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/Costal Fax: (503) 378-6033
Second Floor/Director's Office: (503) 378-5518
Web Address: http://www.oregon.gov/LCD

NOTICE OF ADOPTED AMENDMENT

August 8, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hines Plan Amendment
DLCD File Number 001-06

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: August 21, 2006

This amendment was submitted to DLCD for review 45 days 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.

*<u>NOTE:</u> **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 ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Laren Woolley, DLCD Regional Representative
Ramona Hofman, City of Hines

<paa> ya/

FORM 2

D L C D NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

Jurisdiction: City of Hines Local File No.: _____
(If no number, use none)

Date of Adoption: 07/25/06 Date Mailed: 07/28/06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 04/10/06

_X_ Comprehensive Plan Text Amendment
X Comprehensive Plan Map Amendment
X Land Use Regulation Amendment
X Zoning Map Amendment
___ New Land Use Regulation
___ Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write see Attached.≅

1. Add a Cottage Zone to Comprehensive plan as a Conditional Use in Multi-Family Zone.
2. Add motels to be allowed as a conditional use in the Commercial Zone
3. Change some Commercially Zoned property to Single-Family Residential Zone.

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 AN/A.≅

Lots 3000 and 3100 will remain Commercial.

Plan Map Changed from : _____ to _____

Zone Map Changed from: Commercial to Single Family Residential

Location: Land on Both sides of E. Hanley Acres Involved: 7¼

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes:____ No: X

DLCD File No.: 001-06 (15149)

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:_____

_____

Local Contact: Ramona Hofman Area Code + Phone Number: (541)573-2251

Address: P.O. Box 336 City: Hines, OR

Zip Code+4: 97738 Email Address: pamm@highdesertair.com

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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.

20061335

ORDINANCE NO. 272

An Ordinance to add a Cottage Development Zone to provide for Senior Housing in the Multi Family Residential Zone of The City of Hines Comprehensive Plan, and Declaring an Emergency.

This addition would be under Conditional Uses in the Multi Family Zoning Ordinance.

(L) COTTAGE DEVELOPMENTS

The goal of the Cottage Development is to provide for Senior housing.

1. Development Standards.

a. 4 cottages minimum per development.

b. 3,500 square foot lot size minimum per cottage lot.

c. 800 square foot minimum (excluding required 1 car garage)

d. All cottages will be single story.

e. Subject to all setback standards within the RM Zone.

f. Architectural theme required; shall be consistent with all cottages.

g. Accessory buildings including detached garages shall have same architectural theme as cottages.

h. CC&R's shall be provided that address ongoing maintenance of common area, open space area, and private streets and pathways where allowed in such developments.

i. All entrance or monument signage within or adjacent to, and related to a Cottage Development shall integrate the development theme into the design of the signage.

j. The perimeters of all Cottage Developments shall incorporate a decorative fence or wall, between 4 feet and 6 feet in height, containing building materials and/or design features that are used in, or complement, the structures within the Development.

2006 1225

2. Cottage Development Submittal Requirements. The Following Plans and information are required for all Cottage Development proposals:

a. Conceptual development plan

b. Site plan

c. Landscape plan

d. Typical building elevations

e. Typical floor plans

f. Grading and drainage plan

g. Burden of proof statement addressing all standards and criteria that cannot be graphically addressed on the required plans

h. Fire flow analysis

i. Traffic impact study, if required by the City or ODOT

j. Draft CC&Rs, including creations of a Homeowner's Association, which will enforce the CC&Rs.

k. Lighting plan

l. Any additional information determined necessary by the City.

3. Review of Cottage Development proposal. All Cottage development proposals shall undergo a public hearing by the Planning Commission.

STATE OF OREGON } ss
County of Harney
I certify that the within instrument was received for record on the 29 day of June 20 06 at 2:45 o'clock P M. and recorded Microfilm number 2006 1225 Deed Records of said County.
Maria Iturriaga, County Clerk
By: Maria Iturriaga Deputy

ADOPTED, by the Common Council of the City of Hines this 13th day of June, 2006.

Ruth E. Schultz, Mayor

ATTEST: Pamela L. Mather

Pamela L. Mather
City Administrator/Recorder

20061336

CITY OF HINES, OREGON COMMON COUNCIL
FINDINGS AND DECISION

PROPOSAL: Comprehensive Plan Addition; to add a Cottage Development Zone to provide for Senior housing in the Multi Family Residential Zone.

APPLICANT: City of Hines
101 E Barnes
P.O. Box 336
Hines, OR 97738

HEARINGS AND EXHIBITS:

The Hines Common Council held a hearing on June 13, 2006 at the Hines City Hall.

1. Proposed Cottage Ordinance
2. Staff Report
3. Map
4. Comprehensive Plan
5. Findings and Recommendation from Planning Commission

APPLICABLE CRITERIA AND FINDINGS:

The requested zone change or conditional use must be justified by proof that:

1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the Plan.

   Finding: The Hines Common Council finds that the change is in conformance with the Comprehensive Plan and the goal that we provide all types of housing, and this will provide a type that we do not have.

2. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.

   Finding: This is not for a zone change, but to add an option in the Multi Family Zone. There is public need for this type of desirable senior housing in the City of Hines.

3. The public need is best served by changing the classification of the subject site in question as compared with other available property.

   Finding: The Multi Family Zone is the best place for this type of development.

4. The potential impact upon the area resulting from the change has been considered

   Finding: It will have a positive impact upon the area because there is already some senior housing abutting the property and this area is between assisted living and vacant lots. Property owners may be able to utilize services from the Aspens Assisted Living Center.

A plan or land use regulation amendment significantly affects a transportation facility if it:

1. Changes the functional classification of an existing or planned transportation facility;

   Finding: This would not change the functional classification of an existing or planned transportation facility.

2. Changes standards implementing a functional classification system;

   Finding: Planning for future street infrastructure was done with increased traffic in mind.

3. Allows types of levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or

4. Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

   Finding: The level of service is well within the requirements of the Transportation System Plan.

Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.

This development would have to be constructed in an area where it would be consistent with the function, capacity and level of service identified in the Transportation System Plan.

FINDINGS AND DECISION:

The Hines Common Council finds that the addition of Cottage Development to the comprehensive plan meets all the required criteria. There is a definite need

2006 1226

for independent senior housing in our community and the Council APPROVES the Comprehensive Plan addition on June 27, 2006.

Ruth E. Schultz

Ruth E. Schultz, Mayor

ATTEST:

Pamela L. Mather

Pamela L. Mather, City Administrator

STATE OF OREGON }
County of Harney } *ss*

I certify that the within instrument was received for record on the 29 *day of* June *20*06*. at* 2:16 *o'clock* P *M. and recorded Microfilm number* 20061336 *Deed Records of said County.*

Maria Iturriaga, County Clerk

By: Maria Iturriaga *Deputy*

20061589

ORDINANCE NO. 273

AN ORDINANCE AMENDING ORDINANCE NO. 272, COTTAGE DEVELOPMENT ZONE TO PROVIDE FOR SENIOR HOUSING IN THE MULTI-FAMILY RESIDENTIAL ZONE TO THE CITY OF HINES COMPREHENSIVE PLAN, AND DECLARING AN EMERGENCY.

The City of Hines ordains as follows:

Section (L) 1. Adds the following:

k. Setbacks are 5' side yard, 10' back yard, 15' front yard, except on a corner lot and side yard abutting the street is 10'.

Passed by a vote of 4 for and 0 against, this 25 day of July, 2006.

Ruth E. Schultz

Ruth E. Schultz, Mayor

ATTEST: Pamela L. Mather

Pamela L. Mather, City Administrator/Recorder

STATE OF OREGON } ss
County of Harney

I certify that the within instrument was received for record on the 26 day of July, 2006, at 12:57 o'clock PM and recorded Microfilm number 20061589 Deed Records of said County.

Maria Iturriaga, County Clerk

By D. Robinson Deputy

2006/590

CITY OF HINES, OREGON COMMON COUNCIL
FINDINGS AND DECISION

PROPOSAL: Zone Change from Commercial to Single Family Residential

APPLICANT: City of Hines
101 E Barnes
P.O. Box 336
Hines, OR 97738

HEARINGS AND EXHIBITS:

The Hines Planning Commission held a hearing on June 6, and continued it on June 20, 2006 at the Hines City Hall. The Hines Common Council held it's hearing on June 13, 2006.

1. Proposed Zone Change
2. Planning Commission Minutes
3. Map
4. Comprehensive Plan
5. Findings from Hines Planning Commission

APPLICABLE CRITERIA AND FINDINGS:

The requested zone change or conditional use must be justified by proof that:

1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the Plan.

   Finding: The Hines Common Council finds that the change is in conformance with the Comprehensive Plan and the goal that we have to provide Single Family Housing.

2. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.

   Finding: The proposed area is currently being used as Single Family Housing, and in case of an unforeseen disaster, in the Commercial Zone, the homes would not be able to be rebuilt. The owners of lots 3000 and 3100 on South Ogden expressed they were planning for future commercial development, so those lots will remain as Commercial. The owners of lot 3800 on E. Hanley stated they were interested in having a business on their property at a future date but their main concern is housing, so it will

be changed to residential. In order to start a business, they could apply for a Home Occupation.

3. The public need is best served by changing the classification of the subject site in question as compared with other available property.

   Finding: This area is already being used as Single Family Residential.

4. The potential impact upon the area resulting from the change has been considered

   Finding: The change would keep the area in conformance with a use that is already established.

A plan or land use regulation amendment significantly affects a transportation facility if it:

1. Changes the functional classification of an existing or planned transportation facility;

   Finding: This would not change the functional classification of an existing or planned transportation facility.

2. Changes standards implementing a functional classification system;

   Finding: With this change there will be decreased, not increased traffic, as there could be with a Commercial use.

3. Allows types of levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or

4. Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

   Finding: The level of service is well within the requirements of the Transportation System Plan.

Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.

2006 1590

FINDINGS AND DECISION:

The Hines Common Council APPROVES that the zoning in this area except for the noted lots, be changed from Commercial to Single Family Residential. This change to the comprehensive plan meets all the required criteria.

Please see attached map. For more information, see attached minutes from the June 6 and June 20, 2006 Planning Commission Meetings.

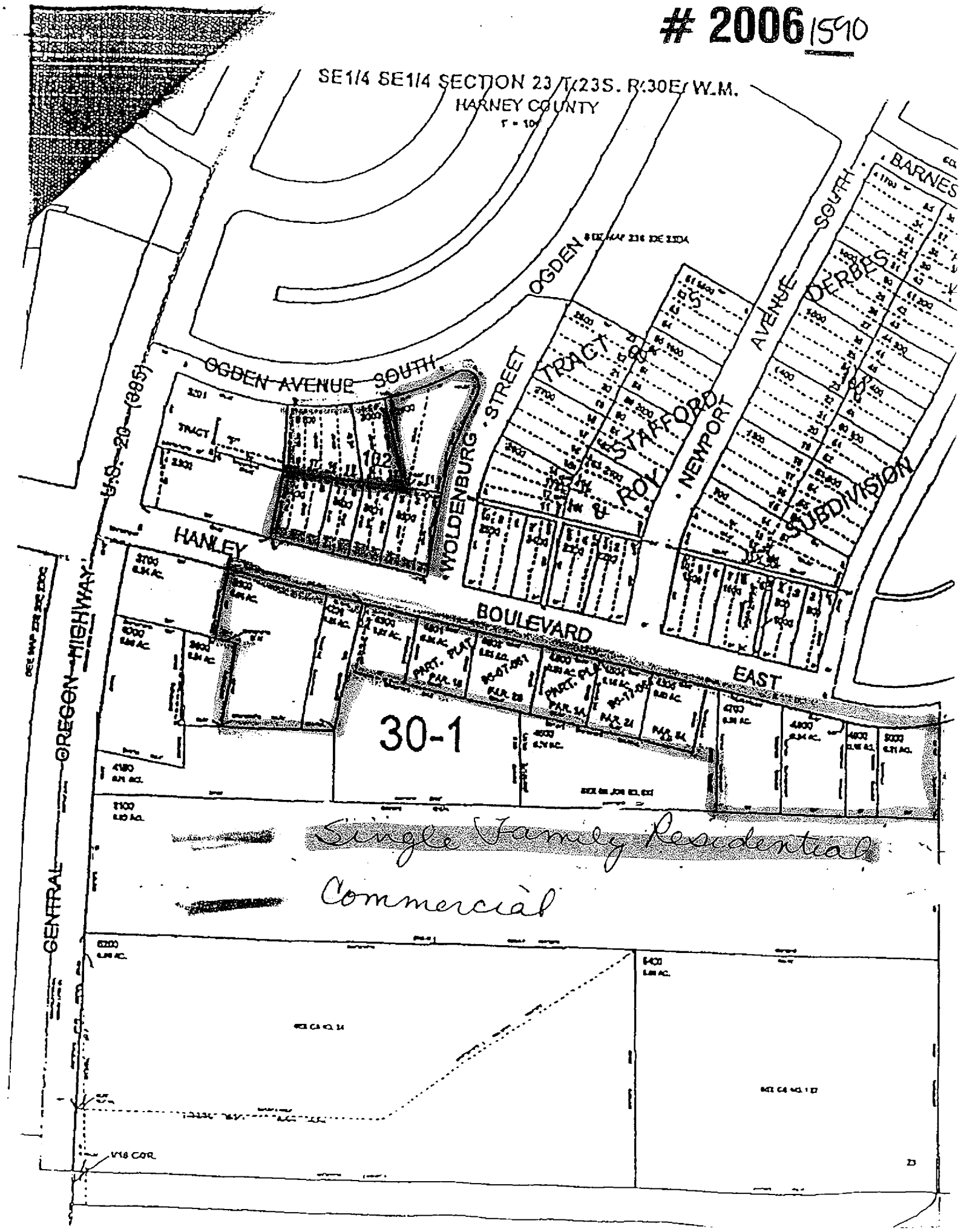
The Hines Common Council APPROVES the zoning change Findings and Decision on 7/25/06.

Ruth E. Schultz
Ruth E. Schultz, Mayor

ATTEST:

Pamela L. Mather
Pamela L. Mather
City Administrator/Recorder

2006 1590


SE1/4 SE1/4 SECTION 23 T.23S. R.30E. W.M.
HARNEY COUNTY
OGDEN AVENUE SOUTH
OGDEN
BARNES
SOUTH
DERBY
AVENUE
NEWPORT
STREET
WOLDENBURG
TRACT
ROYAFORD
SUBDIVISION
HANLEY
BOULEVARD
EAST
U.S. 20 (385)
OREGON
HIGHWAY
CENTRAL
102
30-1
Single Family Residential
Commercial
VIA COR.

2006 1590

REGULAR MEETING OF THE HINES PLANNING COMMISSION
June 20, 2006

Present: Chairman Skip Renchler, Members Blair DeShong, Gary Foulkes, Joe Pettyjohn, and Secretary Ramona Hofman.

Not Present: Tammy Wheeler.

Others: Pat Thompson.

Chairman Renchler called the meeting to order at 7:05 p.m.

Approval of Agenda: Mr. Pettyjohn made a motion seconded by Mr. Foulkes to approve the Agenda, all ayes, motion carried.

Approval of June 6, 2006 Regular Meeting Minutes: Mr. Foulkes made a motion seconded by Mr. Pettyjohn to approve the minutes as presented, all ayes, motion carried.

Citizen Requests: There were none.

Public Hearing: Tentative Subdivision Plan for West Ridge – Phase 2 consisting of 14 lots and Conditional Use to establish a Cottage Zone consisting of 13 Cottages to the west and southwest of the Aspens Assisted Living Center. The hearing was open at 7:10 p.m. No one declared Ex Parte Contact or Personal Bias. Secretary Hofman read the Staff Report that consisted of the approval criteria and recommendation that the Planning Commission approve the Subdivision and conditional use. She stated she believed the applicant met all the criteria. Mr. Foulkes stated he would really like the CC&Rs to contain language stating the Cottages are for senior housing only or if the number of occupants could be limited. Mr. Thompson said he had discussed that with the attorney that drafted the CC&Rs and he had reservations about the legal issues. There may be some liability if they had an age requirement, but he would check into it. Mr. Thompson stated that the way it will be constructed with the small lots, the language in the CC&Rs and with the Homeowners Association Bylaws, it would be desirable to senior citizens and not families or young couples. Mr. Foulkes said he would like the Homeowners Association Bylaws to have a provision that outsiders (neighbors and other concerned citizens) could attend their meetings and have input. Mr. Thompson said hopefully that would be allowed.

No petitions or letters had been received. No one was present in support or in opposition to the applications. The hearing was closed at 7:45 p.m.

Commission Deliberation: Some discussion was held on the approach and improvement of Duke Court. Duke Court is in the County and two approaches are needed for the West Ridge Phase 2 Subdivision. It was the recommendation of the City Engineer to require the developer to improve the street to City standards. The consensus of the Planning Commission was to leave Duke Court as it is because the residents of the new

subdivision will not be accessing it that much and since it is in the County, after it is developed, who would maintain it. Most of the traffic on Duke Court will be from the four houses in the County that access it. Mr. Thompson said the curb to the east on King Ave. would be replaced by new, higher curbs, and they would remove the three trees bordering Dan Jordan's property. A name for the new street in the development has not been given a name, so everyone will be thinking about one that would fit the area. There being no further discussion, Mr. Pettyjohn made a motion seconded by Mr. Foulkes to approve the Preliminary Plat for West Ridge Phase 2 Subdivision and to approve the conditional use to establish a Cottage Zone, all ayes, motion carried.

Continuation of Deliberation, Public Hearing: Proposed Zoning Change from Commercial to Residential on map 23 30 23DD, leave the first 200 feet of lots 3300 and 3201 as Commercial, lots 2900, 3000, 3100, 3400, 3500, 3001 and 3600 would become Single Family Residential. On the same map, lots 3800, 4200, 4300, 4501, 4503, 4500, 4504, 4505 4700, 4800, 4900, and 5000 will be changed to Single Family Residential, the rest will remain Commercial. This is more commonly known as the South side of East Hanley behind West Bank Christian Church and the lots to the East of Neil's Black Bull Steak House. The deliberation from the June 6th meeting continued. Secretary Hofman received a letter from Tom and Margaret Wallis of 121 E. Hanley stating they would not like their zoning to be changed to residential, but they would like to be able to rebuild their home in case of accidental destruction. It was the consensus of the Commission that at the last meeting their main concern would be the rebuilding of their home, not the business. Secretary Hofman said she had talked to the DLCD representative and he recommended the change to Residential where there were residences. He did say that in Commercial zones homes are sometimes allowed when it is directly related to a business. In Burns this had been brought up years ago and they changed their comprehensive plan to state if a home in a Commercial zone is destroyed, they could have a year in which to rebuild. Mr. and Mrs. Wallis could apply for a home occupation if they want to start a business easier than rebuilding a home in a Commercial zone. Section 6.1 of the Hines Comprehensive Plan Non-conforming uses was read, which states (3) If a non-conforming use is replaced by another use, the new use shall conform to this ordinance. (4) If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 80 percent of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to this ordinance. If a non-conforming structure is removed from the site, a future structure shall conform to this ordinance. After reading this, it was decided a Residential zone would be more desirable for the Wallis property, and the letter they submitted on June 13th was after the public hearing, so we could not have it as part of the record.

There being no further discussion, Mr. Pettyjohn made a motion seconded by Mr. DeShong to change lots on map 23 30 23DD 2900, 3400, 3500, 3001, 3600, 3800, 4200, 4300, 4501, 4503, 4500, 4504, 4505, 4700, 4800, 4900, and 5000 to Single Family Residential, lots 3100, and 3000 would remain Commercial, all ayes, motion carried. Continuation of Deliberation - Public Hearing: Comprehensive Plan Change to allow Motel/hotel i.e., room rented nightly or by the week as a Conditional Use in a

Commercial Zone. Some discussion was held, Secretary Hofman stated she had contacted the DLCD representative and he recommended allowing motels/hotels outright in a Commercial Zone with a site plan required. He also suggested some wordage for temporary lodging. Mr. Renchler made a motion seconded by Mr. Foulkes to allow Motels/Hotels outright with a site plan in a Commercial zone, all ayes, motion carried. Mr. Renchler made a motion seconded by Mr. Foulkes to allow cabins, seasonal vacation rentals and other lodging where occupancy occurs on a temporary basis be provided for as a conditional use in a Commercial zone, all ayes, motion carried.

Old Business:

Secretary Hofman said that the Findings and Recommendation to add a Cottage Zone to provide for Senior housing in the Multi Family Residential Zone had been verbally approved, but the Commission needs to approve it officially. Mr. Pettyjohn made a motion seconded by Mr. DeShong to approve the Findings and Recommendation, all ayes, motion carried.

New Business: There was none.

Commission Reports: Some discussion was held on some no trespassing signs that were posted on N. Quincy, and Secretary Hofman asked the Commissioners to look at them. We may have some citizens at a later date come to the Commission and ask for a revision of the sign ordinance.

Since the next regular meeting night would be on July 4th, the next Planning Commission meeting will be July 18th.

There being no further business, Mr. Pettyjohn made a motion seconded by Mr. Foulkes to adjourn the meeting, all ayes, motion carried. Chairman Renchler adjourned the meeting at 9:00 p.m.

20061590

ORDINANCE NO. 274

An Ordinance to change the Zoning from Commercial to Single Family Residential on the City of Hines Zoning Map, and Declaring an Emergency.

On Map 23 30 23DD, lots 2900, 3400, 3500, 3001, 3600, 3800, 4200, 4300, 4501, 4503, 4500, 4504, 4505, 4700, 4800, 4900, and 5000 would change to Single Family Residential. Lots 3100, and 3000 will remain Commercial.

Please refer to Findings and Decision adopted July 25, 2006. See attached map.

ADOPTED, by the Common Council of the City of Hines this 25 day of July, 2006.

Ruth E. Schultz
Ruth E. Schultz, Mayor

ATTEST: Pamela L. Mather
Pamela L. Mather
City Administrator/Recorder

COUNTY OF HARNEY
CORPORATE
SEAL
OREGON

STATE OF OREGON } *ss*
County of Harney

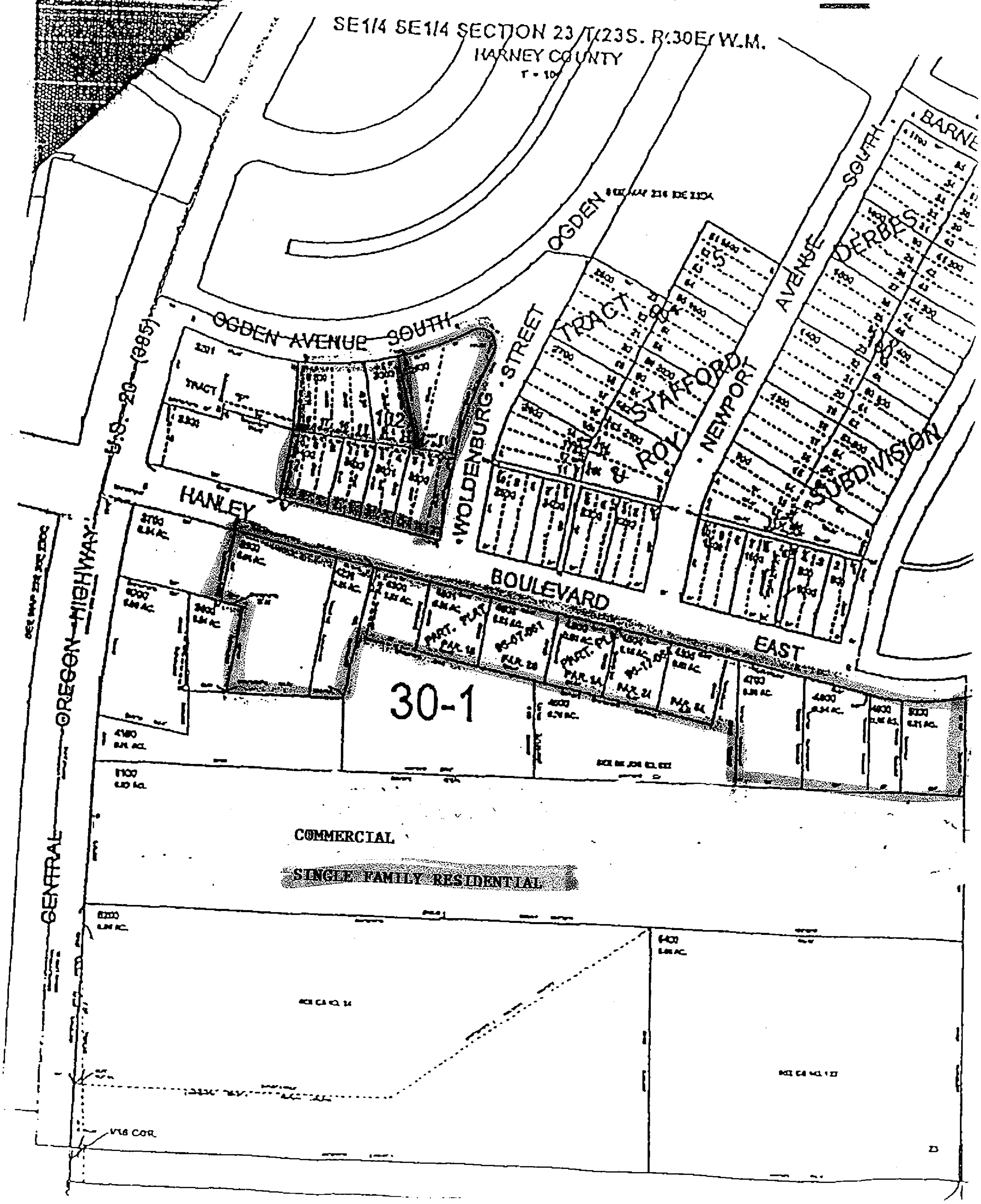
I certify that the within instrument was received for record on the 26 *day of* July *20*06*... at* 1:05 *o'clock* P *M. and recorded in microfilm number* 20061590 *Records of said County.*

Dead

Maria Iturriaga, County Clerk

By D Robinson *Deputy*

2006/1590



SE1/4 SE1/4 SECTION 23 T.23S. R.30E. W.M.
HARNEY COUNTY
OGDEN AVENUE SOUTH
OGDEN
WOLDENBURG STREET
NEWPORT
AVENUE SOUTH
HANLEY
BOULEVARD
EAST
U.S. 20 (395)
CENTRAL OREGON HIGHWAY
30-1
COMMERCIAL
SINGLE FAMILY RESIDENTIAL

2006 1591

CITY OF HINES, OREGON COMMON COUNCIL
FINDINGS AND DECISION

PROPOSAL: Comprehensive Plan change to allow Motels in a Commercial Zone.

APPLICANT: City of Hines
101 E Barnes
P.O. Box 336
Hines, OR 97738

HEARINGS AND EXHIBITS:

The Hines Common Council held a hearing on July 25, 2006 and at the Hines City Hall.

1. Proposed Change
2. Minutes
3. Comprehensive Plan
4. Findings and Decision

APPLICABLE CRITERIA AND FINDINGS:

The requested Comprehensive Plan change or conditional use must be justified by proof that:

1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the Plan.

   Finding: The Hines Common Council finds that the change is in conformance with the Comprehensive Plan and the goal that we provide tourist accommodations.

2. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.

   Finding: Currently motels are not allowed in any zone in the City of Hines.

3. The public need is best served by changing the classification of the subject site in question as compared with other available property.

   Finding: The Commercial zone is the appropriate zone for motels/lodging in the City of Hines since it borders Hwy 20 where the major traffic flow is.

4. The potential impact upon the area resulting from the change has been considered

   Finding: The change would keep the area in conformance with a use that is already established.

A plan or land use regulation amendment significantly affects a transportation facility if it:

1. Changes the functional classification of an existing or planned transportation facility;

   Finding: This would not change the functional classification of an existing or planned transportation facility.

2. Changes standards implementing a functional classification system;

   Finding: This use would not change standards implementing a functional classification system because Commercial zones along the highway are commonly used as locations for motels.

3. Allows types of levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or

3. Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

   Finding: The level of service is well within the requirements of the Transportation System Plan.

Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.

FINDINGS AND DECSION:

The Hines Common Council APPROVES the comprehensive plan change that Motels/Hotels be allowed outright in a Commercial Zone with a site plan required. We also APPROVE to allow cabins, seasonal vacation rentals and other lodging where occupancy occurs on a temporary basis be provided for as a conditional use in a Commercial Zone. These changes to the comprehensive plan meet all the required criteria.

2006 1591

For more information, see minutes from the June 6 and June 20, 2006 Planning Commission Minutes at the Hines City Hall.

Passed by the Council and approved on 7/25/06.

Ruth Schultz, Mayor

ATTEST:

Pamela L. Mather
City Administrator/Recorder

20061591

ORDINANCE NO. 275

An Ordinance to allow Motels/Hotels outright in a Commercial Zone with a site plan required; and to allow cabins, seasonal vacation rentals and other lodging where occupancy occurs on a temporary basis be provided for as a Conditional use in a Commercial Zone, and Declaring an Emergency.

The Comprehensive Plan addition to allow Motels/Hotels outright will be Section 3.4, (1) F. The addition to allow cabins, seasonal vacation rentals and other lodging where occupancy occurs on a temporary basis be provided will be Section 3.4, (2) K.

ADOPTED, BY THE common Council of the City of Hines this 25 day of July, 2006.

Ruth E. Schultz
Ruth E. Schultz, Mayor

ATTEST: Pamela L. Mather
Pamela L. Mather
City Administrator/Recorder

CITY OF HINES CORPORATE SEAL HARNEY COUNTY, OREGON

STATE OF OREGON
County of Harney } *ss*

I certify that the within instrument was received for record on the 26 *day of* July *2006. at* 1:09 *o'clock* PM *and recorded Microfilm number* 20061591 *Deed Records of said County.*

Maria Iturriaga, County Clerk

By D. Robin *Deputy*