

# STAFF REPORT

**For:** David Hussell, City Administrator  
**From:** Bunny Lincoln, Planner  
**Date:** 8/4/06  
**File No.:** PA# 10/11-04:CPZCH/ZCH (Greenhills)  
**Applicant:** Premier West Bank  
**Owner:** Premier West Bank  
**Agents:** Hoffbuhr & Associates (Dennis Hoffbuhr)  
**Request:** Amendments to the Comprehensive Plan and Zoning Map for the Greenhills Subdivision, Dianne Way, Eagle Point, Oregon.

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## **APPLICATION:**

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

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

## **I. APPLICABLE CRITERIA**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed zone change meets the criterion.

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

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

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

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

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

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

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

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

Therefore, the criterion has been met.

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

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

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

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

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

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

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

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

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

Any amendment(s) are adopted by Ordinance.

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

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

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

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

## **II. CONCLUSIONS -**

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

## **III. STAFF SUMMARY/RECOMMENDATIONS:**

Based upon Staff Findings, the Planning Commission and City Council may determine that the standards for **Comprehensive Plan Amendment** and **Zone Change** approval have been met by virtue of a complete application submittal and all related Ordinance compliance. If developed to Recommended Condition standards, the proposed map amendments will meet all criteria for an affirmative decision. Further, it will not

create any negative effects upon adjoining neighborhood(s) or City services/facilities. Staff recommends that the **Findings** contained in the whole record be adopted and the proposed **Comprehensive Plan Amendment** and **Zone Change** be approved with the following conditions:

**IV. RECOMMENDED CONDITIONS:**

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

**INDAVERTENT OMISSIONS –**

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

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

**V. DECISION:**

A. The **Planning Commission** may consider the following actions at the public hearing:

1. Adopt the Staff and Applicant Findings and recommend approval of Comprehensive Plan Map Amendment and Zone Change by the City Council.
2. Adopt the Staff and Applicant Findings and recommend City Council approval of the Comprehensive Plan Map Amendment and Zone Change with conditions.
3. Recommend Denial of the map amendment and zone change.
4. Continue the hearing.

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

1. Approve the amendments.
2. Deny the amendments.
3. Approve the amendments with conditions.

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

1 BEFORE THE PLANNING COMMISSION AND CITY COUNCIL

2 FOR THE CITY OF EAGLE POINT, OREGON:

3  
4 IN THE MATTER OF:

5 AN AMENDMENT TO THE COMPREHENSIVE PLAN MAP AND ZONING MAPS

6 FOR THE CITY OF EAGLE POINT, OREGON:  
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9 I. BACKGROUND INFORMATION:

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11 Property Owners: Premier West Bank  
12 3390 Crater Lake Highway  
13 Medford, OR 97504  
14 (541) 618-8258  
15  
16 Agents: Hoffbuhr & Associates, Inc.  
17 3155 Alameda , Suite 201  
18 Medford, OR 97504  
19 (541) 779-4641  
20  
21 Property: T.35 S. R1W, Section 34 DC, Tax Lots 1400, and 1429 thru 1450  
22  
23 Current Zoning: City of Eagle Point R-4 (High Density Residential)  
24  
25 Current Plan Map: City of Eagle Point, R-H ( High Density Residential)  
26  
27 Proposed Map: R-M (Medium Density Residential)  
28  
29 Proposed Zoning: R-2 (Residential, Single and Two-Family District)  
30  
31 Public Facilities: City of Eagle Point for water (via MWC)  
32 Rogue Valley Sewer Service for sewer  
33 City of Eagle Point and ODOT for streets and drainage  
34 City of Eagle Point for police protection  
35 Fire District No. 3 for fire protection  
36  
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1 II. PROJECT DESCRIPTION:  
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3 This request before the City of Eagle Point is to amend the Comprehensive Plan and Zoning Maps  
4 of the City to re-designate the area that is currently platted and developed as “Greenhills Village Planned  
5 Unit Development”, (a padlot development of 22 residential lots and common area), from the High Density  
6 Residential plan designation to the Medium Density designation, as established within the Comprehensive  
7 Plan of the City of Eagle Point, and a concurrent request for zoning the site R-2 (Residential, single and  
8 two- family) from R-4 (High Density, Residential). Currently, the City of Eagle Point Comprehensive Plan  
9 designation on the site is RH, or Residential, High Density and the property is zoned R-4, lying within  
10 the corporate boundaries of the City of Eagle Point and the Urban Growth Boundary (UGB) of the City of  
11 Eagle Point. The site was approved as a Planned Unit Development (PUD) in a padlot configuration for 22  
12 lots plus common area, in 2005.  
13

14 The approval of the 22-lot “padlot” development, under the auspices of the Planned Unit  
15 Development Ordinance, was required due to (1) the ‘padlot’ configuration, as well as (2) the necessity  
16 for the drainage being contained on a commonly-owned tract and (3) the access, (as the roadway  
17 development did not meet city standards for turnarounds or cul-de-sacs, but was approvable in this  
18 configuration as a private road). The current level of development includes water, sewer, drainage,  
19 electrical, cable TV and phone installed to each lot, as well as curbs, gutters and paving. One padlot/  
20 townhouse ‘duplex’ has been built, but the remaining lots are unsold, and the property has been foreclosed  
21 upon from the developer. The applicants, Premier West Bank, believe the site will be more effectively  
22 used for single family dwelling units versus the townhouse concept, given the land uses in the vicinity, the  
23 scope and level of development on this and abutting properties, and the current economic situation,  
24 particularly the lending policies of the central banks, Fannie Mae and Freddie Mac as they pertain to single  
25 family dwellings versus ‘attached’ housing.  
26  
27

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

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

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

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

13  
14 Discussion:

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

28  
29 FINDING:

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

1 FINDING:  
2

3 ORS 197.296 provides that under periodic review, a local government shall demonstrate  
4 that its comprehensive plan or the regional plan provides sufficient buildable lands within  
5 the Urban Growth Boundary to accommodate estimated housing needs for 20 years. The  
6 amended elements of the Comprehensive Plan discussed below are consistent with this  
7 statute, and as those elements were revised consistent with the involvement of the City of  
8 Eagle Point in the Regional Planning Solving process, demonstration of compliance with the  
9 Plan demonstrates that the application is consistent with the RPS goals and guidelines, and  
10 thus also consistent with ORS 197.296.  
11  
12

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

22 Discussion:  
23

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

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

1  
2 C: Compliance with the Eagle Point Comprehensive Plan:  
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4 The Goals and Policies of the Eagle Point Comprehensive Plan are to provide for a long-range guide  
5 for the physical development of the City of Eagle Point that maximizes the community’s livability. Chapter  
6 XV of the Comprehensive Plan provides the City’s procedures and policies governing Amendments to the  
7 Comprehensive Plan. According to the Plan, a minor amendment to the Land Use Plan Map is one which  
8

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

13 Discussion:  
14

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

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

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

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

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

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

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

5  
6 Table 5.9 does show that there is a gross acreage ‘needed’ for single family dwellings of 763.7  
7 acres, versus only 17.6 acres needed for multiple family use. This zone change and plan map amendment,  
8 then, will be effective in addressing both (1) the acreage needed for single family homes, as well as (2) a  
9 need to increase density per acre to meet the state-requested forecast density.

10  
11 Finally, on page 5-15 of the RPS report, it was noted that supply-side considerations are paramount  
12 in reviewing need in terms of the housing mix. Notwithstanding the potential for changing trends in home  
13 ownership (townhouses, etc.), the owner-occupied single family dwelling still remains a primary source of  
14 investment and wealth for most Americans. The proposed zone change and plan map amendment can be  
15 viewed as a way to address both issues; i.e., single family homes on smaller lots (increased density) but  
16 preserving the concept of home ownership.

17  
18 The Regional Housing Trends, as outlined on page 5-20 of the RPS data, also notes that the trend  
19 is for single family units on smaller lots. While ORS 197.296 requires periodic review to examine the  
20 housing mix and density, the conclusions reached are incontrovertible:

- 21  
22 • Trends include larger single family homes on smaller lots;  
23 • Larger multi-family units;  
24 • More household amenities, and  
25 • Owner occupied homes.

26  
27 With this information, as well as the information in Table 6-3, this shows the deficit of available  
28 lands versus the potential demand, low density residential use shows the highest deficit (307 acres) versus  
29 a deficit of 27 acres for medium density uses, and a deficit of 28 acres for high-density residential use.  
30 With this information in hand, the change resulting from this application is only 11 units, but does address  
31 the low density deficit.

32  
33 In Chapter 4, the Economic Element, population growth in Eagle Point for the years between 2006  
34 and 2026 is estimated to grow at a rate in excess of 103%....up to as many as 16,964 people. The growth  
35 rate of jobs to population was also great, showing an increase in jobs in the community as well.

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

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

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

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

26  
27 FINDING:

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

1 FINDING:  
2

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

9 FINDING:  
10

11 \_\_\_\_\_Based upon the information contained in the Comprehensive Plan, specifically the Housing  
12 Element (Chapter 5) as modified by the RPS documentation over the course of the past  
13 several years, the application before the City, which will amend the Plan Designation and the  
14 Zoning on a developed tract that will provide for single family dwellings on smaller lots, is  
15 consistent with the past trends in single family housing in the vicinity, and is essentially a  
16 density transfer situation in terms of the overall land use projections for the City. The City  
17 can find that the application is consistent with the Housing Element of the Comprehensive  
18 Plan.  
19  
20

21 D. Compliance with Zone Change Criteria:  
22

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

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

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

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

17 Discussion:  
18

19 In the current case before the City of Eagle Point, the property owners as noted in Section 1 of these  
20 findings, are the record owners as provided by information from the Jackson County Assessor's records,  
21 and they own all of the property contained in the proposed area for the change in Plan designation and  
22 Zoning.  
23

24 \_\_\_\_\_ The information contained herein outlines the change requested in both the Comprehensive Plan  
25 designation and the zoning map amendment, with the current and proposed designations. An assessor's  
26 map is attached as an exhibit, and the legal descriptions of the affected properties are also attached as an  
27 exhibit to these findings.  
28

29 Additionally, a map showing the lot lines and orientation of the parcels, and a list of names and  
30 addresses of all property owners affected by the proposed amendment are attached.  
31  
32

33 FINDING:  
34

35 The City of Eagle Point can find that the applicant has provided, with this document, all of the  
36 required items listed in Article 9.030(b) which are required for a change in the Plan and  
37 zoning maps.

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

6  
7 V. SUMMARY AND CONCLUSIONS:  
8

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

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

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

6 Respectfully submitted this \_\_\_\_ day of February, 2011:  
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9

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11 HOFFBUHR & ASSOCIATES, INC.  
12 Dennis Hoffbuhr  
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