



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

November 2, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Central Point Plan Amendment
DLCD File Number 006-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 13, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Matthew Crall, Dlcd Transportation Planner
Lisa Morgan, City of Central Point

<paa> ya/



2 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



Jurisdiction: CITY OF CENTRAL POINT Local file number: CP06-08-18

Date of Adoption: OCTOBER 3, 2006 Date Mailed: OCTOBER 18, 2006

Date original Notice of Proposed Amendment was mailed to DLCD: AUGUST 18, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

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

TO COMPLETE A HOUSEKEEPING TASK FOR A PARCEL THAT WAS CREATED WITH SPLIT ZONING. THE GREATEST PORTION OF THE TAX LOT (APPRX. 75%) HAS A C-5, THOROUGHFARE COMMERCIAL ZONING DESIGNATION. AN APPROPRIATE REMAINING PORTION (25%) HAS A C-4, TOURIS & OFFICE PROFESSIONAL ZONE DISTRICT. IN ACCORDANCE WITH CENTRAL POINT MUNICIPAL CODE 17.12.050, THE ENTIRE LOT CREATED BE PLACED IN THE DISTRICT THAT ACCOUNTS FOR THE GREATER LOT AREA, PROVIDED IT DOES NOT EXCEED 20'. BECAUSE IT EXCEEDS 20', A ZONE APPLICATION WAS NECESSARY.

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: (APPRX. 25%) C-4, TOURIST & OFFICE PROFESSIONAL to: 100 % C-5, THOROUGHFARE COMMERCIAL

Location: SOUTH OF EAST PINE ST./BIDDLE ROAD, WEST OF S. TABLE ROCK RD, EAST OF S. HAMRICK Acres Involved: _____

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: #1

Was and Exception Adopted? YES NO

DLCD File No.: 006-06 (15475)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing? Yes No
- If no, do the statewide planning goals apply? Yes No
- If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

CITY OF CENTRAL POINT, DLCD

Local Contact: LISA MORGAN Phone: (54) 664-3321 Extension: 291

Address: 140 S. THIRD STREET City: CENTRAL POINT

Zip Code + 4: 97502-4444 Email Address: LISAM@CI.CENTRAL-POINT.OR.US

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, OREGON 97301-2540

2. Submit **TWO (2) copies** the adopted material, 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 not 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 persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

COPY

PLANNING COMMISSION RESOLUTION NO. 708

**A RESOLUTION OF THE PLANNING COMMISSION APPROVING A CHANGE OF ZONE FROM TOURIST & OFFICE-PROFESSIONAL (C-4) TO THOROUGHFARE COMMERCIAL (C-5) ON THE PROPERTY IDENTIFIED ON THE JACKSON COUNTY ASSESSOR'S RECORDS AS
37 2W 01C TAX LOT 803
(City of Central Point, Applicant;
File No. 07013)**

Recitals

1. The property is zoned for both C-4 and C-5. The proposed zone change would rezone the entire property to C-5.
2. Section 17.12.050 defines the limits of zoning district boundaries as being either property lines or street center lines, or property or street center lines extended. The dominant zoning on the property is C-5 (67%). Rezoning of the property to C-5 is consistent with the intent of Section 17.12.050.
3. The Comprehensive Land Use Map designation for the property is General Commercial. The Land Use Map is not property line specific and is intended to serve as a general guideline for zoning. Rezoning of the property to C-5 is consistent with the Comprehensive Plan Land Use Map.

Now, therefore;

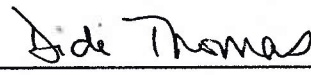
BE IT RESOLVED that the Planning Commission of the City of Central Point hereby approves the change of zone from Tourist & Office-Professional (C-4) to Thoroughfare Commercial (C-5) including all findings of fact set forth in the Staff Report dated September 27, 2006 (Modified), and concludes that the application complies with the requirements of Section 17.10.300(B) of the City of Central Point Municipal Code.

Passed by the Planning Commission and signed by me in authentication of its passage this 3rd day of October, 2006.



Planning Commission Chair

ATTEST:



City Representative



STAFF REPORT
September 27, 2006 (Modified)

AGENDA ITEM: File No. 07013 Zone Change

Consideration of a zone change from Tourist & Office-Professional (C-4) to Thoroughfare Commercial (C-5) on 2.03 acres located on the south side of Biddle Road west of Hamrick Road (Jackson County Assessor's Map as 37 2W 01C, Tax Lot 803). Applicant: City of Central Point.

STAFF SOURCE:

Don Burt, Planning Manager

BACKGROUND:

The City of Central Point Comprehensive Plan, Element 2, Land Distribution; includes the Land Use Map. The Comprehensive Plan states that the Land Use Map is a general guide for the zoning of properties and is drawn to a level of abstraction that is not reliant on individual lots. Consequently, the Land Use Map is drawn without reference to property lines.

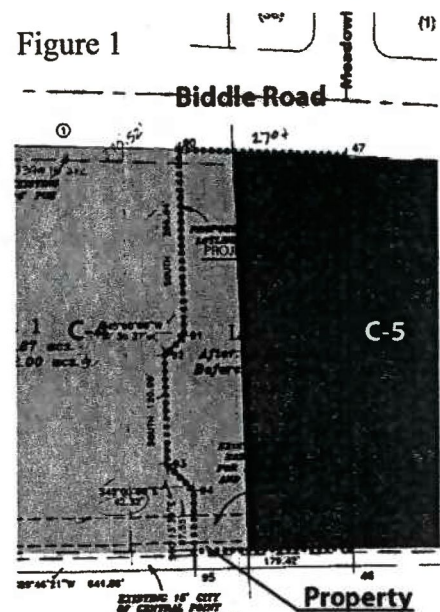
The Property's zoning is split between Thoroughfare Commercial (C-5) and Tourist & Office-Professional (C-4). Figure 1 identifies the Property and current zoning.

Section 17.12.050 states that unless otherwise specified, zoning district boundaries are based on:

1. Lot lines;
2. Street centerlines; or
3. Lot lines or street centerlines extended.

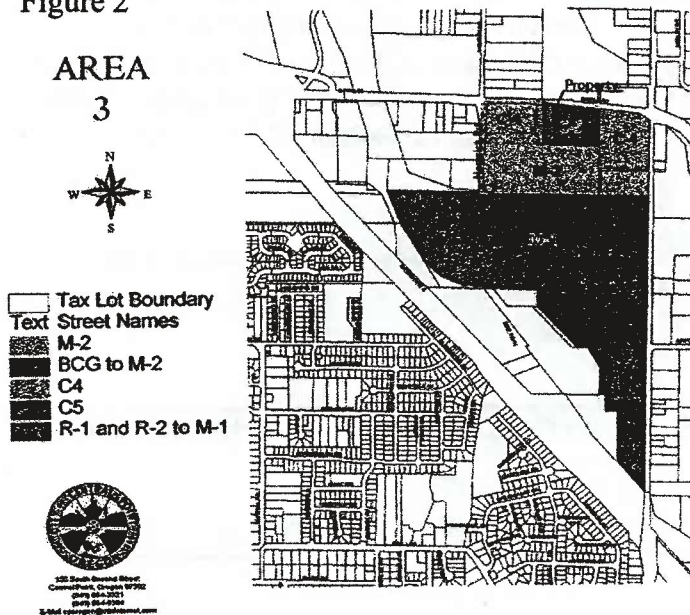
Section 17.12.050 further states that if a zoning boundary divides a lot line into two districts, the entire lot shall be placed in the district that accounts for the greater area of the lot, provided that the zoning boundary adjustment does not exceed a distance of twenty (20) feet. Subject to the twenty (20) foot limitation such adjustments can be accomplished administratively. However, at approximately seventy-five (75) feet the proposed zoning boundary adjustment exceeds the twenty (20) foot maximum and therefore requires review and approval by the Planning Commission as a change of zone per Section 17.10.

The following represents the chronology of land use actions that affect the Property and its current zoning status:



1. Prior to 1998 the Property was part of a thirty-five acre parcel identified on the Assessor's Map as 37 2W 01C TL 800 and was planned and zoned for Light Industrial use. The Biddle Road frontage of tax lot 800 was approximately 1,400 feet. The Land Use Map designated tax lot 800 as Light Industrial Property (Figure 2). The Zoning Map identified tax lot 800 as M-1.
2. On October 18, 1998 by Ordinance No.1794 the City Council amended the Comprehensive Land Use Map and Zoning Map for the subject property, and other adjacent properties. The subject property was re-designated from its Light Industrial land use and Light Industrial (M-1) zoning designation to General Commercial land use, and Tourist & Office-Professional (C-4), Thoroughfare Commercial (C-5), and General Industrial (M-2) zoning (Figure 2).

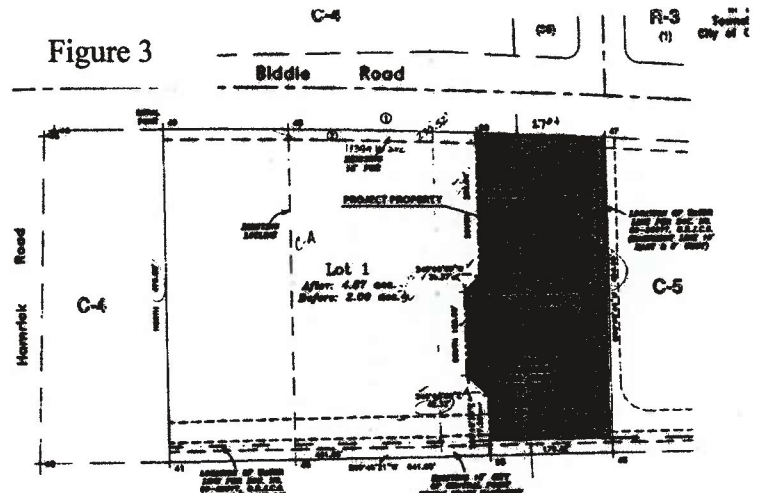
Figure 2



3. On September 2, 2003 by Resolution No. 595 the Planning Commission approved a seven (7) lot subdivision (Hamrick Business Park) of the subject property.
 - a. On January 12, 2004 a three (3) lot partition was recorded (P-03-2004) on the parent property. The subject Property became Parcel 2 of the partition. The land use designation for Parcel 1 (2.00 acres) and Parcel 2 (12.49 acres) were General Commercial land use, and for Parcel 3 (20.24 acres) was General Industrial land use. Parcel 1 was zoned C-4, Parcel 2 was split between C-4 and C-5, and Parcel 3 was zoned

M-2).

- b. On July 30, 2004 another three (3) lot partition known as Hamrick Business Park was approved and recorded for Parcel 2 of P-03-2004. Lot 1 (2.00 acres), Lot 2 (4.90 acres), and Lot 3 (5.59 acres). The subject Property became Lot 2 and retained its split zoning between C-4 and C-5. The split was approximately 60% in C-4 and 40% in C-5. Lots 1 and 3 retained their initial C-4 zoning.



4. On September 20, 2006 a lot line adjustment was approved moving the property line between Lot 1 and Lot 2 (the "Property") of Hamrick Business Park approximately 265 feet to the east (Figure 3). With the lot line adjustment the Property's zoning retained its split designation

between C-5 and C-4. With the lot line adjustment the Property's zoning designation was modified from 60% in C-4 to approximately 33% in C-4, and 40% in C-5 to approximately 67% in C-5.

FINDINGS, Summary:

Given the Property's current configuration the proposed zone change is a minor adjustment placing all of 37 2W 01C, Tax Lot 803 within the C-5 zoning district consistent with the intent of Section 17.12.050. As set forth in Attachment "A" the proposed zone change complies with the criteria set forth in Section 17.10.300(B).

ISSUES:

The action considered under this application is the adjustment of the zoning to C-5 based on the Property's current configuration. Because the Property is predominantly within the C-5 district a change of zoning on the balance is consistent with the intent of Section 17.12.050. Prior to the lot line adjustment the predominant zoning on the Property was C-4. Consequently, under prior circumstances the proposed change of zoning would not be consistent with the intent of Section 17.12.050 and therefore not initiated.

ATTACHMENTS/EXHIBITS:

Attachment "A" Findings of Fact and Conclusions of Law
Resolution No. _____

ACTION:

Consider of Resolution No. _____ changing the zoning from C-4 to C-5 on the westerly portion of the Property.

RECOMMENDATION:

Approval of Resolution No. _____.