



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

10/11/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Eagle Point Plan Amendment
DLCD File Number 002-11

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: Tuesday, October 25, 2011

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Bunny Lincoln, City of Eagle Point
Angela Lazarean, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<paa> YA

FORM 2

DLCD NOTICE OF ADOPTION

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

(See second page for submittal requirements)

Jurisdiction: City of Eagle Point

Local File No.: PA # 10/11-04: CPZCH/
ZCH
(If no number, use none)

Date of Adoption: 9.27.11
(Must be filled in)

Date Mailed: 10.4.11
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD:

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

(Please Specify Type of Action)

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

ZONE CHANGE - HIGH DENSITY TO MEDIUM DENSITY

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same". If you did not give notice for the proposed amendment, write "N/A".

Plan Map Changed from: HD to: MD

Zone Map Changed from: R-4 to: R-2

Location: DIANE WAY EAGLE POINT Acres Involved: 1.37

Specify Density: Previous: 18 EDU/AC. New: 9 EDU/AC

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: No:

Does Adopted Amendment affect the areas in unincorporated Washington County where the

Zoning Code applies? Yes No

DLCD File No.: 002-11 (18902) [16792]

DEPT OF

OCT 06 2011

LAND CONSERVATION
AND DEVELOPMENT

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:

Local Contact: Bunny Lincoln Area Code + Phone Number: 541-826-4212 ext. 1111
Address: P.O. Box 779 City: Eagle Point
Zip Code+4: 97524-0779 Email Address: bunnylincoln@cityofeaglepoint.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 (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 ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice 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.

ORDINANCE NO. 2011-08

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN LAND USE AND ZONING MAPS AND ADOPTING SPECIFIC ZONING CLASSIFICATIONS FOR GREENHILLS VILLAGE – A PLANNED UNIT DEVELOPMENT, DIANNE WAY, EAGLE POINT, OREGON.

WHEREAS, application has been made to the City of Eagle Point for the rezoning of certain property under its jurisdiction from R-4 (High Density Residential) to R-2 (Medium Density Residential), with payment of required planning fees; and

WHEREAS, said application has been declared complete by the City; and

WHEREAS, all legally required notifications and advertisements have been made, with accompanying certifications; and

WHEREAS, the Planning Commission held a public hearing, September 20, 2011 in connection with said application and has forwarded its unanimous recommendation(s) for approval, with conditions, to the City Council; and

WHEREAS, the City Council held a public hearing, September 27, 2011; and

WHEREAS, both hearings provided a forum for public testimony on the proposed zoning amendments; and

WHEREAS, such rezonings are subject to the provisions of the **Eagle Point Zoning Ordinance, Article IX - Amendments, Section 9.070 (C) - Ordinance**, which requires that rezones be effected by ordinance, including the adoption of related Findings of Fact, now, therefore,

THE CITY OF EAGLE POINT ORDAINS AS FOLLOWS:

Section 1 - Findings of Fact. The Council hereby adopts the **Findings of Fact** contained within the whole record, or as amended, with regard to the rezone:

Section 2. - Approval Conditions. The following approval conditions are attached to the subject rezone:

1. Any revisions to the existing Greenhills PUD final plat shall comply with all relevant City rules and regulations. This shall include, but not be limited to, submittal of all required applications and payment of fees for same.
2. These conditions shall be binding upon and inure to the benefit of the heirs, successors and assigns of the applicants. These conditions are not personal, but are for the benefit of all the land herein described, and shall be binding upon the developer and all successive owners of all or part of said property.

INDAVERTENT OMISSIONS –

1. Should the preceding conditions inadvertently omit any applicable item (as determined by the Planning Director) contained in any affected agency memo contained in the whole

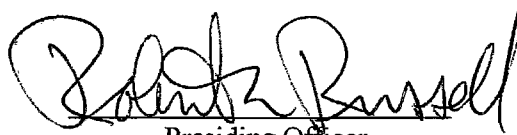
record, said condition shall be incorporated herein, with appropriate notice being provided to the developer.

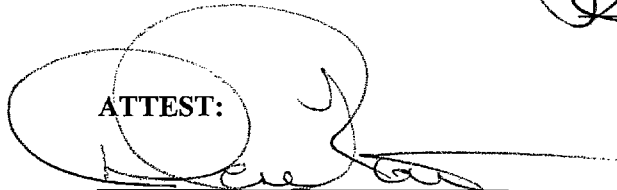
IT SHALL BE THE SOLE RESPONSIBILITY OF THE DEVELOPER TO COMPLY WITH THE APPROVAL CONDITIONS LISTED ABOVE. FAILURE TO SATISFY THE TERMS AND CONDITIONS OF ANY APPROVAL, INCLUDING PAYMENT OF OUTSTANDING PROJECT COSTS, SHALL CONSTITUTE GROUNDS FOR THE CITY TO TAKE ACTION WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, DENIAL OF PLAT SIGN-OFFS, PERMISSION TO PROCEED, ISSUANCE OF A STOP WORK ORDER ("RED TAGGING"), OR DENIAL OF CERTIFICATES OF OCCUPANCY.

Section 3 - Legal Description and Zoning Designation. The real property described as Tax Lot s #1400, and 1429 thru 1450, JACO Assessor's Map 351W34DC Greenhills Village PUD, Dianne Way, Eagle Point, Oregon is hereby rezoned to Medium Density Residential on the Eagle Point Comprehensive Plan Land Use Map and R-2 (Medium Density Residential) on the Eagle Point Zoning Map.

Section 4. Effective Date. The Ordinance amendment shall become effective on **October 27, 2011**, thirty (30) days after formal adoption by the City Council.

PASSED by the Council and signed by me in open session in authentication of its passage this **27th** day of **September, 2011**.


Presiding Officer

ATTEST:

Recorder

STAFF REPORT

STAFF REPORT

For: David Hussell, City Administrator

From: Bunny Lincoln, Planner

Date: 8/4/06

File No.: PA# 10/11-04:CPZCH/ZCH (Greenhills)

Applicant: Premier West Bank
Andre Feliciano

Owner: Same

Agents: Hoffbuhr & Associates (Dennis Hoffbuhr)

Request: Amendments to the Comprehensive Plan and Zoning Map for the Greenhills Subdivision, Dianne Way, Eagle Point, Oregon.

APPLICATION:

Application for **Comprehensive Plan Map amendment** and **zone change** approval in the Greenhills Subdivision - A Planned Unit Development (PUD) located on Dianne Way, Eagle Point, Oregon.

The proposed zone changes are designed to allow, through a subdivision replatting process, for the construction of detached single-family residences, as opposed to the previously approved townhouse configuration, whereby the residential units must be connected in groups of three or more.

I. APPLICABLE CRITERIA

A. FINDINGS OF CONFORMANCE WITH OREGON REVISED STATUTES (ORS)

The City of Eagle Point has an acknowledged Comprehensive Plan. By virtue of the acknowledgment procedures adopted in the Plan, DLCD must receive notice of any proposed amendment to the Plan. The application and the City review process demonstrate compliance with these statutes as a matter of course.

When dealing with land use decisions, applicable Statewide Planning Goals must also be considered. The City's Comprehensive Plan elements address each of these goals, and the subject application's relationship to them is discussed under "**Findings of Conformance with the Eagle Point Comprehensive Plan**".

The State's acknowledgement of the entire Comprehensive Plan, implementing documents (and subsequent amendments) demonstrates the fact that the City complies with relevant ORS when land use applications are dealt with under the provisions of Eagle Point's Land Development codes (the Zoning and Subdivision Ordinances).

FINDING(S): The City stipulates to the applicant's Findings on this criteria. It is further found that DLCD received the required notice within the statutory time limits, and the application has been dealt with, in all respects, under the provisions of the Comprehensive Plan and implementing ordinances (Zoning and Subdivision). Therefore, the criterion has been met.

B. FINDINGS OF CONFORMANCE WITH OREGON ADMINISTRATIVE RULES (OAR)

OAR 660 - Division 3 (Land Use Planning) delineates the processes required to implement the applicable ORS, in this case, amending an acknowledged Comprehensive Plan and/or Map. The rule further provides a method whereby those not satisfied with a local jurisdiction's land use decision(s) may address the issue(s) before the State in an appeal forum.

FINDING(S): The City stipulates to the applicant's Findings on this criterion, has provided all legal noticing, and will provide opportunity for appeal to any/all parties with established participatory status. Therefore, the criterion has been met.

C. FINDINGS OF CONFORMANCE WITH THE EAGLE POINT COMPREHENSIVE PLAN.

1. A minor revision to the Land Use Plan Map is one that focuses upon specific individual properties and will not have a significant impact beyond the immediate area of the change. Minor revisions to the Plan Map will be considered subject to the procedures used by the City when hearing zone change requests (**EP Zoning Ordinance – Article IX – Amendments**).

The Planning Commission may hold a public hearing on such applications. The City Council will hold a hearing. Notice of any hearing(s) must be published twice in a newspaper of general circulation within the City.

FINDING(S): Under the Comprehensive Plan definition, the amendment application is found to be classified as "minor".

FINDING(S): The matter has been advertized in conformance with the criterion, and appropriate hearings held.

2. Amendments to the Plan Map may be initiated by the City or through standard land use application by an individual/multiple property owners or agents thereof.

FINDING(S): The application has been filed on behalf of the property owners, therefore meeting the Comprehensive Plan criterion.

3. The proposed amendment(s) must further comply with relevant sections of the Comprehensive Plan and other implementing documents found to be relevant to the proposed amendment.

In this case, the City stipulates to the narrative, discussions and Findings submitted by the applicant, including references to the City's adopted Buildable Lands Inventory and (tentative) Regional Problem Solving Plan and further finds the following to be applicable:

a.) **Chapter IV – PUBLIC FACILITIES (Statewide Planning Goal #11)** - The City is responsible for providing appropriate public services to serve its citizens. These include, water, sewer, streets, storm drainage, emergency services and education.

FINDING(S): Greenhills PUD has previously been through a complete approval process and is final platted. Therefore, all public services/facilities are in place, and the criterion has been met.

b.) **Chapter V – HOUSING (Statewide Planning Goal #10)** - The Comprehensive Plan Housing goal is to “encourage and provide the availability of a diversity of housing as to type, location, density and cost”.

FINDING(S): While the current Greenhills PUD plat meets the stated goal, its design standard (single-family **attached** units) has been shown to be undesirable in the current, overall housing market. While more modestly priced, owner occupied, quality-housing opportunities remain limited, the City currently has an adequate stock of rental housing throughout the community, as evidenced by the number of homes advertised as available for lease. In rezoning the subject property from high to medium density, 10-11 units will be lost on 1.37 acres, exclusive of common areas (as currently platted). In combination with existing high-density zoning located elsewhere in the community, and the potential for additional high-density zoning as part of an Urban Growth Boundary expansion, this acreage and “lost” units may easily be part of a master planning and density transfer at a later date. Furthermore, the expressed intent of replatting the PUD to create single-family homes on small lots will follow the trends set in adjoining neighborhoods, and do away with a high-density “spot zone”, typically viewed as poor planning practice.

The proposed zone change meets the criterion.

c.) **Chapter VI – NATURAL HAZARDS** - All development within the City is expected to consider natural hazards occurring in the area. This includes, but is not limited to, topography and drainage patterns.

FINDING(S): As part of the Greenhills site development, the Buchanan storm drainage/irrigation ditch, which traverses the entire western boundary of the site, became a significant factor. Occupying approximately one third of the property, extensive upgrades to the ditch were found necessary by the Division of State Lands, and the Army Corps of Engineers. While those improvements have been completed, the ditch, and its riparian banks, remains a significant factor on the site. In addition to its actual physicality on the property, the ditch also constrains access to the development.

A reduction to the Greenhills PUD developmental density will lessen the potential for negative impacts to the Buchanan ditch system, and provide a safer living environment for future Greenhills residents.

Natural hazards have been considered, and the criterion has been met.

d.) **Chapter VII – TRANSPORTATION (Statewide Planning Goal #12)** - The City must consult with ODOT and Jackson County when proposing any zone changes that affect the Highway and County road systems.

FINDING(S): Both ODOT and Jackson County were noticed on the proposed zone change. ODOT has submitted a letter of “No Comment”, and Jackson County offered no comments on the matter.

e.) **Chapter VIII – ECONOMY (Statewide Planning Goal #9) -** It is incumbent upon the City to foster the viable economic health of the community and assure its continued success. Until the current financial downturn occurred, housing construction activity was the driving economic force in the City, with the detached single-family standard prevailing, by a huge percentage, over all others. Throughout southern Oregon, attached, owner occupied housing simply was/is not a preference on the open market, and such units, if sold at all, were/are purchased by investors who then turned them into rentals.

FINDING(S): If Greenhills is rezoned to allow for construction of detached, single-family housing on small lots, it is expected to create an enhanced economic environment, associated with both provision of jobs during the construction phase, and the patronage of local businesses by the residents living in the new homes.

Therefore, the criterion has been met.

f.) **Chapter XIII – CITIZEN INVOLVEMENT (Statewide Planning Goal #1) -** requires that the City provide ongoing, legal notifications to its citizens, including opportunity to be heard in a public forum, for all matters related to the land use decision making process.

FINDING(S): The City has provided such notifications and public testimony opportunities throughout the process for the approval of the proposed zone change amendment(s), and will continue to do so until the matter is formally concluded.

g.) **Chapter XV – REVIEW AND AMENDMENTS PROCEDURES -** The process for adopting minor amendments/revisions to the Comprehensive Plan Land Use Map are outlined in the Element. The Planning Commission may hold a hearing and submit recommendations to the Council. The Commission hearing must be advertised in the newspaper for two weeks prior to the initial hearing. The City Council must hold a public hearing on the proposed amendment. The Council hearing must also be advertised twice in the newspaper. All the hearings may be noticed in the same set of published advertisements.

FINDING(S): This matter has been jointly advertized in the Upper Rogue Independent on **Sept. 6** and **13, 2011**, thereby meeting the approval criterion.

A majority vote of the Council is required to enact a Comprehensive Plan amendment.

FINDING(S): The City has followed the prescribed notification and hearing process for this matter, meeting the criterion.

D. FINDINGS OF CONFORMANCE WITH THE EAGLE POINT ZONING ORDINANCE.

1) **Article IX – Amendment(s)** allows the City to amend the Zoning Map and Ordinance whenever such a change is found to be warranted for the benefit of the community. The City may initiate such an amendment on its own, or, as in this case, standard land use application may be made to the City by an individual/multiple property owners or agents thereof.

Legal notifications must be made to the State Department of Land Conservation and Development, as well as all those agencies/individuals entitled to them.

Any amendment(s) are adopted by Ordinance.

FINDING(S): All required legal notification, advertisements and public hearings have been held in conjunction with the approval process or the proposed amendment(s). Therefore, the criterion has been met.

Section 9.010 states that the zoning map may be amended whenever the public necessity and convenience and general welfare require such amendment.

FINDING: While ordinance text amendments require compliance with several criteria, changes to the zoning maps are subject only to a finding of public necessity, convenience, and general welfare.

FINDING: The proposed zone change does not create any negative impacts upon the City and is found to be beneficial to Eagle Point in that the proposed future revisions to the Greenhills PUD final plat will permit a redesign of the project into one more closely resembling the surrounding, medium density residential neighborhoods. The redesign will further create lesser impervious surfaces and impact on the adjoining “Buchanan Ditch” storm drainage/irrigation system, provide additional affordable, owner occupied housing opportunities, boost the local economy and eliminate a high-density “spot zone”.

II. CONCLUSIONS -

1. The proposal has been found to be consistent with the Comprehensive Plan Map.
2. The proposal has been found to be consistent with the requirements of the Zoning Ordinance.
3. All legal notifications have been satisfied with respect to the application.
4. The application was declared complete.
5. No concerns have been expressed by affected agencies. (ODOT and Jackson County Parks & Roads)

III. STAFF SUMMARY/RECOMMENDATIONS:

Based upon the record Findings and a unanimous recommendation (voice vote, Sept. 20, 2011) for approval from the Planning Commission, City Council may determine that the standards for **Comprehensive Plan Amendment** and **Zone Change** approval have been met by virtue of a complete application submittal and all related Ordinance compliance. If developed to Recommended Condition standards, the proposed map

amendments will meet all criteria for an affirmative decision. Further, it will not create any negative effects upon adjoining neighborhood(s) or City services/facilities. Staff recommends that the **Findings** contained in the whole record be adopted and the proposed **Comprehensive Plan Amendment** and **Zone Change** be approved with the following conditions:

IV. RECOMMENDED CONDITIONS:

1. Any revisions to the Greenhills PUD final plat shall comply with all relevant City rules and regulations. This shall include, but not be limited to, submittal of all required applications and payment of fees for same.
2. These conditions shall be binding upon and inure to the benefit of the heirs, successors and assigns of the applicants. These conditions are not personal, but are for the benefit of all the land herein described, and shall be binding upon the developer and all successive owners of all or part of said property.

INDAVERTENT OMISSIONS –

1. Should the preceding conditions inadvertently omit any applicable item (as determined by the Planning Director) contained in any affected agency memo contained in the whole record, said condition shall be incorporated herein, with appropriate notice being provided to the developer.

IT SHALL BE THE SOLE RESPONSIBILITY OF THE DEVELOPER TO COMPLY WITH THE APPROVAL CONDITIONS LISTED ABOVE. FAILURE TO SATISFY THE TERMS AND CONDITIONS OF ANY APPROVAL, SHALL CONSTITUTE GROUNDS FOR THE CITY TO TAKE ACTION WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, DENIAL OF PLAT SIGN-OFFS, PERMISSION TO PROCEED, ISSUANCE OF A STOP WORK ORDER ("RED TAGGING"), OR DENIAL OF CERTIFICATES OF OCCUPANCY.

V. DECISION:


A. The **City Council** may consider the following actions at the public hearing


1. Approve the amendments.
2. Deny the amendments.
3. Approve the amendments with conditions.
4. Enlarge or diminish the zone district or reclassify the district to a district other than the district requested.
5. Refer the matter back to the Planning Commission for further consideration.
6. Postpone action on the amendments to a time specified providing additional information is required and the applicants or their representatives agree to such postponement.


MAPS

Map Maker Application






Front Counter Legend

 Highlighted Feature

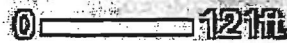
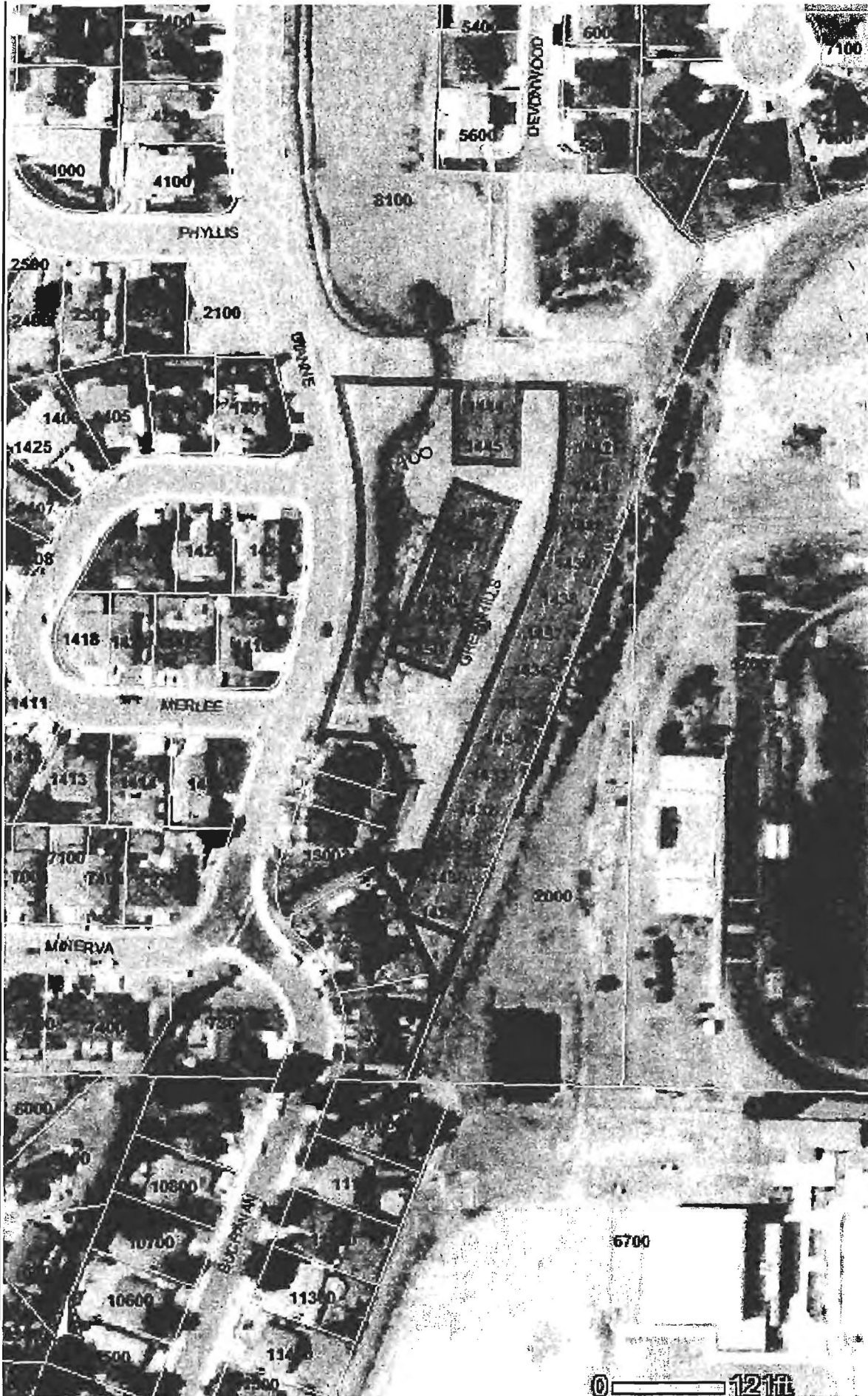
 Tax Lot Outlines

 Tax Lot Numbers

 FEMA Flood Plains 2010 (Proposed)

-  100-Year
-  100-Year Determined BFE
-  100-Year Determined BFE - Floodway
-  100-Year Shallow Flooding
-  500-Year

Countywide Color Aerial Photos 2005



JACKSON COUNTY
Oregon

This map is based on a digital database compiled by Jackson County From a variety of sources. Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

FOR ASSESSMENT AND TAXATION ONLY

S.W.1/4, S.E.1/4, SEC.34, T.35S., R.1W., W.M. JACKSON COUNTY

35 1W 34DC EAGLE POINT

1" = 100' SEE MAP 35 1W 34DB

GREENHILLS VILLAGE PUD

SEE MAP 35 1W 34CD

PROPERTY LINE AGREEMENT D.D. 84-07781

APPROX. 1/16 COR.

APPROX. 1/16 COR.

SEE MAP 35 1W 34DD

SEE MAP 35 1W 34

APPROX. 1/16 COR.

9-1

BUTTE CREST UNIT NO. 12
BUTTE CREST UNIT NO. 11

- CANCELLED TAX LOT NUMBERS:
- 1402 ADDED TO 2100
 - 1403 ADDED TO 1401
 - 1422 KILLED TO STREET
 - 1423 ADDED TO 1400
 - 1500-1500 REMAPPED TO 361W03AB
 - 4700-4900 KILLED TO STREET
 - 700 ADDED TO 1401
 - 800-1200 REMAPPED TO 361W03AB
 - 8000 ADDED TO 4600

AFFECTED PARCELS

REPLAY OF LOT & VICTORIA MANOR SUB.

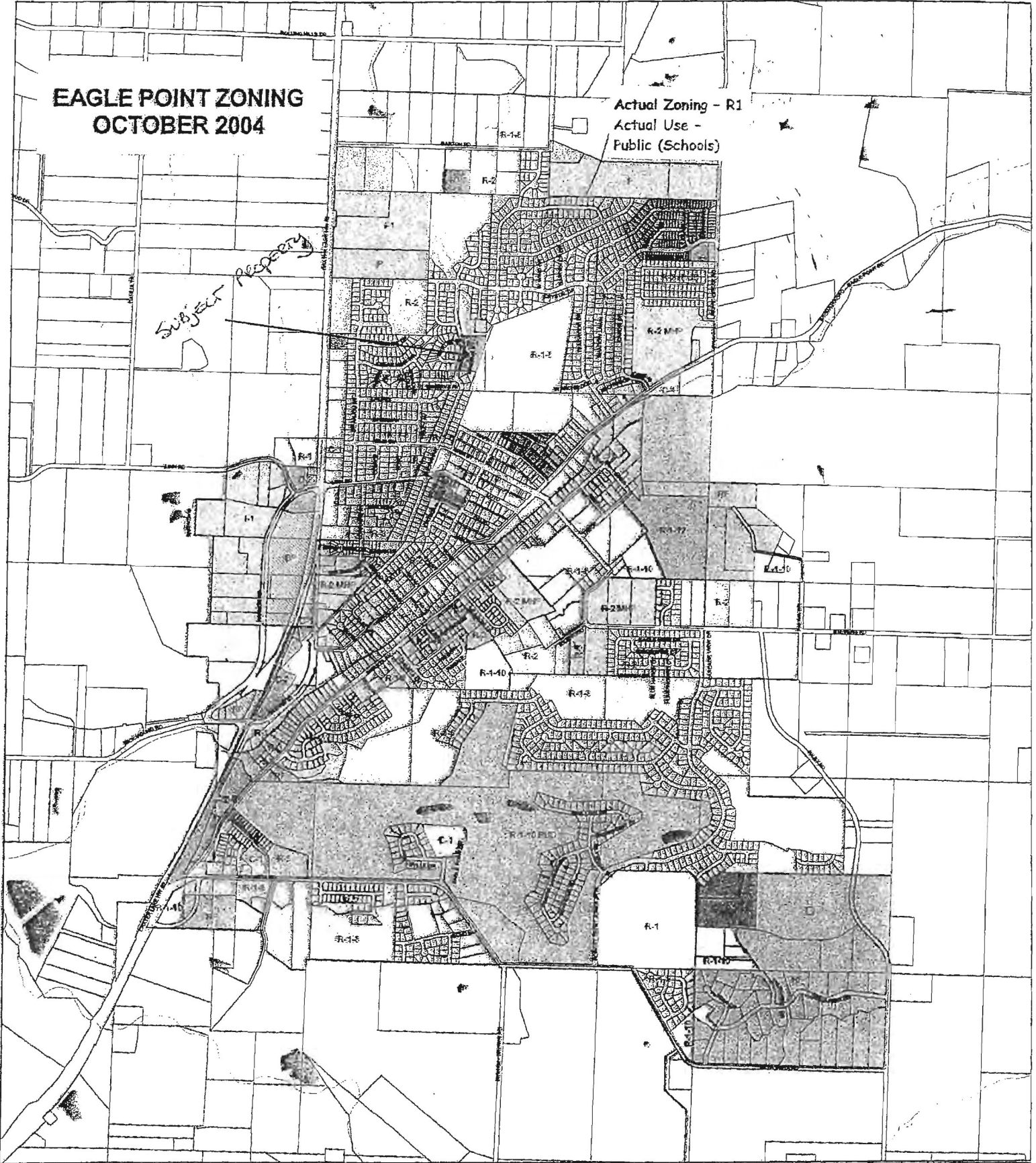
SEE MAP 36 1W 34B

35 1W 34DC EAGLE POINT NEW MAP JULY 15, 2009

**EAGLE POINT ZONING
OCTOBER 2004**

Actual Zoning - R1
Actual Use -
Public (Schools)

Subject Property



**CITY OF
EAGLE POINT**

Revised: October 2004

City Limits
Main Growth Boundary

City Zoning

Neighborhood Plan:
C-1
C-2

H-1
H-2
H-3

R-1-95
R-1-96
R-1-97

R-1-98
R-1-99
R-1-100

R-1-101
R-1-102
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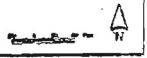
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R-1-117
R-1-118

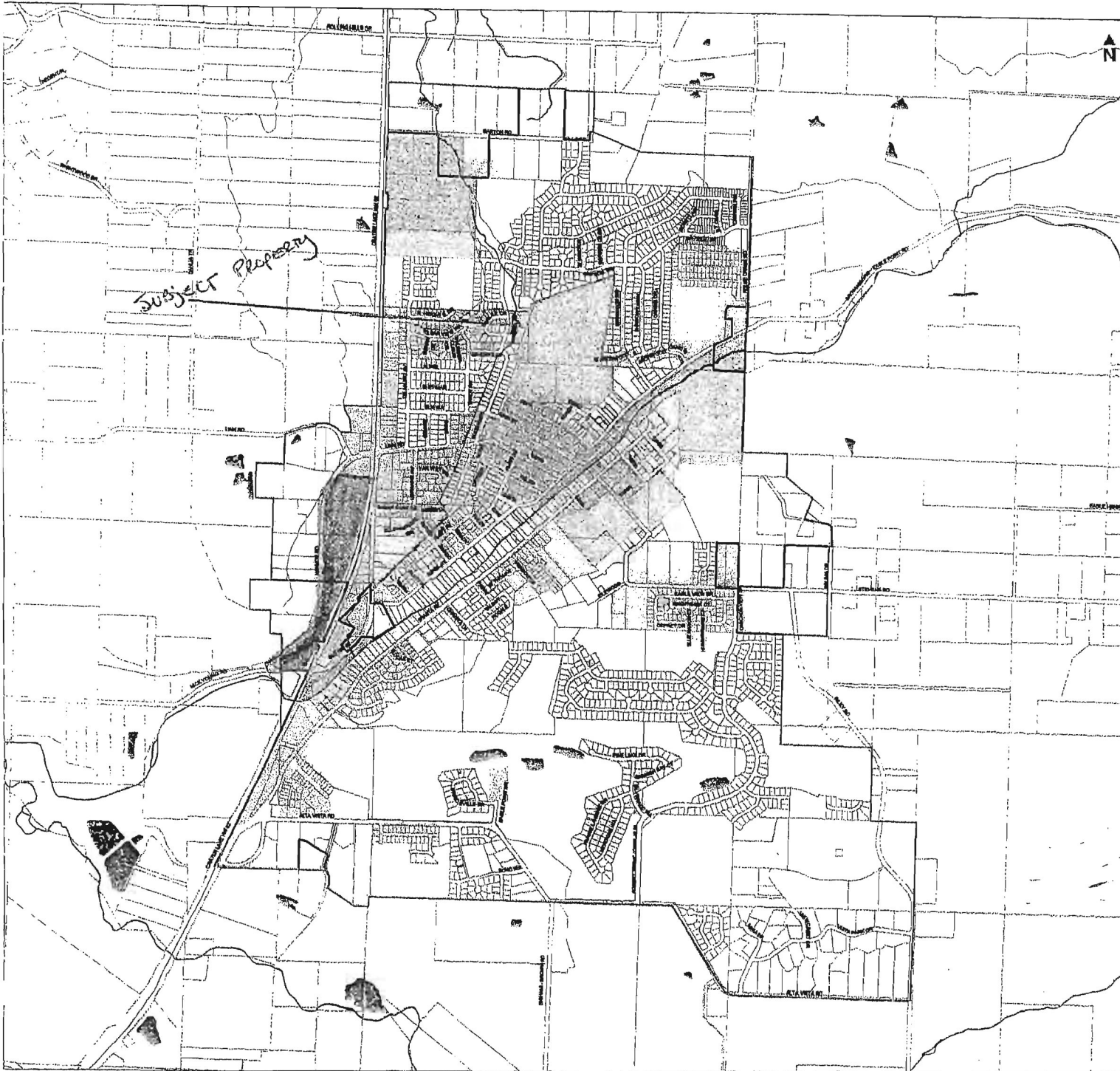
R-1-119
R-1-120
R-1-121

R-1-122
R-1-123
R-1-124

R-1-125
R-1-126
R-1-127

R-1-128
R-1-129
R-1-130





S M A R T M A P

JACKSON COUNTY
GEOGRAPHIC INFORMATION SYSTEM

Eagle Point Comp Plan

October 2004

Eagle Point Comp Plan

- Public Lands
- Business Park
- Industrial
- Central Commercial
- Outlying Commercial
- Low Density Residential
- Medium Density Residential
- High Density Residential

- Urban Growth Boundary
- City Limits

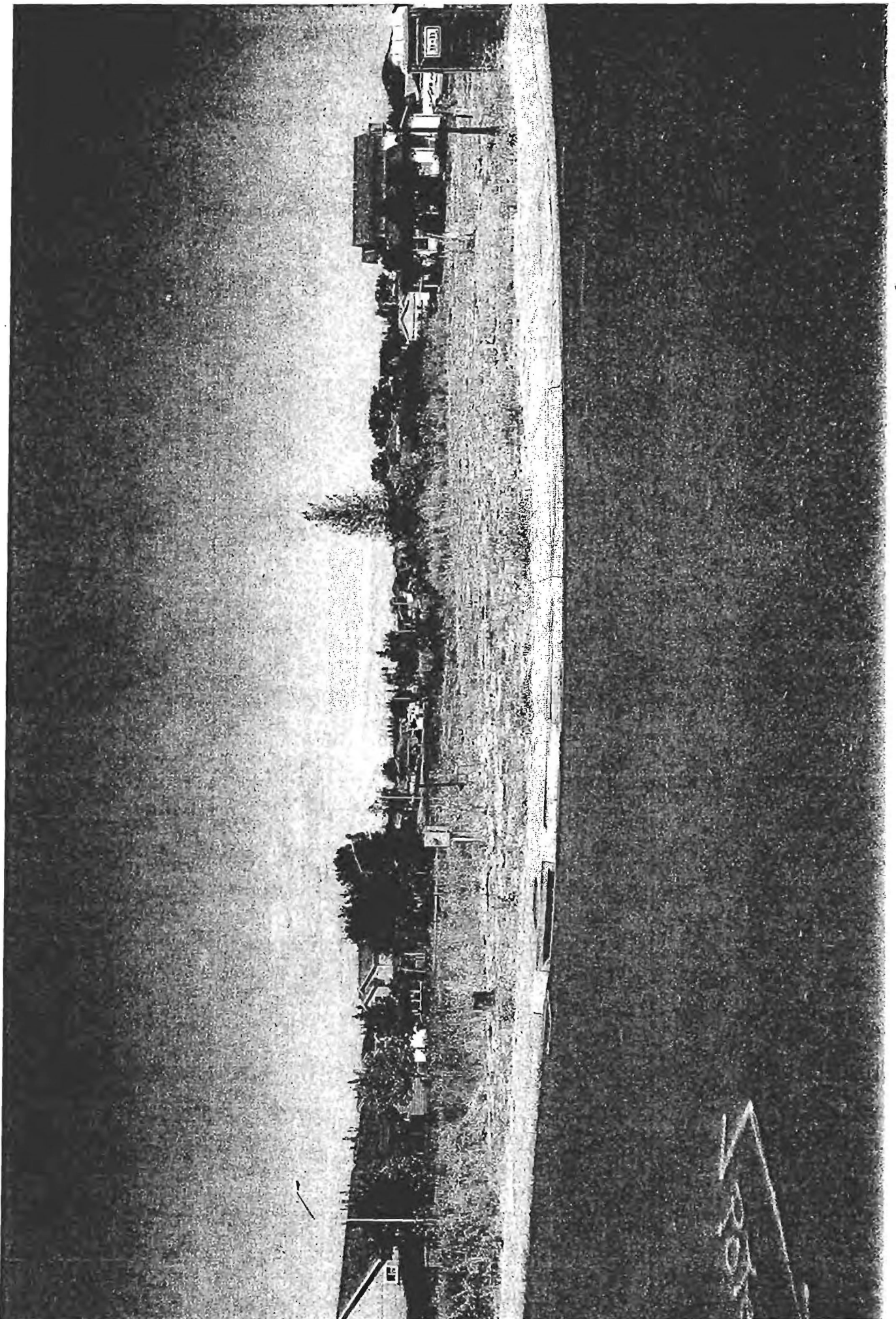
0 2000 Feet

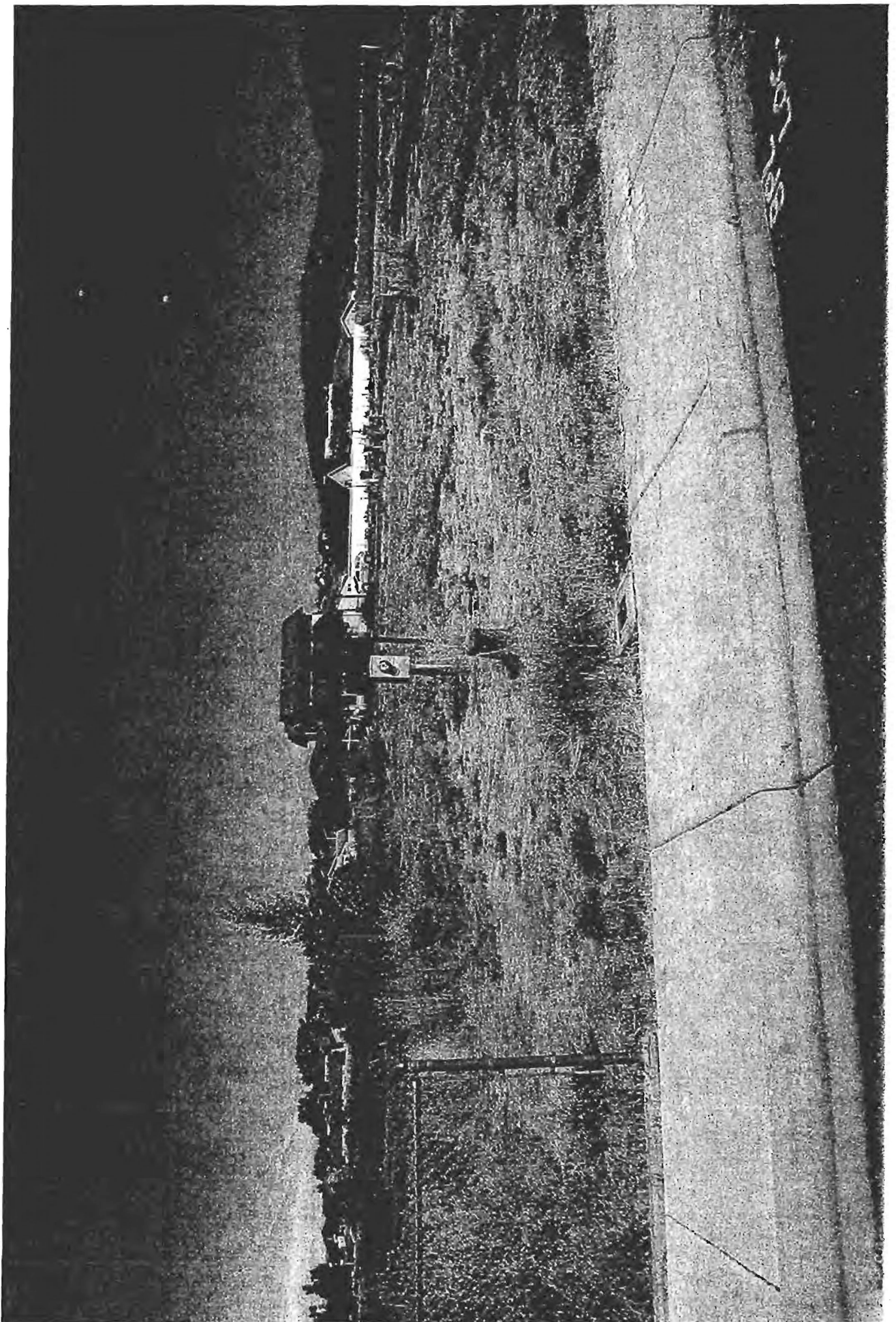
1" = 500 feet

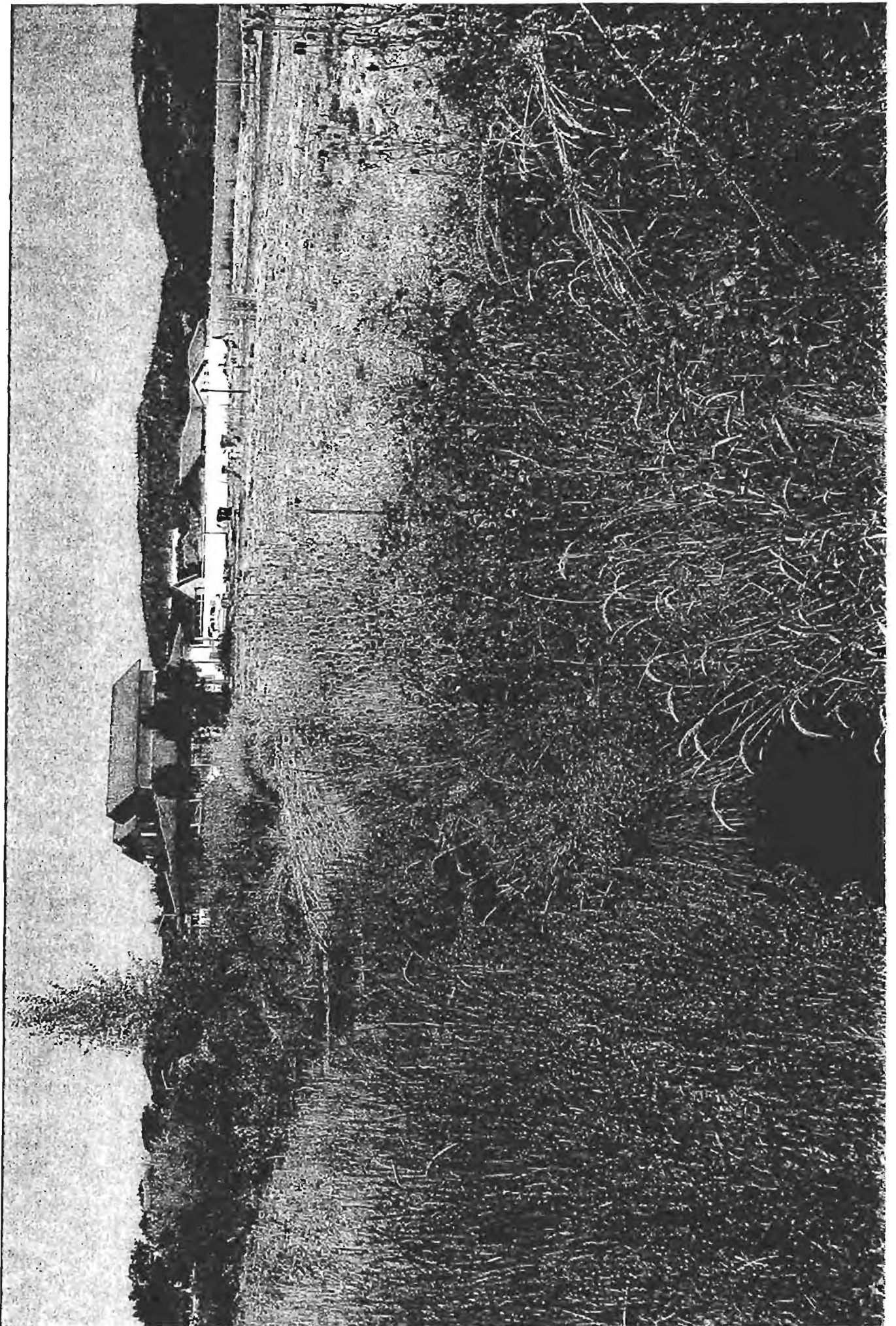


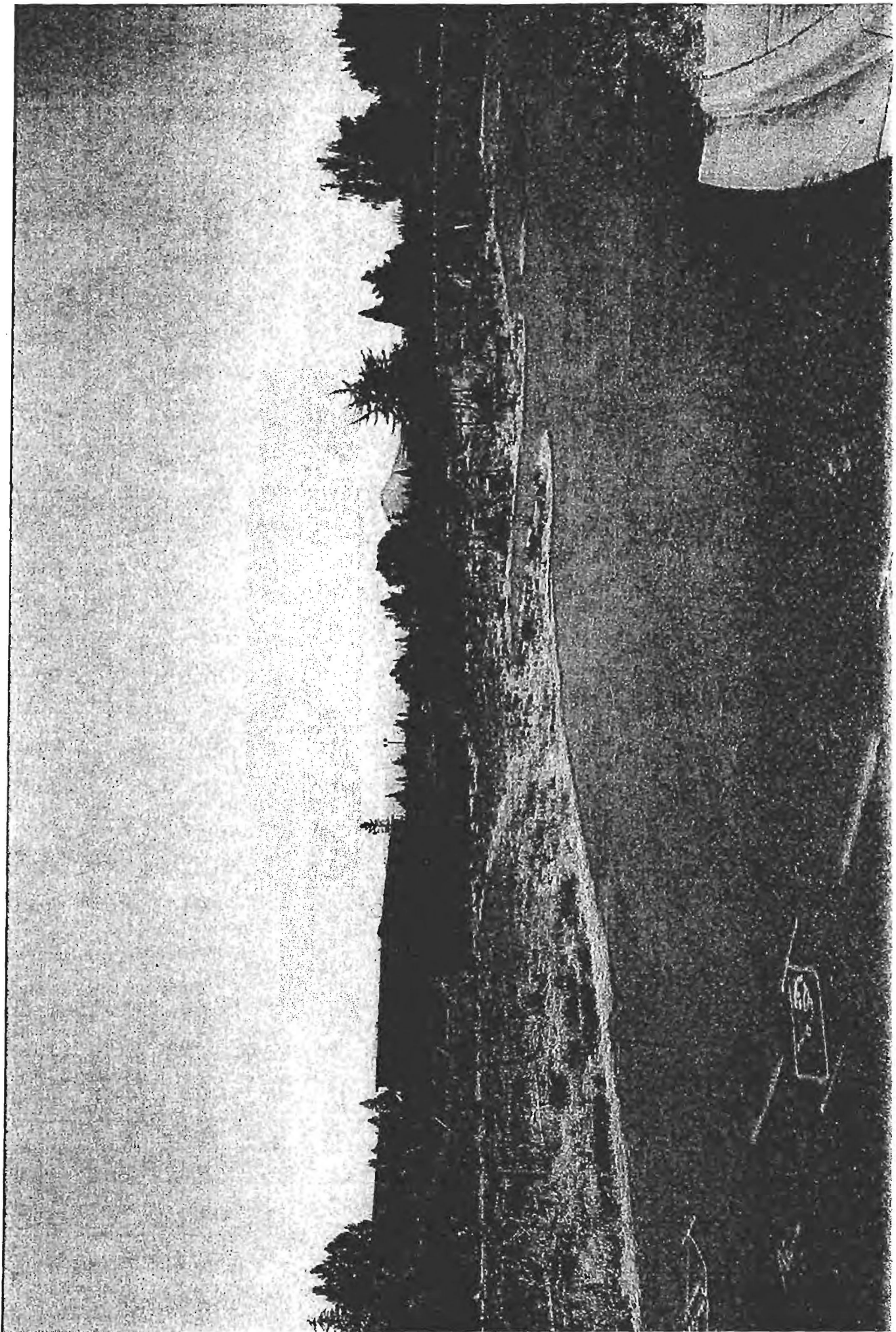
This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied.

Subject Property









APPROVAL CRITERIA

Planning Application
Procedural and Approval Criteria

TYPE: REZONE (COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS)

OREGON REVISED STATUTES (ORS) 197.296 AND ORS 197.610-615

Local Comprehensive Plan Amendments

Available Urban Growth Boundary Lands (Buildable Land Sufficiency)

OREGON ADMINISTRATIVE RULES (OAR)

Chapter 660, Division 3 - Plan Amendment Procedures

COMPREHENSIVE PLAN

COMPREHENSIVE PLAN LAND USE MAP

AMENDMENTS

CITIZEN INVOLVEMENT

ECONOMY

HOUSING

PUBLIC FACILITIES

TRANSPORTATION

ZONING ORDINANCE

ARTICLE III - ZONING DISTRICTS

ARTICLE IX - AMENDMENTS (ZONING MAP)

Section 9.010 General

Section 9.020 Initiation of Amendment

Section 9.030 Application

Section 9.040 Planning Commission Procedure

Section 9.050 Planning Commission Action

Section 9.060 City Council Procedure

Section 9.070 City Council Action

BUILDABLE LANDS INVENTORY

APPLICATIONS



PLANNING APPLICATION
City of Eagle Point

| | | | |
|---|----------|---|----------|
| <input type="checkbox"/> Annexation | \$ _____ | <input type="checkbox"/> Site Plan Review | \$ _____ |
| <input type="checkbox"/> Boundary Line Adjustment | \$ _____ | <input type="checkbox"/> Subdivision | \$ _____ |
| <input checked="" type="checkbox"/> Comprehensive Plan Change | \$ _____ | <input checked="" type="checkbox"/> Zone Change | \$ _____ |
| <input type="checkbox"/> Conditional Use Permit | \$ _____ | <input type="checkbox"/> Variance | \$ _____ |
| <input type="checkbox"/> Major Land Partiton | \$ _____ | <input type="checkbox"/> Planned Unit Development | \$ _____ |
| <input type="checkbox"/> Minor Land Partiton | \$ _____ | <input type="checkbox"/> Other _____ | \$ _____ |

1. APPLICANT

Name Premier West Bank Address 3390 Crater Lake Highway
 City Medford State OR Zip Code 97504
 Telephone : Residence _____ Business: 541-678-8258

EMAIL: HOWARD.HOFFBUHR@PREMIERWESTBANK

2. OWNER OF RECORD

Name Same as Above Address _____
 City _____ State _____ Zip Code _____
 Telephone : Residence _____ Business _____

3. AGENT

Name Hoffbuhr & Associates, Inc. Address 3155 Alameda, Suite 201
 City Medford State OR Zip Code 97504
 Telephone : Residence CELL 541.951.8086 Business 541-779-4641

4. PROJECT DESCRIPTION

Type of Development Rezone/CPA Property Location Buchanan Street
 Property Description (Township/Range/Section): See Attached Tax Lot(s) _____
 Zoning District: R-4 Property Acreage: 12± acre Plan Designation R-H
 Check if within these areas: 100-year flood plain Floodway Wetlands Historic District Overlay

5. MATERIALS: Application must include all required supplemental materials and application form at the time of filing.

6. CERTIFICATION

I hereby certify that the information given above and attached hereto is true and correct. That the property owner is aware of and agrees with this application, and that falsification of fact will result in invalidation of this application. Further, I understand any approval given is valid for the specific project-only and is subject to all applicable laws, regulations and conditions.

Applicants Signature: Howard Hoffbuhr Date: 5-16-11

Pursuant ORS 227 this application is considered a complete application when reviewed, dated, and signed by the Planning Director or his/her designate. Complete Incomplete

Signature Bunny Lincoln Date: 6.21.11

DENNIS.HOFFBUHR@MAC.COM

This site may include wetlands within its boundaries. Fill or removal activities in wetlands or other waters of the State typically require a permit from the Division of State Lands and/or the Army Corps of Engineers. Within 35 days of submitting a completed local application, the Division of State Lands will notify you as to whether you need to apply for a State Removal-Fill permit. The City of Eagle Point is not liable for any delays in the processing of a State or Federal permit. Notification forms may be obtained from the City's Planning Department.

FOR OFFICE USE ONLY

PA#: _____ Filing Date: _____ Filing Fee: _____ Receipt #: _____

AGENCY AGREEMENT

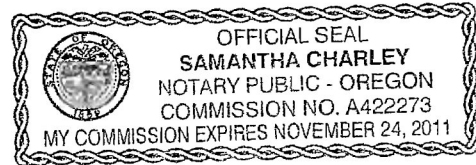
I, PREMIER WEST BANK, the legal owner of property located at _____, Eagle Point, Oregon, (Assessor's Map # 3A DC Tax Lot 1400 & 1429-1450) hereby authorize DENNIS HOFFBUHR

to act as my agent for the planning action and/or proposed development application herein submitted to the City for appropriate approval hearing(s).

SIGNATURES/NOTARIZATION

Owner/Developer

Howard Harris



STATE OF Oregon)
) ss
COUNTY OF Jackson)

On this 19th day of May, 2011, 19th personally appeared the above named Howard Harris, who acknowledged the foregoing to be a voluntary act and deed.

Samantha Charley
Notary Public
Commission expires: 11/24/11

STATE OF _____)
) ss
COUNTY OF _____)

APPLICANT'S AFFIDAVIT

I/We, PREMIER WEST BANK
(Print name in full)

am/are the owner of the property involved in this application and that the statements and information herein contained are in all respects true and correct to the best of my/our knowledge and belief.

Signed: Howard Harris
V.P.

Phone Number 541-282-5252

PO Box 40 Medford OR 97501
Mailing address City State Zip Code

LIST OF ADJOINING PROPERTY OWNERS

Applicants are required to submit names of all adjoining property owners, including the mailing addresses, on mailing labels. (Also, please make a label for yourself and any other people who have an interest in the application.) The list must include all owners within 100' if your property is inside the City or Urban Growth Boundary (UGB), 250' if outside the UGB and 500' if it is in a farm or forest zone. This information may be found on plat maps at the Jackson County Assessor's Office, 10 South Oakdale, Medford (776-7061). Also, for a small fee any title company will provide this service for you. If you do it yourself, please be extremely careful about addresses and distances. Errors will delay the processing of your application.

If you need further assistance with your application, you may call the Eagle Point Planning Department at 826-4212.

RICHARD STEVENS & ASSOCIATES, INC.

P.O. Box 4368
Medford, Oregon 97501-0168

201 W. Main St., Suite 2D
Phone: 541 773-2646

Fax: 541 858-8947
E-mail: rsco@mind.net

August 31, 2011

Ms. Bunny Lincoln, City Planner
P.O. Box 779
Eagle Point, OR 97524

RE: File PA10/11-04: CPC/ZCH (Greenhills Amendment, Premier West Bank)

Dear Bunny:

Pursuant to our conversation this morning, please be advised that our firm, Richard Stevens & Associates, Inc. (P.O. Box 4368, Medford, OR 97501) should be added to the notice list for the above noted file.

We have been retained by Premier West Bank/Hoffbuhr & Associates to represent them before the Planning Commission and City Council in the above noted case.

Thank you for your assistance in this matter.

Sincerely,



RICHARD STEVENS & ASSOCIATES, INC.
J. Michael LaNier



City of Eagle Point, Oregon

Planning Application

| Planning Action Type | Cost | Planning Action Type | Cost |
|---|----------|---|---------------|
| <input type="checkbox"/> Annexation | \$ _____ | <input type="checkbox"/> Planned Unit Development (Based on required approvals) | \$ _____ |
| <input type="checkbox"/> Appeal | \$ _____ | <input type="checkbox"/> Right of Way Vacation | \$ _____ |
| <input type="checkbox"/> Boundary Line Adjustment (Administrative) | \$ _____ | <input type="checkbox"/> Site Plan Review - Conventional Residential (No TIS) | \$ _____ |
| <input type="checkbox"/> Comprehensive Plan Amendment (Text) | \$ _____ | <input type="checkbox"/> Residential (with TIS) | \$ _____ |
| <input type="checkbox"/> Comprehensive Plan Amendment (Map) | \$ _____ | <input type="checkbox"/> Commercial (TIS required) | \$ _____ |
| <input type="checkbox"/> Conditional Use Permit | | <input type="checkbox"/> Site Plan Review -Administrative (< \$50,000 - with no TIS) | \$ _____ |
| <input type="checkbox"/> Ordinance Interpretation & Miscellaneous | \$ _____ | <input type="checkbox"/> Subdivision | \$ _____ |
| <input type="checkbox"/> Partition - Major (includes street) | \$ _____ | <input type="checkbox"/> Variance | \$ _____ |
| <input type="checkbox"/> Partition - Minor | \$ _____ | <input checked="" type="checkbox"/> Zone Change (Possible TIS) | \$ <u>N/C</u> |
| <input type="checkbox"/> Partition -Expedited | \$ _____ | | |
| <input type="checkbox"/> Pre-Application Review | \$ _____ | | |

1. APPLICANT INFORMATION:

Name ANDRE/ELAINA FELICIANO
 Address 2927 IVANHOE GLEN City MADISON
 State WI ZIP 53711 Phone: () 608-288-1090
 Email AFELICIANO@SBCGLOBEX.NET

2. OWNER OF RECORD:

Name JANE
 Address _____ City _____
 State _____ ZIP _____ Phone: () _____
 Email _____

3. AGENT INFORMATION:

Name N/A
 Address _____ City _____
 State _____ ZIP _____ Phone: () _____
 Email _____

Applicant's Affidavit

I/we, ANDRE / ELIANA FELICIANO
(Print name in full)

am/are the owner(s) of the subject property referenced in the planning application being submitted and hereby declare that the statements and information herein contained in the total application are, in all respects, true and correct to the best of my/our knowledge and belief.

Signed: *Andre Feliciano*
Eliana Feliciano

Phone: (608) 288-1090

Email: AFELICIANO@SBCGLOBAL.NET

Mailing Address: 2927 IVANHOE GLEN

City: MADISON

State: WISCONSIN

Zip: 53711

Adjoining Property Owners

Applicants are required to submit the names and mailing address of all adjoining property owners on mailing labels*. (The list must also include labels for all those named on the application, and any others who may have an interest in the application.) Per Oregon Revised Statutes, the list must include all owners within 100' of the subject property, if located within the existing City limits or UGB, 250' if outside the UGB and 500' if located in a Farm/Forest zone.

- * Mailing labels may be obtained through local title companies or the Jackson County Assessor's office. (www.co.jackson.or.us under "Quick Links" - Property Data & Maps) If applicants make the labels personally, exercise EXTREME caution in verifying their accuracy regarding mailing addresses and distances. Errors will delay the processing of an application.

4. PROJECT DESCRIPTION:

Application Type ZONE CHANGE

Property Location/Address 180/186 DIANNE WAY

Property Description Assessor's Map 35 W 54 00 Tax Lot(s) # 1444/1445

Zoning District EA:R2 Acreage .12 Comp Plan Zoning 4D:MD

Other designation(s) 100 Year Flood Zone (www.fema.gov or www.floodsmart.gov)

Floodway (www.fema.gov or www.floodsmart.gov)

Wetlands (www.oregon.gov)

Historic BUCHANAN DISTRICT

5. MATERIALS: Application submittal must include all required supplemental materials and filing fees.

6. CERTIFICATION: I hereby certify that the information above and attached hereto is true and correct, that the subject property owner supports and agrees with this application, and that any falsification of the facts contained herein will result in nullification of this application. Further, I/we understand any approval granted is valid only for the specific project presented and subject to all relevant laws, regulations and conditions.

Applicant Signature: [Signature] Date: 9/23/2011

Pursuant to ORS 227, this application is considered to be complete when reviewed, dated and signed by the Planning Director or his/her designee. Complete Incomplete

This site may include wetlands within its boundaries. Fill or removal activities in wetlands or other waters under State jurisdiction typically require permits through the Division of State Lands (DSL) and/or the Army Corps of Engineers (www.oregon.gov). Within 35 days of a local application being declared "complete", the DSL will notify the applicant as to whether such Removal-Fill permit(s) are required. The City of Eagle point is not liable for any delays in the processing of State/Federal permits. Notification forms may be obtained from the Planning Department.

File #: _____ Filing Date: _____ Filing Fee: _____

APPLICANT'S FINDINGS

1 BEFORE THE PLANNING COMMISSION AND CITY COUNCIL

2 FOR THE CITY OF EAGLE POINT, OREGON:

3
4 IN THE MATTER OF:
5 AN AMENDMENT TO THE COMPREHENSIVE PLAN MAP AND ZONING MAPS
6 FOR THE CITY OF EAGLE POINT, OREGON:
7

8
9 I. BACKGROUND INFORMATION:
10

11 Property Owners: Premier West Bank
12 3390 Crater Lake Highway
13 Medford, OR 97504
14 (541) 618-8258
15
16 Agents: Hoffbuhr & Associates, Inc.
17 3155 Alameda , Suite 201
18 Medford, OR 97504
19 (541) 779-4641
20
21 Property: T.35 S. R1W, Section 34 DC, Tax Lots 1400, and 1429 thru 1450
22
23 Current Zoning: City of Eagle Point R-4 (High Density Residential)
24
25 Current Plan Map: City of Eagle Point, R-H (High Density Residential)
26
27 Proposed Map: R-M (Medium Density Residential)
28
29 Proposed Zoning: R-2 (Residential, Single and Two-Family District)
30
31 Public Facilities: City of Eagle Point for water (via MWC)
32 Rogue Valley Sewer Service for sewer
33 City of Eagle Point and ODOT for streets and drainage
34 City of Eagle Point for police protection
35 Fire District No. 3 for fire protection
36
37

1 II. PROJECT DESCRIPTION:

2
3 This request before the City of Eagle Point is to amend the Comprehensive Plan and Zoning Maps
4 of the City to re-designate the area that is currently platted and developed as “Greenhills Village Planned
5 Unit Development”, (a padlot development of 22 residential lots and common area), from the High Density
6 Residential plan designation to the Medium Density designation, as established within the Comprehensive
7 Plan of the City of Eagle Point, and a concurrent request for zoning the site R-2 (Residential, single and
8 two-family) from R-4 (High Density, Residential). Currently, the City of Eagle Point Comprehensive Plan
9 designation on the site is RH, or Residential, High Density and the property is zoned R-4, lying within
10 the corporate boundaries of the City of Eagle Point and the Urban Growth Boundary (UGB) of the City of
11 Eagle Point. The site was approved as a Planned Unit Development (PUD) in a padlot configuration for 22
12 lots plus common area, in 2005.

13
14 The approval of the 22-lot “padlot” development, under the auspices of the Planned Unit
15 Development Ordinance, was required due to (1) the ‘padlot’ configuration, as well as (2) the necessity
16 for the drainage being contained on a commonly-owned tract and (3) the access, (as the roadway
17 development did not meet city standards for turnarounds or cul-de-sacs, but was approvable in this
18 configuration as a private road). The current level of development includes water, sewer, drainage,
19 electrical, cable TV and phone installed to each lot, as well as curbs, gutters and paving. One padlot/
20 townhouse ‘duplex’ has been built, but the remaining lots are unsold, and the property has been foreclosed
21 upon from the developer. The applicants, Premier West Bank, believe the site will be more effectively
22 used for single family dwelling units versus the townhouse concept, given the land uses in the vicinity, the
23 scope and level of development on this and abutting properties, and the current economic situation,
24 particularly the lending policies of the central banks, Fannie Mae and Freddie Mac as they pertain to single
25 family dwellings versus ‘attached’ housing.

26
27
28 III. COMPLIANCE WITH APPLICABLE CRITERIA:

29
30 Amendments to the Comprehensive Plan and Zoning Ordinance of the City of Eagle Point must be
31 consistent with the requirements of State Law via the Oregon Revised Statutes (ORS), Oregon
32 Administrative Rules (OARs) as well as the applicable provisions of the City of Eagle Point Municipal Code
33 and Comprehensive Plan, and the local criteria are delineated in Article IX of the City of Eagle Point Zoning
34 Ordinance. Section 9.010 provides that the Plan and Ordinance may be amended “...whenever the public
35 necessity and convenience and general welfare require such amendment.” The following information is
36 provided to demonstrate compliance with the applicable provisions of law, which are contained in the
37 Oregon Revised Statutes, Administrative Rules and the Eagle Point Municipal Code and Plan.

1 A. Compliance with Applicable Oregon Revised Statutes: (ORS):

2
3 ORS 197.296, and ORS 197.610 through 615; Post-Acknowledgment Procedures:

4
5 The statutory requirements for amendments to Comprehensive Plans provide that if a local
6 government determines that an amendment to an acknowledged plan is necessary, the local government,
7 under ORS 197.615, is required to notify the Department of Land Conservation and Development. The
8 procedure is outlined in the Statute. ORS 197.296 provides for specific factors that establish 'sufficiency'
9 of buildable lands within urban growth boundaries. While this statute applies only to Metropolitan Service
10 District regional framework plans and cities outside a service district with populations of 25,000 or more,
11 the factors in this statute have been applied to the Rogue Valley Regional Problem Solving process, and
12 as such, are part of the process since Eagle Point is a player in this regional review.

13
14 Discussion:

15
16 The City of Eagle Point has an acknowledged Comprehensive Plan. This application, to change the
17 comprehensive plan designation for "Greenhills Village PUD" from High Density Residential to Medium
18 Density Residential, essentially "fine-tunes" the land use designations that have existed on these parcels
19 since the first Plan was written in 1982. The mix of land uses in this general vicinity on the current plan
20 include a blend of both medium and low density residential uses along Buchanan Street and Dianne Way.
21 Since the Plan was written, significant land use changes have occurred in Eagle Point, not the least of
22 which was the approval and development of the Eagle Point Golf Course, and myriad Planned Unit
23 Developments that have been approved (such as this property) and the involvement of the City in the RPS
24 process. These factors have resulted in a mix of residential uses in this general vicinity, including both
25 single family and multi-family uses. The request before the City, to re-designate Greenhills Village PUD
26 to Medium Density Residential, is designed to provide additional support for the current economic base in
27 the vicinity, and for the area as well given the scope and depth of the current economic recession.

28
29 FINDING:

30
31 The City of Eagle Point has an acknowledged Comprehensive Plan. Notice of amendments to
32 that plan to the Department of Land Conservation and Development are required by ORS
33 197.610 through 197.615, and can be supported by the scope and intensity of development in
34 the community over the past 8 years. The City, by virtue of the acknowledgment procedures
35 adopted in the plan, is required, to notice DLCDC of this request. The application and the
36 City review process demonstrates compliance with these statutes as a matter of course.

1 FINDING:
2

3 ORS 197.296 provides that under periodic review, a local government shall demonstrate
4 that its comprehensive plan or the regional plan provides sufficient buildable lands within
5 the Urban Growth Boundary to accommodate estimated housing needs for 20 years. The
6 amended elements of the Comprehensive Plan discussed below are consistent with this
7 statute, and as those elements were revised consistent with the involvement of the City of
8 Eagle Point in the Regional Planning Solving process, demonstration of compliance with the
9 Plan demonstrates that the application is consistent with the RPS goals and guidelines, and
10 thus also consistent with ORS 197.296.
11

12
13 B. Compliance with Applicable Oregon Administrative Rules:
14

15 In addition to the applicable statute noted above, the City must also demonstrate compliance with
16 Division 3 of OAR 660 (Land Use Planning). Specifically, OAR 660-003-0025 provides the procedure for
17 review of an acknowledgment request. In general, if there is no objection to the request by the City for
18 acknowledgment of a change in the plan, the change is generally acknowledged. The rule provides a
19 methodology for those who are not satisfied with the local government's actions to address the issue before
20 the Commission (LCDC) prior to acknowledgment.
21

22 Discussion:
23

24 _____ This rule simply notes the procedure that the local government must use in order to adopt a change
25 to a land use decision. In essence, it provides the details necessary to implement the Revised Statutes. The
26 City of Eagle Point has, in place as part of the Goal 2 section of the Comprehensive Plan, rules contained
27 in the Comprehensive Plan and Zoning Ordinance to demonstrate compliance with these rules.
28

29 FINDING:
30

31 The applicants note for the record that the City of Eagle Point has adopted policies and
32 procedures to implement the provisions of Applicable State Statutes pertaining to post-
33 acknowledgment plan amendments, and demonstrates compliance with this Administrative
34 Rule. The City policies provide for adequate notice and appeal proceedings consistent with
35 OAR 660, Division 3. The application can be found to be consistent with this standard.
36
37

1
2 C: Compliance with the Eagle Point Comprehensive Plan:
3

4 The Goals and Policies of the Eagle Point Comprehensive Plan are to provide for a long-range guide
5 for the physical development of the City of Eagle Point that maximizes the community's livability. Chapter
6 XV of the Comprehensive Plan provides the City's procedures and policies governing Amendments to the
7 Comprehensive Plan. According to the Plan, a minor amendment to the Land Use Plan Map is one which
8

9 "...focuses on specific, individual properties and will not have a significant impact beyond the
10 immediate area of the change. Minor revisions to the Plan Map will be considered subject to
11 procedures similar to those used by the City in Hearing Zone Changes."
12

13 Discussion:
14

15 A review of Chapter XV indicates that there are specific standards and criteria contained in this
16 Chapter that must be addressed to allow the City to make a change in the Comprehensive Plan designation,
17 and to discuss the similarity to zone change procedures for these minor applications (which will be
18 addressed below). However, knowledge of this criterion is important, because often Comprehensive Plans
19 do contain applicable, regulatory criteria. This issue was discussed in a Court of Appeals case, Bennett v.
20 City of Dallas, 96 Or App 645 (1989), which specifically noted that when plan goals and policies are
21 interspersed with plan text, and written in general, non-mandatory language, the policies express a general
22 framework and principles that guide the City's implementing land use regulations. The court found that
23 when proposals were required to be consistent with "the Comprehensive Plan", that language did not render
24 the general, non-regulatory language into "approval criteria". In essence, then, unless there is clearly
25 mandatory language contained within the Plan Goals and Policies, if an application can be found to be
26 consistent with the Implementing Ordinances (i.e., Zoning Ordinance and Subdivision Ordinance), it can be
27 de facto assumed that the application is generally consistent with the Comprehensive Plan. In looking at the
28 scope of this application, which is to reduce the density in the vicinity by ten (10) dwelling units, the
29 applicant looked at the following elements from the RPS process that have essentially updated the
30 Comprehensive Plan:
31

- 32 • Chapter 3: Buildable Lands Inventory
33 • Chapter 4: Economy
34 • Chapter 5: Housing
35 • Chapter 6: Comparison of Land Supply and Demand
36
37

1
2 The information, as prepared by the Eagle Point Planning Staff and the University of Oregon
3 Community Planning Workshop pertaining to a buildable lands analysis (And adopted as part of the RPS
4 land use inventory, consistent with ORS 197.296) provides specific data that assists both the applicant and
5 the City in making a determination that the Plan can be effectively amended with little or no impact.
6

7 The buildable lands inventory is contained in Chapter 3 of the RPS information, and the scope of
8 the methodology is to (1) calculate gross vacant acres by zoning district; (2) Calculate the gross buildable
9 vacant acres for each zoning district, (3) calculate the net buildable acres by zoning district by subtracting
10 land for future public facilities from the gross buildable acres, and (4) calculate the total net buildable
11 acres by zoning district by adding redevelopable acres to the net buildable acres.
12

13 In Chapter 3, Table 3-1 provides the total acres of residential lands in the City of Eagle Point in
14 2007. There were 26 acres of land designated as “High Density”, with 7 of those acres considered
15 ‘buildable.’ Conversely, there were 288 acres of “Medium Density” lands, with 28 of them ‘buildable’
16 With this information, it would appear that there is a much higher public need for High Density lands than
17 for Medium Density lands. A review of Table 3-4 shows land classification by Zoning District, (and since
18 the R-2 zone does allow for single family units, as well as duplexes, it is considered for this review a single-
19 family zone). In that table, there were 7.1 acres of vacant R-4 lands, and 22.6 acres of R-2 vacant lands.
20 However, the R-1-6 zone shows only 0.1 percent of vacant lands, and is the zoning district closest to the
21 R-2 zone in terms of single family dwellings. Given the current distribution of single family zoning and
22 existing dwellings, the RPS-proposed R-1-6 zone has a potential for only 1 more dwelling unit, and the
23 available R-2 zone potential is for 169 dwelling units. However, much of that land needs interim
24 development to be able to extend public facilities. Conversely, if we compare this to the area provided for
25 the R-3 and R-4 zones (Multiple Family), we also have a congregated ability to provide for 169 additional
26 dwelling units. It can be found that the opportunities for single family homes in the R-2 zone is roughly the
27 same as the potential for R-3 and R-4 dwelling units, but in a format that is generally a better opportunity
28 for owner-occupied dwellings.
29

30 _____ We must also consider this information in light of the Housing Need analysis contained in Chapter
31 5. In Table 5.1, for example, 93.5 percent of the housing developed between 2000 and 2008 was for single
32 family dwellings, with only 4.1% being multiple family. This development pattern has resulted in an
33 average density in single family areas of 5.23 units per net acre, and 9.71 units per net acre for multiple
34 family units. The issue before the city in terms of housing density as per RPS is an average of
35 approximately 8 units per acre, city-wide. This ‘downzone’ request, which will result in a loss of 11 units,
36 is not significant in terms of the overall housing need, but is a significant factor in the owner-occupied uses.
37

1 Further in Chapter 5, this element discusses the public need for dwelling units in Eagle Point. Table
2 5.8 shows an estimated need of 3,332 new dwelling units between 2006 and 2026. Along with that number,
3 Table 5.9 shows a baseline forecast for housing units by type and land need for the next fifteen years, which
4 we note does not address the RPS 'forecast' density issue of 8 units per acre.
5

6 Table 5.9 does show that there is a gross acreage 'needed' for single family dwellings of 763.7
7 acres, versus only 17.6 acres needed for multiple family use. This zone change and plan map amendment,
8 then, will be effective in addressing both (1) the acreage needed for single family homes, as well as (2) a
9 need to increase density per acre to meet the state-requested forecast density.
10

11 Finally, on page 5-15 of the RPS report, it was noted that supply-side considerations are paramount
12 in reviewing need in terms of the housing mix. Notwithstanding the potential for changing trends in home
13 ownership (townhouses, etc.), the owner-occupied single family dwelling still remains a primary source of
14 investment and wealth for most Americans. The proposed zone change and plan map amendment can be
15 viewed as a way to address both issues; i.e., single family homes on smaller lots (increased density) but
16 preserving the concept of home ownership.
17

18 The Regional Housing Trends, as outlined on page 5-20 of the RPS data, also notes that the trend
19 is for single family units on smaller lots. While ORS 197.296 requires periodic review to examine the
20 housing mix and density, the conclusions reached are incontrovertible:
21

- 22 • Trends include larger single family homes on smaller lots;
- 23 • Larger multi-family units;
- 24 • More household amenities, and
- 25 • Owner occupied homes.
- 26

27 With this information, as well as the information in Table 6-3, this shows the deficit of available
28 lands versus the potential demand, low density residential use shows the highest deficit (307 acres) versus
29 a deficit of 27 acres for medium density uses, and a deficit of 28 acres for high-density residential use.
30 With this information in hand, the change resulting from this application is only 11 units, but does address
31 the low density deficit.
32

33 In Chapter 4, the Economic Element, population growth in Eagle Point for the years between 2006
34 and 2026 is estimated to grow at a rate in excess of 103%...up to as many as 16,964 people. The growth
35 rate of jobs to population was also great, showing an increase in jobs in the community as well.
36
37

1 Table 4-8 shows the housing to employment ratio, which indicates the growth in both housing units
2 between 2002 and 2007 (up to 3533 units) and the housing to employment ratio. Further, this section notes
3 that up to 600 homes can be accommodated on properties where subdivisions have already been approved
4 but not finalized. In this case, the subdivision has already been approved and finalized, but not built due
5 to economic issues; it is vacant land for the purposes of development. Also in this section, it is noted and
6 qualified that Eagle Point has long been a “bedroom community” to the greater Bear Creek area, and housing
7 versus employment rates have always been high. This is reflected in Table 4-8d, showing the buildable land
8 calculations for business and industrial uses, and also showing a bit of flexibility in terms of the residential
9 uses within other zones.

10
11 With this information as originally contained in the Plan Economic Element, it appears clear that
12 the City of Eagle Point had, originally, not only the opportunity, but the obligation, to zone adequate lands
13 to provide for a mix in the economic and housing areas. This statement is emphasized by the information
14 contained in the Buildable Lands Inventory completed by the Community Planning Workshop at the
15 University of Oregon, dated 6-2001, and subsequent Staff analysis of housing needs, as well as the
16 information that has come out of the RPS process.

17
18 The focus of all this information was to (a) update the City’s buildable lands inventory, required
19 under Goals 2, 9, 10, 11 and 14; (b) to conduct a housing needs analysis consistent with Statewide Goal 10,
20 and (c) to conduct an Economic Opportunities Analysis consistent with Goal 9.

21
22 In summary, the City of Eagle Point has established itself as (1) a good place to live, (i.e., quality
23 of life) as well as one that is (2) economically feasible, and (3) has also demonstrated a need for additional
24 single family homes on smaller lots, the application is consistent with the Housing Element and the RPS
25 data, and thus ORS 197.296.

26
27 FINDING:

28
29 The City of Eagle Point finds, that by reviewing the Comprehensive Plan, specifically the
30 Land Use and Housing Elements, as well as the Buildable Lands Inventory prepared for the
31 City, that the City has considered the need for all land uses (including residential and
32 commercial lands) throughout the community. This consideration has resulted in several
33 positive efforts to stimulate and encourage residential, commercial and light industrial
34 development in the community. All of these efforts have been guided by the Plan goals and
35 policies to stimulate business and commercial growth in Eagle Point, as well as housing. This
36 application can be found to be consistent with the Plan goals and policies, and will assist in
37 addressing the inventory as noted by the Buildable Lands Analysis dated 6-2001.

1 FINDING:
2

3 _____ The amendment of the Map by changing high density zoned land to medium density land,
4 pursuant to this application, does not affect the ability of the City to provide for enhanced
5 housing opportunities, but is rather a density transfer. This request is consistent with
6 adequate transportation facilities and nearby residential densities in the area, which are
7 geared to single family use.
8

9 FINDING:
10

11 _____ Based upon the information contained in the Comprehensive Plan, specifically the Housing
12 Element (Chapter 5) as modified by the RPS documentation over the course of the past
13 several years, the application before the City, which will amend the Plan Designation and the
14 Zoning on a developed tract that will provide for single family dwellings on smaller lots, is
15 consistent with the past trends in single family housing in the vicinity, and is essentially a
16 density transfer situation in terms of the overall land use projections for the City. The City
17 can find that the application is consistent with the Housing Element of the Comprehensive
18 Plan.
19

20
21 D. Compliance with Zone Change Criteria:
22

23 Section IX of the Eagle Point Zoning Ordinance (EPZO) provides the criteria for processing a zone
24 change (i.e., a quasi-judicial action). Section 9.010 provides that the text and the zoning map may be amended
25 by changing the boundaries of the districts, or by changing any other provision, whenever the public
26 necessity and convenience and general welfare require such amendment.
27

28 Section 9.020 provides that an amendment to the text or the zoning map may be initiated by motion
29 of the planning commission, motion or resolution by the City Council, or application by one or more property
30 owners, agents, or property affected by the proposed amendment.
31

32 Section 9.030 (b) provides that an amendment to the Zoning Map requires that an application be
33 filed, containing the following information:
34
35
36
37

- 1 1. Names and addresses of the individuals or group requesting the change;
- 2
- 3 2. Change requested including the current map zone district and the new
- 4 requested map zoning district;
- 5
- 6 3. Legal description of the property involved and County Assessor's map numbers
- 7 and tax lot numbers;
- 8
- 9 4. A map showing lot lines and any easements on the property affected, and all
- 10 adjacent properties within a radius of three hundred (300) feet of the boundary
- 11 of the property for which the change is requested;
- 12
- 13 5. A list of names and addresses of all property owners of record affected by
- 14 the proposed amendment
- 15
- 16

17 Discussion:

18

19 In the current case before the City of Eagle Point, the property owners as noted in Section 1 of these

20 findings, are the record owners as provided by information from the Jackson County Assessor's records,

21 and they own all of the property contained in the proposed area for the change in Plan designation and

22 Zoning.

23

24 _____ The information contained herein outlines the change requested in both the Comprehensive Plan

25 designation and the zoning map amendment, with the current and proposed designations. An assessor's

26 map is attached as an exhibit, and the legal descriptions of the affected properties are also attached as an

27 exhibit to these findings.

28

29 Additionally, a map showing the lot lines and orientation of the parcels, and a list of names and

30 addresses of all property owners affected by the proposed amendment are attached.

31

32

33 FINDING:

34

35 The City of Eagle Point can find that the applicant has provided, with this document, all of the

36 required items listed in Article 9.030(b) which are required for a change in the Plan and

37 zoning maps.

1 Further, the applicant has addressed the Comprehensive Plan elements that apply to this
2 change (i.e., the Land Use Element and the Economic Element). The applicant notes for the
3 record that the application is consistent with Section 9.030(b) of the EPZO, and, by extension,
4 the requirements in the Comprehensive Plan for amendments to the Land Use Map.
5
6

7 V. SUMMARY AND CONCLUSIONS:

8
9 Based upon the information submitted with this application, including the appropriate legal
10 descriptions and these findings, the City of Eagle Point can adopt the findings outlined herein, which
11 substantially confirm that:
12

- 13 1. The property is located within the Urban Growth Boundary of the City of Eagle Point as
14 demonstrated on the attached map;
- 15
16 2. The property includes a formerly approved Planned Unit Development, with 22 'lots' and a
17 common area, located within the City of Eagle Point City Limits, as shown on the attached map;
18
- 19 3. The application is consistent with the Comprehensive Plan policies, in that the property is
20 located within the City Limits and UGB, and the applicant has addressed the applicable goals and
21 policies pertaining to the Economic Element and the Land Use Element that are necessary to make
22 a decision in this case;
23
- 24 4. The proposal can be found to be consistent with applicable criteria reflected in the Goals and
25 Policies of the City of Eagle Point Comprehensive Plan pertaining to amending the Land Use Plan
26 Map, and,
27
- 28 5. The proposal is consistent with the provisions of Section 9.030 of the Eagle Point Land
29 Development Ordinance, as demonstrated herein, as well as the information contained within the
30 Buildable Lands Inventory prepared by the Community Planning Workshop at the University of
31 Oregon.
32
- 33 6. The proposal removes a High Density residential zoning designation from an area that is
34 generally developed in a single-family mode, eliminating what can be only described as a 'spot-zone'
35 for the higher density development.
36
37

1 The purpose of the requested change is to provide for a methodology to adequately address the
2 residential land uses and other urban needs within the City of Eagle Point, and carry out the urban form of
3 the City in concert with the Comprehensive Plan Economic and Land Use Elements. The applicant has met
4 the burden of proof for this change, and respectfully requests approval of this amendment.
5

6 Respectfully submitted this ____ day of February, 2011:
7
8
9

10
11 HOFFBUHR & ASSOCIATES, INC.
12 Dennis Hoffbuhr
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AGENCY COMMENTS



JACKSON COUNTY

Roads

**Roads
Engineering**

Russ Logue
Construction Manager

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
loguera@jacksoncounty.org

www.jacksoncounty.org

September 8, 2011

Bunny Lincoln, Planner
City of Eagle Point
P.O. Box 779
Eagle Point, OR 97524

RE: Amendments to the CPLU and Zoning Maps off Dianne Way – a city-maintained road.
Planning File: 10/11-04: CPC/ZCH

Dear Bunny:

Thank you for the opportunity to comment on this request to amend the Eagle Point Comprehensive Plan Land Use and Zoning Maps. The request would amend the zoning on 1.37 net total, final platted, partially developed acres (22 parcels) located in the Greenhills Planned Unit Development (PUD). The proposed zone changes are designed to permit the replatting of the PUD for construction of detached single family residences, as opposed to the previously approved townhouse configuration, whereby the single family units must be connected in groups of three or more. The new development configuration is expected to reflect a reduction from twenty-two units to approximately twelve. Jackson County Roads has no comment.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

Russ Logue
Construction Manager



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Rogue Valley Office
100 Antelope Road
White City, OR 97503-1674
(541) 774-6299
Fax: (541) 774-6349

September 7, 2011

FILE CODE:

City of Eagle Point, OR
Attn: Bunny Lincoln
17 Buchanan Avenue South
Eagle Point, OR 97524

Re: Greenhills PUD Amendment (File No. PA#10/11-04:CPC/ZCH).

Dear Ms. Lincoln,

Thank you for the opportunity to comment on an application for the Greenhills Planned Unit Development, amending the zoning on 1.37 net acres in the City of Eagle Point, amending the new development configuration is expected to reflect a reduction from twenty-two (22) units to approximately twelve (12).

ODOT has reviewed the land use request and has determined this proposal will not adversely impact the state's transportation facility; therefore, the proposed land use action does not trigger ODOT's review under the Transportation Planning Rule (OAR 660-012-0000), or under the current Access Management Rule (OAR 734-051-0000). We have no further comments on this land use action.

Please enter this record into the public record for the proposed project and send me a copy of the City's final decision. If you have any questions or comments, please contact me directly at (541) 774-6399.

Respectfully,

Ian K. Horlacher
Development Review Planner

Cc: RVDRT



779

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Announcement Specialist

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