



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

October 29, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Creswell Plan Amendment
DLCD File Number 001-08



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: November 12, 2008

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
Ed Moore, DLCD Regional Representative
Denise Walters, City of Creswell

<paa> ya/

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

Jurisdiction: City of Creswell

Local file number: PA_ZC-2008-01

Date of Adoption: 10/13/2008

Date Mailed: 10/21/2008

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Select one Date: 6/24/2008

- Comprehensive Plan Text Amendment, Land Use Regulation Amendment, New Land Use Regulation, Comprehensive Plan Map Amendment, Zoning Map Amendment, Other

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached". The proposal is to rezone a property from Low Density Residential to Downtown Commercial and re-designate from Residential to Commercial to correct a map error in the development of the 1982 Comprehensive Plan...

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: Residential to: Commercial
Zone Map Changed from: RL to: Downtown Commercial
Location: 345 W Oregon Ave Acres Involved:
Specify Density: Previous: 16.4 du acre New: NA

- Applicable statewide planning goals: 1-19 checkboxes, with 9 and 10 checked.

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. 001-08 (16963)

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

Local Contact: **Denise Walters**

Phone: **(541) 682-4341** Extension:

Address: **99 E Broadway, Suite 400**

Fax Number: **541-682-2635**

City: **Eugene**

Zip: **97401-**

E-mail Address: **dwalters@lcog.org**

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. 457

AN ORDINANCE AMENDING THE CITY OF CRESWELL COMPREHENSIVE LAND USE PLAN AND CRESWELL DEVELOPMENT CODE (ORDINANCE No. 449) TO CHANGE THE COMPREHENSIVE PLAN AND ZONING DESIGNATION OF CERTAIN LAND WITHIN THE CITY (ASSESSORS MAP 19-03-14-23, TAX LOT 10200) FROM A RESIDENTIAL (R) DESIGNATION WITH LOW DENSITY RESIDENTIAL ZONING TO A COMMERCIAL (C) DESIGNATION WITH DOWNTOWN COMMERCIAL ZONING

WHEREAS, there is a need to update the Comprehensive Plan Diagram and zoning map of the City to correct an error in the 1982 Comprehensive Plan Diagram and zoning map; and

WHEREAS, the changes and modifications to the Comprehensive Plan and zoning reflect existing land use patterns; and

WHEREAS, the proposed Comprehensive Plan and zoning change aids in the accomplishment of statewide and local goals and guidelines for provision of commercial land to provide business and work opportunities within the city limits; and

WHEREAS, the Creswell Planning Commission held a public hearing on September 18, 2008, on the proposed Comprehensive Plan map and zoning map amendments, and public notice of said meeting was published on September 4, 2008, in the Creswell Chronicle, a newspaper of general circulation in the City of Creswell, and the public was offered an opportunity to testify along with statements from various officials and staff and the contents of that meeting have been reduced to written form; and

WHEREAS, the Planning Commission has recommended the proposed Comprehensive Plan map and zoning map amendments, to the City Council; and

WHEREAS, the City Council held a public hearing on October 13, 2008, on the proposed Comprehensive Plan map and zoning map amendments, including, and public notice of said meeting was published on September 25, 2008, in the Creswell Chronicle, a newspaper of general circulation in the City of Creswell, and the public was offered the opportunity to testify along with statements from various officials and staff; and

WHEREAS, these amendments are being sought out of public necessity and convenience and the general welfare of the City.

NOW THEREFORE, the City of Creswell ordains as follows:

Section 1. The Comprehensive Plan Diagram and zoning map of the City of Creswell as adopted are amended from Residential (R) with Low Density

Residential (RL) zoning to Commercial (C) with Downtown Commercial (DC) zoning, as shown in “Exhibit A” and “Exhibit B” attached.

Section 2. The City Council adopts as “Findings of Fact” the Findings of Fact and associated Staff Report included in the Planning Commission’s action and generally summarized below:

1. The Creswell Planning Commission met on September 18, 2008, after giving proper notice to the public in accordance with Section 4.1.400(C) of the Creswell Development Code (Ordinance 449), and gave the public an adequate opportunity to testify on the proposed amendments.
2. The public hearing was conducted in accordance with procedures for the conduct of hearings before the Planning Commission, as required by Section 4.1.400(D) of the Creswell Development Code (Ordinance 449).
3. Amendments to the Comprehensive Plan map and zoning map would correct a mistake in the 1982 Comprehensive Plan Diagram and Zoning Map and be consistent with the City of Creswell Downtown Plan, the existing and historical use of the property, and be consistent with surrounding land uses.
4. The Comprehensive Plan map and zoning map amendment request, initiated by the City, meets the requirements established in Section 4.7.300 (Quasi-Judicial Amendments) of the Creswell Development Code (Ordinance No. 449).
5. The Planning Commission voted to recommend approval of the requested amendments for a Comprehensive Plan Diagram and zoning map change for 19-03-14-23, TAX LOT 10200 from Residential (R) with Low Density Residential Zoning (RL) to Commercial (C) with Downtown Commercial Zoning (DC).
6. The Planning Commission, at its September 18, 2008 meeting, adopted the findings of fact, and forwarded a recommendation of approval to the City Council on these amendment requests, as required by Section 4.7.300 of the Creswell Development Code (Ordinance No. 449).
7. The proposed Comprehensive Plan map and zoning map amendments are consistent with the City of Creswell Development Code (Ordinance No. 449).
8. The Comprehensive Plan map and zoning map amendment request is consistent with the Creswell Comprehensive Plan Land Use Plan Diagram prior to the error which occurred in the 1982 revision and Plan policies (Section III, Plan Proposals, Programs, and Policies including but not necessarily limited to C.2.c-Commercial Land Plan Designation Policies and C7-Economic Policies).

Section 3. This Ordinance becomes effective thirty days after the approval by the City Council and approval by the mayor.

PASSED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR
ON THIS ____ DAY OF _____, 2008.

Bob Hooker, Acting Mayor

ATTEST

Roberta J. Tharp, City Recorder

**CRESWELL PLANNING COMMISSION
STAFF REPORT**

**ZONE CHANGE & PLAN AMENDMENT
CRESWELL VETERINARY HOSPITAL/CITY INITIATED
(PA_ZC-2008-01)**

Application Received: August 4, 2008

Referrals Provided to: Ron Staehlin, City Engineer
Roy Sprout, Public Works Director

Notice Mailed: August 26, 2008
Notice Published September 4, 2008 & September 25, 2008
Report Date: September 10, 2008
Meeting Date: September 28, 2008

I. BASIC DATA

APPLICANT: City of Creswell

PROPERTY OWNER: Dr. Schlorman
345 W. Oregon Avenue
Creswell, OR 97426

LOCATION: 345 W. Oregon Ave.

ASSESSORS MAP, TAX LOT: 19-03-14-23, tax lot 10200

AREA: 0.13 acres

PLAN DESIGNATION/ZONING: Residential/Low Density Residential

VICINITY MAP



II. REQUEST and BACKGROUND

The City has initiated the proposed zone change and comprehensive plan designation amendment to correct a mistake made during the development and adoption of the 1982 Comprehensive Plan. Prior to 1982 the subject site was zoned and designated for commercial uses. The site has been occupied by a commercial use since at least the 1960's. The proposed correction is also consistent with the Creswell Downtown Plan.

III. ISSUES

None.

IV. COMMENTS (no new comments have been submitted based on the revised proposal).

A. AGENCY COMMENTS

None.

B. PUBLIC COMMENTS

None provided as of September 10, 2008.

V. STAFF RECOMMENDATION

Based on the findings in the *Draft Findings of Fact*, staff finds that the applicant meets the requirements of the Creswell Development Code.

VI. POSSIBLE ACTIONS BY THE PLANNING COMMISSION

The Planning Commission shall review the plan, the reports of the appropriate officials and agencies, and public commentary. The Commission may hold the record open for the submission of additional written material. The Chairperson shall specify the time that the record shall remain open and the nature of the written submissions that may be received while the record remains open.

After the close of the record in the public meeting the Planning Commission shall make findings based on the applicable criteria and make a recommendation to City Council. The Commission may:

- A. Recommend approval of the request to the City Council.
- B. Recommend denial of the request to the City Council.
- C. Defer a decision until more information is provided to answer any questions of the Commission.

The Commission's recommendation shall provide justification for the approval, approval with conditions, or the denial of the application.

CRESWELL CITY COUNCIL
PROPOSED FINDINGS OF FACT AND RECOMMENDATION

SCHLORMAN (CRESWELL VETERINARY HOSPITAL) PROPERTY
ZONING DISTRICT & COMPREHENSIVE PLAN DESIGNATION MAP AMENDMENTS
(PA-2008-01 & ZC-2008-01)

Planning Commission Hearing Date: September 18, 2008
Findings Adopted: September 18, 2008
City Council Hearing Date: October 13, 2008
Decision Date: October 13, 2008

I. FINDINGS AND CONFORMANCE WITH APPLICABLE CRITERIA

The Creswell Planning Commission and City Council finds the following:

1. The applicant submitted an application for a Land Use District Change that involves a Comprehensive Plan Map Amendment (PA-2008-01 & ZC-2008-01), and provided all information required by applicable sections of the Creswell Development Code, Ordinance No. 449.
2. The Planning Commission met on September 18, 2008 and the City Council met on October 13, 2008, to review and discuss the application (Assessors Map 19-03-14-23, tax lot 10200). The Commission reviewed all material relevant to the application, including the following pieces of evidence:
 1. Application for a Zoning District and Comprehensive Plan Designation Map Amendment.
 2. Staff Report dated September 10, 2008.
 3. Written Submissions: None.
 4. Oral Testimony: See minutes of Planning Commission Public Hearing, September 18, 2008.
3. The Planning Commission and City Council provided proper notice of the public hearing according to Section 4.1.400 of the Creswell Development Code.
4. The Planning Commission and City Council followed the required procedures and standards as set forth in Section 4.1.400 of the Creswell Development Code.
5. The application meets or can meet all of the relevant Creswell Comprehensive Plan and Development Code requirements for a Comprehensive Land Use Plan Map Amendment and Zoning District Change contained in Sections III.C.1 and 2 of the Creswell Comprehensive Plan; and the following Sections of the Creswell Development Code: Section 4.1.400-Type III Procedure (Quasi-Judicial); Chapter 4.7-Land Use District Map and Text Amendments, Section 4.7.300- Quasi-Judicial Amendments; and other applicable sections of the Code. Each relevant Creswell Development Code standard is listed in *italics*, followed by a response.

CHAPTER 4.7 LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.7.300 Quasi-Judicial Amendments

B. Criteria for Quasi-Judicial Amendments. *A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:*

1. Approval of the request is consistent with the Statewide Planning Goals;

RESPONSE: The proposal to re-designate the subject property from Residential to Commercial and to re-zone from Residential (low density under the current Development Code) to Downtown Commercial is consistent with the applicable Statewide Planning Goals which are Goal 1-Public Involvement, Goal 9-Economy, Goal 10-Housing, and Goal 13-Energy Conservation because:

- Goal 1 Public Involvement-public notice has been given, and two public hearings are part of the decision making process;
- Goal 9 Economy-re-designating and re-zoning the property to commercial and downtown commercial district provides for a variety of economic activities contributing to the health, welfare, and prosperity of citizens;
- Goal 10 Housing-the housing needs of citizens are met through the supply of residential lands in the City; re-zoning and re-designating the site from residential to commercial does not remove any residential use from the market because the site has functioned as a business/commercial site for over 40 years; and
- Goal 13 Energy Conservation- re-designating and re-zoning the property to commercial and downtown commercial district provides for energy conservation because the downtown commercial area is the most compact area of town geared toward pedestrian activity.

2. Approval of the request is consistent with the Comprehensive Plan;

RESPONSE: The proposal is consistent with the Comprehensive Plan because Section III. C.(2) says the purpose of Commercial lands is:

To create and protect areas suitable for commercial uses and services of community residents, visitors and tourists...

and the re-zone to Downtown Commercial and re-designation to Commercial protects an existing commercial site that has existed as a commercial use for over four decades and that was inadvertently zoned and designated residential during the adoption of the 1982 Comprehensive Plan update/adoption.

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and

RESPONSE: The proposal is consistent with this criterion because the property and affected area is presently provided with adequate public facilities, services and transportation networks

to support commercial uses because the use of the site has been commercial for over four (4) decades and Oregon Avenue and associated public utilities adequately serve the site.

4. *The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and*

RESPONSE: The proposal is consistent with this criterion because the proposed re-zone to Downtown Commercial and re-designation to Commercial is in the public interest based on the site being occupied with a successful commercial use for over four decades, adjacent uses are a mix of commercial and civic uses, and corrects a mistake in the Comprehensive Plan Map and Land Use District Map resulting from the 1982 Comprehensive Plan Update, and makes the zoning and designation consistent with the Creswell Downtown Plan 2001.

5. *The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.600.*

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the Traffic Impact Study provisions of Section 4.1.900. “Significant” means the proposal would:

1. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the City’s Transportation System Plan (TSP); or*
2. *Change the standards implementing a functional classification system; or*
3. *As measured at the end of the planning period identified in the road authority’s adopted TSP allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or*
4. *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the road authority’s TSP; or*
5. *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority’s TSP.*

RESPONSE: The proposal is consistent with these criteria because it does not significantly affect Oregon Avenue (relevant transportation facility): no change in the functional classification of Oregon Avenue (major collector) would result; no change in the standards for the classification would result; the TSP supports the level of use and there are no changes to the existing level of

use as the commercial development has existed for over four decades; and no performance of the transportation facility serving the site would worsen.

III. DECISION



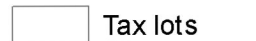
The Creswell City Council determines that the request by the City for an amendment to the Comprehensive Plan Map (from Residential to Commercial) and Zoning District Map (from Residential to Downtown Commercial) for Assessor's Map 19-03-14-23 tax lot 10200 satisfies the relevant criteria as described above and approves this request.

Robert J. Hooker, Interim Mayor
City of Creswell

Date

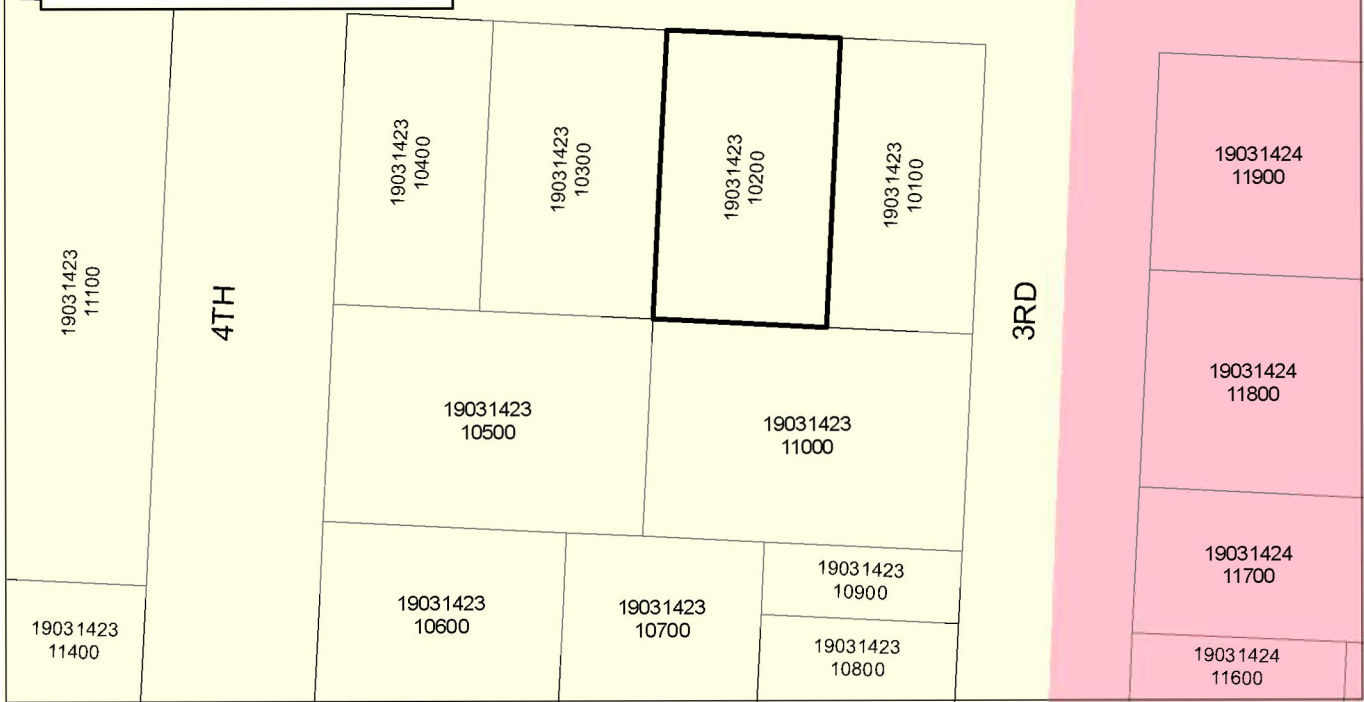
Proposed Plan Designation Change

345 West Oregon Avenue
19-03-14-23 Tax Lot 10200
From Residential to Commercial

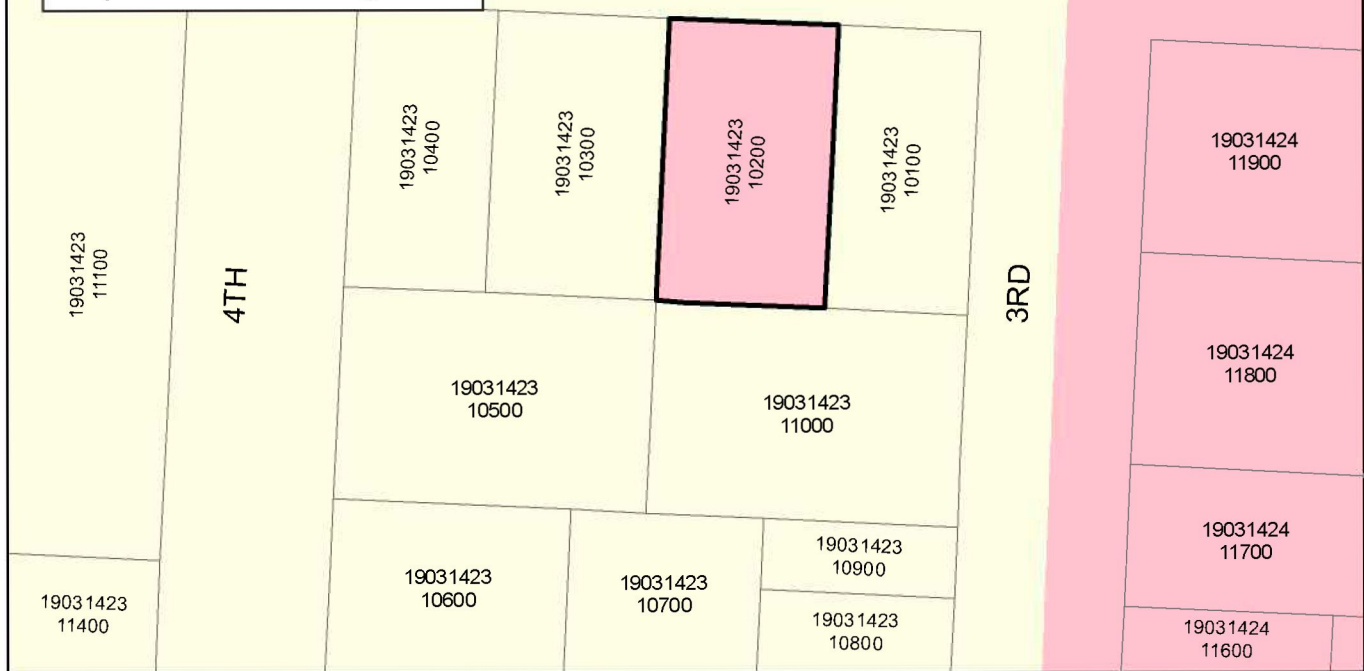
-  Residential
-  Commercial
-  Tax lots



Existing Plan Designation



Proposed Plan Designation

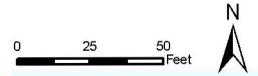


Proposed Zone Change

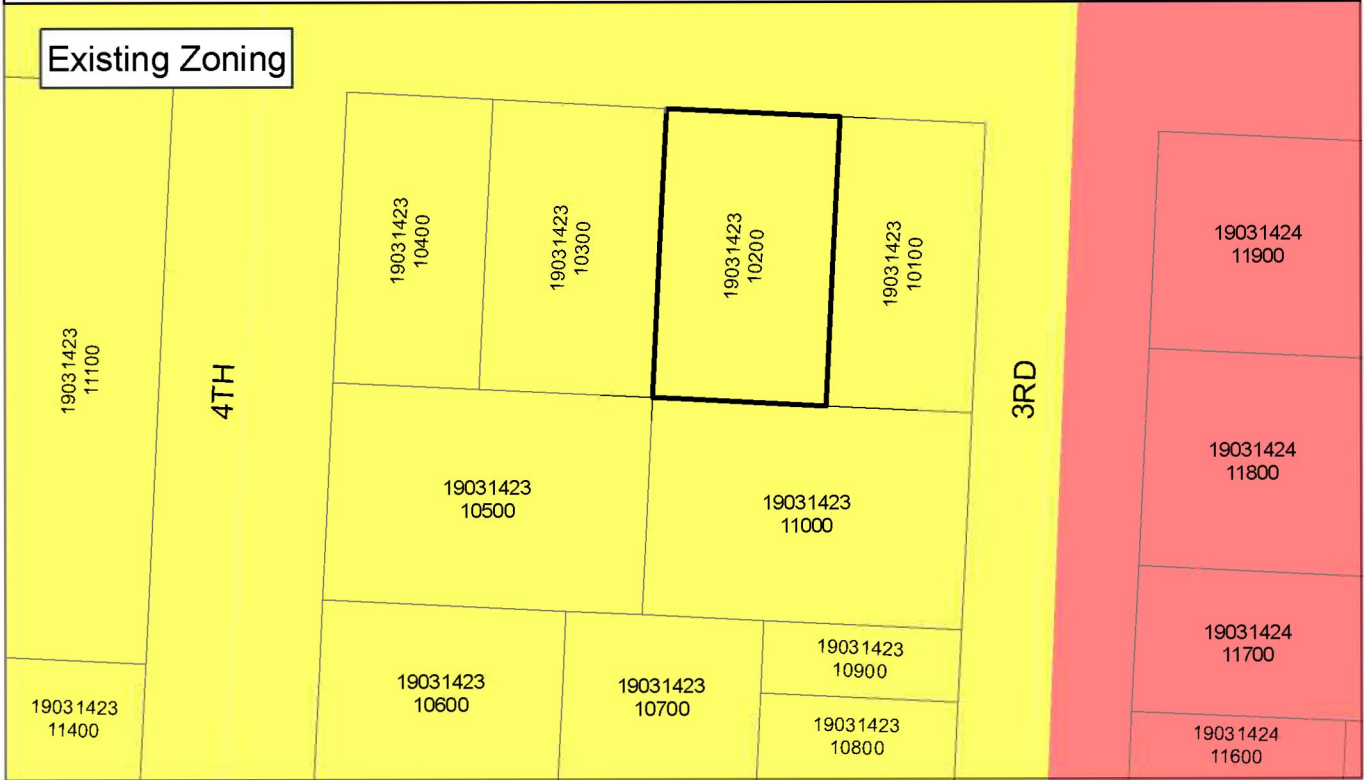
345 West Oregon Avenue
19-03-14-23 Tax Lot 10200
From Residential Low Density to Downtown Commercial

Zoning

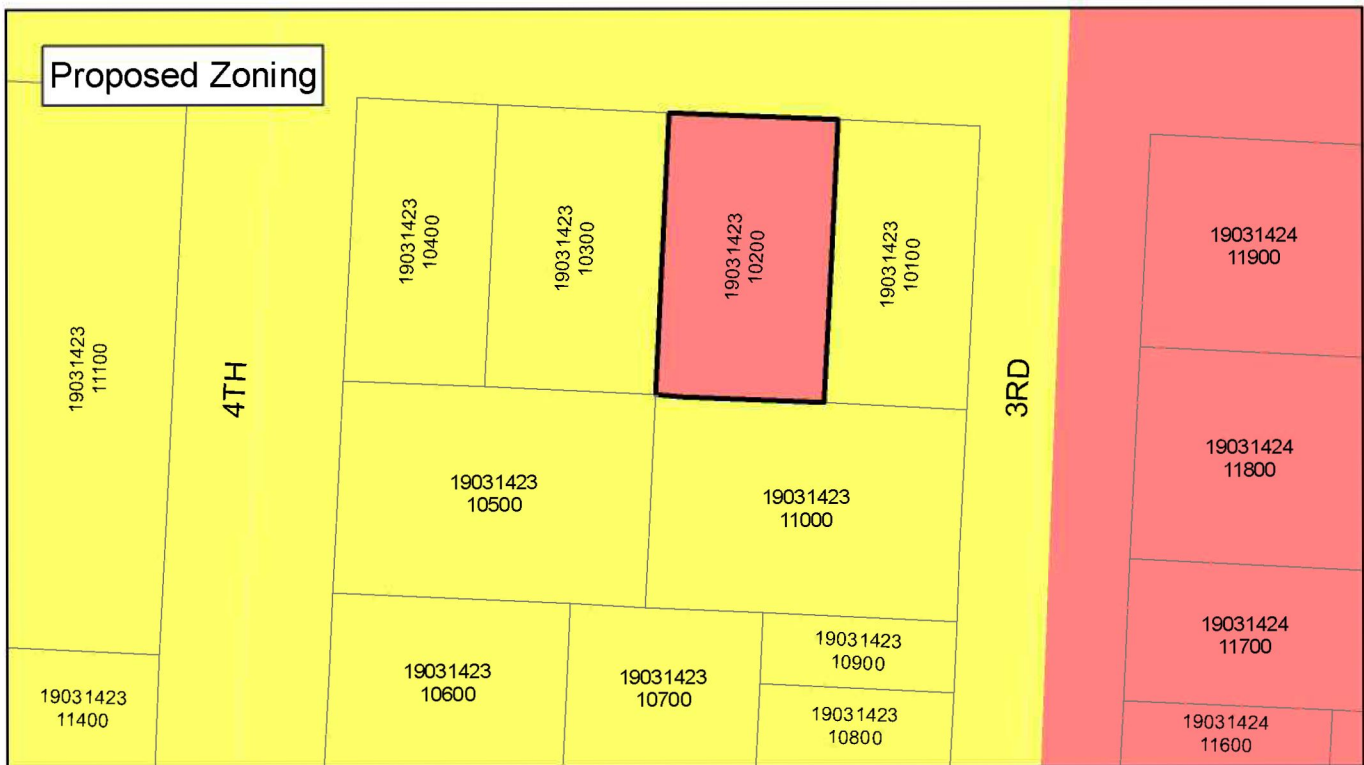
- Residential
- Downtown Commercial
- Tax lots



Existing Zoning






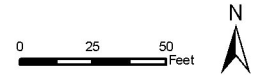
Proposed Zoning



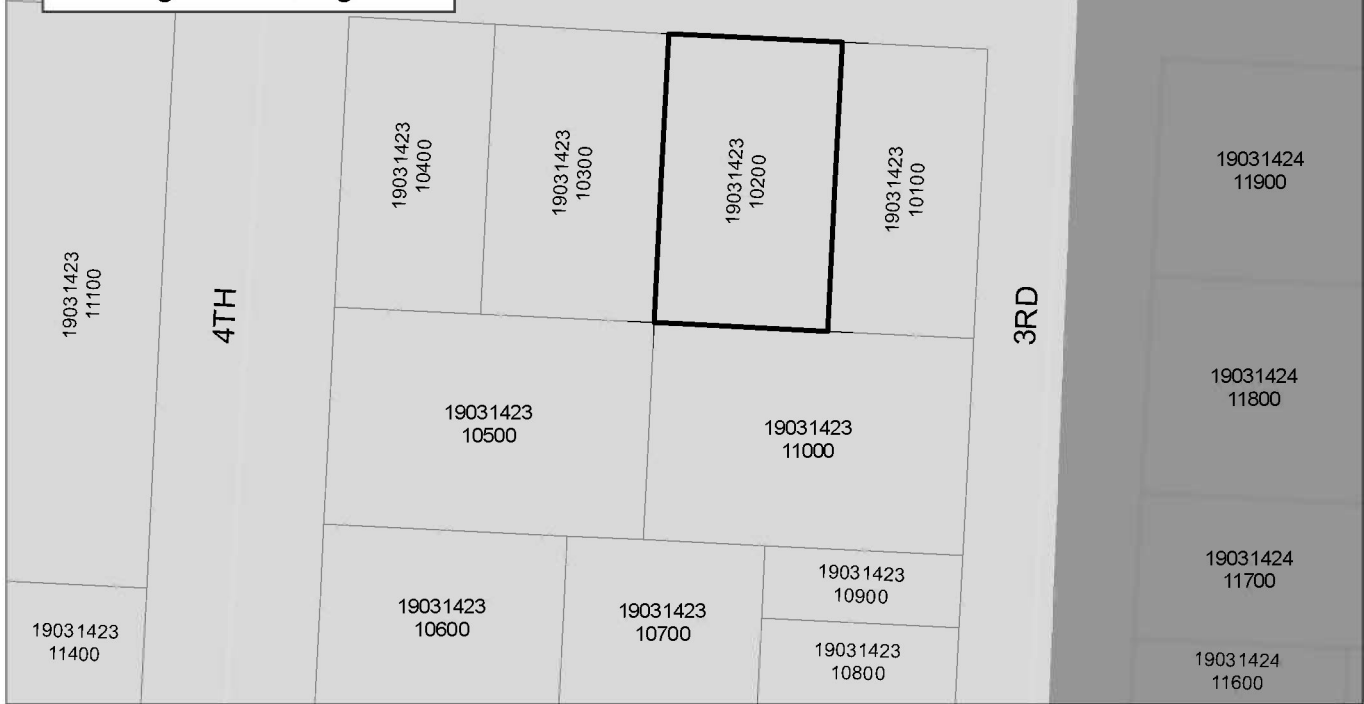
Proposed Plan Designation Change

345 West Oregon Avenue
19-03-14-23 Tax Lot 10200
From Residential to Commercial

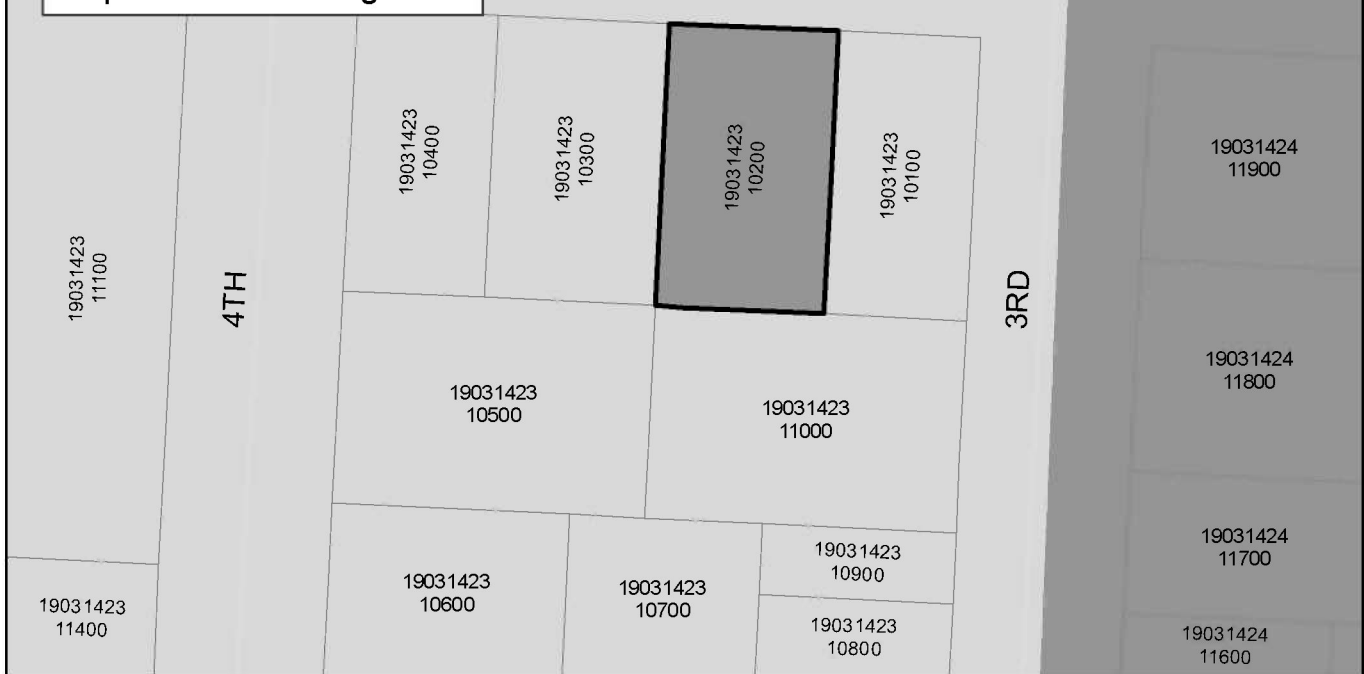
-  Residential
-  Commercial
-  Tax lots



Existing Plan Designation






Proposed Plan Designation



Proposed Zone Change

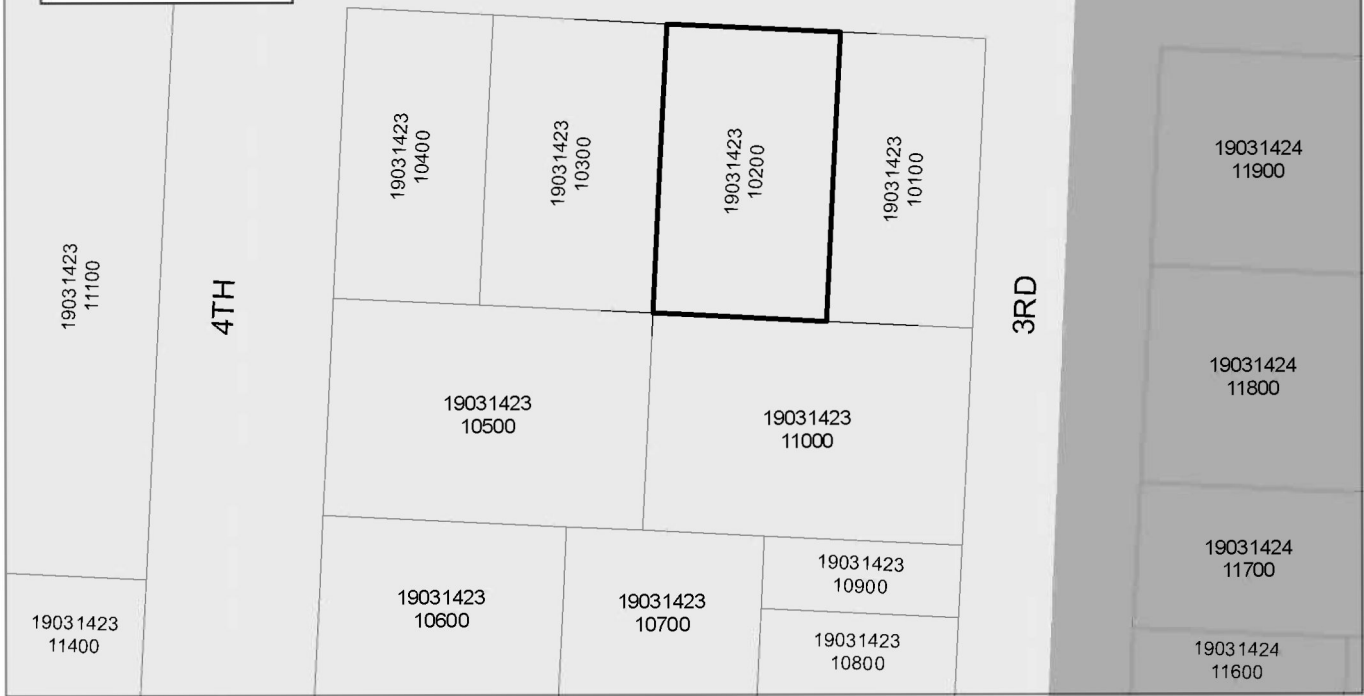
345 West Oregon Avenue
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From Residential Low Density to Downtown Commercial

Zoning

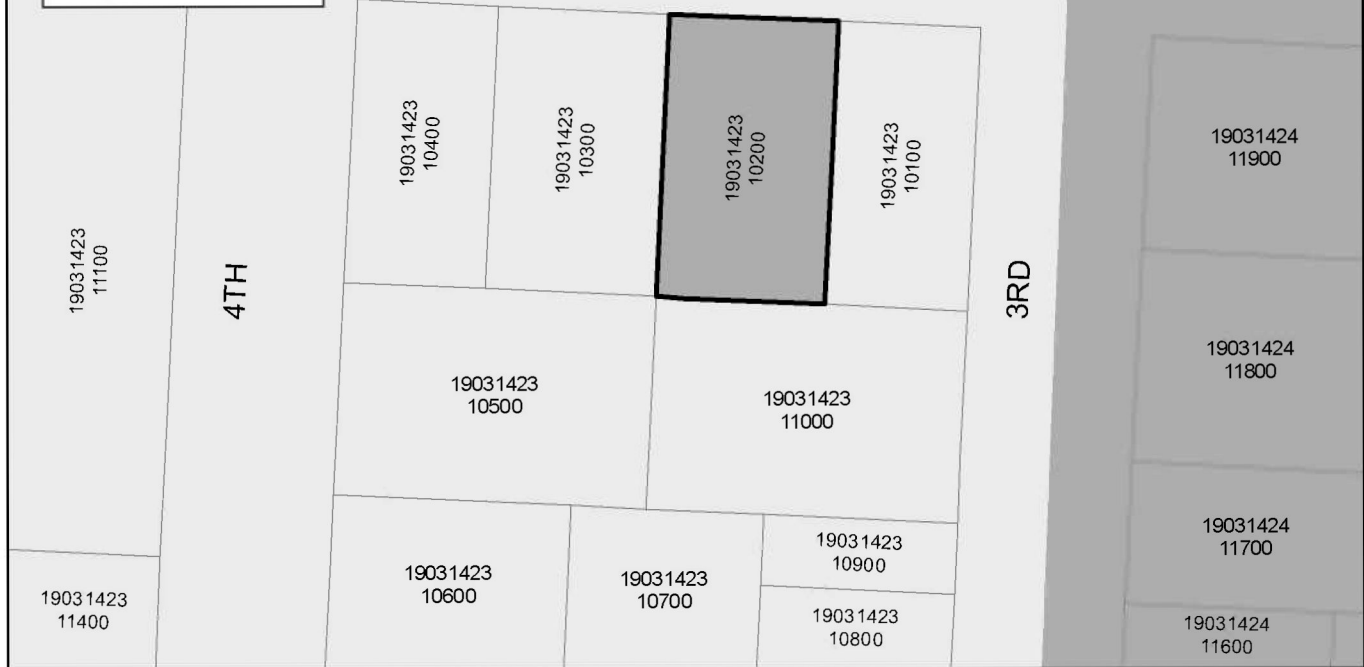
-  Residential
-  Downtown Commercial
-  Tax lots



Existing Zoning



Proposed Zoning



ORDINANCE NO. 457**AN ORDINANCE AMENDING THE CITY OF CRESWELL COMPREHENSIVE LAND USE PLAN AND CRESWELL DEVELOPMENT CODE (ORDINANCE No. 449) TO CHANGE THE COMPREHENSIVE PLAN AND ZONING DESIGNATION OF CERTAIN LAND WITHIN THE CITY (ASSESSORS MAP 19-03-14-23, TAX LOT 10200) FROM A RESIDENTIAL (R) DESIGNATION WITH LOW DENSITY RESIDENTIAL ZONING TO A COMMERCIAL (C) DESIGNATION WITH DOWNTOWN COMMERCIAL ZONING**

WHEREAS, there is a need to update the Comprehensive Plan Diagram and zoning map of the City to correct an error in the 1982 Comprehensive Plan Diagram and zoning map; and

WHEREAS, the changes and modifications to the Comprehensive Plan and zoning reflect existing land use patterns; and

WHEREAS, the proposed Comprehensive Plan and zoning change aids in the accomplishment of statewide and local goals and guidelines for provision of commercial land to provide business and work opportunities within the city limits; and

WHEREAS, the Creswell Planning Commission held a public hearing on September 18, 2008, on the proposed Comprehensive Plan map and zoning map amendments, and public notice of said meeting was published on September 4, 2008, in the Creswell Chronicle, a newspaper of general circulation in the City of Creswell, and the public was offered an opportunity to testify along with statements from various officials and staff and the contents of that meeting have been reduced to written form; and

WHEREAS, the Planning Commission has recommended the proposed Comprehensive Plan map and zoning map amendments, to the City Council; and

WHEREAS, the City Council held a public hearing on October 13, 2008, on the proposed Comprehensive Plan map and zoning map amendments, including, and public notice of said meeting was published on September 25, 2008, in the Creswell Chronicle, a newspaper of general circulation in the City of Creswell, and the public was offered the opportunity to testify along with statements from various officials and staff; and

WHEREAS, these amendments are being sought out of public necessity and convenience and the general welfare of the City.

NOW THEREFORE, the City of Creswell ordains as follows:

Section 1. The Comprehensive Plan Diagram and zoning map of the City of Creswell as adopted are amended from Residential (R) with Low Density Residential (RL) zoning to Commercial (C) with Downtown Commercial (DC) zoning, as shown in "Exhibit A" and "Exhibit B" attached.

Section 2. The City Council adopts as "Findings of Fact" the Findings of Fact and associated Staff Report included in the Planning Commission's action and generally summarized below:


1. The Creswell Planning Commission met on September 18, 2008, after giving proper notice to the public in accordance with Section 4.1.400(C) of the

Creswell Development Code (Ordinance 449), and gave the public an adequate opportunity to testify on the proposed amendments.

2. The public hearing was conducted in accordance with procedures for the conduct of hearings before the Planning Commission, as required by Section 4.1.400(D) of the Creswell Development Code (Ordinance 449).
3. Amendments to the Comprehensive Plan map and zoning map would correct a mistake in the 1982 Comprehensive Plan Diagram and Zoning Map and be consistent with the City of Creswell Downtown Plan, the existing and historical use of the property, and be consistent with surrounding land uses.
4. The Comprehensive Plan map and zoning map amendment request, initiated by the City, meets the requirements established in Section 4.7.300 (Quasi-Judicial Amendments) of the Creswell Development Code (Ordinance No. 449).
5. The Planning Commission voted to recommend approval of the requested amendments for a Comprehensive Plan Diagram and zoning map change for 19-03-14-23, TAX LOT 10200 from Residential (R) with Low Density Residential Zoning (RL) to Commercial (C) with Downtown Commercial Zoning (DC).
6. The Planning Commission, at its September 18, 2008 meeting, adopted the findings of fact, and forwarded a recommendation of approval to the City Council on these amendment requests, as required by Section 4.7.300 of the Creswell Development Code (Ordinance No. 449).
7. The proposed Comprehensive Plan map and zoning map amendments are consistent with the City of Creswell Development Code (Ordinance No. 449).
8. The Comprehensive Plan map and zoning map amendment request is consistent with the Creswell Comprehensive Plan Land Use Plan Diagram prior to the error which occurred in the 1982 revision and Plan policies (Section III, Plan Proposals, Programs, and Policies including but not necessarily limited to C.2.c-Commercial Land Plan Designation Policies and C7-Economic Policies).

Section 3. This Ordinance becomes effective thirty days after adoption by the City Council and approval by the mayor.

ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR ON
THIS 13th DAY OF October, 2008.


Robert A. Hooker, Acting Mayor

ATTEST


Roberta J. Tharp, City Recorder

CRESWELL CITY COUNCIL FINDINGS OF FACT

SCHLORMAN (CRESWELL VETERINARY HOSPITAL) PROPERTY ZONING DISTRICT & COMPREHENSIVE PLAN DESIGNATION MAP AMENDMENTS (PA-2008-01 & ZC-2008-01)

Planning Commission Hearing Date: September 18, 2008
Findings Adopted: September 18, 2008
City Council Hearing Date: October 13, 2008
Decision Date: October 13, 2008

I. FINDINGS AND CONFORMANCE WITH APPLICABLE CRITERIA

The Creswell Planning Commission and City Council finds the following:

1. The applicant submitted an application for a Land Use District Change that involves a Comprehensive Plan Map Amendment (PA-2008-01 & ZC-2008-01), and provided all information required by applicable sections of the Creswell Development Code, Ordinance No. 449.
2. The Planning Commission met on September 18, 2008 and the City Council met on October 13, 2008, to review and discuss the application (Assessors Map 19-03-14-23, tax lot 10200). The Commission reviewed all material relevant to the application, including the following pieces of evidence:
 1. Application for a Zoning District and Comprehensive Plan Designation Map Amendment.
 2. Staff Report dated September 10, 2008.
 3. Written Submissions: None.
 4. Oral Testimony: See minutes of Planning Commission Public Hearing, September 18, 2008.
3. The Planning Commission and City Council provided proper notice of the public hearing according to Section 4.1.400 of the Creswell Development Code.
4. The Planning Commission and City Council followed the required procedures and standards as set forth in Section 4.1.400 of the Creswell Development Code.
5. The application meets or can meet all of the relevant Creswell Comprehensive Plan and Development Code requirements for a Comprehensive Land Use Plan Map Amendment and Zoning District Change contained in Sections III.C.1 and 2 of the Creswell Comprehensive Plan; and the following Sections of the Creswell Development Code: Section 4.1.400-Type III Procedure (Quasi-Judicial); Chapter 4.7-Land Use District Map and Text Amendments, Section 4.7.300- Quasi-Judicial Amendments; and other applicable sections of the Code. Each relevant Creswell Development Code standard is listed in *italics*, followed by a response.

CHAPTER 4.7 LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.7.300 Quasi-Judicial Amendments

B. Criteria for Quasi-Judicial Amendments. *A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:*

1. *Approval of the request is consistent with the Statewide Planning Goals;*

RESPONSE: The proposal to re-designate the subject property from Residential to Commercial and to re-zone from Residential (low density under the current Development Code) to Downtown Commercial is consistent with the applicable Statewide Planning Goals which are Goal 1-Public Involvement, Goal 9-Economy, Goal 10-Housing, and Goal 13-Energy Conservation because:

- Goal 1 Public Involvement-public notice has been given, and two public hearings are part of the decision making process;
- Goal 9 Economy-re-designating and re-zoning the property to commercial and downtown commercial district provides for a variety of economic activities contributing to the health, welfare, and prosperity of citizens;
- Goal 10 Housing-the housing needs of citizens are met through the supply of residential lands in the City; re-zoning and re-designating the site from residential to commercial does not remove any residential use from the market because the site has functioned as a business/commercial site for over 40 years; and
- Goal 13 Energy Conservation- re-designating and re-zoning the property to commercial and downtown commercial district provides for energy conservation because the downtown commercial area is the most compact area of town geared toward pedestrian activity.

2. *Approval of the request is consistent with the Comprehensive Plan;*

RESPONSE: The proposal is consistent with the Comprehensive Plan because Section III. C.(2) says the purpose of Commercial lands is:

To create and protect areas suitable for commercial uses and services of community residents, visitors and tourists...

and the re-zone to Downtown Commercial and re-designation to Commercial protects an existing commercial site that has existed as a commercial use for over four decades and that was inadvertently zoned and designated residential during the adoption of the 1982 Comprehensive Plan update/adoption.

3. *The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and*

RESPONSE: The proposal is consistent with this criterion because the property and affected area is presently provided with adequate public facilities, services and transportation networks to support commercial uses because the use of the site has been commercial for over four (4) decades and Oregon Avenue and associated public utilities adequately serve the site.

4. *The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and*

RESPONSE: The proposal is consistent with this criterion because the proposed re-zone to Downtown Commercial and re-designation to Commercial is in the public interest based on the site being occupied with a successful commercial use for over four decades, adjacent uses are a mix of commercial and civic uses, and corrects a mistake in the Comprehensive Plan Map and Land Use District Map resulting from the 1982 Comprehensive Plan Update, and makes the zoning and designation consistent with the Creswell Downtown Plan 2001.

5. *The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.600.*

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the Traffic Impact Study provisions of Section 4.1.900. “Significant” means the proposal would:

1. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the City’s Transportation System Plan (TSP); or*
2. *Change the standards implementing a functional classification system; or*
3. *As measured at the end of the planning period identified in the road authority’s adopted TSP allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or*
4. *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the road authority’s TSP; or*
5. *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority’s TSP.*

RESPONSE: The proposal is consistent with these criteria because it does not significantly affect Oregon Avenue (relevant transportation facility): no change in the functional classification of Oregon Avenue (major collector) would result; no change in the standards for the classification would result; the TSP supports the level of use and there are no changes to the existing level of use as the commercial development has existed for over four decades; and no performance of the transportation facility serving the site would worsen.

III. DECISION

The Creswell City Council determines that the request by the City for an amendment to the Comprehensive Plan Map (from Residential to Commercial) and Zoning District Map (from Residential to Downtown Commercial) for Assessor's Map 19-03-14-23 tax lot 10200 satisfies the relevant criteria as described above and approves this request.



Robert A. Hooker, Acting Mayor
City of Creswell

October 28, 2008
Date