



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

December 15, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Milton-Freewater Plan Amendment
DLCD File Number 001-06

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: December 28, 2006

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
Darren Nichols, DLCD Regional Representative
Gina Hartzheim, City of Milton-Freewater

<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 reverse side for submittal requirements)

DEPT OF

DEC 11 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Milton-Freewater Local File No.: _____
(If no number, use none)

Date of Adoption: November 13, 2006 Date Mailed: December 6, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 1/20/06

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
Comprehensive Plan Map and Zoning Map Amendment from Industrial,
I-M, to Residential, R-2 on approximately 7 acres located along
South Main Street.

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."

Proposed zoning map amendment was to change to R-3 and adopted
amendment change was to R-2.

Plan Map Changed from: Industrial to Residential

Zone Map Changed from: I-M to R-2

Location: South Main Street Acres Involved: 7

Specify Density: Previous: _____ New: 16 units/acre

Applicable Statewide Planning Goals: 9, 10

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 001-06 (14946)

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: Gina Hartzheim Area Code + Phone Number: 541-938-8234

Address: P.O. Box 6 City: Milton-Freewater

Zip Code+4: 97862 Email Address: gina.hartzheim@milton-freewater-or.gov

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 938

AN ORDINANCE AMENDING THE COMPREHENSIVE
PLAN MAP OF THE CITY OF MILTON-FREEWATER

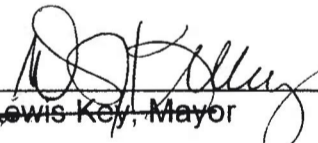
WHEREAS, The Milton-Freewater Planning Commission has recommended to the City Council that the Comprehensive Plan Map be amended following a public hearing held on March 6, 2006, and

WHEREAS, a public hearing was held before the City Council on November 13, 2006 on the proposed amendment,

NOW, THEREFORE, THE CITY OF MILTON-FREEWATER ORDAINS
AS FOLLOWS:

The Comprehensive Plan Map designation on the property described as Umatilla County Assessor's Map, 5N3512DC, Tax Lot 1106, is hereby amended from industrial to residential in accordance with Exhibit "A", attached hereto and incorporated herein.

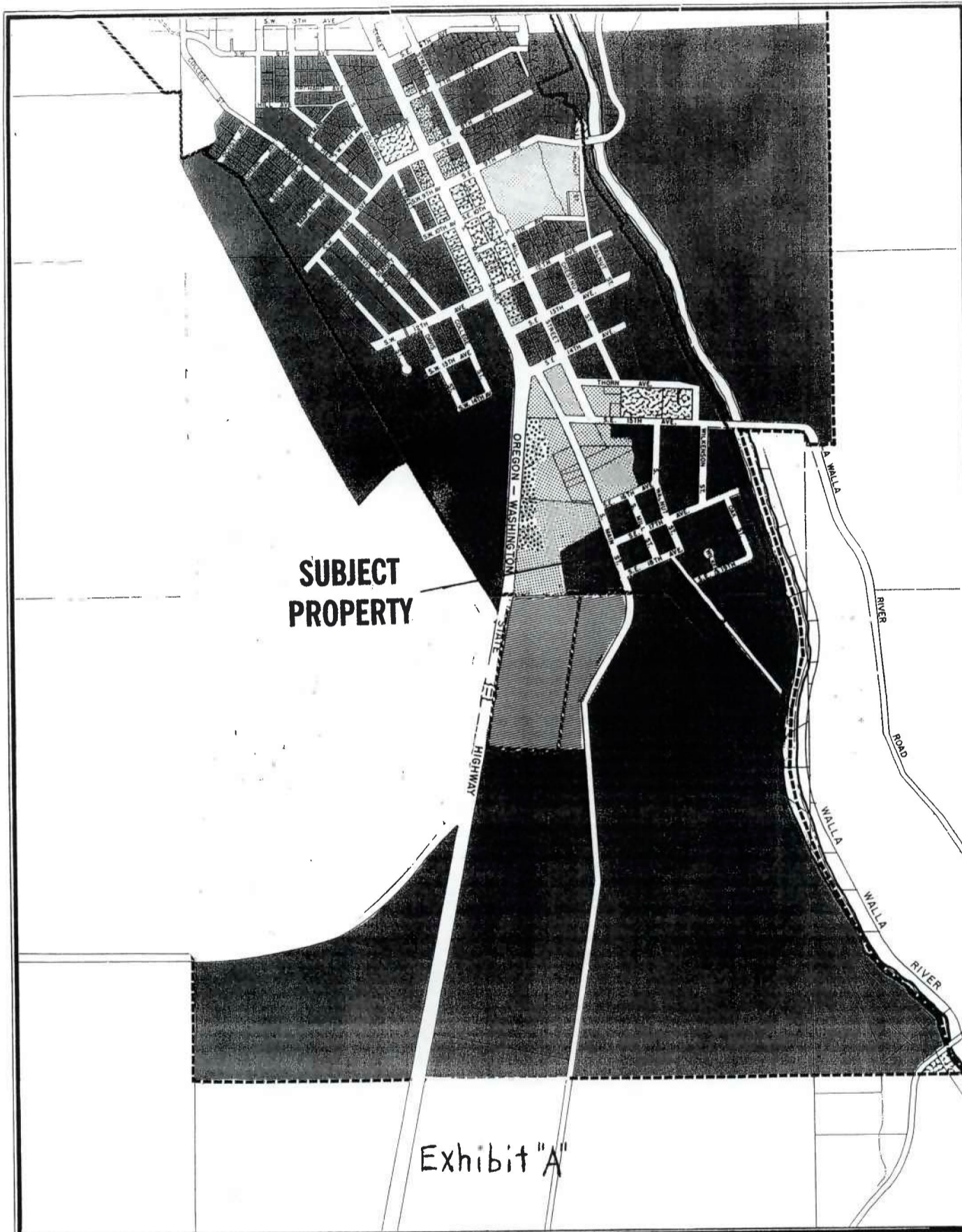
Passed by the Council and approved by the Mayor this 13th day of
November, 2006.



Debbie J. Kelley, Mayor

Debbie J. Kelley, Council Pres.

Ordinance No. _____



MILTON-FREEWATER COMPREHENSIVE PLAN MAP

- | | | | | | |
|--|--------------------------|--|------------------------|--|-----------------------------|
| | City Limits | | RESIDENTIAL | | COMMERCIAL
BUSINESS PARK |
| | Urban Growth
Boundary | | RESIDENTIAL-
OFFICE | | INDUSTRIAL |
| | PUBLIC | | | | |

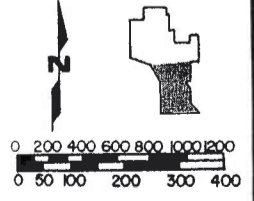


Exhibit "A"

MILTON-FREEWATER CITY COUNCIL
FINDINGS OF FACT AND CONCLUSIONS OF LAW

ISSUE: Amendment to the Comprehensive Plan Map from Industrial to Residential on approximately seven acres located on the west side of South Main Street (Umatilla County Assessor's Map 5N3512DC1106)

HEARING DATE: November 13, 2006

COMMENTS RECEIVED:

Any correspondence or documents received are attached hereto and incorporated herein.

WE FIND THAT THE STAFF REPORT, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN, ADEQUATELY ADDRESS THE RELEVANT ISSUES AND WE AGREE WITH THE FINDINGS AND CONCLUSIONS CONTAINED THEREIN. WE HEREBY APPROVE THE AMENDMENT, WITH THE COUNCIL VOTING AS FOLLOWS:

	Yes	No
Lewis Key	<u> </u>	<u> </u>
Debbie Kelley	<u> ✓ </u>	<u> </u>
Orrin Lyon	<u> ✓ </u>	<u> </u>
Keith Woods	<u> ✓ </u>	<u> </u>
Steve Irving	<u> ✓ </u>	<u> </u>
Brad Humbert	<u> ✓ </u>	<u> </u>

Vacant seat (Ward 2)

Dated this 13th day of November, 2006.



~~Lewis Key, Mayor~~

Debbie J. Kelley, Council Pres.

MILTON-FREEWATER CITY COUNCIL
PLANNING COMMISSION REPORT
November 3, 2006

APPLICANT: Robert and Pauline Humbert

ISSUE: Request for amendment to Comprehensive Plan map from industrial to residential and amendment to the Zoning Map from I-M to R-2 on approximately seven acres located on the west side of South Main Street.

HEARING DATE: November 13, 2006

I. BACKGROUND

Applicant has filed an application for the proposed amendments to allow for a housing development on the subject property. Applicant's original plan envisioned 6000 square foot minimum lot sizes, but because the R-3 zone is the only zone that would allow lots this size, applicant initially requested the zoning designation of R-3, even though his intentions were to create lots larger than the 5000 square foot minimum lot size allowed by the R-3 zone. At the Planning Commission hearing, though, some concern was expressed over the total number of units that could be allowed under the R-3 zoning, and the hearing was continued for a final decision on the zone change. After several months of discussions and meetings with an engineer, Applicant amended the request for the zone change from R-3 to R-2, and that request was approved unanimously by the Planning Commission.

II. SITE DESCRIPTION

The property is located along the west side of South Main Street near S.E. 17th and S.E. 18th Avenues. As part of the former Port of Umatilla Industrial Park, it is mapped "Industrial" by the Milton-Freewater Comprehensive Plan and zoned I-M, Industrial-Manufacturing, by the City's Zoning Map. There are presently no structures or improvements located on the property. A water main runs through the property that connects to City Well No. 9. The property is bordered on the east by residentially (R-3) zoned property, to the north and west by a mixture of industrial and commercial, and to the south by business park designation.

III. APPLICABLE COMPREHENSIVE PLAN PROVISIONS

- A. Goal 9 Economy, Finding 9-B
- B. Goal 10 Housing, Finding 10-A, Policy 10-A-1, Policy 10-A-3
- C. Goal 11 Public Facilities, Policy, 4
- D. Goal 12 Transportation, Policy 12-E, 12-E-1, 12-F

Goal 10 Housing

Finding 10-A: It is necessary and desirable that the opportunity to develop a full range of housing types at various price and rent levels be made available through the City's land use regulations.

Policy 10-A-1: The Plan's implementing Codes shall provide for single family, multi-family, modular, manufactured home park, manufactured home subdivision, condominiums and planned unit type developments.

Discussion and Findings: Currently it appears that there is a shortage of undeveloped lots within the City. The Planning Department receives many inquiries about any possible available lots for development in the City. A recent check on a local web site hosting homes and lots for sale shows no vacant lots currently on the market in Milton-Freewater. Applicant has indicated his desire for an R-2 zone, which would allow the above types of development, furthering this policy. Amending the designation on this property from industrial to residential designation and in turn to an R-2 zoning would encourage additional residential development.

Policy 10-A-3: Sufficient acreage for all needed housing types shall be provided by the R-1, R-2 and R-3 residential zones delineated in the Zoning Code. The Comprehensive Plan Map shall contain one residential land use designation to permit greatest flexibility in location of the R-3 zone.

Discussion and Findings: Applicant's request is for a Comprehensive Plan Map amendment to the residential designation mentioned in this policy, and in turn, an R-2 zoning designation. While there is currently a large amount of acreage with a residential designation within the Urban Growth Boundary, there is very little that is available land and readily developable as well. In addition, applicant's zoning map amendment request to the R-2 designation allows a wide range of housing choices without the larger impact that could be realized under the higher density R-3 zoning.

Goal 11 Public Facilities

City Policy 1: The City will require urban development to be served by urban services.

City Policy 4: The City will prioritize development of land serviced by utilities and require the extension of water, sewer and storm drainage facilities for all urban level development within the UGB.

Findings: The proposal would allow development where existing infrastructure and services already exist. Therefore, urban services are provided more efficiently. The need for additional major capital improvements such as sewer and water lines is greatly reduced.

Goal 12 Transportation

City Policy 12-E: Pedestrian travel is important to the transportation and leisure needs of

the community.

City Policy 12-E-1: Sidewalks will be required in new developments.

City Policy 12-F: Bicycle travel is an important transportation and leisure activity.

Findings: Any development will be required to be in conformance with the City's development regulations, including any sidewalk and bicycle lane construction.

IV. APPLICABLE CODE PROVISIONS

Chapter 12: Amendments

10-12-1: An amendment to the text of this Ordinance or to the Zoning Map may be initiated by the City Council, Planning Commission, or by application of a citizen.

Findings: The amendments were initiated by Robert and Pauline Humbert, as allowed by this section.

10-12-2: Amendments to the text of this Ordinance or to the Zoning Map shall be processed under terms of the Level IV procedure in Section 10-3-10.

Findings: The amendments are being processed as a Level IV procedure, meeting this requirement.

10-12-3: In the Planning Commission report to the City Council, and in the City Council's action after review of the Planning Commission's report, the following standards shall be addressed:

(A) The proposal is in conformance with all applicable provisions of the Comprehensive Plan text and map of land use designations.

Findings: As discussed above, the proposal conforms with applicable provisions of the Comprehensive Plan.

(B) The proposal addresses a need which was improperly or inadequately addressed by the present ordinance text or map.

Findings: The proposed map change would satisfy the above criteria in a number of ways. First, as noted above, the City's most recent inventory of commercial and industrial lands reflected a surplus of 28 acres of industrial land. One amendment has been completed subsequent to the adoption of the inventory that converted 2 acres from industrial to residential, which would still indicate a surplus of 26 acres. In addition, the recently adopted South Hill Neighborhood Master Plan assigned a Business Park designation on additional acreage at the south end of the urban growth boundary which allows industrial type uses, among other types of development. A portion of that business park area which is located on Highway 11 is in the process of being "certified" by the state, meaning that it can be marketed

as a shovel ready industrial site to developers all over the country that may be looking for industrial land. As a result, the subject property will lose even more of its attraction as a potential site for industrial development. Another aspect relating to the inappropriateness of an industrial designation on this property is evidenced by the vocal opposition that was expressed by numerous neighboring property owners upon receiving notice of a proposal for a concrete batch plant several years ago, which is one of many types of industrial uses that are allowed under its current industrial designation. As there is existing residentially zoned property directly across South Main Street, a residential designation on the subject property could be appropriate as well. In addition, the topography of the land does not lend itself well to industrial type uses. And yet another reason that the subject property In addition, a study was commissioned by the Port of Umatilla several years ago with the land use consulting firm of The Benkendorf Associates from Portland, Oregon to determine the best use for the Port's property holdings, which included the subject property as well as the surrounding area (all being formerly a part of the Port of Umatilla Industrial Park) At that time the entire Industrial Park property was zoned I-M. The study recommended several changes in zoning from industrial, to a combination of commercial, industrial and residential. Although nothing was changed initially, in subsequent years property recommended to have a commercial type designation was in fact rezoned to C-1, which is now the site of the Trails West RV Park. The report also recommended that the subject property be designated residential. For all of the reasons stated above, a residential designation is deemed appropriate. With regard to the zoning designation, the discussion above relates to the inappropriateness of the I-M zone and the appropriateness of one of the residential zones. Applicant's initial request was for an R-3 designation. After some discussion by the Planning Commission and further design work by applicant, applicant amended his request for an R-2 designation.

10-12-4: The City Recorder shall maintain records of text and map amendments.

Findings: As part of City procedure, the appropriate records will be maintained.

10-12-6:

(A) A plan or land use regulation amendment significantly affects a transportation facility if it:

- 1) Changes the functional classification of an existing or planned transportation facility;
- 2) Changes standards implementing a functional classification system;
- 3) Allows types or levels of land use that would result in levels or travel or access that are inconsistent with the functional classification of a transportation facility;
- 4) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

Findings: The proposed land use change would have a change on the existing travel on South Main Street, but based on the fact that the right-of-way is currently

60 feet wide, with the improved street width at 30 feet wide, it will satisfy the City's requirements for a collector street width. No standards are proposed to be changed. Any development along South Main Street would be required to install curbs, gutters and sidewalks in conformance with existing regulations. Future traffic analyses contained in the South Hill Neighborhood Master Plan at the intersection of South Main and S.E. 15th Avenue predict a Level of Service B for the year 2024. A "B" rating is still considered a very acceptable level of service in the transportation rating system, with a "D" rating being considered unacceptable. However, more traffic than could be generated by residential development on the subject property would have to be realized to alter the level of service to an unacceptable rating.

(B) Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

- 1) Limiting allowed land uses to be consistent with the planned function of the transportation facility;
- 2) Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or
- 3) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

Findings: The proposed amendments would promote development on the subject property. Applicant has indicated he intends to extend Key Blvd and connect his street system with South Main Street, which is a major component of the South Hill Neighborhood Master Plan adopted last year. This connection would allow for South Main Street to be an alternate route apart from Hwy. 11 for traffic coming from future development on the hill and promotes the development of the South Hill Neighborhood Master Plan.

IV. GENERAL COMMENT

The proposal would allow residential development to occur on a piece of undeveloped property that has been vacant for many, many years and probably has never been developed. As the R-3 zone is the only zone that would allow for 6000 square foot lots, staff has recommended approval, with some reservation, based on other allowed uses in the R-3 zone.

VI. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended that the City Council approve the Comprehensive Plan Map amendment from industrial to residential and of the Zoning Map amendment from I-M to R-2.

ORDINANCE NO. 939

AN ORDINANCE AMENDING THE ZONING
PLAN MAP OF THE CITY OF MILTON-FREEWATER


WHEREAS, The Milton-Freewater Planning Commission has recommended to the City Council that the Zoning Map be amended following a public hearing held on March 6, 2006 and a final decision issued on July 11, 2006, and

WHEREAS, a public hearing was held before the City Council on November 13, 2006 on the proposed amendment,

NOW, THEREFORE, THE CITY OF MILTON-FREEWATER ORDAINS
AS FOLLOWS:

The zoning designation on the property described as Umatilla County Assessor's Map, 5N3512DC, Tax Lot 1106, is hereby amended from I-M to R-2 in accordance with Exhibit "A", attached hereto and incorporated herein.

Passed by the Council and approved by the Mayor this 13th day of
November, 2006.


~~Lewis Key, Mayor~~

Debbie J. Kelley, Council Pres.

Ordinance No. _____

MILTON-FREEWATER CITY COUNCIL
FINDINGS OF FACT AND CONCLUSIONS OF LAW

ISSUE: Amendment to the Zoning Map from I-M to R-2 on approximately seven acres located on the west side of South Main Street (Umatilla County Assessor's Map 5N3512DC1106)

HEARING DATE: November 13, 2006

COMMENTS RECEIVED:

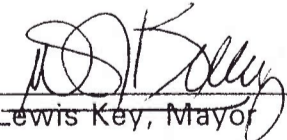
Any correspondence or documents received are attached hereto and incorporated herein.

WE FIND THAT THE STAFF REPORT, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN, ADEQUATELY ADDRESS THE RELEVANT ISSUES AND WE AGREE WITH THE FINDINGS AND CONCLUSIONS CONTAINED THEREIN. WE HEREBY APPROVE THE AMENDMENT, WITH THE COUNCIL VOTING AS FOLLOWS:

	Yes	No
Lewis Key	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Debbie Kelley	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orrin Lyon	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Keith Woods	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steve Irving	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brad Humbert	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Vacant seat (Ward 2)

Dated this 13th day of November, 2006.



Lewis Key, Mayor

Debbie J. Kelley, Council Pres.

MILTON-FREEWATER CITY COUNCIL
PLANNING COMMISSION REPORT
November 3, 2006

APPLICANT: Robert and Pauline Humbert

ISSUE: Request for amendment to Comprehensive Plan map from industrial to residential and amendment to the Zoning Map from I-M to R-2 on approximately seven acres located on the west side of South Main Street.

HEARING DATE: November 13, 2006

I. BACKGROUND

Applicant has filed an application for the proposed amendments to allow for a housing development on the subject property. Applicant's original plan envisioned 6000 square foot minimum lot sizes, but because the R-3 zone is the only zone that would allow lots this size, applicant initially requested the zoning designation of R-3, even though his intentions were to create lots larger than the 5000 square foot minimum lot size allowed by the R-3 zone. At the Planning Commission hearing, though, some concern was expressed over the total number of units that could be allowed under the R-3 zoning, and the hearing was continued for a final decision on the zone change. After several months of discussions and meetings with an engineer, Applicant amended the request for the zone change from R-3 to R-2, and that request was approved unanimously by the Planning Commission.

II. SITE DESCRIPTION

The property is located along the west side of South Main Street near S.E. 17th and S.E. 18th Avenues. As part of the former Port of Umatilla Industrial Park, it is mapped "Industrial" by the Milton-Freewater Comprehensive Plan and zoned I-M, Industrial-Manufacturing, by the City's Zoning Map. There are presently no structures or improvements located on the property. A water main runs through the property that connects to City Well No. 9. The property is bordered on the east by residentially (R-3) zoned property, to the north and west by a mixture of industrial and commercial, and to the south by business park designation.

III. APPLICABLE COMPREHENSIVE PLAN PROVISIONS

- A. Goal 9 Economy, Finding 9-B
- B. Goal 10 Housing, Finding 10-A, Policy 10-A-1, Policy 10-A-3
- C. Goal 11 Public Facilities, Policy, 4
- D. Goal 12 Transportation, Policy 12-E, 12-E-1, 12-F

Goal 10 Housing

Finding 10-A: It is necessary and desirable that the opportunity to develop a full range of housing types at various price and rent levels be made available through the City's land use regulations.

Policy 10-A-1: The Plan's implementing Codes shall provide for single family, multi-family, modular, manufactured home park, manufactured home subdivision, condominiums and planned unit type developments.

Discussion and Findings: Currently it appears that there is a shortage of undeveloped lots within the City. The Planning Department receives many inquiries about any possible available lots for development in the City. A recent check on a local web site hosting homes and lots for sale shows no vacant lots currently on the market in Milton-Freewater. Applicant has indicated his desire for an R-2 zone, which would allow the above types of development, furthering this policy. Amending the designation on this property from industrial to residential designation and in turn to an R-2 zoning would encourage additional residential development.

Policy 10-A-3: Sufficient acreage for all needed housing types shall be provided by the R-1, R-2 and R-3 residential zones delineated in the Zoning Code. The Comprehensive Plan Map shall contain one residential land use designation to permit greatest flexibility in location of the R-3 zone.

Discussion and Findings: Applicant's request is for a Comprehensive Plan Map amendment to the residential designation mentioned in this policy, and in turn, an R-2 zoning designation. While there is currently a large amount of acreage with a residential designation within the Urban Growth Boundary, there is very little that is available land and readily developable as well. In addition, applicant's zoning map amendment request to the R-2 designation allows a wide range of housing choices without the larger impact that could be realized under the higher density R-3 zoning.

Goal 11 Public Facilities

City Policy 1: The City will require urban development to be served by urban services.

City Policy 4: The City will prioritize development of land serviced by utilities and require the extension of water, sewer and storm drainage facilities for all urban level development within the UGB.

Findings: The proposal would allow development where existing infrastructure and services already exist. Therefore, urban services are provided more efficiently. The need for additional major capital improvements such as sewer and water lines is greatly reduced.

Goal 12 Transportation

City Policy 12-E: Pedestrian travel is important to the transportation and leisure needs of

the community.

City Policy 12-E-1: Sidewalks will be required in new developments.

City Policy 12-F: Bicycle travel is an important transportation and leisure activity.

Findings: Any development will be required to be in conformance with the City's development regulations, including any sidewalk and bicycle lane construction.

IV. APPLICABLE CODE PROVISIONS

Chapter 12: Amendments

10-12-1: An amendment to the text of this Ordinance or to the Zoning Map may be initiated by the City Council, Planning Commission, or by application of a citizen.

Findings: The amendments were initiated by Robert and Pauline Humbert, as allowed by this section.

10-12-2: Amendments to the text of this Ordinance or to the Zoning Map shall be processed under terms of the Level IV procedure in Section 10-3-10.

Findings: The amendments are being processed as a Level IV procedure, meeting this requirement.

10-12-3: In the Planning Commission report to the City Council, and in the City Council's action after review of the Planning Commission's report, the following standards shall be addressed:

(A) The proposal is in conformance with all applicable provisions of the Comprehensive Plan text and map of land use designations.

Findings: As discussed above, the proposal conforms with applicable provisions of the Comprehensive Plan.

(B) The proposal addresses a need which was improperly or inadequately addressed by the present ordinance text or map.

Findings: The proposed map change would satisfy the above criteria in a number of ways. First, as noted above, the City's most recent inventory of commercial and industrial lands reflected a surplus of 28 acres of industrial land. One amendment has been completed subsequent to the adoption of the inventory that converted 2 acres from industrial to residential, which would still indicate a surplus of 26 acres. In addition, the recently adopted South Hill Neighborhood Master Plan assigned a Business Park designation on additional acreage at the south end of the urban growth boundary which allows industrial type uses, among other types of development. A portion of that business park area which is located on Highway 11 is in the process of being "certified" by the state, meaning that it can be marketed

as a shovel ready industrial site to developers all over the country that may be looking for industrial land. As a result, the subject property will lose even more of its attraction as a potential site for industrial development. Another aspect relating to the inappropriateness of an industrial designation on this property is evidenced by the vocal opposition that was expressed by numerous neighboring property owners upon receiving notice of a proposal for a concrete batch plant several years ago, which is one of many types of industrial uses that are allowed under its current industrial designation. As there is existing residentially zoned property directly across South Main Street, a residential designation on the subject property could be appropriate as well. In addition, the topography of the land does not lend itself well to industrial type uses. And yet another reason that the subject property In addition, a study was commissioned by the Port of Umatilla several years ago with the land use consulting firm of The Benkendorf Associates from Portland, Oregon to determine the best use for the Port's property holdings, which included the subject property as well as the surrounding area (all being formerly a part of the Port of Umatilla Industrial Park) At that time the entire Industrial Park property was zoned I-M. The study recommended several changes in zoning from industrial, to a combination of commercial, industrial and residential. Although nothing was changed initially, in subsequent years property recommended to have a commercial type designation was in fact rezoned to C-1, which is now the site of the Trails West RV Park. The report also recommended that the subject property be designated residential. For all of the reasons stated above, a residential designation is deemed appropriate. With regard to the zoning designation, the discussion above relates to the inappropriateness of the I-M zone and the appropriateness of one of the residential zones. Applicant's initial request was for an R-3 designation. After some discussion by the Planning Commission and further design work by applicant, applicant amended his request for an R-2 designation.

10-12-4: The City Recorder shall maintain records of text and map amendments.

Findings: As part of City procedure, the appropriate records will be maintained.

10-12-6:

(A) A plan or land use regulation amendment significantly affects a transportation facility if it:

- 1) Changes the functional classification of an existing or planned transportation facility;
- 2) Changes standards implementing a functional classification system;
- 3) Allows types or levels of land use that would result in levels or travel or access that are inconsistent with the functional classification of a transportation facility;
- 4) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

Findings: The proposed land use change would have a change on the existing travel on South Main Street, but based on the fact that the right-of-way is currently

60 feet wide, with the improved street width at 30 feet wide, it will satisfy the City's requirements for a collector street width. No standards are proposed to be changed. Any development along South Main Street would be required to install curbs, gutters and sidewalks in conformance with existing regulations. Future traffic analyses contained in the South Hill Neighborhood Master Plan at the intersection of South Main and S.E. 15th Avenue predict a Level of Service B for the year 2024. A "B" rating is still considered a very acceptable level of service in the transportation rating system, with a "D" rating being considered unacceptable. However, more traffic than could be generated by residential development on the subject property would have to be realized to alter the level of service to an unacceptable rating.

(B) Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

- 1) Limiting allowed land uses to be consistent with the planned function of the transportation facility;
- 2) Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or
- 3) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

Findings: The proposed amendments would promote development on the subject property. Applicant has indicated he intends to extend Key Blvd and connect his street system with South Main Street, which is a major component of the South Hill Neighborhood Master Plan adopted last year. This connection would allow for South Main Street to be an alternate route apart from Hwy. 11 for traffic coming from future development on the hill and promotes the development of the South Hill Neighborhood Master Plan.

IV. GENERAL COMMENT

The proposal would allow residential development to occur on a piece of undeveloped property that has been vacant for many, many years and probably has never been developed. As the R-3 zone is the only zone that would allow for 6000 square foot lots, staff has recommended approval, with some reservation, based on other allowed uses in the R-3 zone.

VI. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended that the City Council approve the Comprehensive Plan Map amendment from industrial to residential and of the Zoning Map amendment from I-M to R-2.

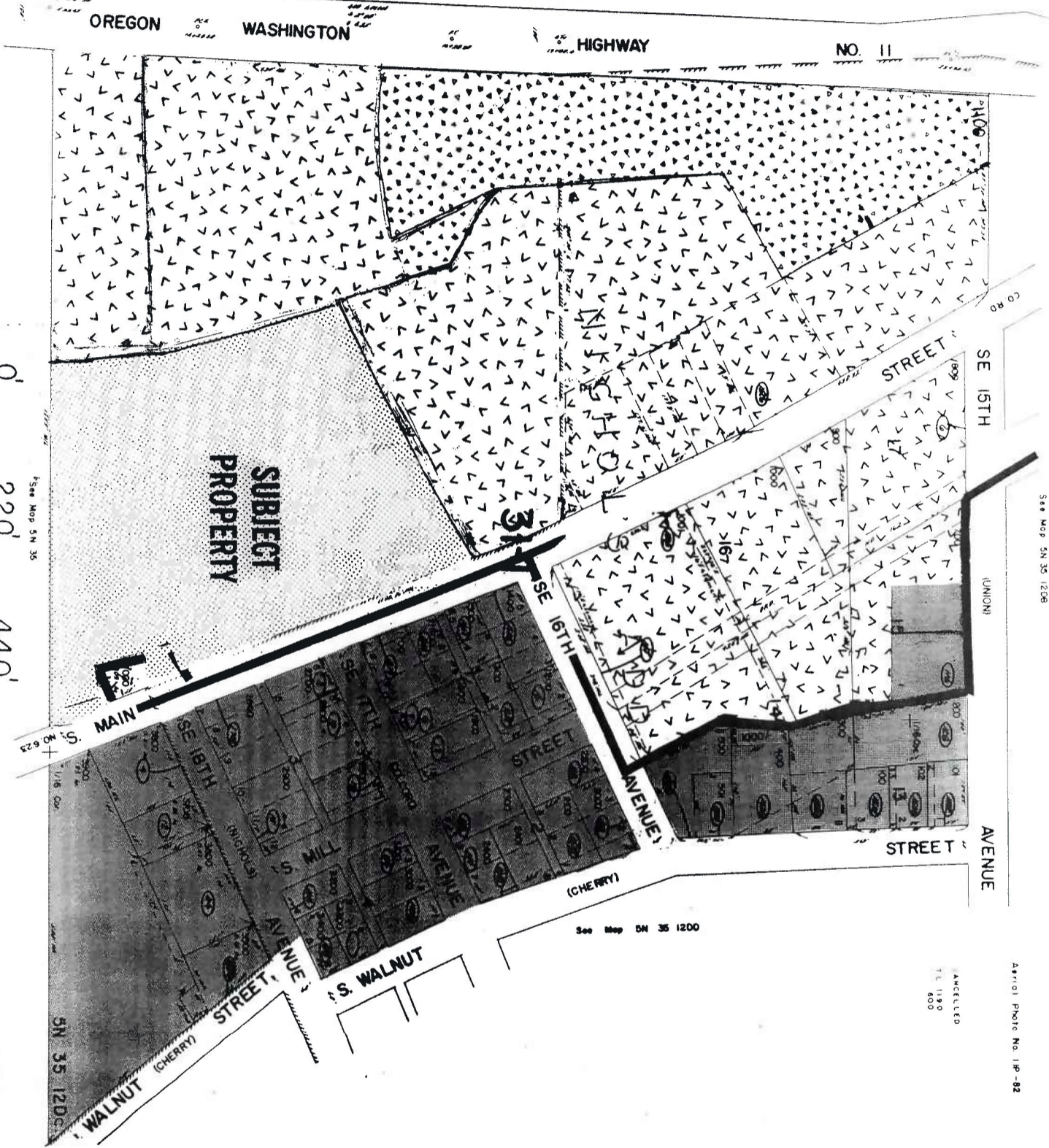
SW 1/4 Sec 12 T5N R35E W1M
UMATILLA COUNTY

5N 35 1200
MILTON-FREEMATER
NICHOLS ADD
BLKS 1-4, 13-18

See Map 5N 35 1200

Aerial Photo No. 1P-82

CANCELLED
TL 1190
800



R-1

R-2

R-3

R-O

C-1

C-2

I-M

P L

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Amd. Ord. 751, 2-11-91
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Amd. Ord. 843, 8/11/97

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