

ORDINANCE NO. 867

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

WHEREAS, the Town of Lakeview initiated comprehensive plan map and zone map amendments identified as Application No. 715. Said application sought to amend the Town's comprehensive plan from Industrial to Central Commercial and the zoning map from General Industrial to Central Commercial District.

WHEREAS, public hearings were conducted on the application by the Town Planning Commission at its October 8, 2018 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 amendments;

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 October 23, 2018; and

WHEREAS, it appearing to the Town Council that the proposed amendments to the plan and zone maps are consistent with Statewide Planning Goals and with the Comprehensive Plan as detailed on attached Exhibit "A" and the findings and conclusions as set forth therein; 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 is 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 Industrial under the Comprehensive Plan to Central Commercial and from General Industrial under the Zoning Map to Central Commercial District.

<u>Tax Map</u>	<u>Tax Lot</u>	<u>Size (acres)</u>
39 20 22BB	5200	3.37

A combined legal description of the parcel is set forth below:

Lots 1-48 inclusive in Block 296 of Oregon Valley Land Company's Addition to Lakeview excepting therefrom any portion lying in the Railroad Right of Way.

**Section 2. - Effective Date:** The amendments established by this Ordinance shall be in full force and effect the 30<sup>th</sup> day after the execution date of this Ordinance as set forth below.

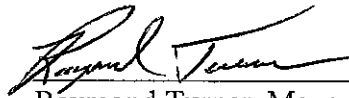
A motion was made to read this Ordinance by title only and such motion passed. Thereafter, the Ordinance was read by title only and was adopted as indicated below.

Passed by Town Council vote as follows:

5 In Favor

0 Opposed

Adopted this 23 of October, 2018.

  
\_\_\_\_\_  
Raymond Turner, Mayor  
10-23-18

Attest:

  
\_\_\_\_\_  
Dawn Lepori, Town Recorder

**EXHIBIT "A"**

**STAFF REPORT TOWN OF LAKEVIEW**  
**TOWN COUNCIL**  
**APPLICATION NO. 715**  
**OCTOBER 15, 2018**

**APPLICANT:** Randy Utley, Favell-Utley Corporation.

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

<u>Tax Map</u>	<u>Tax Lot</u>	<u>Size (acres)</u>	<u>Existing Designations</u>	<u>Proposed Designations</u>
39 20 22BB	5200	3.37	<b>Comprehensive Plan M, Industrial</b>	<b>Comprehensive Plan C-1, Central Commercial</b>
			<b>Zoning Map M-1, General Industrial</b>	<b>Zoning Map CC, Central Commercial District</b>

which is the southwest corner of S. 9th and M Streets, Lakeview.

The applicant wants to construct a medical facility 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 October 8, 2018. The applicants' representative appeared before the Planning Commission and provided information regarding the proposed plan/zone map amendments and related issues. There was no written or oral testimony.

After hearing all testimony and after questioning the applicants' representative, the Planning Commission recommended approval of the plan/zone map amendments for the property described above contingent on annexation.

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

**COMPREHENSIVE PLAN AND DEVELOPMENT CODE:** The property is in a County M, Industrial plan and zone designation.

**ADJACENT ZONING AND USES:** R, Residential and M, Industrial. Adjacent uses include residential uses to the north and east, industrial uses to the south, and agricultural uses to the west.

**ACCESS:** The property is a corner lot with access from South 9<sup>th</sup> and M Streets. Both are collectors within the Town's Transportation System Plan.

**WATER AND SEWER:** Town water and sewer services are available with annexation.

**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, August 23, 2018. For Planning Commission proceedings: by publication, Lake County Examiner, September 26, 2018; to property owners, September 14, 2018. For Town Council proceedings: by publication, *Lake County Examiner*, October 3, 2018.

**RELEVANT CODE PROVISIONS:** Town of Lakeview Comprehensive Plan and Town of Lakeview Development Code: Chapter 2.2 (Central Commercial District), 2.2.180 (Highway Commercial Subdistrict), 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 proposed zone change has been submitted to the Town of Lakeview Planning Department and will be discussed at public hearings before the Town of Lakeview Planning Commission and Town of Lakeview Council. This allows citizen involvement in the zone change decision.

*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."

*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.*

The proposed zone change complies with all state and federal environmental quality statutes, rules and standards. The change will not negatively impact air, water or land resources quality.

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

The proposed zone change is not located in an area that is subject to natural hazards.

*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 proposed zone change is consistent with the goal of economic development. This zone change will aid development of a commercial medical facility on the affected lot, enhancing a local business and encouraging economic growth for the Lakeview community.

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

The lot has historically been vacant and is not zoned residential. The proposed zone change will not negatively impact the availability of housing in the area.

*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.*

There is adequate public infrastructure (water, sewer, transportation, etc.) in place to support commercial use of this lot. Town utilities are available to serve the lot.

*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. South 9<sup>th</sup> and M Streets are local streets in the Town's Transportation System Plan.

*Goal 13, Energy. To conserve energy.*

The proposed medical facility development will utilize energy conscious design to the greatest extent possible.

*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.*

The proposed zone change area is located within the Urban Growth Boundary and will not result in a change to the Urban Growth Boundary.

*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.**

The four basic purposes of the Comprehensive Plan are:

1. To encourage desirable growth
2. To accommodate anticipated development
3. To make provisions for those uses which may be needed by the community
4. To protect individual and public investments

The proposed zone change will aid the development of a commercial medical facility. This will enhance an existing Lakeview business and provide a valuable service to community residents. This lot has been vacant, and the development of the facility will enhance the appearance of the lot and the surrounding area.

**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.*

There are limited commercially zoned properties available for development. The proposed property is suitable for construction of the medical facility and is located near other medical

facilities. The facility will enhance the services provided to the community and encourage development of the area.

**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.*

Alternative sites were considered as documented in the applicant's *Additional Information - 9/25/2018*.

The property described in this zone change application was considered the most viable alternative because it provided adequate space for the facility expansion, adequate space for parking, good vehicular access, was located close to other medical services, and had utility services available.

**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.**

Public utilities are available to serve the proposed property. There is an existing water main and sewer main along South 9<sup>th</sup> Street and an existing water main along South M Street. Overhead power is available in the area. Phone and internet services are also available.

**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 Building Lands Inventory prepared in 1999 states 3 acres is available within the Town limits for commercial use and an additional 146 acres (149 acres total) within the urban growth boundary. The inventory lists 26 acres of industrial land within the Town and an additional 186 acres (212 acres total) within the urban growth boundary. Given annexations since the inventory, the amount of industrial land within the Town has increased to 62 acres. An equivalent number of acres would be reduced from within the urban growth boundary. A reconfiguration of the urban growth boundary in 2016 (Red Rock Biofuels LLC) removed 58 acres of vacant commercial land and added 61 acres of commercial land for the proposed development.

This data demonstrates there is more land zoned industrial than commercial. Industrial operations in Lakeview have been declining for a number of years. The changing economy has created a decrease in the need for industrial lands, and an increase in the need for areas that smaller commercial operations can utilize.

**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.

**MOTION:** A draft motion for the Lakeview Town Council's consideration:

Motion to approve a comprehensive plan map amendment to change the land use designation from M, Industrial to C-1, Central Commercial and zone map amendment to change the zoning designation from M-1, General Industrial to CC, Central Commercial for the following described real property:

Lot 1-48 inclusive in Block 296 of Oregon Valley Land Company's Addition to Lakeview, Oregon excepting therefrom any portion lying in the Railroad Right of Way.