



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

January 11, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Lafayette Plan Amendment
DLCD File Number 001-05

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. This adoption was adopted by the City on September 29, 2005, and passed the 21-day appeal period from the date of the adoption.

Appeal Procedures*

DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Walt Wendolowski, City of Lafayette

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FORM 2

D L C D NOTICE OF ADOPTION OF

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

JAN 06 2006

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Lafayette Local File No.: 05-05-07
(If no number, use none)
Date of Adoption: September 29, 2005 Date Mailed: January 5, 2006
(Must be filled in) (Date mailed or sent to DLCD)
Date the Notice of Proposed Amendment was mailed to DLCD: May 19, 2005

- 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.
Amend Plan Map from low density residential to medium density
Residential. Amend Zone Map from Low Density Residential (R-1) to
Medium Density Residential (R-2).

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.

SAME

Plan Map Changed from: Low Density Residential to Medium Density Residential
Zone Map Changed from: R-1 to R-2
Location: T4S;R3W;SEC6 TL 2600,2601,2602 Acres Involved: 1.97 acres
Specify Density: Previous: 5.8 D.U. / Ac New: 8.7 D.U. / Ac
Applicable Statewide Planning Goals: 10, 11, 12, 14
Was an Exception Adopted? Yes: _____ No: x

DLCD File No.: 001-05
(14391)

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: None

Local Contact: Walt Wendolowski Area Code + Phone Number: (503) 864-2451
 Address: 486 Third St. PO Box 55 City: Lafayette
 Zip Code+4: 97127-0055 Email Address: loril@ci.lafayette.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.**

**BEFORE THE CITY COUNCIL FOR THE CITY OF
LAFAYETTE**
SITING FOR THE TRANSACTION OF CITY BUSINESS

In the Matter of an Ordinance Amending)
the Lafayette Comprehensive Plan)
Map and the Zoning Map) **ORDINANCE 578**

THE CITY COUNCIL OF THE CITY OF LAFAYETTE, OREGON (the "Council" and the "City") sat for the transaction of business on Thursday, September 29, 2005 at 6:30 p.m. in the council chambers at City Hall.

WHEREAS, on July 7, 2005, the Planning Commission conducted a public hearing to consider the proposed Comprehensive Plan Map Amendment and Zone Change for the purpose of establishing the Medium Residential Density designation and Medium Density Residential (R-2) zone on property identified within Planning File Case No. 05-05-07; and

WHEREAS, notice of the said public hearings were duly given pursuant to the Zoning and Development Ordinance of the City of Lafayette and the public was given a full opportunity to be present and heard on the matter; and

WHEREAS, on July 7, 2005, the Planning Commission opened the hearing, received the staff report and public testimony and voted to recommend that the City Council deny the proposed Comprehensive Plan Map Amendment and Zone Change; and

WHEREAS, on August 25, 2005, the City Council of the City of Lafayette conducted a public hearing on the matter; and

WHEREAS, notice of the said public hearings were duly given pursuant to the Zoning and Development Ordinance of the City of Lafayette; and

WHEREAS, on August 25, 2005, the City Council opened the hearing, received the Planning Commission Order of Recommendation, testimony by the applicant and general public and considered information provided by City staff.

**NOW, THEREFORE, THE CITY OF LAFAYETTE, OREGON ORDAINS AS
FOLLOWS:**

Section 1. The Medium Density Residential Plan Comprehensive Plan Designation is hereby established on property identified as located within Township 4 South; Range 3 West; Section 6CB; Tax Lot #s 2600, 2601 and 2602.

Section 2. The Medium Density Residential (R-2) Zone is hereby established on property identified as located within Township 4 South; Range 3 West; Section 6CB; Tax Lot #s 2600, 2601 and 2602.

Section 3. The Zone Change shall be subject to the placement of the Limited Use Overlay Zone (LUO) limiting development to the following uses identified in Lafayette Zoning and Development Ordinance:

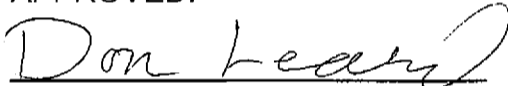
- (1) Section 2.103.02.A - Single family dwelling, detached.
- (2) Section 2.103.02.N. – Subdivision.

Section 4. The City Council of the City of Lafayette does hereby adopt those certain findings of fact in support of the decision attached hereto as EXHIBIT "A" and by this reference made a part hereof.

ADOPTED by the Council on the 29th of September, 2005.

VOTE: Ayes: 5 Nays: 1 Abstentions: 0 Absent: 0 Vacancies: 0

APPROVED:



Mayor Don Leard

Attested:



Diane Rinks, City Administrator

EXHIBIT "A"
BEFORE THE LAFAYETTE CITY COUNCIL
PLANNING FILE No. 05-05-07

In the Matter of the)	
)	1. Plan Map Amendment
Application of)	2. Zone Change
)	
Premier Development)	

I. NATURE OF THE APPLICATION

This matter comes before the Lafayette City Council on the application of Premier Development for a Comprehensive Plan Map Amendment and Zone Change to establish the Medium Density Residential (R-2) zone on the subject property.

II. GENERAL INFORMATION

A. Site Location

The property is located on the northeast corner of the intersection of Bridge Street and 12th Street. The property address is 1174 Bridge Street. The County Assessor places the land within Township 4 South; Range 3 West; Section 6CB; Tax Lot #s 2600, 2601 and 2602.

B. Site Development and Zoning

The approximate 2.0 acre vacant property fronts two public streets and is served by public sewer and water. The land is designated a Low Density Residential in the Lafayette Comprehensive Plan and zoned Low Density Residential (R-1).

C. Adjacent Zoning and Land Uses

Land to the north and east is also zoned R-1. These adjacent lands contain single family subdivision lots. To the south is Medium Density Residential (R-2) zoned land containing a 32 unit apartment complex. Additional R-2 zoned land is located to the west and contains a manufactured home park.

D. Proposal

The applicant is requesting approval of a Comprehensive Plan Map Amendment to change the Plan Map designation from Low Density Residential to Medium Density Residential and a Zone Change to establish the Medium Density Residential (R-2) on the entire parcel. The purpose of this request is to construct a 12-lot single family subdivision.

Findings in this Exhibit are limited to the proposed Comprehensive Plan Map Amendment and Zone Change. A separate document was prepared for the proposed Subdivision project and associated Minor Variance.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was duly held on this application before the Lafayette Planning Commission on July 7, 2005. At the hearing, Planning File 05-05-07 was made a part of the record. Notice of the hearing was provided pursuant to Section 3.202 of the Lafayette Land Use and Development Ordinance. All Commission members indicated familiarity with the site. No ex parte contacts were declared and no objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council deny the Plan Amendment and Zone Change applications. The Commission found the application did not comply with the applicable decision criteria.

B. City Council Action

A public hearing was duly held on this application before the Lafayette City Council on August 25, 2005. At the hearing, Planning File 05-05-07 was made a part of the record. Notice of the hearing was provided pursuant to Section 3.202 of the Lafayette Land Use and Development Ordinance. No ex parte contacts were declared and no objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the City Council deliberated on the issue and voted to approve the Plan Amendment and Zone Change applications. The Council found the application complied with the applicable decision criteria. The Council directed staff to prepare an adoption Ordinance.

IV. FINDINGS OF FACT-GENERAL

The Lafayette City Council, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

- A. The applicant is Premier Development, LLC.
- B. The property is located on the northeast corner of the intersection of Bridge Street and 12th Street. The property address is 1174 Bridge Street and the County Assessor places the land within Township 4 South; Range 3 West; Section 6CB; Tax Lot #s 2600, 2601 and 2602.

- C. The property contains approximately 2.0 acres.
- D. The vacant property fronts two public streets and is served by public sewer and water.
- E. The parcel is designated aLow Density Residential@ in the Lafayette Comprehensive Plan and zoned Low Density Residential (R-1).
- F. Land to the north and east is also zoned R-1. These adjacent lands contain single family subdivision lots. To the south is Medium Density Residential (R-2) zoned land containing a 32 unit apartment complex. Additional R-2 zoned land is located to the west.
- G. The applicant is requesting approval for the following land use applications:
 - 1. Comprehensive Plan Map Amendment to change the Comprehensive Plan designation from Low Density Residential to Medium Density Residential on the entire parcel.
 - 2. Zone Change to change the zoning from Low Density Residential (R-1) to Medium Density Residential (R-2) on the entire parcel.
 - 3. Subdivision to establish a 12-lot single-family subdivision.
 - 4. Minor Variance to reduce the minimum frontage requirement from 40 feet to 32 feet.

Findings in this Exhibit are limited to the Plan Map Amendment and Zone Change.

- H. Approval or denial of this request shall be based on the Statewide Land Use Planning Goals, the Lafayette Comprehensive Plan and the Lafayette Land Use and Development Ordinance, Section 3.102.

V. APPLICATION SUMMARY AND AGENCY COMMENTS

- A. The property was previously partitioned into three parcels in 2000 (Minor Partition 00-02). The applicants now wish to reconfigure this property to create a 12-lot subdivision. This particular request requires the following approvals:
 - 1. Plan Map Amendment - The request would change the Plan designation from aLow Density Residential@ to aMedium Density Residential.@
 - 2. Zone Change - The request would change the zoning from Low Density Residential (R-1) to Medium Density Residential (R-2) on the entire parcel.

3. Subdivision - The proposal would establish a 12-lot subdivision. Lots would range in size from 5,040 square feet to 8,313 square feet and are designed for detached single-family homes. Access to all twelve lots is by a single cul-de-sac off of 12th Street.
4. Minor Variance - The minimum access width along a cul-de-sac is 40-feet. Lots 4 to Lot 8 will contain only 32-feet of frontage. To permit this reduction, the applicant is requesting a Variance.

Subdivisions are permitted in both the R-1 and R-2 zones. The purpose behind the Plan amendment and Zone Change is to permit smaller lots. The minimum lot size in the R-1 zone is 7,000 square feet; in the R-2 zone, 5,000 square feet.

- B. The City Engineer provided comments and recommendations. The report is a part of the official record. Based on the written summary, the City Engineer determined there are facility no limitations to the proposed Plan and Zone Change or subdivision.
- C. Portland General Electric requested an 8-foot utility easement along each property frontage. The McMinnville School District noted they are not affected by the proposal. The Fire District indicated all homes must be within 250-feet of a hydrant and comply with other fire safety requirements. No other contacted agency responded.
- D. The Plan map amendment and zone change are Type III applications. These require hearing before both the Planning Commission and City Council. In this situation, the Commission provides a recommendation and the Council makes the final decision. The Commission reviewed this application at their July 7, 2005 hearing and voted to recommend that the Council deny the application. Findings in this Exhibit reflect the City Councils review and decision related to the Plan Map Amendment and Zone Change. A separate document was prepared for the Subdivision and Minor Variance applications.

VI. CRITERIA AND FINDINGS - COMPREHENSIVE PLAN MAP AMENDMENT

- A. The proposed Comprehensive Plan Map amendment would change the Plan designation from Low Density Residential to Medium Density Residential on the entire parcel. The purpose of the Plan map amendment is to allow the re-zoning of the property from Low Density Residential (R-1) to Medium Density Residential (R-2) and permit development of this particular subdivision.
- B. The decision criteria for a Plan Map Amendment require conformance with the Statewide Land Use Planning Goals.

FINDINGS: Compliance with the Statewide Goals is noted as follows:

Goal 1, Citizen Involvement: Public hearings on the proposed Plan map and zone map amendments will be held before both the Planning Commission and City Council. This is consistent with City procedures and the intent of the Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Development Ordinance.

Goal 3, Agricultural Lands: The proposal does not involve or affect farm land. An exception to this goal is not required.

Goals 4, Forest Lands: The proposal does not involve or affect identified forest lands. An exception to this goal is not required.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: Identified historic, cultural, or natural resources are not affected by the proposed changes.

Goal 6, Air, Water and Land Resource Quality: Overall the proposed change does not establish uses or activities which will adversely affect the environment as there will be no significant change in the proposed and potential use of the property.

Goal 7, Natural Hazards: Development requirements for activities within the flood plain or on steep slopes would remain unaltered. For the record, these provisions do not apply to this request.

Goal 8, Recreational Needs: The proposed map change does not involve land or create uses which would adversely impact recreational opportunities.

Goal 9, Economic Development: The proposed Plan map amendment neither promotes nor restricts economic activity.

Goal 10, Housing: The proposed Plan map amendment will allow higher residential densities which provide additional housing opportunities.

Goal 11, Public Facilities and Services: The proposed changes do not involve public facilities or create uses or activities that will impact existing public facilities.

Goal 12, Transportation: The Plan map amendment does not create uses that directly impact the adopted Transportation System Plan.

Goal 13, Energy Conservation: The Plan map amendment is neutral with regard to energy conservation.

Goal 14, Urbanization: The proposal would allow higher residential densities in keeping with the overall objective of creating a compact urban form.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The map amendment does not involve land within the Willamette Greenway or coastal areas.

In general, the proposed amendments to the Comprehensive Plan are either entirely consistent with the intent of the Statewide Goals, or, the amendments do not directly affect issues addressed by the Goals.

C. The change in Plan designation addresses a number of important goals and policies in a variety of elements. Each element is reviewed, below.

1. **Housing** – It was determined the following goals and policies apply to the proposal.

Goals

18-A To provide housing that will meet the needs of the community in a manner that will best afford an adequate choice in all income ranges and housing types.

Policies

18-2 The City shall revise zoning and subdivision ordinances to include innovative land developments and incentives to provide a range of housing types, densities and price ranges that will adequately meet the present and future needs of the community.

18-8 Housing densities shall be consistent with the suitability of the land to support development and shall avoid natural hazards such as unstable soils, steep topography, flood/slide hazard areas and soils with poor drainage.

18-10 Residential developments should be located within the foreseeable future in areas presently served by public services.

FINDINGS: The Plan amendment will allow increase residential density on the subject site. The proposed zone permits a variety of housing types, including single family homes at higher residential densities. This combination of Plan designation and zoning can provide housing which meets the needs of the community in a manner allows additional choices. The parcel is suitable for the proposed use as it is relatively flat (2% to 5% slopes) and does not contain topographical limitations or natural hazards that would prohibit higher density residential development. Further, the site is presently served by public and private utility facilities.

2. **Public Facilities and Services** – It was determined the following goals and policies apply to the proposal.

Goals

- 12-A To provide an orderly and efficient arrangement of water, sewer and storm sewer.

Policies

- 12-1 Water, sewer and storm drainage service shall be adequately provided and maintained in order to meet the residential, commercial and industrial needs of the City.
- 12-4 The City shall require new development to provide a storm drainage and collection system within the development.

FINDINGS: Based on information submitted by the City Engineer, there are adequate facilities in place to serve the proposed development.

3. **Transportation** – It was determined the following goals and policies apply to the proposal.

Goals

- 9-A To provide a safe, aesthetic and economic transportation system through a variety of transportation means.

Policies

- 9-4 Transportation improvements shall be used to guide urban development and shall be designed to serve anticipated future needs.

FINDINGS: Higher density development is usually established near identified collector or arterial streets. This proposal is entirely consistent with this concept. Further, based on comments submitted by the City Engineer, the existing street system is capable of accommodating additional traffic generated by the development.

- D. The proposed change in Plan designation will reduce the amount of land specifically zoned for detached single family homes and increase the land available for higher density development. In addition to the Plan policies noted above, the Council notes the following:

1. The subject property is square shaped and located at an intersection. These factors, coupled with its relatively small size, make it difficult to subdivide the parcel into 7,000 square foot lots. The proposed Plan change permits efficient use of the land.

2. Property to the south and west is currently zoned R-2. The change in Plan designation does not have the effect of "spot zoning" but instead is a continuation of existing higher density development in the area.
 3. Further, while the proposal establishes the R-2 zone, the development proposal will create a single family subdivision, thereby providing a transition between the higher density uses to the west and south and lower density residential uses to the north and east.
- E. Adequate services, including streets, will be in place to serve the site while changing the Plan designation permits a more efficient use of a poorly situated parcel. The primary benefit is to allow additional housing options while postponing the need for an urban growth boundary amendment to meet future residential land needs.

VII. CRITERIA AND FINDINGS - ZONE CHANGE

- A. The proposed Zone Change would establish the Medium Density Residential (R-2) zone on the property. This zone is entirely consistent with the proposed Plan designation. The decision criteria for a zone change are found in Section 3.102.03.

1. Section 3.102.03. A - The proposed zone is appropriate or the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use designation.

FINDINGS: Based on the Comprehensive Plan map, the R-2 zone is entirely consistent with the Medium Density Residential land use designation as both encourage higher density residential development. Findings related to the Comprehensive Plan goals and policies also apply to the Zone Change.

2. Section 3.102.03.B - The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

FINDINGS: Previous findings indicate the site does not contain steep slopes or other hazards which would specifically limit development. Compliance with specific Ordinance development requirements for the subdivision and variance were reviewed and it was determined the proposed use can be accommodated on the site.

3. Section 3.102.03.C - Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.

FINDINGS: Based on the submitted site plan, the subject property can accommodate the proposed subdivision layout.

4. Section 3.102.03.D - Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

FINDINGS: Information submitted by the City Engineer indicates adequate facilities are either in place, or will be in place, to serve the development.

5. Section 3.102.03.E - For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

FINDINGS: The purpose of the R-2 zone is to provide for single family and multi-family housing opportunities. The proposed development is designed to include higher density single family development. This is entirely consistent with the purpose of the R-2 zone.

- B. The Development Ordinance allows the City to place a "limited use overlay zone" as part of any zone change request. The purpose of the Limited Use Overlay Zone is to reduce the list of permitted uses in a zone to those that are suitable for a particular location. This recognizes zones permit a number of uses which may be considered compatible in terms of the type and intensity of activity on adjacent properties, but for a particular property, certain permitted uses may conflict with adjacent land uses. Rather than deny appropriate permitted uses because the proposed zone would permit an objectionable use, the Limited Use Overlay can be used to identify those appropriate uses and require a conditional use permit for other all other activities.

- C. The criteria to establish the Limited Use Overlay Zone are found in Section 2.113.04. A decision adopting the overlay zone shall include findings showing that:

1. 2.113.04.A - No zone has a list of permitted uses where all uses would be appropriate.

FINDINGS: The R-1 and R-2 zones are similar in that they both allow single family homes. However, the R-2 zone also permits apartments and similar higher density residential uses. Since single family homes dominate adjacent development the use of the Overlay Zone to limit development to the proposed single family subdivision is appropriate.

2. 2.113.04.B - The proposed zone is the best suited to accommodate the desired uses.

FINDINGS: While the R-2 zone permits smaller residential lots, the overlay zone will ensure the property is developed for that particular use and thereby maintain compatibility with area development.

3. 2.113.04.C - It is necessary to limit the uses permitted in the proposed zone.

FINDINGS: As noted, a majority of the adjacent land contains single family homes. The use of an overlay to limit the type of development is appropriate and also allows a suitable transition between higher density uses to the west and south and lower density single family homes to the north and east..

4. 2.113.04.D - The maximum number of acceptable uses in the zone have been identified and will be permitted.

FINDINGS: The applicant intends to create a single family subdivision and construct site-built homes on the individual lots. Limiting development to these uses is appropriate as it is consistent with the intent of the request and the general pattern of development within the area.

- D. The use of the overlay zone is a means whereby compatibility issues can be addressed. Therefore, based on the above findings, the Council will limit permitted uses to single family site-built homes (Section 2.103.02.A) on subdivision lots (Section 2.103.02.N.). All other uses permitted uses in the zone would be subject to conditional use approval.

VIII. CONCLUSION

Based on the above findings, the City Council concludes the proposed Comprehensive Plan Map Amendment and Zone Change comply with the decision criteria.