



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

September 14, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hood River Plan Amendment
DLCD File Number 009-06 & 014-06



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: September 27, 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.

***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 ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Cindy Walbridge, City of Hood River

<paa> ya/



SEP 07 2006

LAND CONSERVATION AND DEVELOPMENT

FORM 2

DLCD NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

Jurisdiction: City of Hood River Local File No.: 2006-43
(If no number, use none)

Date of Adoption: August 28, 2006 Date Mailed: Sept 4, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: May 17, 2006

- Comprehensive Plan Text Amendment
 - Comprehensive Plan Map Amendment
 - Land Use Regulation Amendment
 - 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."

Rezone of two City and Port properties along the waterfront from Light Industrial (LI) to Open Space / Public Facility (OS/PF). Also rezoned of City property along the Indian Creek canyon and trail from Residential (R-1) to Open Space (OS/PF)

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."

Plan Map Changed from : LI to OS/PF
R-1 OS/PF

Zone Map Changed from: L-1 to OS/PF
R-1 OS/PF

Location: Island along Columbia River shoreline Acres Involved: 15.58
City lots along Indian Creek Canyon - East Hood River

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

Applicable Statewide Planning Goals: 5 | 10 | 9

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 009-06 & (15235)
014-06 (15244)

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: 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: Part of Hood River,

Local Contact: Cindy Walbridge Area Code + Phone Number: 541 387 5217

Address: P.O. Box 27 City: Hood River

Zip Code+4: 97031 Email Address: cindy@ci.hood-river.or.us

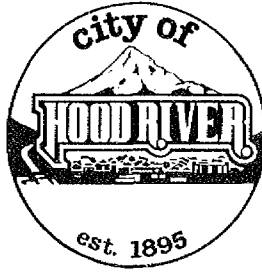
ADOPTION SUBMITTAL REQUIREMENTS

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.



301 OAK STREET
P.O. BOX 27
HOOD RIVER, OREGON 97031

(541) 386-1488

Mayor:
Linda Streich
Councilors:
President: Paul Cummings
Carrie Nelson
Paul Blackburn
Ann Frodel
Martin Campos-Davis
Laurent Picard

August 31, 2006

NOTICE OF CITY COUNCIL DECISION

TO: All Participating Parties
FROM: Cindy Walbridge, Planning Director
SUBJECT: Quasi-Judicial Zone Change

APPLICANT: City of Hood River; File Number 2006-43

LOCATION: A property located at the east end of East Prospect Avenue (Legal Description: 3N 10E 36AB Tax Lots 5601, 8500, 8800). A property known as Lot 6 on the Columbia River Waterfront (Legal Description: 3N 10E 25 portion of Tax Lot 100).

PROPOSAL: The City of Hood River applied to amend the Hood River Comprehensive Plan and zoning maps from Urban Low Density Residential (R1) to Open Space/Public Facility (OS/PF) for an approximately 4.68 acre property located at the east end of East Prospect Avenue (Legal Description: 3N 10E 36AB Tax Lots 5601, 8500, 8800) and to amend the Hood River Comprehensive Plan and zoning maps from Light Industrial (LI) to Open Space/Public Facility) for an approximately 6.4 acre property known as Lot 6 on the Columbia River Waterfront (Legal Description: 3N 10E 25 portion of Tax Lot 100).

Description of Action: The City Council **approved** the Planning Commissions recommendation to approve the zone change at a public hearing on **Monday, August 28, 2006**. The decision setting forth the findings of fact was signed on **August 28, 2006**. A copy of the City Council's Findings and Decision is available at the City Administration Building.

Appeal: The decision of the City Council shall be final unless the decision is appealed to the Land Use Board of Appeals in accordance with the appeal procedures in ORS 197.830 to 197.869.

A copy of the findings of fact as well as a copy of all documents and evidence in the record on which the decision is based, are available for inspection at no cost and copies will be provided at the cost of \$.33 per page at the City Planning Department, 301 Oak Street, between the hours of 8 a.m. to 5 p.m. Monday through Friday.

If you have questions, please call (541) 387-5217.

Sincerely,

Cindy Walbridge
Planning Director

ORDINANCE 1908

(AN ORDINANCE AMENDING THE CITY'S COMPREHENSIVE LAND USE PLAN AND ZONING MAPS FOR PROPERTY LOCATED at 3N 10E 36AB Tax Lots 5601, 8500, 8800; 3N 10E 25 portion of Tax Lot 100 (Lot 6) ; and 3N 10E 25 Tax lot 402 (island by the Hook)

WHEREAS, the City of Hood River Planning Commission held a public hearing on July 19, 2006, to consider an application to amend the Hood River Comprehensive Plan and zoning maps from Urban Low Density Residential (R1) to Open Space/Public Facility (OS/PF) for an approximate 4.68 acres located at the east end of East Prospect Avenue (3N 10E 36AB tax lots 5601, 8500, 8800); to amend the Hood River Comprehensive Plan and zoning maps from Light Industrial (LI) to Open Space/Public Facility for an approximately 6.4 acre property known as Lot 6 on the Columbia River Waterfront ; and to amend the Hood River Comprehensive Plan and zoning maps from Light Industrial (LI) to Open Space/Public Facility (OS/PF) or an approximately 4.5 acre property known as "the Island" on the Columbia River Waterfront

WHEREAS, the City of Hood River requested the plan and zone map amendments from Urban Low Density Residential (R-1) and Light Industrial (LI) to Open Space/Public Facility OS/PF and the Planning Commission recommended granting the request on July 5, 2006;

WHEREAS, the City of Hood River notified the Department of Land Conservation and Development in writing on May 17, 2006;

WHEREAS, following issuance of notice as required by the Hood River Municipal Code, the Hood River City Council held a public hearing on July 10, 2006, at which time the Council considered the Planning Commission's record and recommendation, the Planning Staff's report, and testimony presented, if any;

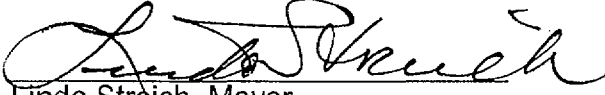
WHEREAS, the Hood River City Council adopts the Planning Commission's findings of fact and conclusions of law set forth in the findings dated and signed August 7, 2006, along with any amendments made by the Council at the hearing, and approves the application of the City of Hood River for the requested plan and zone map amendment.

NOW, THEREFORE, the City of Hood River ordains as follows:


Approval of an application to amend the Hood River Comprehensive Plan and zoning maps from Urban Low Density Residential (R1) to Open Space/Public Facility (OS/PF) for an approximately 4.68 acre property located at the east end of East Prospect Avenue; to amend the Hood River Comprehensive Plan and zoning maps from Light Industrial (LI) to Open Space/Public Facility for an approximately 6.4 acre property known as Lot 6 on the Columbia River Waterfront ; and to amend the Hood River Comprehensive Plan and zoning maps from Light Industrial (LI) to Open Space/Public Facility (OS/PF) or an approximately 4.5 acre property known as "the Island" on the Columbia River Waterfront

Read for the first time: August 14, 2006.

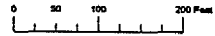
Read for the second time and approved 8/28/06 to become effective 30 days after the ordinance is read for the second time.


Linda Streich, Mayor

ATTEST:


Jill Rommel, City Recorder

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



NW 1/4 SECTION 36 T03N R10E WM
HOOD RIVER COUNTY

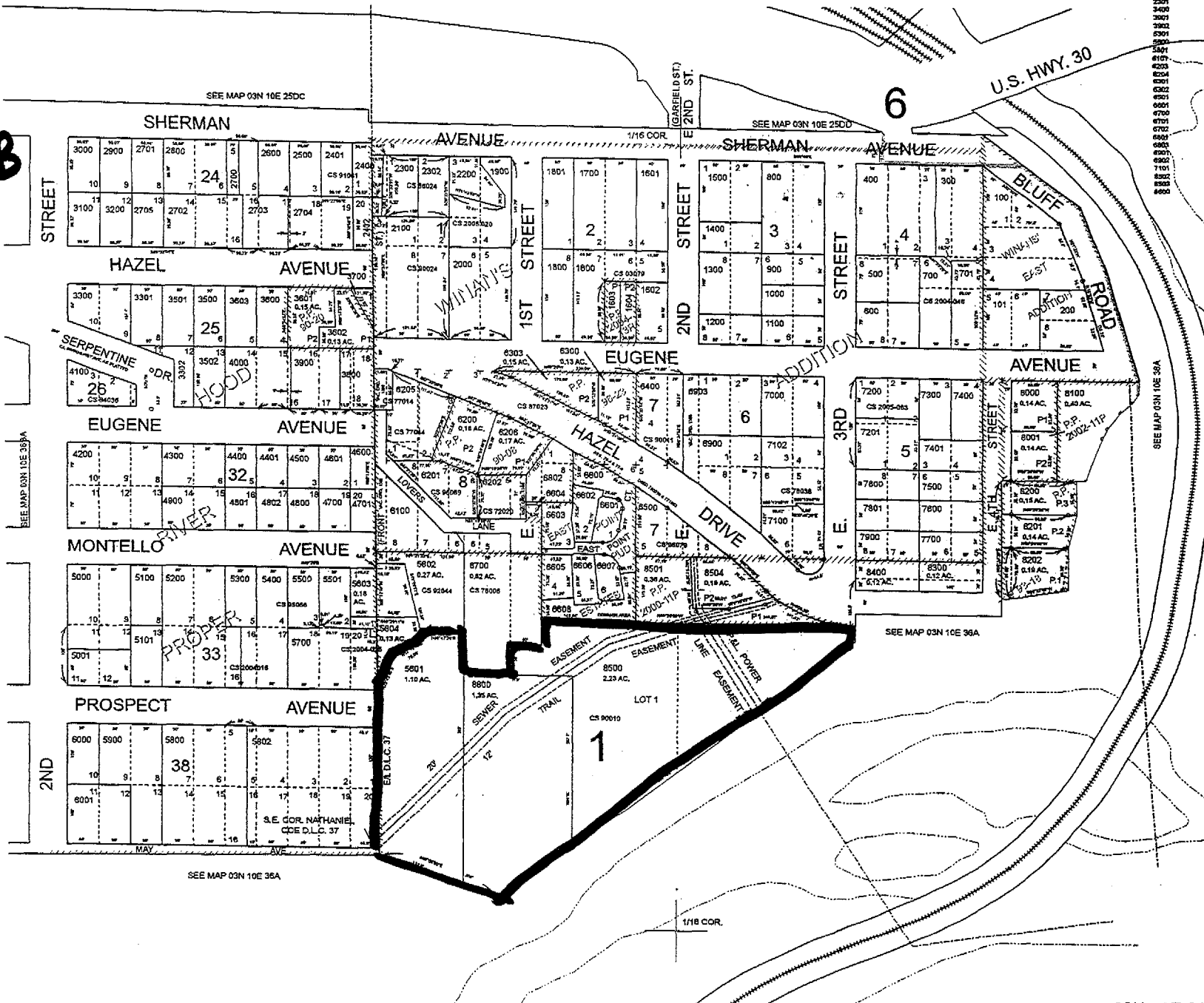
1" = 100'

03N 10E 36AB

CANCELLED NOS.

- 801
- 8201
- 8400
- 8501
- 8602
- 8701
- 8801
- 8901
- 9001
- 9101
- 9201
- 9301
- 9401
- 9501
- 9601
- 9701
- 9801
- 9901
- 8000

↑
N
3N 10E 36AB
5601
8500
8800



SEE MAP 03N 10E 36A

SEE MAP 03N 10E 36A

1/16 COR.

03N 10E 36AB

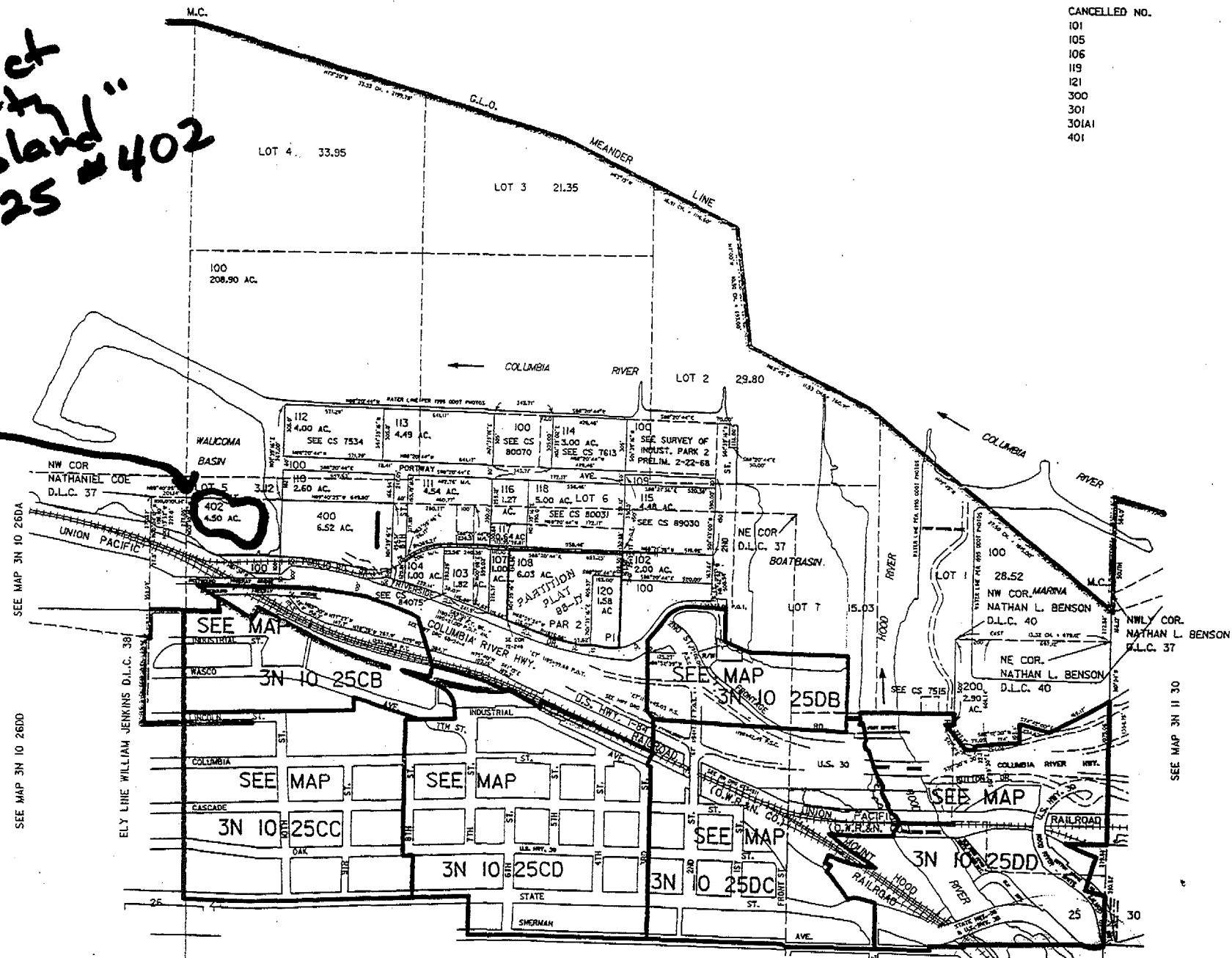
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T. 25 T.3N. R.10E. W.M.
HOOD RIVER COUNTY
1" = 400'

3N 10 25
& INDEX
HOOD RIVER

N
Subject
"The Island"
3N 10E 25 #402

- CANCELLED NO.
- 101
- 105
- 106
- 119
- 121
- 300
- 301
- 301A1
- 401



SEE MAP 3N 10 26DA

SEE MAP 3N 10 26DB

SEE MAP 3N 10 25CB

SEE MAP 3N 10 25CC

SEE MAP 3N 10 25CD

SEE MAP 3N 10 25DC

SEE MAP 3N 10 25DD

SEE MAP 3N 10 25DB

SEE MAP 3N 10 25DC

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SEE MAP 3N 10 25DB

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SEE MAP 3N 10 36BB

SEE MAP 3N 10 36BA

SEE MAP 3N 10 36AB

SEE MAP 3N 10 36A

36

3N 10 25
& INDEX

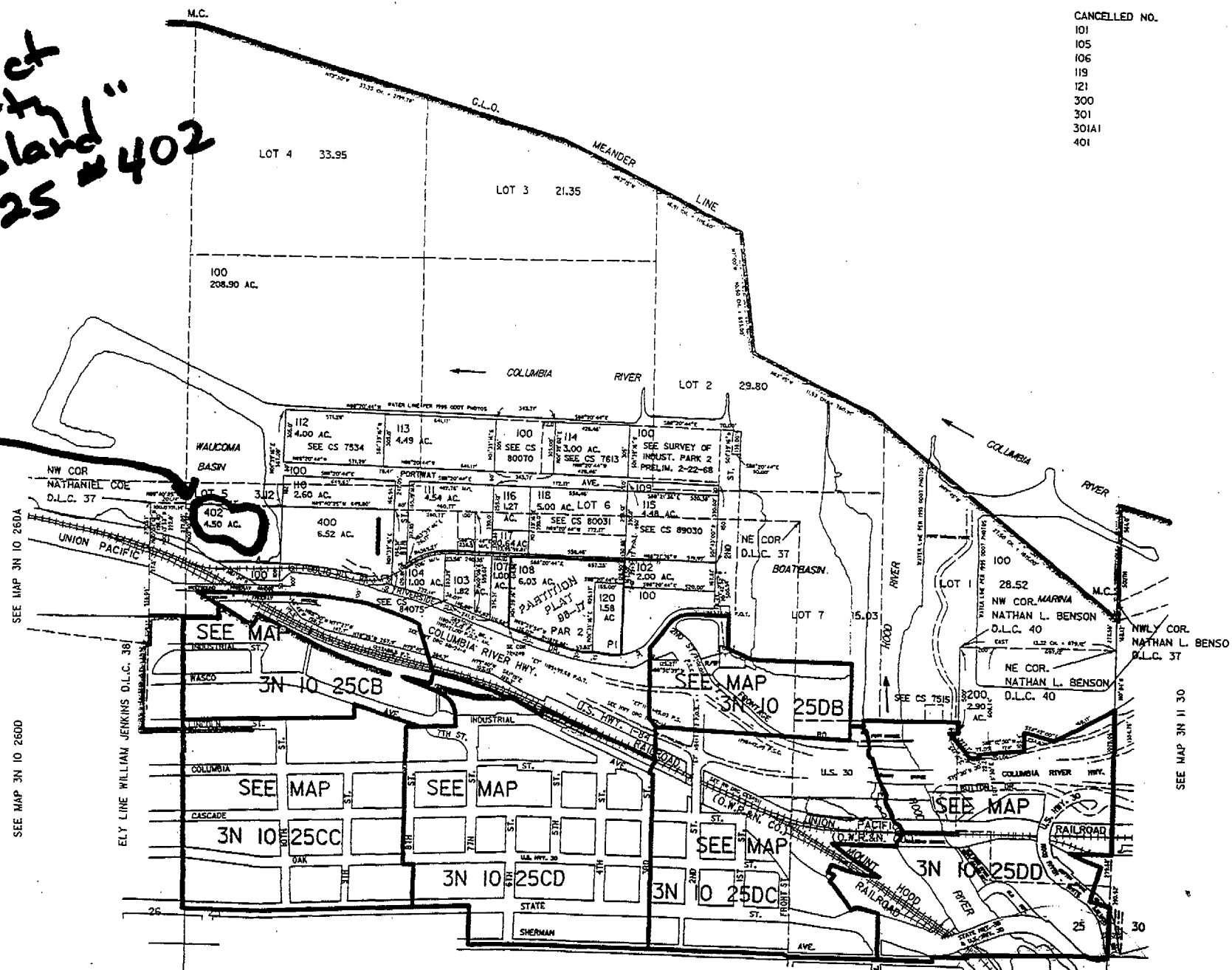
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T. 3N. R. 10E. W.M.
HOOD RIVER COUNTY
1" = 400'

3N 10 25
& INDEX
HOOD RIVER

**Subject
Property
"The Island"
3N 10E 25 #402**

- CANCELLED NO.
- 101
 - 105
 - 106
 - 119
 - 121
 - 300
 - 301
 - 301A1
 - 401



SEE MAP 3N 10 260D
SEE MAP 3N 10 260D

SEE MAP 3N 11 30

35 36 SEE MAP 3N 10 36BB

SEE MAP 3N 10 36BA

SEE MAP 3N 10 36AB

SEE MAP: 3N 10 36A

36 3N 10 25
& INDEX

**BEFORE THE CITY OF HOOD RIVER PLANNING COMMISSION
HOOD RIVER, OREGON**

June 28, 2006

In the Matter of the Plan and Zone)
Map Amendments for the)
Lot 6, a small island in the Hook and
a portion of the City's)
Indian Creek trail property)

STAFF REPORT



RE: PLAN AND ZONE MAP AMENDMENT FOR CITY OF HOOD RIVER

REQUEST:

1. The City of Hood River has made application to amend the Hood River Comprehensive Plan and zoning maps from Urban Low Density Residential (R1) to Open Space/Public Facility (OS/PF) for an approximately 4.68 acre property located at the east end of East Prospect Avenue (Legal Description: 3N 10E 36AB Tax Lots 5601, 8500, 8800); to amend the Hood River Comprehensive Plan and zoning maps from Light Industrial (LI) to Open Space/Public Facility) for an approximately 6.4 acre property known as Lot 6 on the Columbia River Waterfront (Legal Description: 3N 10E 25 portion of Tax Lot 100). and to amend the Hood River Comprehensive Plan and zoning maps from Light Industrial (LI) to Open Space/Public Facility (OS/PF) or an approximately 4.5 acre property known as "the Island" on the Columbia River Waterfront (Legal Description: 3N 10E 25 Tax Lot 402 **(See Attached Maps)**).

2. **The Port of Hood River has requested a continuance of this zone change until changes to the Recreational/Commercial Zone are addressed in August/Sept. of this year.** The City of Hood River has made application to amend the Hood River Comprehensive Plan and zoning maps from Light Industrial (LI) to Columbia River Recreational/Commercial (RC) for an approximately 3.8 acre property known as "the Hook" on the Columbia River Waterfront (Legal Description: 3N 10E 25 portion of Tax Lot 100); to amend the Hood River Comprehensive Plan and zoning maps from Industrial (I) to Columbia River Recreational/Commercial (RC) for an approximately 4.7 acre property known as "the Spit" on the Columbia River Waterfront (Legal Description: 3N 10E 25 portion of Tax Lot 100); **(See Attached Maps)**.

APPLICABLE ORDINANCE CRITERIA:

1. HRMC, Section 17.03.080 - Open Space/Public Facility
2. HRMC, Section 17.03.060 - Light Industrial Zone.
3. HRMC, Chapter 17.08 - Zone Changes and Plan Amendments.
4. HRMC, Chapter 17.09 - Quasi-Judicial Actions.
5. HRMC, Section 17.03.010 - Urban Low Density Residential Zone

FINDINGS OF FACT AND CONCLUSIONS

1. **17.08.040 Quasi-Judicial Zone Changes and Plan Amendments Criteria**
 - A. Quasi-Judicial zone or plan changes may be approved if the change will not be unreasonably harmful or incompatible with existing uses and one or more of the following exist:

Findings: Unreasonably harmful or incompatible with existing uses

R-1 to OS/PF (Prospect Avenue):

Open Space zoning and its associated uses are compatible with the surrounding uses in this particular location. The property will not be developed for park space; it will remain as open space and serve as a buffer to the Indian Creek trail because of its topography and lack of adequate access. There is literally a 20' drop off of Prospect to the site.

The City has received one letter from an adjacent residential property owner in support of the rezone.

LI to OS/PF (Lot 6 and Island):

There are two industrial buildings on either side of this parcel (Western Power and Luhr Jensen). Both will remain in LI Zoning, even though one building is empty and Luhr/Jensen is slated to close this year.

The property has been considered by much of the public a park for the past twelve (12) years and the property owner, Port of Hood River, deeded the land to the City of Hood River for park development. The Port can prepare any potential industrial users of the Western Power building of the likelihood of Waterfront Park to the east, and the same with the Luhr/Jensen building.

The Waterfront Park will be required to apply for, and receive approval of a site plan review for a park. During this process, the Port of Hood River or its tenants can request specific types of buffering to assist in the reduction of any conflicts.

The reason for the change to the island is for designating the land for the actual use. The Hook and the Wastewater Treatment Plant are the closest properties and the change to OS/PF will not negatively affect either of the current uses on those properties.

Conclusion: Based on the above finding of fact, this criteria has been met.

- a. **A mistake was made in the original zone/plan designation;**

R-1 to OS/PF (Prospect Avenue):

Most of these properties were zoned R-1 during the Comprehensive Planning process of the 1970's because the land was in private ownership. Over time the City has taken ownership due to foreclosure, trade and sale.

Zoning a private property open space does not often happen because of the "takings" consideration, so even though there were access issues, etc, the property was designated as residential when it was private..

LI to OS/PF (Lot 6 and Island):

The area north of I-84 and west of the Hood River was established in the 1970's as an industrial park by the Port of Hood River. However, these two sites have not been in industrial use due to location (island) and desire to place the property into another use (Lot 6 - park).

The Comprehensive Plan adopted in 1983 designated these parcels Light Industrial (LI). The island was part of a plan by the Port with a fill which created the Hook property for part of the industrial park. After the Hook was filled in, the Port of Hood River could no longer obtain fill permits from the Corps to complete the fill, hence the configuration of the Hook and island.

Lot 6 is the center waterfront parcel and zoning it LI was consistent with the intended use for an industrial park.

Finding: Based on the above, staff finds a mistake was not made in the original zone designation.

b. There is a public need for the change and this identified need will be served by changing the zone/plan designation for the subject properties; and/or

The Planning Commission evaluates public need from a comprehensive standpoint. For example, to demonstrate a public need for this request, the applicant must demonstrate that there is an adequate supply of Light Industrial land. Public need is not, however, the need of individual property owners.

R-1 to OS/PF (Prospect Avenue):

The public need served by rezoning the property is that the land will be further protected from development along the Indian Creek Trail and the City of Hood River's main eastside sewer line.

LI to OS/PF (Lot 6 and Island):

The public need will be served by rezoning Lot 6 to OS/PF because it will fulfill a long-term wish by the electors of the City of Hood River, many citizens of Hood River Valley, visitors, and the Hood River City Council to

develop a park on this property. The Port of Hood River deeded the property to the City along with an Intergovernmental Agreement outlining the parameters for developing a park.

Given the political history on this property, the rezoning of Lot 6 from LI to OS/PF represents the execution of the public need to its greatest degree.

The Industrial Lands Inventory will not be negatively affected by the elimination of approximately 2 acres (that portion of Lot 6 in the inventory) and will not reduce the total acreage below the adopted number of acres.

The public need will be represented by the rezoning of this island to OS/PF for many of the same reasons as Lot 6. This island is viewed as a growing habitat for birds and other animals. The OS/PF Zone will assist in that further protection.

Conclusion: Based on the above findings of fact, the public need will be met by rezoning the properties.

a. Conditions have changed within the affected area, and the proposed zone/plan change would therefore be more suitable than the existing zone/plan designation.

R-1 to OS/PF (Prospect Avenue):

Conditions have changed in Hood River because of the skyrocketing housing market. Every piece of land is seen as a "future building site". Pressure for the City to sell or develop its surplus properties has increased. These properties will allow the City to protect the usage for the Indian Creek trail, will protect properties with little or no access, protect the City's sewer line and will protect the hillside area between the residences and Indian Creek trail and the creek.

LI to OS/PF (Lot 6 and Island):

Conditions have changed in Hood River. The public has voiced strong opinions that waterfront properties should be valued and used for recreation uses rather than industrial use. Trends in land development in the waterfront area are towards a mix in uses as evidenced by the following changes; Event Site, Expo Center, tour boat dock facilities, Hattenhauer's service station and convenience store. There are particular areas of the waterfront that will require continued protection and that can be accomplished through the site plan review process.

Conclusion: Based on the above, staff finds that conditions have changed in the area and that an OS/PF zone designation would be more suitable for that site than the existing zone.

d. **The Planning Commission shall consider factors pertinent to the preservation and promotion of the public health, safety and welfare including, but not limited to:**

1. **The character of the area involved;**
2. **Its peculiar suitability for particular uses;**
3. **Conservation of property values; and**
4. **The direction of building development.**

The above factors are taken into consideration in the findings of fact in the criteria, above.

2. COMPREHENSIVE PLAN and STATEWIDE PLANNING GOALS & GUIDELINES:

GOAL 1 - CITIZEN INVOLVEMENT: Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

All applicable notice and public hearing procedures are being followed to process this application.

GOAL 2 - LAND USE PLANNING: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The policies listed under Plan Review and Revisions discuss the process and criteria for revisions and changes to the comprehensive plan (including the zone map). After careful review and discussion with the City Attorney, staff finds that the criteria under D. of this section relate specifically to legislative revisions to the comprehensive plan, not quasi-judicial changes. Legislative revisions are broad in scope and can be initiated only by the Planning Commission or City Council, while quasi-judicial changes are narrow in scope and can be initiated by the property owner. Quasi-judicial changes are evaluated pursuant to Sections 17.08.020 through 17.08.050 of the HRMC (see findings under II.A. and II.b., above).

This application is for a quasi-judicial, not legislative zone change.

GOAL 3 - AGRICULTURAL LANDS: To preserve and maintain agricultural lands.

Not applicable.

GOAL 4 - FOREST LANDS: To conserve forest lands for forest uses.

Not applicable.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES: To conserve open space and protect natural, historic, and scenic resources.

The proposed changes will not adversely impact any Goal 5 resources. The Lot 6 property is subject to the Columbia River Waterfront Overlay Zone whether it is zoned LI or OS/PF.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY: To maintain and improve the quality of the air, water, and land resources of the planning area to provide a relatively pollution free environment.

The change to OS/PF will only protect and enhance the Goal 6 resources.

GOAL 7 - NATURAL DISASTERS: To protect life and property from natural disasters and hazards.

The subject parcels along Indian Creek trail are within a designated hazard area. The rezone to OS/PF will protect the hillside from further degradation that could potentially increase slides in the area.

GOAL 8 - RECREATIONAL NEEDS: To satisfy the recreational needs of the citizens of the community and visitors to the area.

Rezoning all these properties will serve to further Goal 8 in allowing for active recreation (Lot 6) and passive recreation (eastside properties).

GOAL 9 - ECONOMY: To diversify and improve the economy of the Hood River planning area.

This proposal is consistent with Policy 3 of Goal 9 of the Hood River Comprehensive Plan: The City will actively promote and encourage commercial, industrial, and recreational activities which generate employment, products and services which are consistent with the availability of long-term human and natural resources.

These rezones will promote long-term preservation of resources, while enhancing the economy. Parks and open space land have long been attributed to the attractiveness and viability of a City.

GOAL 10 - HOUSING: To provide for the housing needs of the residents of Hood River.

A change from LI to OS/PF zone will reduce the amount of land available for housing. However, the properties slated for rezone on the eastside are zoned R-1, but because of slope, poor access, sewer line placement, Indian Creek trail and the geologic hazard overlay would be difficult to develop. Because these properties are owned by a public municipality, the rezone will benefit the community as a whole by providing open space, protection to the trail, and protection to our infrastructure.

GOAL 11 - PUBLIC FACILITIES AND SERVICES: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The OS/PF designation for the eastside properties will decrease the demand for infrastructure by 100% and significantly to Lot 6. All utilities are available to Lot 6.

GOAL 12 - TRANSPORTATION: To provide and encourage a safe, convenient and economic transportation system, realizing maximum mobility for the citizens of the community.

ODOT and the City Engineering Department will not require a traffic analysis for the rezone of Lot 6. The eastside properties will incur no traffic by the rezone.

GOAL 13 - ENERGY CONSERVATION: To conserve energy and encourage the use of renewable energy resources.

N/A

GOAL 14 - URBANIZATION: To provide for an orderly and efficient transition from rural to urban land use. Not applicable.

Conclusion: Based on the above findings of fact, the rezone complies with the Comprehensive Plan.

3. **TRANSPORTATION PLANNING RULE:** Oregon Administrative Rule (OAR) 660-12-060 (1) and (2) provide as follows:

a. **Amendments to comprehensive plans, functional plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and level of service of the facility.**

b. **A land use regulation amendment significantly affects a transportation facility if it:**

1. **Changes the functional classification of an existing or planned transportation facility;**
2. **Changes standards implementing a functional classification system;**
3. **Allows types of levels of land uses which would result in levels of travel or access which 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 TSP.**

Lot 6 is accessed from the 2nd Street Overpass which is a State Highway that is intended for large traffic volumes. The Oregon Department of Transportation, after review, did not have any comments regarding this request.

The eastside properties do not now incur any traffic and will not when rezoned.

Conclusion: Based on the above information staff finds the proposed zone change does not significantly affect the transportation facility. The proposal does not bring down or even change the level of service.

III. **RECOMMENDATION:** Based on the above Findings of Fact, staff recommends - 8 -**APPROVAL** of this application to the Planning Commission.