibit III of the April 5, 2013, staff memorandum to Council.
3. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 6-27 of the April 5, 2013, staff memorandum to Council, and on pages 7-25 of Exhibit III of the same memorandum. The Council adopts the Incorporated Findings including but not limited to the findings and conclusions on page 27 of the April 5, 2013, staff memorandum to the City Council, and on pages 25 and 26 of Exhibit III of the same memorandum.
4. The Council notes that opponents contend that the annexation application does not meet the public need criterion, in two instances based on non-compliance with livability indicators ("Adjacent to City", and "Distance to Shopping"). The Council finds that while the application does not satisfy the referenced benchmarks for "Adjacent to City" or "Distance to Shopping," as indicated on pages 16 and 19 of the April 5, 2013, staff memorandum to Council, respectively, the LDC does not require compliance with all livability indicator benchmarks in order for decision makers to determine whether or not the test for public need for the annexation has been satisfied. The Council further finds that the LDC does not require any specific benchmark or certain percentage of all applicable benchmarks be satisfied in determining whether or not there is a public need for the annexation. The Council finds that the annexation request fully complies with 9 and partially complies with 5 of the 21 applicable livability indicators and benchmarks, and that compliance with the identified livability indicators and benchmarks is one of many factors for Council to consider in making their finding that there is a public need for the requested Major Annexation.
5. As discussed in the Incorporated Findings and the supplemental findings the Council has considered the applicable factors identified in LDC 2.630.06.a.2, including an evaluation of the five-year supply of serviceable low density residential land, noting that the subject annexation will provide additional choices in the market place, and that the proposed annexation complies with several applicable livability indicators and benchmarks. The City Council finds that after considering these factors, there is a public need for the annexation.

III. Advantages and Disadvantages of Annexation

Applicable Criteria LDC Section 2.6.30.06

b. The Annexation provides more advantages to the community than disadvantages - To provide guidance to applicants, examples of topics to address for the advantages versus disadvantages discussion are highlighted in Section 2.6.30.07.

2. Major Annexations - Major Annexation proposals shall include a discussion of advantages and disadvantages in terms of the methodologies outlined in Section 2.6.30.07. Applicants are required to document the methodologies and criteria used. The Director will review the applicant's arguments, but will not conduct independent research to verify or justify them.

1. The City Council notes that the applicant responded to the applicable criteria cited above as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on pages 22-26 of Exhibit VI of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 26-31 of Exhibit III of the April 5, 2013, staff memorandum to City Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The City Council notes that the Incorporated Findings are supplemented by Findings III.3 and III.4 below.
3. The City Council notes that the applicant provided arguments for why the annexation provides more advantages than disadvantages to the community. The Council was persuaded by those arguments, finding that the advantages exceed the disadvantages because there is an identified public need for additional RS-6 designated land within City limits, that the annexation complies with many of the community's adopted livability indicators and benchmarks, and that annexation of the subject site will increase the diversity of vacant RS-6 lands within City limits, providing additional choices in the market place in terms of property size, ownership, location, and access to urban facilities.
4. As discussed in the Incorporated Findings and the supplemental findings, the Council finds that the proposal is consistent with the applicable criteria related to the Advantages and Disadvantages category cited above, and that the proposed Annexation has advantages for the community that outweigh the disadvantages.

IV. Urban Services and Facilities

Applicable Criteria

LDC 2.6.30.06.c

- c. The site is capable of being served by urban services and facilities required with development - The developer is required to provide urban services and facilities to and through the site. At minimum, both Minor and Major Annexations shall include consideration of the following:**
- 1. Sanitary sewer facilities consistent with the City's Sanitary Sewer Master Plan and Chapter 4.0 - Improvements Required with Development;**
 - 2. Water facilities consistent with the City's Water Master Plan, Chapter 4.0 - Improvements Required with Development, and fire flow and hydrant placement;**
 - 3. Storm drainage facilities and drainageway corridors consistent with the City's Stormwater Master Plan, Chapter 4.0 - Improvements Required with Development, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions;**
 - 4. Transportation facilities consistent with the City's Transportation Plan and Chapter 4.0 - Improvements Required with Development; and**
 - 5. Park facilities consistent with the City's Parks Master Plan.**

A. Sanitary Sewer Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on pages 15-16 of Exhibit VI of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 40-41 of Exhibit III of the April 5, 2013, staff memorandum to City Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The City Council notes that the Incorporated Findings are supplemented by Findings IV.A.3 and IV.A.4 below.
3. Findings V.J.1 and V.J.2 are incorporated here by reference as findings under the Sanitary Sewer Facilities subcategory.
4. As discussed in the Incorporated Findings and the supplemental findings provided above the Council finds that the proposal is consistent with the criteria applicable to the Sanitary Sewer subcategory.

B. Water Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on pages 146-147 of Exhibit III of the April 5, 2013, staff memorandum to Council
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 40 of Exhibit III of the April 5, 2013, staff memorandum to City Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The City Council notes that the Incorporated Findings are supplemented by Findings IV.B.3 and IV.B.4 below.
3. Findings V.J.1 through V.J.2 are incorporated here by reference as findings under the Water Facilities subcategory.
4. As discussed in the Incorporated Findings and the supplemental findings provided above, the Council finds that the proposal is consistent with the criteria applicable to the Water Facilities subcategory.

C. Storm Drainage Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 147 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 41-42 of Exhibit III of the April 5, 2013, staff memorandum to City Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The City Council notes that the Incorporated Findings are supplemented by Findings IV.C.3 and IV.C.4 below.
3. Findings V.J.1 through V.J.2 are incorporated here by reference as findings under the Storm Drainage subcategory.
4. As discussed in the Incorporated Findings and the supplemental findings provided above, the Council finds that the proposal is consistent with the criteria applicable to the Storm Drainage subcategory.

D. Transportation Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the

applicant's responses to the applicable criteria cited above are found on page 148 of Exhibit III of the April 5, 2013, staff memorandum to Council.

2. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 33-35 of Exhibit III of the April 5, 2013, staff memorandum to City Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The City Council notes that the Incorporated Findings are supplemented by Findings IV.D.3 and IV.D.4 below.
3. Findings V.H.1 through V.H.2 are incorporated here by reference as findings under the Transportation Facilities subcategory.
4. As discussed in the Incorporated Findings and the supplemental findings provided above, the Council finds that the proposal is consistent with the criteria applicable to the Transportation Facilities subcategory.

E. Park Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 148 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 37-38 of Exhibit III of the April 5, 2013, staff memorandum to City Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the criteria applicable to the Park Facilities criteria cited above.

V. Compatibility

Applicable Criteria

LDC Section 2.6.30.06(e)

- e. **Compatibility - The application shall demonstrate compatibility in the following areas, as applicable:**
 1. **Basic site design - the organization of Uses on a site and its relationship to neighboring properties;**
 2. **Visual elements (scale, structural design and form, materials, etc.);**
 3. **Noise attenuation;**

4. **Odors and emissions;**
5. **Lighting;**
6. **Signage;**
7. **Landscaping for buffering and screening;**
8. **Transportation facilities;**
9. **Traffic and off-site parking impacts;**
10. **Utility infrastructure;**
11. **Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);**
12. **Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;**
13. **Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.**

A. Basic Site Design

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 148 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 44 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

B. Visual Elements

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 149 of Exhibit III of the April 5, 2013, staff memorandum to Council.

2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 44 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

C. Noise Attenuation

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 149 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 45 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

D. Odors and Emissions

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 149 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 45 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

E. Lighting

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 149 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 45 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including

(but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

F. Signage

- 1 The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 149 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 45 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

G. Landscaping for Buffering and Screening

- 1 The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 149 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 45 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

H. Transportation Facilities

- 1 The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 150 of Exhibit III of the April 5, 2013, staff memorandum to Council.
- 2 The City Council notes that opponents contend that the annexation would result in a discontinuous street improvement pattern, because only portions of SW 49th Street would be built to City standards. The City Council notes that the discontinuous street improvement pattern currently exists along the 49th Street corridor. The Council notes that street improvements would be required with development of the site, and that those improvements typically would only be required along the frontage of the development

site, and not be extended off-site. The City Council finds that annexation would allow for additional portions of 49th Street to be improved to City standards, thus improving the existing condition, and satisfying the Transportation Facilities compatibility criterion.

3. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 45-46 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

I. Traffic and Off-site Parking Impacts

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 150 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 45-46 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

J. Utility Infrastructure

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on pages 150-151 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 45-46 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

K. Effects on Air and Water Quality

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 151 of Exhibit III of the April 5, 2013, staff memorandum to Council.

2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 46 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

L. Pedestrian Oriented Design Standards and Other Applicable Development Standards

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 151 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 46 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

M. Natural Resources and Natural Hazards

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 151 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 46 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

SUMMARY AND CONCLUSION FOR ANNEXATION

Written and oral testimony in opposition to the request was received during the City Council proceedings. As the body charged with approving requests to place annexations on the ballot for voter approval, the City Council, having reviewed the record associated with the annexation application, considered evidence supporting and opposing the application and finds that the proposal adequately addresses the review criteria of Land Development Code Sections 2.6.30.06 and 2.6.30.07, and is found to be consistent with the City's Comprehensive Plan and other applicable approval criteria. Therefore, the 49th Street Annexation application (case ANN10-00002) is approved, and the City Council submits the annexation to the electorate.

FINDINGS AND CONCLUSIONS RELATED TO THE APPROVAL OF THE 49TH STREET ZONING DISTRICT CHANGE REQUEST (ZDC10-00002)

I. General Discussion

1. The City Council accepts and adopts those findings made in the Staff Report to the Planning Commission dated May 21, 2010, that support approval of the Zoning District Change. The City Council accepts and adopts those findings made in the April 5, 2013, staff memorandum to the City Council that support approving the Zoning District Change. The City Council also adopts as findings those portions of the Minutes of the City Council meetings dated April 15, 2013, that demonstrate support for approving the Zoning District Change.
2. The City Council specifically accepts and adopts as findings the rationale given during deliberations in the April 15, 2013, meeting by Council Members expressing their support for approving the Zoning District Change. All of the above referenced documents shall be referred to in these findings as the "Incorporated Findings." The findings below, (the "Supplemental Findings"), supplement and elaborate the findings contained in the materials noted above, all of which are incorporated herein by reference. When there is a conflict between the supplemental findings and the Incorporated Findings, the supplemental findings shall prevail.
3. The City Council notes that the record contains all information needed to evaluate the Zoning District Change application for compliance with the relevant criteria.
4. The Incorporated Findings list all of the applicable approval criteria, and demonstrate compliance with these approval criteria. These supplemental findings elaborate upon and clarify the Incorporated Findings. These supplemental findings, like the Incorporated Findings, are grouped into nine categories which facilitate a comprehensive and cohesive review of the applicable Zoning District Change review criteria. The nine criteria categories are: Basic site design; Visual elements; Noise attenuation and Odors and emissions; Lighting and Signage; Landscaping for buffering and screening; Transportation Facilities, Traffic and off-site parking impacts, and Utility infrastructure; Effects on air and water quality; Consistency with development standards (including PODS); and Preservation and protection of Significant Natural Features. The criteria categories are identified by a letter, and findings are assigned chronological numbers.

SUPPLEMENTAL FINDINGS FOR ZONE CHANGE

II. Compatibility

Applicable Criteria

LDC Section 2.2.40.05.a

- a. **Review Criteria for Zone Changes, Except Those Requesting to Apply or Remove a Historic Preservation Overlay**

Quasi-judicial Zone Changes shall be reviewed to determine how they affect City facilities and services, and to ensure consistency with the purposes of this Chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the following areas, as applicable:

1. **Basic site design (e.g., the organization of uses on a site and the uses' relationships to neighboring properties);**
2. **Visual elements (scale, structural design and form, materials, etc.);**
3. **Noise attenuation;**
4. **Odors and emissions;**
5. **Lighting;**
6. **Signage;**
7. **Landscaping for buffering and screening;**
8. **Transportation facilities;**
9. **Traffic and off-site parking impacts;**
10. **Utility infrastructure;**
11. **Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);**
12. **Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;**
13. **Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.**

A. Basic Site Design

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on pages 179-180 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 55-56 of Exhibit III of the April 5, 2013, staff memorandum

to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

B. Visual Elements

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 180 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 56 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

C. Noise Attenuation and Odors and Emissions

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 180 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 56 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

E. Lighting and Signage

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 180 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 57 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15,

2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

F. Landscaping for Buffering and Screening

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 181 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 57 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

G. Transportation Facilities, Traffic and Off-site Parking Impacts, and Utility Infrastructure

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on pages 181-182 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 57-58 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

H. Effects on Air and Water Quality

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 182 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 58 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

I. Pedestrian Oriented Design Standards and Other Applicable Development Standards

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on page 182 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on page 58 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

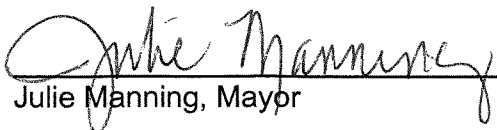
J. Preservations and/or Protection of Significant Natural Resources

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on pages 182-183 of Exhibit III of the April 5, 2013, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 58-59 of Exhibit III of the April 5, 2013, staff memorandum to Council. The Council adopts the Incorporated Findings including (but not limited to) the findings and conclusions in the April 5, 2013, staff memorandum to the City Council, and the portions of the minutes from the April 15, 2013, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

SUMMARY AND CONCLUSION

As the body charged with hearing appeals of a Zone Change decision, the City Council, having reviewed the record associated with the subject Zone Change application, considered evidence supporting and opposing the application and finds that the proposal adequately addresses the review criteria of Land Development Code Sections 2.2.40.05, and is found to be consistent with the City's Comprehensive Plan and other applicable approval criteria. Therefore, the appeal is upheld, the City Council reverses the Planning Commission's decision to deny the Zone Change application associated with the 49th Street Annexation application (ZDC10-00002) and approves the request, contingent upon voter-approval of the associated annexation application (ANN10-00002).

Dated: May 6, 2013


Julie Manning, Mayor