



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

July 2, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Myrtle Creek Plan Amendment
DLCD File Number 003-07

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: July 13, 2007

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
John Renz, DLCD Regional Representative
Larry Ksionzyk, Community Development Planning Specialist
Bob Cortright, DLCD Transportation & Growth Management Coordinator
Lisa Hawley, City of Myrtle Creek

<paa> ya

FORM 2

DLCD

Notice of Adoption

DEPT OF

JUN 25 2007

LAND CONSERVATION AND DEVELOPMENT

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: **City of Myrtle Creek**

Local file number: **07-MC011**

Date of Adoption: **6/19/2007**

Date Mailed: **6/22/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **5/3/2007**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Applicant (Hamilton) proposed to convert a primarily undeveloped 13.37 +/- acre parcel at the south end of the city limits from Industrial to Commercial, High Density Residential, and Steep Slopes Residential to be consistent with the existing mixed commercial and residential uses surrounding the property, especially to the north. The subject property was annexed into the city limits in May 2007.

Does the Adoption differ from proposal? Yes, Please explain below:

Original DLCD Notice of Proposed Amendment, dated May 3, 2007, mistakenly listed only that property was being converted from Industrial to Commercial & High Density Residential, and did not mention that part of property was also being changed to Steep Slopes Residential, as indicated in the submitted application.

Plan Map Changed from: **Industrial**

to: **Com, High Den Res, Steep Slopes Res**

Zone Map Changed from: **GM**

to: **C-3, R-3 & RH**

Location: **N. Old Pacific Hwy, Myrtle Creek**

Acres Involved: **13**

Specify Density: Previous: **n/a**

New: **11-25 du/ac & 3du/ac**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes **No**

If no, do the statewide planning goals apply?

Yes **No**

If no, did Emergency Circumstances require immediate adoption?

Yes **No**

DLCD File No. 003-07 (16083)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Myrtle Creek (water/sewer/police/fire), Douglas County, ODOT, School District No. 19, Umpqua Transit, Tri City Water and Sanitary Authority, Tri City Rural Fire District

Local Contact: **Lisa Hawley, Planner**

Phone: (541) 863-3171 Extension:

Address: **PO Box 940**

Fax Number: **541-863-6851**

City: **Myrtle Creek**

Zip: **97457**

E-mail Address: **lahawley@co.douglas.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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also 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.

ORDINANCE NO. 760

AN ORDINANCE AMENDING ORDINANCE NO. 508 AND ORDINANCE NO. 513, THE MYRTLE CREEK ZONING AND COMPREHENSIVE PLAN ORDINANCES, BY CHANGING THE LAND USE AND ZONING DESIGNATION AND COMPREHENSIVE PLAN MAP DESIGNATION OF CERTAIN PROPERTY WITHIN THE CITY; IMMEDIATE ENACTMENT OF THE ORDINANCE IS NECESSARY TO PRESERVE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE CITY OF MYRTLE CREEK

WHEREAS, the record owners of certain real property initiated an amendment to the Myrtle Creek Comprehensive Plan Map and Zoning Map by filing the proper application and addressing the prescribed filing fee; and

WHEREAS, the Myrtle Creek Planning Commission conducted a public hearing on the Comprehensive Plan Map Amendments and Zoning District change request on June 18, 2007, and provided the opportunity of public participation in the matter; and

WHEREAS, the Planning Commission adopted certain Findings of Fact regarding the matter and forwarded the Findings to the City Council, together with a recommendation that the request for Comprehensive Plan Map Amendment and Zoning District change be formally adopted by the Council; and

WHEREAS, the City Council adopted Findings of Fact supporting the Planning Commission's decision to approve the requested Comprehensive Plan Map Amendments and Zoning District change;

NOW, THEREFORE, the City of Myrtle Creek ordains as follows:

Section 1. Amendment of Comprehensive Plan Map

The official comprehensive plan map for the City of Myrtle Creek, as originally adopted by Ordinance No. 513, is hereby amended to change the comprehensive plan designation for property depicted on attached Exhibit A (map) and Exhibit B (legal description) from Industrial to Commercial, High Density Residential, and Steep Slopes Residential. The designations of Commercial, High Density Residential, and Steep Slopes Residential shall apply as the primary comprehensive plan classifications.

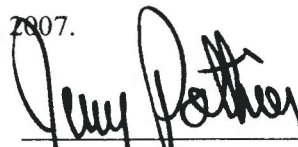
Section 2. Amendment of Official Zoning Map

The official zoning map for the City of Myrtle Creek, as originally adopted by Ordinance No. 508, is hereby amended to change the zoning classification for property depicted on attached Exhibit A (map) and Exhibit B (legal description) from (GM) General Manufacturing to (C-3) General Commercial, (R-3) High Density Residential, and (RH) Residential Hillside. The designations of (C-3) General Commercial, (R-3) High Density Residential, and (RH) Residential Hillside shall apply as the primary zoning classifications.

PASSED BY CITY COUNCIL UPON ITS FIRST READING this 19th day of June, 2007.

APPROVED BY CITY COUNCIL UPON ITS SECOND READING this 19th day of June, 2007.

APPROVED BY THE MAYOR this 19th day of June, 2007.



Jerry Pothier, Mayor

ATTEST:



Carolyn D. Shields, City Recorder

VICINITY
T29S R5W SEC 28

EXHIBIT "A"

HAMILTON
07-MC011



EXHIBIT "B"

Industrial to Commercial

A parcel of land lying in the Southeast quarter of Section 28, Township 29 South, Range 5 West, Willamette Meridian, Douglas County, Oregon. Said parcel being more particularly described as follows.

Beginning at the Southwest Corner of Parcel 3, Land Partition 2006-0019, said point being on the easterly right-of-way of State Hwy. 99; thence along the southern boundary of said Land Partition 2006-0019 and Land Partition 1996-0067 S87°26'00"E 466.48 feet; thence S0°17'00"E 212.20 feet to the northern boundary of the land described in Instrument No. 72-9594 of the Deed Records of Douglas County; thence N87°26'00"W 515.18 feet, more or less, to the easterly right-of-way of State Hwy. 99; thence N12°46'14"E 215.35 feet to the Southwest Corner of Parcel 3, Land Partition 2006-0019, the place of beginning.

Said parcel containing 2.39 acres, more or less.

Industrial to High-Density Residential

A parcel of land lying in the Southeast quarter of Section 28, Township 29 South, Range 5 West, Willamette Meridian, Douglas County, Oregon. Said parcel being more particularly described as follows.

Beginning at a point on the southern boundary of Parcel 2, Land Partition 2006-0019, said point being S87°26'00"E 466.48 feet from the Southwest Corner of Parcel 3, Land Partition 2006-0019; thence along the southern boundary of said Land Partition 2006-0019 and Land Partition 1996-0067 S87°26'00"E 1029.93 feet; thence S14°35'03"W 421.17 feet to the northern boundary of the land described in Volume 192, Page 561 of the Deed Records of Douglas County; thence N87°26'00"W 880.32 feet along said northern boundary to the eastern boundary of the land described in Instrument No. 72-9594; thence N2°34'00"E 200.00 feet to the Northeast Corner of the land described in Instrument No. 72-9594; thence N87°26'00"W 51.37 feet along the northern boundary of the land described in Instrument No. 72-9594; thence N0°17'00"W 212.20 feet to the point of beginning.

Said parcel containing 9.02 acres, more or less.

EXHIBIT "B" - continued

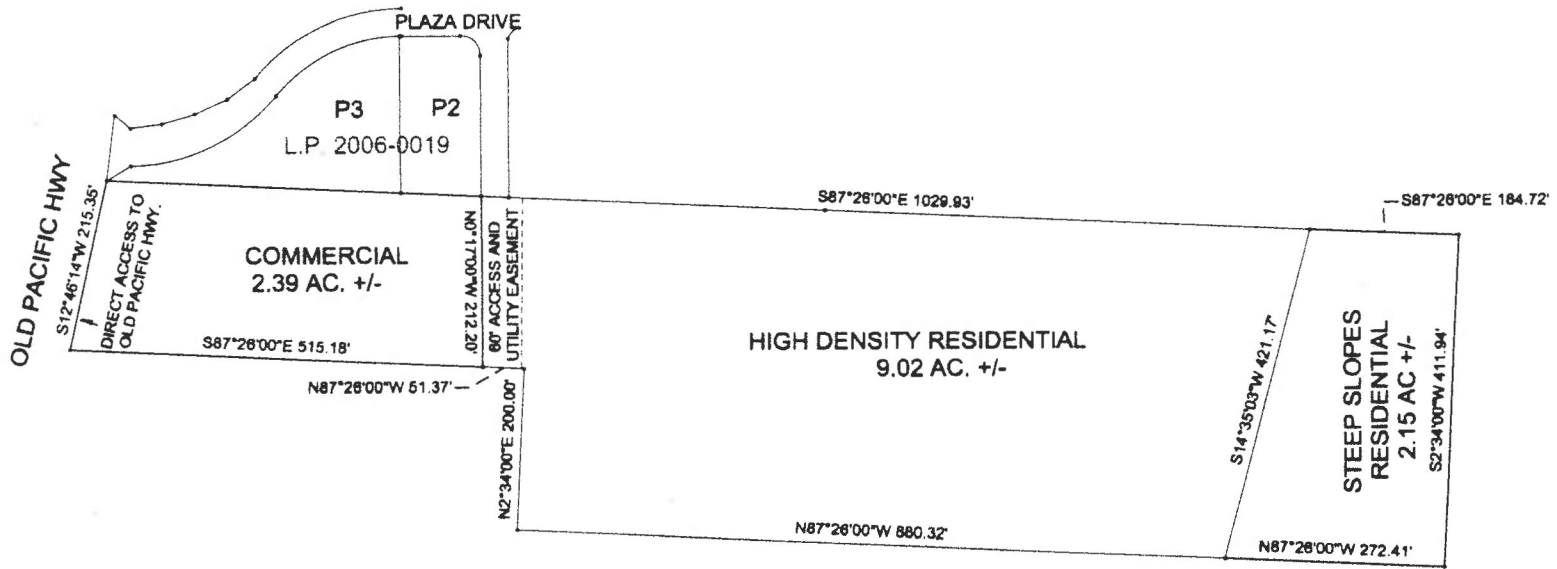
Industrial to Steep Slopes Residential

A parcel of land lying in the Southeast quarter of Section 28, Township 29 South, Range 5 West, Willamette Meridian, Douglas County, Oregon. Said parcel being more particularly described as follows.

Beginning at a point on the southern boundary of Parcel 1, Land Partition 1996-0067, said point being S87°26'00"E 1496.41 feet from the Southwest Corner of Parcel 3, Land Partition 2006-0019; thence along the southern boundary of Land Partition 1996-0067 S87°26'00"E 184.72 feet, more or less to the western boundary of the land described in Instrument No. 99-30514 of the Deed Records of Douglas County; thence S2°34'00"W 411.94 feet along said western boundary to the northern boundary of the land described in Volume 192, Page 561 of the Deed Records of Douglas County; thence N87°26'00"W 272.41 feet along said northern boundary; thence N14°35'03"E 421.17 feet to a point on the southern boundary of Parcel 1, Land Partition 1996-0067, the point of beginning.

Said parcel containing 2.15 acres, more or less.

PROPOSED ZONE CHANGE MAP
 LYING IN THE SE 1/4 OF SEC. 28, T29S, R5W, W.M.
 DOUGLAS COUNTY, OREGON



PREPARED FOR: KURT HAMILTON
 3281 FOLLETT ST.
 ROSEBURG, OR. 97470

T29S R5W SEC. 28 TL 1200 R62552

PREPARED BY: NEIL HIBBS LAND SURVEYING, INC
 4739 LOOKINGGLASS RD.
 ROSEBURG, OR. 97470

JUNE 18, 2007

EXHIBIT "B" - continued

EXHIBIT "B" m 3



CITY OF MYRTLE CREEK

207 NW PLEASANT, P.O. BOX 940, MYRTLE CREEK, OR 97457
PHONE 541-863-3171, FAX 541-863-6851

June 19, 2007

REVISED STAFF REPORT

TO: MYRTLE CREEK CITY COUNCIL

FROM: MYRTLE CREEK PLANNING DEPARTMENT

RE: KURT HAMILTON, requests a Comprehensive Plan Map amendment from Industrial to Commercial, in part, High Density Residential, in part, and Steep Slopes Residential, in part, and a Zone Change from (GM) General Manufacturing to (C-3) General Commercial, in part, (R-3) High Density Residential, in part, and (RH) Residential Hillside, in part, on a 13.37± acre parcel located on the east side of N. Old Pacific Highway in the City of Myrtle Creek. The property is described as Tax Lot 1200 in Section 28, Township 29S, Range 5W, W.M.; Property I.D. No. R62552, and is otherwise identified as 1402 N. Old Pacific Hwy. It is currently designated Industrial by the Myrtle Creek Comprehensive Plan and zoned (GM) General Manufacturing by the City of Myrtle Creek and is subject to the Right of Way Protection Overlay. The property is located within Area 1 of the Myrtle Creek Urban Growth Boundary (UGB) and is in the process of being annexed into the city limits of Myrtle Creek. Planning Department File No. 07-MC011.

INTRODUCTION

The applicant, Kurt Hamilton, is requesting a Comprehensive Plan Map amendment and Zone Change on a 13.37 acre parcel located on the east side of N. Old Pacific Highway in the City of Myrtle Creek.

The property is located within Area 1 of the Myrtle Creek Urban Growth Boundary (UGB) and is being annexed into the city limits of Myrtle Creek (City Ordinance No. 755, second reading passed and approved by the City Council and Mayor on May 15, 2007). The rectangular-shaped property is developed with an old house and barn near the front of the property. The structures will be removed as part of future development.

The applicant is proposing an amendment to the Comprehensive Plan map designation from Industrial to Commercial on the westerly approximate 500 feet of the property encompassing 2.47± acres. The applicant also proposes changing the map designation for the central 8.50± acre portion of the property to High Density Residential. The easterly-most 2.0± acres, which occupies a moderate to steep sloping hillside, is proposed to be designated as Steep Slopes Residential. Consistent with the applicant's request, the front portion of the property will be zoned (C-3) General

Commercial, while the middle 8.50± acre portion will be zoned (R-3) High Density Residential, and the easterly 2.0± acre balance will be zoned (RH) Residential Hillside.

The Myrtle Creek Planning Commission held a public hearing on this matter at its special meeting on June 18, 2007. The following parties were established at the Planning Commission hearing: the applicant/titleholder, Kurt Hamilton; the applicant's representative, Ron Schofield, Schofield & Associates; Robert G. Paul, Douglas County Public Works; Stephanie Morgan, Douglas County Planning Department; Sue Stigers, Don and Peggy Swaney, and Joseph Vass.

The Planning Commission, based upon the findings of the staff report dated June 11, 2007 in support of their decision, and the testimony brought forth during the hearing, voted unanimously to forward a recommendation to City Council to approve the requested Comprehensive Plan Map Amendment and Zone Change, subject to a condition that prior to development approval of any portion of the property the applicant/developer enter into a development agreement with the City and Douglas County Public Works to mitigate traffic impacts to N. Old Pacific Hwy, Plaza Drive and the surrounding road system.

An amendment to the Myrtle Creek Comprehensive Plan Map and Zoning Map is subject to review by both the Myrtle Creek Planning Commission and City Council. Should the Council agree with the Planning Commission's recommendation and findings of facts, the Council shall by ordinance effect such change of plan map and zone designation (ordinance attached).

FINDINGS OF FACT

1. The Comprehensive Plan Map Amendment and Zone Change Applications were filed with the City on April 26, 2007, and were deemed completed on May 1, 2007.
2. DLCDD Notice of Proposed Amendment was mailed to the Department of Land Conservation and Development on May 3, 2007, which was at least 45 days prior to the public hearing on June 18, 2007.
3. Notice of a Public Hearing on the application for the Comprehensive Plan Map Amendment and Zone Change before the Planning Commission was given in accordance with Article IX, Section 9.04.2 of the City of Myrtle Creek Zoning Ordinance. Notice was sent to affected property owners of record within 150 feet of the proposed amendment, to service providers, and governmental agencies on May 25, 2007.
 - a. Stephanie Morgan, Douglas County Planning Department, submitted a letter that expressed no objection to the proposed application, provided that approval of the application is contingent upon completion of the annexation process initiated for the property.
 - i. The second reading of City Ordinance No. 755 for annexation of the subject property was passed and approved by the City Council and Mayor on May 15, 2007.
 - b. Although ODOT did not provide any written comments during the notice of the application, ODOT did provide comments earlier in the process.

4. The applicant/owner has multiple access points to the property: N. Old Pacific Hwy and an unimproved public right-of-way to Plaza Drive. N. Old Pacific Hwy, also known as South Main Street, is designated as an Urban Arterial and Plaza Drive is identified as a local collector street.
5. The subject property has access to public water and sanitary sewer through Tri City Water and Sanitary Authority along N. Old Pacific Hwy. Future development of the property will be serviced through either Tri City Water and Sanitary Authority or the City of Myrtle Creek, depending on the design specifications needed to serve the development.
6. Present Situation: The applicant is not requesting any new development with this review. The subject 13.37± acre property is located on the east side of N. Old Pacific Hwy, just south of Plaza Drive in Myrtle Creek. The applicant is requesting the Plan Map Amendment and Zone Change to help facilitate a future commercial development along the front 2.47± acres of the property near N. Old Pacific Hwy and a future residential development (multi-family residential and owner-occupied detached dwellings) on the remaining portion of the property, consistent with the mixed use development surrounding the property, particularly to the north.
7. Plan Designation: Industrial designation. The applicant is requesting an amendment to the Commercial, High Density Residential and Steep Slopes Residential plan designations.
8. Zone Designation: (GM) General Manufacturing. The applicant is requesting an amendment to the (C-3) General Commercial, (R-3) High Density Residential and (RH) Residential Hillside zones.
9. Overlays: No overlays have been applied to the subject property. The subject property is not located within the 100-year flood plain.

Applicable Criteria

10. The requested application is subject to conformance with the applicable Statewide Planning Goals and the applicable findings and policies of the Myrtle Creek Comprehensive Plan and Zoning Ordinance. Based upon the applicable criteria, the following findings are made:
 - a. The findings of the Planning Commission staff report, dated June 11, 2007, demonstrate that the requested amendment substantially conforms with the applicable Statewide Planning Goals, including Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources), Goal 6 (Air, Water and Land Resource Quality), Goal 7 (Areas Subject to Natural Disasters and Hazards), Goal 8 (Recreational Needs), Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities and Services), and Goal 12 (Transportation), Goal 13 (Energy Conservation), and Goal 14 (Urbanization).
 - b. The findings of the Planning Commission staff report, dated June 11, 2007, also demonstrate conformance with the applicable Comprehensive Plan policies of the City of Myrtle Creek, including Open Spaces, Scenic and Historic Areas and Natural Resources; Air, Water and Land Resources Quality; Natural Disaster and Hazard

Areas, Recreational Opportunities; Population; Housing; Public Facilities and Services; Economic Development; Transportation System Planning; Energy Conservation; and Land Use and Urbanization.

- c. Based upon the findings of the Planning Commission staff report, dated June 11, 2007, the applicant's proposal is consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance. The applicant has demonstrated the proposal's appropriateness and desirability. Rezoning the property to residential from (GM) Industrial to (C-3) General Commercial, (R-3) High Density Residential, and (RH) Residential Hillside, would be consistent with the mixed land uses surrounding the property.
 - i. The applicant asserts that future development of the subject 13.37 acre property could allow at least 175 to 200 dwelling units with some detached single family dwellings. The requested high density residential plan designation can accommodate up between 11 to 25 dwelling units per acre, while the steep slopes residential plan designation can accommodate up to 3 dwelling units per acre.
 - ii. Adequate public facilities, services and infrastructure exist to serve the proposed increase in residential density, including public water and sanitary sewer.
 - iii. The applicant will be required to submit a development proposal for review prior to any further development on the subject property. The future development will have to be consistent with the new zoning classifications and the design standards of the City's zoning and subdivision ordinance.
- d. The proposed zone change is consistent with the Comprehensive Plan and does not significantly affect a transportation facility.
 - i. The subject property is located immediately east of an arterial street identified in the City's transportation system. Conversion of this site from industrial to commercial and residential development will be consistent with the mixed land uses surrounding the property.
 - (1) It does not change the functional classification of an existing or planned transportation facility, including Interstate 5 or N. Old Pacific Hwy (S. Main Street).
 - (2) The proposed change does not change standards implementing the functional classification system, nor does it allow types or levels of land use that would result in traffic levels which are inconsistent with the functional classification of a transportation facility.
 - (3) It is not anticipated that the proposed change will reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

- ii. As outlined in the Planning Commission's recommendation to City Council, the applicant/developer shall be required, prior to development approval of any portion of the subject property, to enter into a development agreement with the City and Douglas County Public Works to mitigate any traffic impacts to N. Old Pacific Hwy, Plaza Drive and the surrounding road system.

- 11. The City Council may adopt the findings of the Planning Commission staff report, dated June 11, 2007, in support of their decision.

CONCLUSION AND RECOMMENDATION

In conclusion, the applicant's requested Comprehensive Plan Map Amendment from Industrial to Commercial, in part, High Density Residential, in part, and Steep Slopes Residential, in part, and a Zone Change from (GM) General Manufacturing to (C-3) General Commercial, in part, (R-3) High Density Residential, and (RH) Residential Hillside, in part, substantially conforms with all the applicable criteria, including the Statewide Planning Goals and the findings and policies of the City of Myrtle Creek Comprehensive Plan and Zoning Ordinance. The findings demonstrate that the subject property is no longer suitable for industrial uses. Conversion of this site from industrial to commercial and residential development will be consistent with the mixed land uses surrounding the property.

Due to the significant amount of traffic that can be generated by the future development of the subject site, the applicant/developer shall be required prior to development approval of any portion of the subject property to enter into a development agreement with the City and Douglas County Public Works to mitigate traffic impacts to N. Old Pacific Hwy, Plaza Drive and the surrounding road system.

ALTERNATIVES

- 1. Approve the requested Comprehensive Plan Map Amendment from Industrial to Commercial, in part, High Density Residential, in part, and Steep Slopes Residential, in part, and a Zone Change from (GM) General Manufacturing to (C-3) General Commercial, in part, (R-3) High Density Residential, in part, and (RH) Residential Hillside, in part, for property owner Kurt Hamilton, by the first reading of Ordinance No. 760, subject to the following condition of approval:
 - a. Prior to development approval of any portion of the subject property, the applicant/developer shall enter into a development agreement with the City and Douglas County Public Works to mitigate traffic impacts to N. Old Pacific Hwy, Plaza Drive and the surrounding road system.
 - i. The development agreement shall require that the applicant/developer coordinate with the City and Douglas County Public Works about specific improvements that may be required to improve the function, capacity and safety of the intersection of N. Old Pacific Hwy and Plaza Drive. Some specific improvements may be required, including but not limited to, the installation of exclusive left-turn and right-turn lanes.

ii. The development agreement shall stipulate that the applicant/developer shall either complete the agreed upon improvements or shall pay a proportionate share of the improvements.

(1) If the applicant/developer agrees to complete the agreed upon improvements, the improvements may be bonded per the requirements of Section VI [Improvement Guarantee] of the Subdivision Ordinance and completed as part of the subsequent development.

2. Approved the requested Comprehensive Plan Map Amendment and Zone Change with modifications or additional conditions.
3. Deny the request based on findings, which would not support the proposed Comprehensive Plan Map Amendment and Zone Change.
4. Take no action at this time.