



# 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

January 20, 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 002-05

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.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 3, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 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**

**DEPT 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

(See reverse side for submittal requirements)

JAN 18 2006

**LAND CONSERVATION AND DEVELOPMENT**

Jurisdiction: City Of Lafayette Local File No.: 05-08-15

(If no number, use none)

Date of Adoption: January 12, 2006 Date Mailed: January 17, 2006  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: November 3, 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 Medium Density Residential to Commercial.  
Amend Zone Map from Medium Density Residential (R-2) to Commercial (C-1)

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 Medium Density Res. to Commercial

Zone Map Changed from: R-2 to C-1

Location: T4S;R4W;SEC1:TL 1091 Acres Involved: 3,000 square feet

Specify Density: Previous: 6 D.U. / Ac New: 0 D.U. / A

Applicable Statewide Planning Goals: 10, 11, 12

Was an Exception Adopted? Yes: \_\_\_\_\_ No: x

DLCD File No.: 002-05  
(14634)

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: ODOT, Yamhill  
County

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](mailto:Mara.Ulloa@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**



Section 2. The Commercial Core (C-1) Zone is hereby established on property identified as located within Township 4 South; Range 4 West; Section 12AA; Tax Lot #1091.

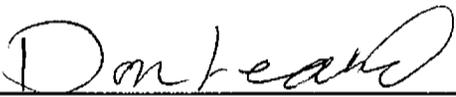
Section 3. The City Council of the City of Lafayette does hereby adopt those certain findings of fact in support of the decision attached hereto as EXHIBIT "A" and by this reference made a part hereof.

**ADOPTED** by the Council on the 12<sup>th</sup> day of January, 2006.

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

APPROVED:

Attested:

  
\_\_\_\_\_  
Mayor Don Leard

  
\_\_\_\_\_  
City Administrator Diane Rinks

**EXHIBIT "A"**  
**BEFORE THE LAFAYETTE CITY COUNCIL**  
**PLANNING FILE No. 05-08-15**

In the Matter of the	)	
	)	1. Plan Map Amendment
Application of	)	2. Zone Change
	)	
Cliff Brotherton	)	

**I. NATURE OF THE APPLICATION**

This matter comes before the Lafayette City Council on the application of Cliff Brotherton for a Comprehensive Plan Map Amendment and Zone Change to establish the Commercial Core (C-1) zone on the subject property.

**II. GENERAL INFORMATION**

**A. Site Location and Zoning**

The subject property is located on the south end of Washington Street, adjacent to 3<sup>rd</sup> Street (Highway 99W). There is no property address and the County Assessor map places the parcel within Township 4 South; Range 4 West; Section 12AA; Tax Lot #1091. The property is designated Medium Density Residential in the Comprehensive Plan and zoned Medium Density Residential (R-2).

**B. Site Development**

The 3,500 square foot vacant property fronts two public streets and public sewer and water are available.

**C. Adjacent Zoning and Land Uses**

Land to the west and northwest is zoned R-2 and contains single family homes or vacant property. All remaining land is zoned Commercial Core (C-1) with commercial retail activities the dominant land use.

**D. Proposal**

The applicant is requesting approval of a Comprehensive Plan Map Amendment to change the Plan Map designation from Medium Density Residential to Commercial and a Zone Change to establish the Commercial Core (C-1) zone on the entire parcel.

### III. PUBLIC HEARING

#### A. Planning Commission Action

A public hearing was duly held on this application before the Lafayette Planning Commission on November 3, 2005. At the hearing, Planning File 05-08-15 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 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 approve the Plan Amendment and Zone Change applications. The Commission found the application complied with the applicable decision criteria and directed staff to prepare an Order for the Chair's signature.

#### B. City Council Action

A public hearing was duly held on this application before the Lafayette City Council on December 8, 2005. At the hearing, Planning File 05-08-15 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 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 and directed staff to prepare an adoption Ordinance.

### IV. FINDINGS OF FACT-GENERAL

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

- A. The applicant is Clifford Brotherton.
- B. The subject property is located on the south end of Washington Street, adjacent to 3<sup>rd</sup> Street (Highway 99W). There is no property address and the County Assessor map places the parcel within Township 4 South; Range 4 West; Section 12AA; Tax Lot #1091.
- C. The property contains 3,500 square feet of area.
- D. The vacant property fronts two public streets and public services are available.

- E. The property is designated Medium Density Residential in the Comprehensive Plan and zoned Medium Density Residential (R-2).
- F. Land to the west and northwest is zoned R-2 and contains single family homes or vacant property. All remaining land is zoned Commercial Core (C-1) with commercial retail activities the dominant land use.
- G. The applicant is requesting approval of a Comprehensive Plan Map Amendment to change the Plan Map designation from Medium Density Residential to Commercial and a Zone Change to establish the Commercial Core (C-1) zone on the entire parcel. The purpose of this request is to construct a parking lot to serve local commercial businesses.
- 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 applicant recently obtained ownership of a small parcel of land located between Washington Street and Third Street (Highway 99W). The land is currently zoned Medium Density Residential (R-2) and is vacant. The applicant wishes to construct a parking lot on this parcel to be used in conjunction with adjacent commercial land to the east. This action requires the following:
  - 1. Plan Map Amendment - The request would change the Plan designation from Medium Density Residential to Commercial.
  - 2. Zone Change - The request would change the zoning from Medium Density Residential (R-2) to Commercial Core (C-1).
- B. The City Engineer provided comments which are part of the official record. The City Engineer determined there are no facility limitations to the proposed Plan and Zone Change. No other comments were received.

#### VI. CRITERIA AND FINDINGS - COMPREHENSIVE PLAN MAP AMENDMENT

- A. 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 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 offers the possibility of supporting existing commercial activities by allowing the construction of a parking lot.

Goal 10, Housing: The subject property is 3,500 square feet in area. After accounting for setbacks and other restrictions, the Council concludes it is highly doubtful that a single family home can be located on the property. The Plan Map Amendment therefore does not affect the ability of the City to meet housing needs.

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: This action will allow continued use of urban land for urban purposes and does not encourage the expansion of the urban growth boundary at the expense of maintaining resource land.

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 amendment to the Comprehensive Plan Map is either entirely consistent with the intent of the Statewide Goals, or, the amendment does 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** – 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: As noted the property contains only 3,500 square feet of area. The Development Ordinance requires at least 15-foot setbacks from each street side as well as required side yard setbacks. It is estimated this reduces the available building area to approximately 1,400 square feet. Further, the property contains a sewer easement which all but eliminates the possibility of constructing a home on the site.

Over the last five years, the City granted approvals establishing more than 400 single family lots. Three recent approvals allowed a change in the zoning from R-1 to R-2 that added some 53-lots from the original R-1 zone plans. These changes clearly indicate the City has increased housing

opportunities, even though there are no Plan policies that support the need to make such changes and they are unnecessary to meet adopted population projections. On balance, the loss of this one site was more than compensated by recent zone change actions.

2. **Public Facilities and Services** - 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 material submitted by the City Engineer, there are adequate facilities in place to serve the proposed development.

3. **Transportation** - 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: The existing street system is capable of accommodating additional traffic generated by the development.

- D. It may be possible, though unlikely, to develop this site with a single family home. Adequate services, including streets, are also in place to serve the site. However, the City has approved zone changes elsewhere in the community that more than compensate the loss of this one property for residential use. Further, there is the added benefit that the property will support existing commercial activities along 3<sup>rd</sup> Street by allowing additional parking.

## VII. CRITERIA AND FINDINGS - ZONE CHANGE

A. The proposed Zone Change would establish the Commercial Core (C-1) 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 C-1 zone is entirely consistent with the Commercial land use designation as it will permit commercial activities on the site.

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: The applicant intends to develop the site with a parking lot. Based on the topography and available access from the east, this property can be developed for its intended purpose.

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 use.

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 to serve the property.

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: This Subsection does not apply as the proposal involves a non-residential zone change.

- B. Previous findings indicate the proposed change in the Plan designation conforms to Plan policies. Prior residential zone changes ensure the City is capable of meeting future housing demand. Given the parcel's location and adjacent land uses, the proposed C-1 zoning is logical for this parcel.

#### 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.