



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

05/05/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Lakeview Plan Amendment  
DLCD File Number 001-14

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, May 20, 2014

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: Christy Prenevost, City of Lakeview  
Gordon Howard, DLCD Urban Planning Specialist

<paa> YA



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**DEPT OF** 001-14  
**FOR DLCD USE** (20212)  
File No.: 5/2/2014 [17867]  
**RECEIVED**  
**LAND CONSERVATION  
AND DEVELOPMENT**

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Town of Lakeview

Local file no.: 626

Date of adoption: 4-08-2014

Date sent: 4/28/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 2-03-2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Christy Prenevost

Phone: 541-947-4957

E-mail: lakeviewrecorder@yahoo.com

Street address: 525 N. 1<sup>st</sup> Street

City: Lakeview

Zip: 97630-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from CC to R 0.17 acres. A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 39S 20E 15BA Tax Lot #12000

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from CC	to R	Acres: 0.17
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 39S 20E 15BA Tax Lot #12000

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List affected state or federal agencies, local governments and special districts: None

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

# COPY

ORDINANCE NO. 847

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAP OF TOWN ORDINANCE NO. 776.**

WHEREAS, the Town of Lakeview initiated a comprehensive plan map and zone map amendment identified as Application No. 626. Said application sought to amend the Town's comprehensive plan and zoning map from Central Commercial (CC) to Residential (R);

WHEREAS, a public hearing was conducted on the application by the Town Planning Commission at its March 10, 2014 meeting and at the conclusion of the public hearing process the Planning Commission recommended to the Town Council approval of the proposed plan and zone map amendment;

WHEREAS, pursuant to Chapters 4.1 and 4.7 of the Town's Development Code, the Town Council of the Town of Lakeview held a public hearing on this matter on March 25, 2014; and

WHEREAS, it appearing to the Town Council that the proposed amendment to the plan and zone maps is consistent with Statewide Planning Goals and also consistent with the Comprehensive Plan as detailed and fully set forth in the attached Exhibit "A" and the findings and conclusions as set forth therein are incorporated herein; now, therefore,

THE COUNCIL OF THE TOWN OF LAKEVIEW ORDAINS AS FOLLOWS:

**Section 1. - Amendment:** The comprehensive plan map and zoning map of Ordinance No. 776 are hereby amended to change the plan and zone map designation of the following described real property parcel as located within the Town of Lakeview, Lake County, Oregon, from Central Commercial (CC) to Residential (R):

<u>Tax Map</u>	<u>Tax Lot</u>	<u>Size</u>
39-20-15BA	12000	0.17 acres

Said real property is specifically described as follows:

Beginning at the Southwest corner of Block "P" in the West Addition to the Town of Lakeview, Lake County, Oregon, thence East 81 feet; thence North 90 feet; thence West 81 feet; thence South 90 feet to the point of beginning.

**Section 2. - Effective Date:** The amendment established by this Ordinance shall be in full force and effect the 30<sup>th</sup> day after its adoption by the Town Council as set forth below.

A motion was made to read this Ordinance by title only and such motion passed unanimously. Thereafter, the Ordinance was read by title only and was adopted as indicated below.

Passed by the Town Council by a vote as follows:

5 In Favor

0 Opposed

Adopted this 8<sup>th</sup> day of April, 2014.

  
Mike Patrick, Mayor

Attest:


  
Christy Prenevost, Town Recorder

EXHIBIT "A"

**STAFF REPORT TOWN OF LAKEVIEW**  
**TOWN COUNCIL**  
**APPLICATION NO. 626**  
**MARCH 17, 2014**

**APPLICANT:** Charles K. Kelley.

**PURPOSE OF REQUEST AND PROPERTY DESCRIPTION:** The applicant wants to change the plan and zone designations from Central Commercial to Residential District for property described as:

<u>Tax Map</u>	<u>Tax Lot</u>	<u>Size (acres)</u>	<u>Existing Designation</u>	<u>Proposed Designation</u>
39 20 15BA	12000	0.17	CC, Central Commercial District	R, Residential

which is the northeast corner of N. H and 1st Streets, Lakeview.

The applicant wants to construct a single family dwelling on the property.

This application proposes amendment to the Town's plan and zoning maps. This is a legislative amendment which is a policy decision made by Town Council. It is reviewed using the Type IV procedure in Section 4.1.600.

**PLANNING COMMISSION RECOMMENDATION:**

A hearing was conducted on March 10, 2014. The applicant appeared before the Planning Commission and provided information regarding the proposed plan/zone map amendment and related issues. Two individuals were present at the hearing, Darryl Anderson, current landowner of subject property and Shawn Philibert, prospective contractor, and expressed their support for the application. No written communication was received.

After hearing all testimony and after questioning the applicant, the Planning Commission recommended approval of the plan/zone map amendment for the property described above.

**NOTICE:** Notice to Oregon Department of Land Conservation and Development, February 3, 2014. For Planning Commission proceedings: by publication, *Lake County Examiner*, February 14, 2014. Individual notice by mail to adjacent property owners, February 10, 2014. For Town Council proceedings: by publication, *Lake County Examiner*, March 5, 2014.

**RELEVANT CODE PROVISIONS:** Town of Lakeview Comprehensive Plan and Town of Lakeview Development Code: Chapter 2.1 (Residential District), 4.1.600 (Type IV Procedure) and 4.7 (Land Use District Map and Text Amendments).

**DECISION CRITERIA:** Decision criteria are found at Chapter 4.1.600G, 4.7.300 and 4.10.400A. They are listed below. The applicant's burden of proof statement addresses the criteria.

- Approval of the request is consistent with the Statewide Planning Goals;
- Approval of the request is consistent with the Comprehensive Plan;
- The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.
- Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 4.7.600, as applicable.

These criteria are used by Town Council to evaluate the application in making a decision to approve or deny the application. Town Council should use the above information, in addition to the application, information from the public hearings and the Town's Comprehensive Plan and implementing regulations to make findings. Findings state the relevant facts and how each approval criterion is satisfied by the facts.

**STAFF REPORT TOWN OF LAKEVIEW**  
**APPLICATION NO. 626**  
**FEBRUARY 28, 2014**

**APPLICANT:** Charles K. Kelley.

**PURPOSE OF REQUEST AND PROPERTY DESCRIPTION:** The applicant wants to change the plan and zone designations from Central Commercial to Residential District for property described as:

<u>Tax Map</u>	<u>Tax Lot</u>	<u>Size (acres)</u>	<u>Existing Designation</u>	<u>Proposed Designation</u>
39 20 15BA	12000	0.17	CC, Central Commercial District	R, Residential

.....  
which is the northeast corner of N. H and 1st Streets, Lakeview.

The applicant wants to construct a single family dwelling on the property.

This application proposes amendment to the Town's plan and zoning maps. This is a legislative amendment which is a policy decision made by Town Council. It is reviewed using the Type IV procedure in Section 4.1.600. **The Planning Commission makes recommendations on map amendments to the Town Council.**

**CURRENT USE:** The property is vacant.

**COMPREHENSIVE PLAN AND DEVELOPMENT CODE:** The property is in a CC, Central Commercial, plan and land use district designation.

**ADJACENT ZONING AND USES:** R-1 and CC. Adjacent uses include commercial uses (Lake County Examiner) to the north (Lake County Examiner) and east (Lake County Crisis Center), commercial/public uses to the south (Apartments, Dental Clinic, and Lake County Senior Center) and residential uses to the west.

**ACCESS:** The property is a corner lot with access from North H (collector) and 1st (local) Streets.

**WATER AND SEWER:** Town water and sewer services.

**FIRE PROTECTION:** Town of Lakeview.

**AGENCIES MAILED SPECIAL NOTICE:** Oregon Department of Land Conservation and Development.



**NOTICE:** Notice to Oregon Department of Land Conservation and Development, February 3, 2014; by publication, Lake County Examiner, February 14, 2014; to property owners, February 10, 2014.

**RELEVANT CODE PROVISIONS:** Town of Lakeview Comprehensive Plan and Town of Lakeview Development Code: Chapter 2.1 (Residential District), 4.1.600 (Type IV Procedure) and 4.7 (Land Use District Map and Text Amendments).

Applicant's information was reviewed against the Town's Comprehensive Plan and Code provisions with the following findings:

**Development Code, Chapter 4.7.300**

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

*Goal 1, Citizen Participation. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The public has the opportunity to comment and participate in the planning process. Public hearings are advertised and the Town's planning process is followed.

*Goal 2, Land Use Planning. To establish a land use policy framework and planning process as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

This goal is met by the Town's application review and decision process. The process assures an adequate factual base will be developed for the Town's decision, that land use decisions will be written and issued and that hearings regarding the application will be provided.

Plan policy II.B.12 states "*The Town of Lakeview Buildable Lands Inventory dated June 30, 1999 will be recognized as a supplement to the Technical Data Report, a supplemental document to the comprehensive plan.*"

The Buildable Lands Inventory concludes "There is limited buildable commercially zoned land in Town. Commercial capacity in the traditional downtown is mostly dependent on redevelopment/business turnover. Other commercial zoned land is located at the edge of the UGB." The applicant states there is little demand for new commercial building sites in downtown.

*Goal 3, Agricultural Land Preservation and 4, Forest Lands, are not applicable to this application.*

*Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources. To conserve open space and protect natural, cultural, historical and scenic resources.*

There are no Plan designated Goal 5 resources on the subject property.

*Goal 6, Air, Water and Land Resources Quality. To maintain or improve the quality of air, water and land resources.*

If developed residentially, the proximity of the parcel to downtown could reduce short vehicle trips minimizing air pollution.

*Goal 7, Areas Subject to Natural Disasters and Hazards. To protect life and property from natural hazards and disasters.*

This parcel is not subject to Plan recognized natural hazards or disasters.

The property is not within a **special flood hazard area**; however, the Flood Insurance Rate Map for the City of Lakeview (410116001C dated 9-5-1990) shows the property is located in **Other Flood Areas, Zone X** (Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood).

*Goal 8, Recreational Needs. To make provisions to satisfy the recreational needs of the Town, the County, State and visitors.*

The Town provides for recreational needs through its park system. Development of a single parcel will not adversely affect its park system.

*Goal 9, Economic Development. To diversify and improve the economy of the County and the State.*

The applicant states the property has been vacant for 30 years. Development of the parcel will provide jobs and materials during construction and increase tax value to the Town, County and other local districts.

*Goal 10, Housing. To provide for the housing needs of citizens of the state.*

Plan policy X.B.4 states *“That housing will be encouraged in locations which complement existing development and make the most efficient use of required facilities and services.”*

This Plan change would provide housing in an area relatively close to the downtown commercial core.

*Goal 11, Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as the framework for urban and rural development.*

Plan policy XI.B.1 states *“That development will be approved only where existing capacity or planned capabilities of public or private utilities and facilities can accommodate such, unless the development provides funding for the increased services which will be needed.”*

The parcel is served by all public utilities.

*Goal 12, Transportation. To encourage safe, convenient and economic transportation systems.*

The parcel is served by the existing transportation system maintained by the Town of Lakeview. H Street is designated a collector and 1st Street is a local street in the Town’s Transportation System Plan.

*Goal 13, Energy. To conserve energy.*

The parcel is adjacent to the downtown commercial area and within walking distance of most commercial uses reducing the length of vehicle trips.

*Goal 14, Urbanization. To provide for an orderly and efficient transition from rural to urban use and to minimize adverse effects of growth and/or change.*

Plan policy XIV.B.6. states *“That growth should be accommodated in an efficient manner, emphasizing the infill and redevelopment of property within Town limits as a first priority and then development and annexation of the urban areas located adjacent to Town.”*

Infill and redevelopment of areas within the existing Town limits is encouraged first. This plan change will allow infill of a vacant property within Town limits.

Plan policy XIV.B.7. states *“That commercial development will be concentrated so as to strengthen existing commercial activities.”*

Retaining the current plan designation would keep the parcel available for commercial development.

*Goals 15, Willamette River Greenway; 16, Estuarine Resources; 17, Coastal Shorelands; 18, Beaches and Dunes; and 19, Ocean Resources do not apply as these areas are geographically removed from the Town of Lakeview.*

**B. Approval of the request is consistent with the Comprehensive Plan.**

**Planning Process, Section 2.B, Policy 5.** *That as a condition of making plan changes, it will be determined that community attitudes and/or physical, social, economic or environmental changes have occurred in the area or related areas since*

*Plan adoption (and revision) and that a public need supports the change, or that the original plan (as revised) was incorrect.*

The requested plan map change is to accommodate a residential use within walking distance of the downtown core. There are no buildable lots for residential use within 2-3 blocks of downtown.

**Planning Process, Section 2.B, Policy 6.** *That in considering Plan revisions, alternative sites for the proposed uses will be considered, and it will be determined that the area proposed to be changed compares favorably with other areas which might be available for the use(s) proposed.*

There are no alternative sites to consider given the applicant's desire to locate close to the downtown area.

The Building Lands Inventory states 10 acres are available within the Town limits for single-family residential use. Other residential property with adequate public services - Collins Subdivision near 9<sup>th</sup> Street, Tall Country Subdivision near South 10<sup>th</sup> and 11<sup>th</sup> Streets, and the Creekside Subdivision on North 2<sup>nd</sup> Street – are located further away from the downtown area than the proposed site.

**C. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.**

The parcel is served by existing Town and public facilities.

A 10" sewer line runs along the south side of North 1<sup>st</sup> Street, and a 12" water line runs along the north side of North 1<sup>st</sup> Street. The Town of Lakeview storm drainage system has an existing catch basin at the southwest corner of the parcel on H Street. Electrical service is available to the parcel from PacifiCorp. The existing transportation system is adequate for the addition of a single-family dwelling.

**D. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 4.7.600, as applicable.**

The parcel is currently zoned Central Commercial and is adjacent to a plan/zone boundary with Residential zoning west across H Street.

The applicant states "The property is currently zoned Central Commercial. Being two to three blocks away from the downtown core, the future use of commercial is highly unlikely. There are numerous vacant buildings in the downtown area that

would provide for commercial use more adequately. The property is just across the street from a residential area so the change will be compatible with adjoining uses.”

**DECISION CRITERIA:** Decision criteria are found at Chapter 4.1.600G and 4.7.300. They are listed below. The applicant’s burden of proof statement specifically addresses the criteria.

- Approval of the request is consistent with the Statewide Planning Goals;
- Approval of the request is consistent with the Comprehensive Plan;
- The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.
- Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 4.7.600, as applicable.

These criteria are used by the Planning Commission to evaluate the application in making a decision to approve or deny the application. The Planning Commission should use the above information, in addition to the application, information from the public hearing and the Town’s Comprehensive Plan and implementing regulations to make findings. Findings state the relevant facts and how each approval criterion is satisfied by the facts.



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