



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



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

Date: July 31, 2015
Jurisdiction: City of Jefferson
Local file no.: LA 2014-04
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 07/30/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



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

FOR DLCD USE

File No.: 001-14
{ 22441 }
Received: 7/30/2015

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: City of Jefferson

Local file no.: **LA 2015-01**

Date of adoption: 7/23/15

Date sent: 7/30/2015

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): 2/25/15

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): Jim Jacks, City Planner

Phone: 503 540-1619

E-mail: jjacks@mwvcog.org

Street address: 100 High St. SE, Suite 200

City: Salem, OR

Zip: 97301-

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:

NA

For a change to a comprehensive plan map:

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

Change from Commercial to Low Density Resid 1.53 acres. A goal exception was required for this change.

Change from Industrial to Medium Density Resid 0.75 acres. A goal exception was required for this change.

Change from Undesignated to Industrial 8.0 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): 103W 2DA 900, 1001, 1002. 12BB 900, 3500, 7500, 7700

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:

NA

For a change to a zoning map:

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

Change from Industrial	to High Density Resid	Acres: 0.75
Change from Unzoned	to Industrial	Acres: 8.0
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:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address): 103W 12BB 900, 3500, 7500, 7700.

List affected state or federal agencies, local governments and special districts: Marion County.

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.

The enclosed 7/23/15 staff report to the City Council explains why Ord. 688 is needed, i.e., it amends Ord. 687 passed on 6/25/15. Ord. 687 inadvertently did not include language changing the Glender property's comp plan map designation. Such language is in Ord. 688, Section 2. Thus, this new Form 2 is provided. A notice of decision to participating parties was mailed 7/30/15. Note, the acreage figures in the prior Form 2 were correct and this Form 2 shows the same numbers.

ORDINANCE #687

AN ORDINANCE AMENDING THE JEFFERSON COMPREHENSIVE PLAN MAP AND THE JEFFERSON ZONE MAP THEREBY IMPLEMENTING THE COMPREHENSIVE PLAN MAP AND ZONE MAP AMENDMENTS SET FORTH IN THE MARCH 2015 ECONOMIC OPPORTUNITIES ANALYSIS

WHEREAS, on March 26, 2015 the City Council adopted Ordinance 684 thereby approving the March 2015 Jefferson Economic Opportunities Analysis as the Economic Element of the Jefferson Comprehensive Plan; and

WHEREAS, the March 26, 2015 Jefferson Economic Opportunities Analysis called for selected amendments to the Comprehensive Plan Map and Zone Map for specific properties; and

WHEREAS, Ordinance 684, Section 4, initiated the selected Comprehensive Plan Map and Zone Map amendments set forth in the March 2015 Economic Opportunities Analysis; and

WHEREAS, on April 2, 2015, the Planning Commission conducted a public hearing regarding Planning File No. LA 2015-01, considered the information provided by City staff and the public, and upon deliberation, voted to recommend the City Council approve the selected Comprehensive Plan Map and Zone Map amendments; and

WHEREAS, on June 25, 2015 the City Council conducted a public hearing regarding Planning File No. LA 2015-01, a legislative application by the City of Jefferson to amend the Comprehensive Plan Map and the Zone Map, and considered the information provided by City staff and the public.

NOW THEREFORE, THE CITY OF JEFFERSON, OREGON, ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Jefferson does hereby adopt the June 25, 2015 staff report including its certain findings of fact, conclusionary findings and supporting documentation and by this reference made a part hereof.

Section 2. The City Council of the City of Jefferson does hereby amend the Jefferson Comprehensive Plan Map from Commercial to Low Density Residential for the southern approximately 0.42 acres of the Reichenberg property at 2283 Julia Lane (10S, 3W, 2DA, 1002) as set forth in the June 25, 2015 staff report.

Section 3. The City Council of the City of Jefferson does hereby amend the Jefferson Comprehensive Plan Map from Commercial to Low Density Residential for the eastern approximately 0.27 acres of the Collins property at 2294 Julia Lane (10S, 3W, 2DA, 1001) as set forth in the June 25, 2015 staff report.

Section 4. The City Council of the City of Jefferson does hereby amend the Jefferson Comprehensive Plan Map from Industrial to Medium Density Residential for the approximately 0.75 acre Epps property at 357 University Street (NW corner of University Street and the RR track)(10S, 3W, 12BB, 900) as set forth in the June 25, 2015 staff report.

Section 5. The City Council of the City of Jefferson does hereby amend the Jefferson Zone Map from Industrial to High Density Residential (R-3) for the Epps property at 357 University Street (NW corner of University Street and the RR track)(10S, 3W, 12BB, 900).

Section 6. The City Council of the City of Jefferson does hereby amend the Jefferson Comprehensive Plan Map from Undesignated to Industrial for the approximately 3.0 acre Jensen Seed and Grain Company property along the west side of the Union Pacific Railroad tracks (a width of about 117 feet) from just north of Santiam Street to Hazel Street (T10S, R3W, Sec. 12BB, Tax Lots 3500, 3600S1, 7500 and 7600S1) as set forth in the June 25, 2015 staff report.

Section 7. The City Council of the City of Jefferson does hereby amend the Jefferson Zone Map from Unzoned to Industrial for the approximately 3.0 acre Jensen Seed and Grain Company property along the west side of the Union Pacific Railroad tracks (a width of about 117 feet) from just north of Santiam Street to Hazel Street (T10S, R3W, Sec. 12BB, Tax Lots 3500, 3600S1, 7500 and 7600S1) as set forth in the June 25, 2015 staff report.

Section 8. The City Council of the City of Jefferson does hereby amend the Jefferson Comprehensive Plan Map from Undesignated to Industrial for the approximately 5 acre Wilbur-Ellis Company property along the east side of the Union Pacific Railroad tracks (a width of about 170 feet) from just north of Santiam Street to Hazel Street (T10S, R3W, Sec. 12BB, Tax Lots 7700, 7800S1) as set forth in the June 25, 2015 staff report.

Section 9. The City Council of the City of Jefferson does hereby amend the Jefferson Zone Map from Unzoned to Industrial for the approximately 5 acre Wilbur-Ellis Company property along the east side of the Union Pacific Railroad tracks (a width of about 170 feet) from just north of Santiam Street to Hazel Street (T10S, R3W, Sec. 12BB, Tax Lots 7700, 7800S1) as set forth in the June 25, 2015 staff report.

Enacted by City Council: 6/25/15
Effective: 7/25/15



Ben Pickett, Mayor

ATTEST:


Sarah Cook, City Recorder

ORDINANCE #688

AN ORDINANCE AMENDING ORDINANCE 687 WHICH AMENDED THE JEFFERSON COMPREHENSIVE PLAN MAP AND THE JEFFERSON ZONE MAP THEREBY IMPLEMENTING THE COMPREHENSIVE PLAN MAP AND ZONE MAP AMENDMENTS SET FORTH IN THE MARCH 2015 ECONOMIC OPPORTUNITIES ANALYSIS

WHEREAS, on June 25, 2015 the City Council adopted Ordinance 687 thereby approving the amendments to the Comprehensive Plan Map and Zone Map for specific properties called for in the March 26, 2015 Jefferson Economic Opportunities Analysis; and

WHEREAS, Ordinance 687 inadvertently did not include changing the Comprehensive Plan Map designation from Commercial to Low Density Residential for the 0.84 acre Glender property at 1090 N. 2nd Street (99E) (Assessor's Map 10S, 3W, 2DA, Tax Lot 900).

NOW THEREFORE, THE CITY OF JEFFERSON, OREGON, ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Jefferson does hereby adopt the July 23, 2015 staff report and by this reference made a part hereof.

Section 2. The City Council of the City of Jefferson does hereby amend Ordinance 687 to add the following:

Section 10. The City Council of the City of Jefferson does hereby amend the Jefferson Comprehensive Plan Map from Commercial to Low Density Residential for the approximately 0.84 acre Glender property at 1090 N. 2nd Street (99E) (Assessor's Map 10S, 3W, 2DA, Tax Lot 900) as set forth in the June 25, 2015 and July 23, 2015 staff reports.

Enacted by City Council: 7/23/15
Effective: 8/23/15



Ben Pickett, Mayor

ATTEST:


Sarah Cook, City Recorder



Mid-Willamette Valley Council of Governments

100 HIGH STREET S.E., Suite 200 • SALEM, OREGON 97301 • www.mwvcog.org
PHONE 503-588-6177 • FAX 503-588-6094 • email: mwvcog@mwvcog.org

An equal opportunity lender, provider, and employer

Getting things done together!

TO: Jefferson City Council

FROM: Jim Jacks, MWVCOG Planner

SUBJ: Amendment to Ordinance 687 for CPC/ZC 2015-01 - Legislative Comprehensive Plan Map and Zone Map Amendments Related to the 2015 Jefferson Economic Opportunities Analysis

DATE: July 23, 2015

BACKGROUND

On June 25, 2015 the City Council passed Ordinance 687 adopting the amendments to the Comprehensive Plan Map and Zone Map that were called for in the March 2015 Jefferson Economic Opportunities Analysis (EOA).

Staff has noticed that Ordinance 687 inadvertently did not include changing the Glender property's Comprehensive Plan Map designation from Commercial to Low Density Residential even though such was intended by the June 25, 2015 staff report to the City Council. The June 25, 2015 staff report to the City Council, p. 2, stated:

"3. Amend the Comprehensive Plan Map designation from Commercial to Low Density Residential for the approximately 0.84 acre Glender property at 1090 2nd Street (99E) (10S, 3W, 2DA, 900). This property is occupied by a dwelling and is outside the city limits, but is inside the UGB."

Despite the intent to change the Comprehensive Plan Map designation from Commercial to Low Density Residential for the Glender property, Ordinance 687 did not do so.

The purpose of this staff report is to bring this inadvertent deletion to the City Council's attention and provide Ordinance 688 for reading on July 23, 2015 to amend Ordinance 687 to include changing the Comprehensive Plan Map designation from Commercial to Low Density Residential for the Glender property.

No change to the zoning of the Glender property is needed.

STAFF RECOMMENDATION

Staff recommends the City Council pass Ordinance 688 thereby amending Ordinance 687 to change the Comprehensive Plan Map designation from Commercial to Low Density Residential for the Glender property.



Mid-Willamette Valley Council of Governments

100 HIGH STREET S.E., Suite 200 • SALEM, OREGON 97301 • www.mwvcog.org
PHONE 503-588-6177 • FAX 503-588-6094 • email: mwvcog@mwvcog.org

An equal opportunity lender, provider, and employer

Getting things done together!

TO: Jefferson City Council

FROM: Jim Jacks, MWVCOG Planner

SUBJ: CPC/ZC 2015-01 Legislative Comprehensive Plan Map and Zone Map
Amendments Related to the 2015 Jefferson Economic Opportunities Analysis

DATE: June 25, 2015

BACKGROUND

On March 26, 2015 the City Council passed Ordinance 684 adopting the 2015 Jefferson Economic Opportunities Analysis (EOA) as the Economic Element of the Jefferson Comprehensive Plan.

Ordinance 684 included Section 4 stating, "The City Council of the City of Jefferson does hereby initiate the Comprehensive Plan Map and Zone Map amendments set forth in the 2015 Economic Opportunities Analysis in Exhibit "A" and by this reference made a part hereof."

The purpose of CPC/ZC 2015-01 is to implement the Comprehensive Plan Map and Zone Map amendments called for in the EOA.

The following Comprehensive Plan Map and Zone Map amendments are addressed using a Legislative process, not a Quasi-judicial process.

COMPREHENSIVE PLAN MAP AMENDMENTS

The following are the proposed amendments to the Comprehensive Plan Map.

1. Amend the Comprehensive Plan Map designation from Commercial to Low Density Residential for the southern approximately 0.42 acres of the Reichenberg property at 2283 Julia Lane (10S, 3W, 2DA, 1002). This property is occupied by a dwelling and it is outside the city limits, but is inside the urban growth boundary (UGB).
2. Amend the Comprehensive Plan Map designation from Commercial to Low Density Residential for the eastern approximately 0.27 acres of the Collins property at 2294 Julia Lane (10S, 3W, 2DA, 1001). This property is occupied by a dwelling and is outside the city limits, but is inside the UGB.

3. Amend the Comprehensive Plan Map designation from Commercial to Low Density Residential for the approximately 0.84 acre Glender property at 1090 2nd Street (99E) (10S, 3W, 2DA, 900). This property is occupied by a dwelling and is outside the city limits, but is inside the UGB.

4. Amend the Comprehensive Plan Map designation from Industrial to Medium Density Residential for the Epps property at 357 University Street (NW corner of University Street and the RR track)(Epps Trust -- Stockenberg trustee)(10S, 3W, 12BB, 900). This property is vacant and is inside the city limits and the UGB.

5. Amend the Comprehensive Plan Map designation from Undesignated to Industrial for the approximately 3 acre Jensen Seed and Grain Company property along the west side of the Union Pacific Railroad tracks (a width of about 117 feet) from just north of Santiam Street to Hazel Street (T10S, R3W, Sec. 12BB, Tax Lots 3500, 3600S1, 7500 and 7600S1). Every property is required to be designated and zoned. It is not clear how the city achieved its initial "acknowledgement" from the Oregon Land Conservation and Development Commission with land showing on the Comprehensive Plan Map as "Undesignated."

6. Amend the Comprehensive Plan Map designation from Undesignated to Industrial for the approximately 5 acre Wilbur-Ellis Company property along the east side of the Union Pacific Railroad tracks (a width of about 170 feet) from just north of Santiam Street to Hazel Street (T10S, R3W, Sec. 12BB, Tax Lots 7700, 7800S1). Every property is required to be designated and zoned. It is not clear how the city achieved its initial "acknowledgement" from the Oregon Land Conservation and Development Commission with land showing on the Comprehensive Plan Map as "Undesignated."

Summary of Comprehensive Plan Map Amendments:

Reichenberg:	0.42 ac. Commercial to Low Density Residential.
Collins:	0.27 ac. Commercial to Low Density Residential.
Glender:	<u>0.84 ac.</u> Commercial to Low Density Residential.
Subtotal:	1.53 ac. Commercial to Low Density Residential.
Epps Trust:	<u>0.75 ac.</u> Industrial to Medium Density Residential.
Subtotal:	0.75 ac. Industrial to Medium Density Residential.
Jensen Company:	3.00 ac. Undesignated to Industrial.
Wilbur-Ellis Company:	<u>5.00 ac.</u> Undesignated to Industrial.
Subtotal:	8.00 ac. Undesignated to Industrial.

Grand Total: 10.28 ac. Comprehensive Plan Map Amendment Area

ZONE MAP AMENDMENTS

1. Amend the Zone Map from Industrial to High Density Residential (R-3) for the Epps property at 357 University Street (NW corner of University Street and the RR track)(Epps Trust - Stockenberg trustee)(10S, 3W, 12BB, 900). This property is vacant and is inside the city limits and the UGB.

2. Amend the Zone Map from Unzoned to Industrial for the approximately 3 acre Jensen Seed and Grain Company property along the west side of the Union Pacific Railroad tracks (a width of about 117 feet) from just north of Santiam Street to Hazel Street (T10S, R3W, Sec. 12BB, Tax Lots 3500, 3600S1, 7500 and 7600S1). Every property is required to be zoned. It is not clear how the city achieved its initial "acknowledgement" from the Oregon Land Conservation and Development Commission with land showing on the Zone Map as "Unzoned."

3. Amend the Zone Map from Unzoned to Industrial for the approximately 5 acre Wilbur-Ellis Company property along the east side of the Union Pacific Railroad tracks (a width of about 170 feet) from just north of Santiam Street to Hazel Street (T10S, R3W, Sec. 12BB, Tax Lots 7700, 7800S1). Every property is required to be zoned. It is not clear how the city achieved its initial "acknowledgement" from the Oregon Land Conservation and Development Commission with land showing on the Zone Map as "Unzoned."

Summary of Zone Map Amendments:

Epps Trust: 0.75 ac. Industrial to High Density Residential (R-3).
Subtotal: 0.75 ac. Industrial to High Density Residential (R-3).

Jensen Company: 3.00 ac. Unzoned to Industrial.
Wilbur-Ellis Company: 5.00 ac. Unzoned to Industrial.
Subtotal: 8.00 ac. Unzoned to Industrial.

Grand Total: 8.75 ac. Zone Map Amendment Area

FINDINGS SHOWING CONSISTENCY WITH APPLICABLE CRITERIA:

1. Section 12.104.020 of the Jefferson Development Code (effective 7/1/11 per Ordinance 672 passed 5/26/11) requires legislative changes to the comprehensive plan and development code to be initiated by city staff, the planning commission or the city council.

FINDING: On March 26, 2015 the City Council passed Ordinance 684 adopting the EOA. The EOA, pages 57 and 58, call for the amendments to the Comprehensive Plan Map and Zone Map included in CPC/ZC 2015-01 and addressed in this staff report. The 2015 EOA is attached and is hereby incorporated into this staff report (see Attachment 1). Note: Attachment 1 is not included in the Planning Commission packet of materials. A copy will be available at the 4/2/15 hearing.

2. Section 12.104.050, A – G, of the Jefferson Development Code (effective 7/1/11 per Ordinance 672 passed 5/26/11) sets forth the criteria for a legislative, Type D, application. They are:

“A. The applicable Comprehensive Plan Policies and Objectives;”

FINDINGS: The objectives and policies of the Jefferson Comprehensive Plan's newly adopted Economic Element (the 2015 EOA) were reviewed and carefully considered. No objectives and policies were determined to be applicable because they do not specifically address the subject properties. Generally, the newly adopted Goals and Policies in the 2015 EOA support economic development in the city. The proposed Comprehensive Plan Map (CPM) and Zone Map (ZM) amendments address inconsistencies in the current CPM and ZM, or address the situation

where the Jensen and Wilbur-Ellis properties near the railroad have no CPM designation or zone applied to them.

Reichenberg and Collins Properties

If approved, the proposed amendments will allow appropriate economic activity to occur where it is most suitable. The current CPM designation of Commercial on the southern 0.42 acre portion of the Reichenberg property at 2283 Julia Lane and the eastern 0.27 acre portion of the Collins property at 2294 Julia Lane present a situation where the Commercial boundary line runs through the southern portion of the Reichenberg house and runs through the eastern portion of the Collins house.

The useable area of the approximately 0.42 and 0.27 acre areas that are now designated Commercial would be reduced by the portion of the Reichenberg and Collins houses that are in the Commercial designated area. The two areas are served by a private drive, Julia Lane, which may not be suitable access for commercial traffic. The small size and non-standard shapes of the Reichenberg and Collins Commercial designated areas would not lend themselves to the standard square and rectangular shapes of commercial buildings. Any applicable setbacks must be met. An area for parking related to the commercial uses may be difficult to locate on the southern and eastern portions due to their small size. The required landscaping will also reduce the area where a commercial building and parking could be located.

The following air photo with yellow property lines shows the current situation with the boundary of the Commercial designation (red line) running through the Reichenberg and Collins dwellings. It also shows the boundary running along the north property line of the Glender property. It is proposed to be moved southerly to the south side of Julia Lane and the south property line of the Collins property to allow all of the Collins, Reichenberg and Glender properties to be in the Low Density Residential designation.

The proposed Low Density Residential CPM designation would be consistent with the current single family dwelling uses of the properties.

If the current Commercial CPM designation is retained, the current single family dwelling uses would be inconsistent with the designation.

The Oregon Map

Julia Lane - Jefferson



The Reichenberg and Collins properties were created through the partitioning process. The dwellings were constructed in 2006 and they create a residential area. Commercial uses in the residential area would not be compatible with the current residential uses.

If the Commercial designation is changed to Low Density Residential, the designation would be consistent with the existing single family dwelling uses of the properties and it would be consistent with the existing UT-3 zoning of the property by Marion County.

If the Commercial designation is changed to Low Density Residential, the UT-3 Zone would remain and the residents would continue to have available to them any uses permitted in the UT-3 Zone, including Home Occupations through the Marion County Home Occupation Permit process.

Glender Property

The current CPM designation of Commercial on the 0.84 acre Glender property at 1090 2nd Street presents a situation where the Commercial boundary line runs along the north property line which would allow the Glender property, upon annexation and application of the city's Commercial Zone, to be developed for commercial uses next to the properties abutting to the west and north which are single family dwellings. The current line presents a "hard edge" between single family dwellings to the north and a possible future commercial use on the Glender property. Typically, a street is used as the boundary between single family and commercial designations and zones. In this case if the Commercial designation boundary is moved southerly to the south side of Julia Lane and the south property line of the Collins property, then Julia Lane will act as a buffer between the single family dwelling to the north (the Glender, Collins and Reichenberg dwellings) and the future commercial area to the south.

The Glender property was developed with a single family dwelling several decades ago as were the three houses to the north of the Glender property. They create a residential area where introducing a future commercial use on the Glender property would not be compatible.

If the Commercial designation is changed to Low Density Residential, the designation would be consistent with the existing use of the property and it would be consistent with the existing UT-3 zoning of the property by Marion County.

If the Commercial designation is changed to Low Density Residential, the UT-3 Zone would remain and the residents would continue to have available to them any uses permitted in the UT-3 Zone, including Home Occupations through the Marion County Home Occupation Permit process.

Summary -- Reichenberg, Collins and Glender Properties

The 0.27, 0.42 and 0.84 acre areas are not needed for commercial development because the EOA, p. 49, Table 28, shows there are 13.76 vacant developable acres and 18.52 (total 32.28 acres) redevelopable acres of commercially designated land. The EOA, p. 22, Table 11, shows there is a 6.34 acre need for commercial property in the next 20 years. The 32.28 acres are adequate to accommodate the 20-year projected need of 6.34 acres.

Epps Trust Property

The 0.75 acre Epps property at 357 University Street is at the northwest corner of University Street and the tracks (Assessor's Map 10, 3W, 12BB, Tax Lot 900). See map on p. 7. It is vacant and almost square (165' X 198').

It is designated Industrial on the Comprehensive Plan Map. Its zoning is in question because the city's Zone Map zones it R-3 (High Density Residential), but the Zone Map in the city's 2001 Transportation Systems Plan shows it is in the Industrial Zone. The property has not been the subject of a rezoning since the 2001 Transportation Systems Plan, thus it is not known why there is a difference in the 2001 and current Zone Maps.

As part of this case, CPC/ZC 2015-01, the question as to the correct zoning is proposed to be resolved by changing the CPM designation from Industrial to Medium Density Residential, as noted above, and accepting the High Density Residential (R-3) Zone on the city's Zone Map.

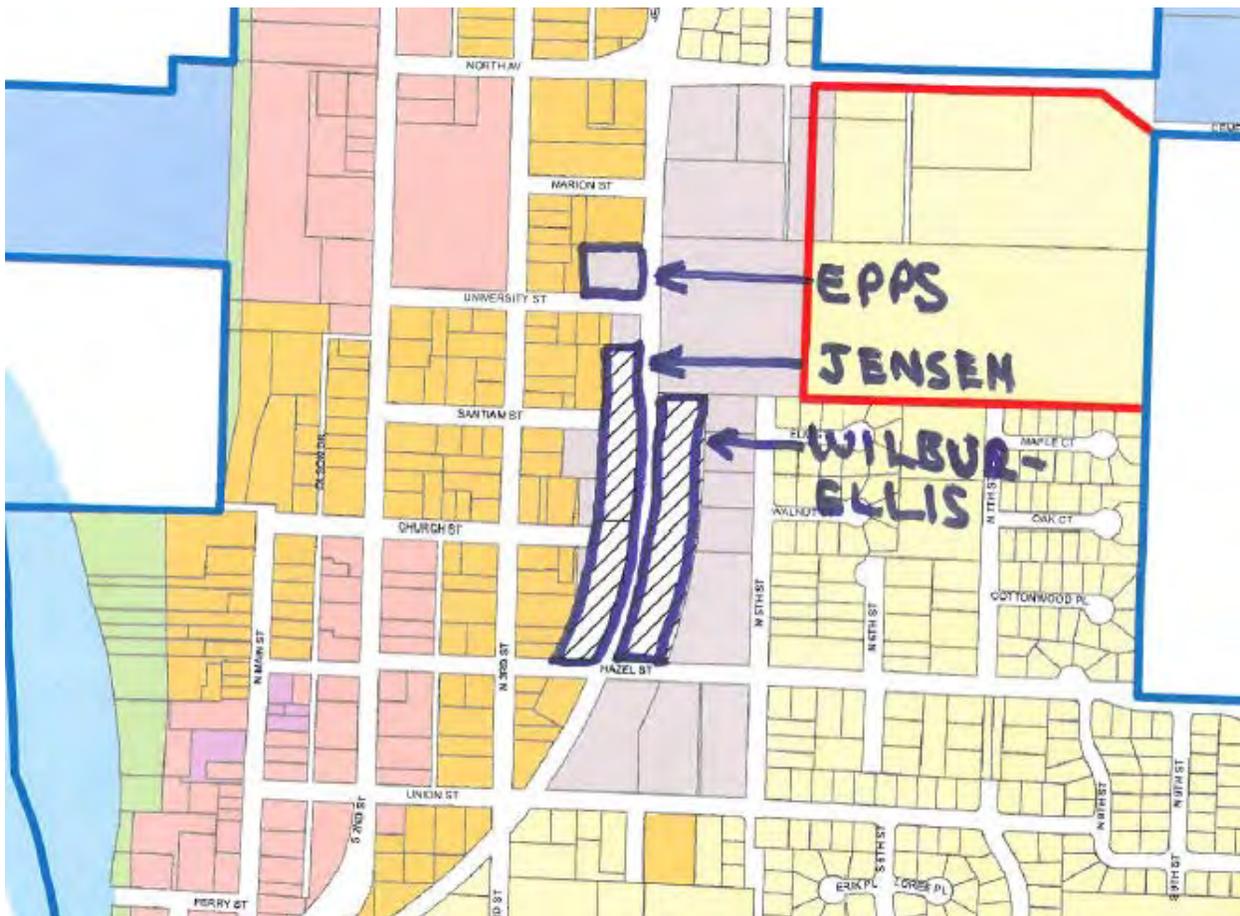
Mr. Keeton Epps submitted a January 12, 2015 email and Mr. William Epps provided oral testimony to the City Council on January 22, 2015 stating the Epps trusts desire is for the property to be zoned R-3 and for the Industrial Comprehensive Plan Map designation to be changed to residential. William Epps' January 22 testimony indicated he purchased the property years ago to build a future apartment on the property which would be consistent with the R-3 Zone. Mr. Epps health is now an issue and the property is in a trust. It is not clear why the property's designation is Industrial and why the 2001 Transportation System Plan Zone Map and the current city Zone Map are different.

Because the properties abutting to the north and west are designated Medium Density Residential and are zoned R-2, and because one of the properties across University Street to the south is designated Medium Density Residential and is zoned R-3, changing the Epps Trust property's designation from Industrial to Medium Density Residential and retaining the property in the R-3 Zone is justified.

The 0.75 acre area is not needed for industrial development because the EOA, pp. 24 and 35, Tables 12 and 13, show there are 18.98 vacant developable acres and 1.52 (total 20.50 acres) redevelopable acres of industrially designated land in the city limits. The EOA, p. 22, Table 11, shows there is a need for 2.82 acres. The 20.50 acres are adequate to accommodate the 20-year projected need for 2.82 acres.

Jensen Company and Wilbur-Ellis Company Properties

The approximately 3 and 5 acre portions of the Jensen and Wilbur-Ellis properties along the Union Pacific mainline railroad track that are currently not designated for any specific use on the Comprehensive Plan Map and are not zoned with any zone on the Zone Map, are used for seed and grain processing and agricultural services uses, respectively. See the following map. Each company owns additional land abutting the 3 and 5 acre areas that is designated Industrial on the Comprehensive Plan Map and zoned Industrial on the Zone Map.



The approximately 3 acre Jensen Seed and Grain Company property is along the west side of the Union Pacific mainline railroad track (a width of about 117 feet) from just north of Santiam Street to Hazel Street (T10S, R3W, Sec. 12BB, Tax Lots 3500, 3600S1, 7500 and 7600S1).

Every property is required to be zoned by the Oregon land use planning program. It is not clear how the city achieved its initial "acknowledgement" from the Oregon Land Conservation and Development Commission with land on the Comprehensive Plan Map not designated and showing on the Zone Map as "Unzoned." Catellus Development Company owns the subsurface rights and there may be some ownership involvement by the railroad, but such complications do not justify leaving property undesignated and unzoned.

The approximately 5 acre Wilbur-Ellis Company property is along the east side of the Union Pacific Railroad mainline railroad track (a width of about 170 feet) from just north of Santiam Street to Hazel Street (T10S, R3W, Sec. 12BB, Tax Lots 7700, 7800S1).

Every property is required to be zoned by the Oregon land use planning program. It is not clear how the city achieved its initial "acknowledgement" from the Oregon Land Conservation and Development Commission with land on the Comprehensive Plan Map not designated and showing on the Zone Map as "Unzoned." Catellus Development Company owns the subsurface rights and there may be some ownership involvement by the railroad, but such complications do not justify leaving property "Undesignated."

The existing industrial uses of the approximately 3 and 5 acre areas must be given a Comprehensive Plan Map designation and a zone. The Industrial designation and the Industrial Zone are the appropriate designation and zone because they are consistent with the current uses of the properties and are compatible with the zoning of surrounding properties.

“B. The applicable Statewide Planning Goals; and”

Goal 1, Citizen Involvement, is met because the city's review and decision making regarding the proposed plan map and zone map amendments are following the process set forth in the Jefferson Development Code for the review and decision on legislative proposals. The Planning Commission held public meetings throughout 2013 and 2014 wherein the draft EOA was reviewed and discussed. Opportunities for public input were provided and encouraged. The Planning Commission and City Council each will hold a duly noticed public hearing. If the City Council approves the proposed amendments, an appeal is provided by ORS 197 to the Oregon Land Use Board of Appeals or the Land Conservation and Development Commission as applicable based on the issue appealed.

Goal 2, Land Use Planning, is met because the city's review and decision making regarding the proposed CPM and ZM amendments includes an adequate factual base and follows the process set forth in ORS 197 for post-acknowledgement plan amendments.

Goal 3, Agricultural Lands, is not applicable because no agricultural lands are affected.

Goal 4, Forest Lands, is not applicable because no forest lands are affected.

Goal 5, Natural Resources, Scenic and Historic Areas, Open Spaces, is not applicable because the proposal does not propose to change any comprehensive plan language, plan map, zone code language or zone map provisions regarding natural resources, scenic areas, historic areas or open spaces.

Goal 6, Air, Water and Land Resources Quality, is not applicable because the proposal does not propose to change any comprehensive plan language, plan map, zone code language or zone map provisions regarding air, water or land resources quality.

Goal 7, Areas Subject to Natural Hazards, is not applicable because the proposal does not propose to change any comprehensive plan language, plan map, zone code language or zone map provisions regarding natural hazards.

Goal 8, Recreation Needs, is not applicable because the proposal does not involve parks or recreation.

Goal 9, Economic Development, is applicable because the proposal is to adopt CPM and ZM amendments called for in the 2015 Economic Opportunities Analysis (EOA) to ensure the appropriate CPM designations and ZM zones are applied to the properties.

FINDINGS: The proposed EOA has been developed consistent with the Goal 9 Administrative Rule regarding economic opportunity analyses. The proposed CPM and ZM amendments are proposed in the 2015 EOA and are consistent with applicable Jefferson Development Code criteria.

Goal 10, Housing, is not applicable because the proposal does not propose to change any comprehensive plan language, plan map, zone code language or zone map provisions regarding housing.

Goal 11, Public Facilities and Services, is not applicable because the proposal does not propose to change any comprehensive plan language, plan map, zone code language or zone map provisions regarding public facilities.

Goal 12, Transportation, is not applicable because the proposal does not involve the transportation system.

Goal 13, Energy Conservation, is not applicable because the proposal does not address energy conservation issues.

Goal 14, Urbanization, does not apply because the urban growth boundary (UGB) is not proposed to be changed.

“C. The applicable Oregon Administrative Rules.”

There are no applicable Oregon Administrative Rules for the proposed amendments.

“D. Short- and long-term impacts;”

FINDINGS: The EOA and the proposed CPM and ZM amendments take a short and long term view of economic development. It shows there are a sufficient number of acres of commercial and industrial land to accommodate the projected job growth in the city over the 20-year planning period. The proposed amendments will ensure the use of the Collins, Reichenberg and Glender properties will be compatible with surrounding uses, and the Epps, Jensen and Wilbur-Ellis properties can continue to be used as intended by the owners.

“E. Public benefit;”

FINDINGS: The public will benefit from the proposed CPM and ZM amendments because they ensure each property is properly designated and zoned to reflect the current uses and uses found in the area of the subject properties.

“F. Reasonable alternative proposals;”

FINDINGS: The proposed amendments are a reasonable proposal. The alternative is for the properties to retain their current designations and zones, which are shown above in the findings to be inappropriate.

“G. Any other factors deemed relevant by Planning Commission or City Council.”

FINDINGS: As of April 2, 2015 after the Planning Commission's EOA hearing on November 6, 2014 and the City Council's EOA hearing on January 22, 2015, no other factors have been deemed applicable by the Planning Commission or City Council.

CONCLUSORY FINDING:

The applicable comprehensive plan policies and the applicable Statewide Planning Goals are met.

PLANNING COMMISSION RECOMMENDATION

On April 2, 2015 the Planning Commission conducted a duly notice public hearing on the proposed amendments, received the staff report and testimony, and passed a motion recommending the City Council approve the proposed amendments.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend the City Council approve the following:

1. Amend the Comprehensive Plan Map designation from Commercial to Low Density Residential for the southern approximately 0.42 acres of the Reichenberg property, the eastern approximately 0.27 acres of the Collins property and the 0.84 acre Glender property.
2. Amend the Comprehensive Plan Map designation from Industrial to Medium Density Residential for the Epps property and retain the High Density Residential (R-3) Zone on the property.
3. Amend the Comprehensive Plan Map designation from Undesignated to Industrial and amend the Zone Map from Unzoned to Industrial for the approximately 3 acre Jensen Seed and Grain Company property along the west side of the Union Pacific Railroad tracks and the approximately 5 acre Wilbur-Ellis Company property along the east side of the Union Pacific Railroad tracks.

CITY COUNCIL ACTION

- A. The City Council has the following options:
1. Adopt the staff report, including the findings contained in the staff report and read Ordinance 687 for the first time by title only;
 2. Adopt the staff report, including the findings contained in the staff report as revised by the City Council;
 3. Deny the application, providing findings as to why the application fails to meet the decision criteria.
- B. A sample motion is, "I move the City Council adopt the staff report and read Ordinance 687 for the first time by title only."