

City of Oakridge  
48318 E. 1<sup>st</sup> Street-P.O. Box 1410  
Oakridge, Oregon 97463  
Phone: 541-782-2258 FAX: 541-782-1081



**OAKRIDGE PLANNING COMMISSION  
STAFF REPORT  
File: ZC 01-20**

**REPORT DATE:** May 12, 2020  
**PUBLIC HEARING DATE:** May 19, 2020

**PROPERTY OWNERS:** City of Oakridge  
48318 East 1<sup>st</sup> Street  
Oakridge OR, 97463

**REPRESENTATIVE:** Owner

**SUBJECT PROPERTIES:** Assessor's Map 21-35-22-20 Tax Lot 02100, commonly known as OIP LOT #1  
Assessor's Map 21-35-15-00 Tax Lot 03500, commonly known as OIP LOT #18  
Assessor's Map 21-35-22-20 Tax Lot 02300, commonly known as OIP LOT #19  
Assessor's Map 21-35-22-20 Tax Lot 02400, commonly known as OIP LOT #20  
Assessor's Map 21-35-22-20 Tax Lot 02500, commonly known as OIP LOT #21  
Assessor's Map 21-35-22-20 Tax Lot 02600, commonly known as OIP LOT #22  
Assessor's Map 21-35-22-20 Tax Lot 02700, commonly known as OIP LOT #23  
Assessor's Map 21-35-22-20 Tax Lot 02900, commonly known as OIP LOT #24  
Assessor's Map 21-35-15-00 Tax Lot 02900, commonly known as OIP LOT #25

**ZONING:** Heavy Industrial I2  
**REQUEST #1:** A zoning change of lots listed above from Heavy Industrial I2 to Mixed Use MU.

**SUBJECT PROPERTIES:** Assessor's Map 21-35-22-20 Tax Lot 02000, commonly known as OIP LOT #3  
Assessor's Map 21-35-15-00 Tax Lot 02100, commonly known as OIP LOT #4  
Assessor's Map 21-35-20-00 Tax Lot 03400, commonly known as OIP LOT #39

**ZONING:** Heavy Industrial I2  
**REQUEST #2:** A zoning change of lots above from Heavy Industrial (I2) to Parks Recreation and Open Spaces (PRO).

**BACKGROUND:**

Most of the properties are vacant, and was part of the purchase of the Industrial Park and was zoned Heavy Industrial when they became a part of the city. Most of the lots remain vacant since the time of purchase.

The City of Oakridge is an equal opportunity affirmative action institution committed to cultural diversity and compliance with the Americans with Disabilities Act.

There have been several interested buyers over the years but due to zoning regulations none have come to fruition on the properties listed to becoming MU. The old mill site has had various clean-up projects that resulted in mandatory improvements of wetlands and riparian areas that also prevent Heavy Industrial Use, the properties listed to become PRO would remove the properties with restrictions from the Heavy Industrial inventory and greatly support the effort of nature conservation improvements.

### **Considerations for Comprehensive Plan Map Amendment**

For the Zoning changes to align with the Comprehensive Plan Map, the Planning Commission needs to consider recommended changes of the Comprehensive Plan Map for City Council consideration. Ordinance 874, City of Oakridge Zoning Ordinance gives the guidance on criteria to be applied to a zone change, but remains silent on guidance for a Comprehensive Plan Map Amendment. Per DLCDC recommendations, please consider the criteria for a Comprehensive Plan Map amendment in the same manner as the Zoning Change.

### **Properties requested for rezone to Mixed Use (MU),**

**OIP Lot 1, Tax Map No. 21-35-22-20-02100** is owned by the City of Oakridge, currently the location of the old Mill Office. The lot is zoned I-2-Heavy Industrial and is proposed to change to MU-Mixed Use. The lot is 2.46 acres and is currently being used as an office building.

**OIP Lot 18, Tax Map No. 21-35-15-00-03500** is owned by the City of Oakridge, currently the lot is vacant. The lot is zoned I-2-Heavy Industrial and is proposed to change to MU-Mixed Use. The lot is 2.13 acres.

**OIP Lot 19, Tax Map No. 21-35-22-20-02300** is owned by the City of Oakridge, currently the lot is vacant. The lot is zoned I-2-Heavy Industrial and is proposed to change to MU-Mixed Use. The lot is 3.63 acres.

**OIP Lot 20, Tax Map No. 21-35-22-20-02400** is owned by the City of Oakridge, currently the lot is vacant. The lot is zoned I-2-Heavy Industrial and is proposed to change to MU-Mixed Use. The lot is 1.17 acres.

**OIP Lot 21, Tax Map No. 21-35-22-20-02500** is owned by the City of Oakridge, currently the lot is vacant. The lot is zoned I-2-Heavy Industrial and is proposed to change to MU-Mixed Use. The lot is 1.16 acres.

**OIP Lot 22, Tax Map No. 21-35-22-20-02600** is owned by the City of Oakridge, currently the lot is vacant. The lot is zoned I-2-Heavy Industrial and is proposed to change to MU-Mixed Use. The lot is 1.16 acres.

**OIP Lot 23, Tax Map No. 21-35-22-20-02700** is owned by the City of Oakridge, currently the lot is vacant. The lot is zoned I-2-Heavy Industrial and is proposed to change to MU-Mixed Use. The lot is 1.57 acres.

**OIP Lot 24, Tax Map No. 21-35-22-20-02800** is owned by the City of Oakridge, currently the lot is vacant. The lot is zoned I-2-Heavy Industrial and is proposed to change to MU-Mixed Use. The lot is 1.40 acres.

**OIP Lot 25, Tax Map No. 21-35-22-20-02900** is owned by the City of Oakridge, currently the lot is vacant. The lot is zoned I-2-Heavy Industrial and is proposed to change to MU-Mixed Use. The lot is 4.38 acres.

### **Properties requested for rezone to Parks, Recreation and Open Spaces (PRO).**

**OIP Lot 3, Tax Map No. 21-35-15-00-02000** is owned by the City of Oakridge, currently the lot is vacant. The lot is zoned Heavy Industrial I-2 and is proposed to change to Parks, Recreation and Open Space PRO, the lot is 19.70 acres. Lot 3 is the location of the former stormwater ponds used during the time the Pope & Talbot Mill was in operation. The stormwater collection ponds had been removed by Debbie Petree Construction in 2010 and the site was regraded to original topography shortly after. The stormwater ponds constituted a wetland that after removal required a Compensatory Wetland Mitigation and Riparian Enhancement on the unnamed tributary to the Salmon Creek that cuts through the lot. This site also contains the exiting watercourse, that is the same unnamed tributary to the Salmon Creek, and the settling ponds for the Willamette Fish Hatchery.

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Approximately 1/3 of the lot is heavily wooded with the remains being a mix of small trees and grasses this lot sits adjacent to Salmon Creek and the South Levee Trail.

**OIP Lot 4, Tax Map No. 21-35-15-00-02100** is owned by the City of Oakridge, currently the lot is vacant. The lot is zoned Heavy Industrial I-2 and is proposed to change to Parks, Recreation and Open Space PRO. The lot is 3.82 acres. The lot sits adjacent to Salmon Creek and the South Levee Trail and is heavily wooded.

**OIP Lot 39, Tax Map No. 21-35-22-20-03400** is owned by the City of Oakridge, the lot is vacant and is currently zoned Heavy Industrial I-2 and is proposed to change to Parks, Recreation and Open Space PRO. The lot is 39.09 acres. This lot is the location of the former log ponds and the former cooling ponds used by the Pope & Talbot Mill. The log ponds are still in place and have been returning to a natural condition that has been attractive for deer, elk, fowl and other aquatic animals. This lot is has received an unbuildable designation in the Lane County Tax Data<sup>1</sup>. During the last years of Pope and Talbot Mill operations the mill partially filled the pond with bark from the mill operations, the bark fill area is the majority of land outside of the remaining pond, yet inside if the property boundaries.

### **ZONING DISTRICT CHANGE REVIEW (FINDING OF FACT):**

The Planning Commission should look at each item in their finding of act, and address them for the record. the City of Oakridge Zoning Code (COZO) Section 29.03 states, any use or overlay zoning district amendment proposal must be shown to be in conformance with each of the following criteria<sup>2</sup>.

- (1) The proposed amendment conforms to the Comprehensive Plan or substantial changes in conditions have occurred which render the Comprehensive Plan, inapplicable to the requested change and the Plan should be amended as proposed by the proponent of the change. If this is the case, the Plan must be amended before final action on the district change.
- (2) The proposed amendment fulfills a demonstrated public need for a particular activity or use of land within the area in question.
- (3) If residential zoning is involved, the proposed residential district or districts best satisfies the objectives of the Comprehensive Plan and does not exclude opportunities for adequate provision of low or moderate housing or "needed housing" types as defined in OAR 660-08-015 within the subject neighborhood area.
- (4) The proposed zone district is compatible with the existing and anticipated surrounding land use.

### **Zoning change request #1, 9 lots changed from I-2 to MU,**

#### **Heavy Industrial Zoning as identified in COZO,**

The purpose of the heavy industrial district is to provide areas for industries that are primarily engaged in the processing of raw materials into refined materials in large volumes. The I-2 district is typically appropriate to areas that are more distant from residential areas and have extensive rail or shipping facilities.<sup>3</sup>

### **Mixed Use Zoning as identified in COZO,**

The Mixed-Use District is intended to allow residential, commercial, light industrial and public uses to coexist in the same environment. This district is intended to promote stability of property values, energy conservation, neighborhood commercial services, and residential living opportunities.<sup>4</sup>

### **Criteria (1)**

Oakridge Comprehensive Plan as applied to loss of Heavy Industrial;

The proposed amendment conforms to the Comprehensive Plan. The area in question was not a part of the City of Oakridge at the time of writing or updates within the Plan, yet by the numbers, the desired percentages of Heavy Industrial Use after proposed changes are still greater than the original Comp Plan.

1969 Gross City area was ≈ 831.12 acres, I-2 was 6.28 acres and .76% of total<sup>5</sup>

1977 Gross City area was ≈ 832.16 acres, I-2 was 6.28 acres and .75% of total

2020 Gross City area is ≈ 1336.81 acres, I-2 is 169.02 acres and 12.64% of total

After proposed land use changes regarding request #1 only;

2020 Gross City area is ≈ 1336.81 acres, I-2 would reduce to 149.97 acres and 11.22% of total<sup>6</sup>

Oakridge Comprehensive Plan as applied to Residential needs;

The proposed amendment conforms to the Comprehensive Plan in that the Comprehensive plan states, *to provide additional land within the Urban Service Area to offer unencumbered lands for new housing starts, that offer development flexibility*<sup>7</sup>

Oakridge Comprehensive Plan as applied to Commercial needs;

The proposed amendment conforms to the Comprehensive Plan in that the plan considers the location North of Hwy 58 at Pope and Talbot Pond Recommendations and Policies - *Existing Highway Commercial, Tourist and Recreational Needs* and Intersection of Hwy 58 and County Road #1300 Recommendations and Policies – *Existing Conveniences Commercial, minor expansion*<sup>8</sup>

Oakridge Comprehensive Plan as applied to Light Industrial;

The proposed amendment conforms to the Comprehensive Plan in that the plan considers the location of Highway 58, South of Pope and Talbot Mill, Recommendations and Policies – *Highway orientated Limited Industrial Use*<sup>9</sup>

### **Criteria (2)**

The proposed amendments fulfill a demonstrated public need for a more diversified area that is best suited by the MU designation. The currently designation of I-2 has hindered multiple land use inquiries that resulted in loss of sales or leases of the city owned properties. Oakridge Economic Development Advisory Committee along with city staff have identified that economic growth of the area in question would benefit from a diversified land use. This has been identified in the Oakridge Comprehensive plan prescribed in Opportunities for employment diversification and job creation<sup>10 11</sup> and DLCD – SPG # 9 Economic Development and SPG #10 Housing

**Criteria (3)**

The proposed amendment fulfills a demonstrated public need for a particular activity or use of land as described in the Comp Plan; Mixed use does allow for residential use, yet current proposals do not include the construction or intent of residential uses beyond the MU status.

**Criteria (4)**

The proposed zones and proposed uses are compatible with existing and anticipated surrounding uses

**Zoning change request #2, 3 lots changed from I-2 to PRO**

**Parks, Recreation and Open Space as identified in COZO**

The purpose of the park, recreation and open space district is to ensure that land for park and recreation use is developed to serve its intended use while not disrupting nearby land uses. It is also to guide recreational development, ensure adequate standards for development and preservation of park, recreation and open space uses, protect and enhance vital natural resources, provide a buffer between incompatible land uses, and to promote the health, safety and welfare of the City residents.<sup>12</sup>

**Criteria (1)**

Oakridge Comprehensive Plan as applied to loss of Heavy Industrial;  
The proposed amendment conforms to the Comprehensive Plan. The area in question was not a part of the City of Oakridge at the time of writing or updates within the Plan, yet by the numbers, the desired percentages of Heavy Industrial Use after proposed changes are still greater than the original Comp Plan.  
1969 Gross City area was ≈ 831.12 acres, I2 was 6.28 acres and .76% of total  
1977 Gross City area was ≈ 832.16 acres, I2 was 6.28 acres and .75% of total  
2020 Gross City area is ≈ 1336.81 acres, I2 is 169.02 acres and 12.64% of total  
After proposed land use changes regarding request #2 only;  
2020 Gross City area is ≈ 1336.81 acres, PRO would reduce I-2 to 106.41 acres and 7.96% of total

**Criteria (2)**

The proposed use would fill need for outdoor recreation that has been outlined in the Mill Park Plan (2020), trail connectivity outlined in the Oakridge-Westfir Trail Plan (2008) and the Oakridge Parks Master Plan (2011). And as prescribed in Relationship to recreation opportunities and Department of Land Conservation and Development - Statewide Planning Goals #2, #4 & #8<sup>13</sup> Many aspects of the Mill Park Plan align with the Oregon State Comprehensive Outdoor Recreation Program.  
All three lots being considered for a zoning change to PRO were considered for recreational uses during a Mill Park Planning activity that resulted in an adopted plan by the Oakridge City Council on February 20<sup>th</sup> 2020.

**Criteria (3)**

Residential zoning does not apply to the current I-2 use nor does it apply to the proposed PRO use.

The City of Oakridge is an equal opportunity affirmative action institution committed to cultural diversity and compliance with the Americans with Disabilities Act.

**Criteria (4)**

The proposed zone district change is compatible with the existing uses in the general area. Furthermore, the proposed use would create barrier between uses allowed in the I-2 that would remain and in the MU that is being proposed here.

**Zoning change request #1 & #2 combined**

When considering changes in total the combination on request #1 & #2 are outlined as such;

**Criteria (1)**

The proposed amendment conforms to the Comprehensive Plan. The area in question was not a part of the City of Oakridge at the time of writing or updates within the Plan, yet by the numbers, the desired percentages of Heavy Industrial Use after proposed changes are still greater than the original Comp Plan.

1969 Gross City area was ≈ 831.12 acres, I2 was 6.28 acres and .76% of total

1977 Gross City area was ≈ 832.16 acres, I2 was 6.28 acres and .75% of total

2020 Gross City area is ≈ 1336.81 acres, I2 is 169.02 acres and 12.64% of total

After proposed land use changes regarding requests #1 & #2

2020 Gross City area is ≈ 1336.81 acres, the proposed change to MU & PRO would reduce I-2 to 87.36 acres and would be 6.53% of total land within the city. This is still over a 700% increase of available Heavy Industrial lands when compared to the Comprehensive Plan.

**Criteria (2)**

All zoning change requests have been shown and identified above as being demonstrated public needs. When combined within the area and context as described, the proposed changes would potentially create a diversity of uses and natural settings within a well-planned area that could offer residential, commercial, light industrial and recreational uses.

**Criteria (3)**

The proposed amendment fulfills a demonstrated public need for a particular activity or use of land as described in the Comp Plan; Mixed Use does allow for residential use, yet current proposals do not include the construction or intent of residential uses beyond the MU status. Residential does not apply to PRO.

**Criteria (4)**

The proposed zoning changes would be compatible with existing uses and provide the city an opportunity to better satisfy the various needs of uses in the future.

### **Staff Recommendation**

Staff recommends the Planning Commission approve the proposed Comprehensive Plan Map Changes along with the proposed zone changes and make a recommendation to Oakridge City Council for the consideration and adoption of Comprehensive Plan Map and zone changes.

### **PROPOSED MOTION:**

**“After completing the finding of fact, the Planning Commission recommends to the City Council a change in the Compressive Plan Map and a Zoning District change from Heavy Industrial I-2 to Mixed Use MU for the following Tax Parcels**

- **Assessor’s Map 21-35-22-20 Tax Lot 02100, commonly known as OIP LOT #1**
- **Assessor’s Map 21-35-15-00 Tax Lot 03500, commonly known as OIP LOT #18**
- **Assessor’s Map 21-35-22-20 Tax Lot 02300, commonly known as OIP LOT #19**
- **Assessor’s Map 21-35-22-20 Tax Lot 02400 commonly known as OIP LOT #20**
- **Assessor’s Map 21-35-22-20 Tax Lot 02500, commonly known as OIP LOT #21**
- **Assessor’s Map 21-35-22-20 Tax Lot 02600, commonly known as OIP LOT #22**
- **Assessor’s Map 21-35-22-20 Tax Lot 02700, commonly known as OIP LOT #23**
- **Assessor’s Map 21-35-22-20 Tax Lot 02800 commonly known as OIP LOT #24**
- **Assessor’s Map 21-35-15-00 Tax Lot 02900, commonly known as OIP LOT #25**

**Compressive Plan Map and a Zoning District change from Heavy Industrial I-2 to Parks, Recreation and Open Spaces PRO for the following Tax Parcel,**

- **Assessor’s Map 21-35-15-00 Tax Lot 02100, commonly known as OIP LOT #4**

**Compressive Plan Map and a Zoning District change from Heavy Industrial I-2 to Parks, Recreation and Open Spaces PRO with the requirement that the city shall Install signage in multiple languages at the ponds to warn visitors of sediment contamination of ponds, Designate fishing in the ponds to be only permissible using catch-and-release protocols and write in a deed restriction that clarifies the limitations on fishing and other water-based activities in the former log ponds. The deed restriction shall outline any institutional remedies should the city desire to stock the ponds for fishing or use the ponds for any water related activity on lots,**

- **Assessor’s Map 21-35-22-20 Tax Lot 02000, commonly known as OIP LOT #3**
- **Assessor’s Map 21-35-20-00 Tax Lot 03400, commonly known as OIP LOT #39**

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- <sup>1</sup> Lane County Tax Data, Digital Geospatial Information Science (GIS) Shapefile,
  - <sup>2</sup> City of Oakridge Zoning Code Ord 874, Pg. 103 – City of Oakridge November 9, 2004
  - <sup>3</sup> City of Oakridge Zoning Code Ord 874, Pg. 22 – City of Oakridge November 9, 2004
  - <sup>4</sup> City of Oakridge Zoning Code Ord 874, Pg. 20 – City of Oakridge November 9, 2004
  - <sup>5</sup> City of Oakridge Comprehensive Plan, Pg. 2-44 Land Use Statistics – City of Oakridge. October 1977
  - <sup>6</sup> Lane County Tax Data, Digital Geospatial Information Science (GIS) Shapefile, analyzed and calculated amounts by Rick Zylstra using QGIS. May 2020
  - <sup>7</sup> City of Oakridge Comprehensive Plan, Pg. 3-91 Housing Strategies – City of Oakridge. October 1977
  - <sup>8</sup> City of Oakridge Comprehensive Plan, Pg. 3-86 Land Use Strategies – City of Oakridge. October 1977
  - <sup>9</sup> City of Oakridge Comprehensive Plan, Pg. 3-89 Land Use Strategies – City of Oakridge. October 1977
  - <sup>10</sup> City of Oakridge Comprehensive Plan, Pg. 3-71– City of Oakridge. October 1977
  - <sup>11</sup> City of Oakridge Comprehensive Plan, Pg. 3-99– City of Oakridge. October 1977
  - <sup>12</sup> City of Oakridge Zoning Code Ord 874, Pg. 28 – City of Oakridge November 9, 2004
  - <sup>13</sup> Oregon’s Statewide Planning Goals & Guidelines,  
Goal 2 downloaded from [www.oregon.gov/LCD/docs/goals/goal2.pdf](http://www.oregon.gov/LCD/docs/goals/goal2.pdf), May 11, 2020  
Goal 4 downloaded from [www.oregon.gov/LCD/docs/goals/goal4.pdf](http://www.oregon.gov/LCD/docs/goals/goal4.pdf), May 11, 2020  
Goal 8 downloaded from [www.oregon.gov/LCD/docs/goals/goal8.pdf](http://www.oregon.gov/LCD/docs/goals/goal8.pdf), May 11, 2020  
Department of Land Conservation and Development, March 2010



City of Oakridge  
48318 E. 1<sup>st</sup> Street – PO Box 1410  
Oakridge, Oregon 97463  
Phone: 541-782-2258 FAX 541-782-1081



## Memo: Reply to Department of Lands Conservation and Development, ZC-01-20

To: Planning Commissioners  
From: Rick Zylstra  
May 28, 2020

Commissioners,

In response to the letter received from Department of Land Conservation and Development dated May 12th 2020, staff requests commissioners to consider a Zoning Map Amendment that is in alignment with the proposed zoning changes. Ordinance 874, City of Oakridge Zoning Ordinance gives guidance on criteria to be applied to a zone change that have been outlined in the original staff report for ZC-01-20, but remains silent on guidance for a Comprehensive Plan Map Amendment. Per DLCD recommendations stated in the referenced letter, please consider the criteria for a Comprehensive Plan Map amendment in the same manner as the Zoning Change.

A second consideration for the Commission would be to recommend to council that for lot 3 & 39 (Tax Lot no. 21-35-15-00-02000 & 21-35-22-20-03400) that the following conditions be placed on the properties

- Install signage in multiple languages at the ponds to warn visitors of sediment contamination of ponds
- Designate fishing in any of the ponds to be only permissible using catch-and-release protocols
- A deed restriction that clarifies the limitations on fishing and other water-based activities in in the former log ponds. The deed restriction should outline any institutional remedies should the city desire to stock the ponds for fishing or use the ponds for any water related activity.

Thanks

A handwritten signature in purple ink that reads "Rick Zylstra".

Rick Zylstra  
Community Services Director



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)

May 12, 2020

Rick Zylstra, Community Services Director  
City of Oakridge  
48318 E 1st Street  
Oakridge, OR 97463



Delivered via email: [rickzylstra@ci.oakridge.or.us](mailto:rickzylstra@ci.oakridge.or.us)

RE: Oakridge Industrial Park Plan Map Amendments & Zone Changes (12 parcels total); City File No.: ZC-01-20; DLCDC File No.: 001-20

Dear Rick,

Thank you for providing timely notice to the department for this pending land use action. We appreciate having the opportunity to work with you on this important proposal. The department recognizes the significance of the Oakridge Industrial Park to the local and regional economy and we remain committed to supporting the city in its efforts to maximize this valued resource.

In the city's *Notice of Proposed Plan/Zone Change (Form 1)* received by the department on April 10<sup>th</sup>, current and proposed comprehensive plan designations for the subject property are not indicated. As part of this land use proceeding, the city should adopt findings for plan map amendments in addition to findings for zone changes. The [Oakridge Comprehensive Plan Map](#) (source: [www.lcog.org](http://www.lcog.org)) shows the current plan designation for the subject property as Heavy Industrial. Based on the proposed zone changes, the proposed plan designations for the subject property would either be Mixed Use or Park, Recreation & Open Space, depending on the parcel.

The criteria for a zone change is included in Section 29.03 of the Oakridge Zoning Ordinance, which reads:

Any use or overlay zoning district amendment proposal must be shown to be in conformance with each of the following criteria.

- (1) The proposed amendment conforms to the Comprehensive Plan or substantial changes in conditions have occurred which render the Comprehensive Plan, inapplicable to the requested change and the Plan should be amended as proposed by the proponent of the change. If this is the case, the Plan must be amended before final action on the district change.
- (2) The proposed amendment fulfills a demonstrated public need for a particular activity or use of land within the area in question.
- (3) If residential zoning is involved, the proposed residential district or districts best satisfies the objectives of the Comprehensive Plan and does not exclude

opportunities for adequate provision of low or moderate housing or "needed housing" types as defined in OAR 660-08-015 within the subject neighborhood area.

(4) The proposed zone district is compatible with the existing and anticipated surrounding land use.

I was not able to find city approval criteria for comprehensive plan map amendments but the criteria listed above for zone changes could be applied to the plan amendments as well.

In addition to addressing the criteria above, the city should adopt Goal 9 (Economic Development) findings consistent with OAR 660-009-0010(4), which reads:

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.

Lastly, as part of its land use review, the department consulted with the Oregon Department of Environmental Quality (DEQ) on this proposal. DEQ provided the attached map entitled, *Oakridge Industrial Park No Further Action Status April 2020*. The city proposes rezoning the former log pond (TL 3400) from Heavy Industrial to Parks, Recreation, and Open Space. We support this zone change. However, we have health and safety concerns for potential future users of this water feature, especially in regard to fishing.

As a function of this land use action, the city should install appropriate signage in multiple languages at the ponds to warn visitors of sediment contamination and to designate fishing in the area to only be permissible if done under catch-and-release protocols. In addition, the city should record with the Lane County Clerk's Office, a deed restriction that clarifies limitations on fishing and other water-based activities in the former log ponds. The DEQ final environmental remediation reports for the subject property, as well as a March 3, 2020 email from DEQ's Mary Camarata, provide to the city the framework for the deed restriction. Please know, DEQ staff are available to assist city staff in developing appropriate language for this legal instrument. Also, if the

city has eventual plans to stock and promote fishing in the ponds, the deed restriction should include an institutional remedy (i.e., fish tissue monitoring, community outreach and education, assessment of sign effectiveness and maintenance) that would need to occur in advance of implementing these plans.

The attached DEQ map identifies three parcels (TLs 3900, 4100, & 4200) as 'Industrial Use Only'. Given the flexibility of the city's Mixed-Use zone, challenges associated with attracting heavy industrial users to the site, and the potential for conflicts between heavy industrial users and future residential/commercial users at the transitioning business park, has the city considered rezoning additional parcels from Heavy Industrial to Mixed-Use?

Please enter this letter into the record of the proceedings. If you have questions or need clarification on anything contained in this letter, please do not hesitate to contact me at (541) 373-7675 or via email at [patrick.wingard@state.or.us](mailto:patrick.wingard@state.or.us). Thank you very much for your time and consideration.

Respectfully,

*Patrick Wingard*

Patrick Wingard, AICP  
DLCD Southern Willamette Valley Regional Representative

Copy. Gordon Howard, DLCD Community Services Manager  
Leigh McIlvaine, DLCD Economic Development Specialist  
Mary Camarata, DEQ Regional Solutions Coordinator

- OIP Lots Layer
- Unrestricted Use NFAS
- Industrial Use Only NFAS
- Residential NFA with No Fishing
- OIP Lots 2
- Lane\_TaxLot20
- OpenStreetMap

Google Earth



**Oakridge Industrial Park No Further Action Status  
April 2020**



City of Oakridge  
48318 E. 1<sup>st</sup> Street – PO Box 1410  
Oakridge, Oregon 97463  
Phone: 541-782-2258 FAX 541-782-1081



## Memo: Reply to Fair Housing Council of Oregon, ZC-01-20

To: Planning Commissioners  
From: Rick Zylstra  
May 28, 2020

Commissioners,

In response to the letter received from the Fair Housing Council of Oregon dated May 18th 2020, as stated in the letter and the staff report for file number ZC-01-20, the proposed amendment does fulfil a demonstrated public need for diversified housing opportunities as outlined in the City of Oakridge Comprehensive Plan and does comply with Oregon Planning Goal 10. The proposed change in zoning does allow for more opportunities for diversified housing if successfully changed from Heavy Industrial (that does not allow for residential use) to Mixed Use (that does allow for residential uses). The proposed change would allow for a potential nine additional lots that could be used for housing in the Mixed-Use designation that is currently not permitted.

While not all tax lots have homes, some have axillary structures and using Lane County Tax Data in a GIS format it has been determined that of the

- 1,528 tax lots in city limits that are Low Density Residential, 289 or 20% of those are vacant and represent a total of 220.6 acres.
- Average total assessed value per Lane County Tax Data is \$127,293
- Medium total assessed value per Lane County Tax Data is \$119,661
- 283 or 19% of the vacant properties are less than \$100,000 and 94% of the 283 are under \$35,000
- 340 or 22% of the properties with homes or structures are less than \$100,000,
- 697 or 46% of the properties with homes or structures are greater than \$100,000 but less than \$200,000
- 162 or 11% of the properties with homes or structures are greater than \$200,000 but less than \$300,000
- 46 of or 3% the properties with homes or structures are greater than \$300,000

While this does not speak to condition of housing in Oakridge as well as a HNA would, it does show an existence of potential housing opportunities and a range of the values of the lots. As mentioned in the letter, best practice for understanding the housing need during the consideration of a zone change would be to reference a Housing Needs Analysis (HNA) and a Buildable Lands Inventory (BLI). Unfortunately, at this time the city does not own either of those two documents nor does the city have funding available at this time for the completion of the work to obtain the mentioned documents. The best opportunity for obtaining an HNA and a BLI is for the city to apply for a Technical Assistance Grant from Department of Land Conservation and Development during the next biennium 2021-2023. The grant cycle for the Technical Assistance Grant will be accepting applications in the summer of 2021. City staff does not agree with the recommendation to defer findings for what could be up to 2-3 years for completion of the HNA and BLI.

Thanks,

A handwritten signature in purple ink that reads "Rick Zylstra".

Rick Zylstra  
Community Services Director



May 18, 2020

City of Oakridge Planning Commission  
PO Box 1410  
Oakridge, OR 97463

**Re: The city of Oakridge desires to change zoning designation of 9 city owned properties totaling 19.05 acres from I2-Heavy Industrial District to M1-Mixed use District (ZC-01-20)**

Dear Planning Commission Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, and as indicated on the Staff Report, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

The staff report for file number ZC-01-20 recommends its approval. This recommendation is contingent on the Goal 10 findings contained within the report, stating that since the "the proposed amendments fulfill a demonstrated public need for a more diversified area that is best suited by the MU designation" they comply with Goal 10. However, the statement "demonstrated public need" does not inform concerned citizens what that need is, or how the amendment will fulfill that need. While the current proposals do not propose a particular development, if the land is coming into a potential residential use, the findings should illustrate that potential. This zone change is the appropriate time to consider Goal 10, and adequate



findings may in fact encourage a development consistent with the City's housing needs. Goal 10 findings must demonstrate that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Further, the City should reference its HNA and BLI in order to provide an adequate factual basis for Goal 10 findings. For example, Goal 10 findings should contain what type and quantity of housing is needed by the City, and how many units the amendment has the potential to provide. Only with a complete analysis showing any gain in needed housing as dictated by the HNA and compared to the BLI, can housing advocates and planners understand whether the City is achieving its goals through local planning file number ZC-01-20.

HLA and FHCO urge the Commission to defer approval of local file number ZC-01-20 until adequate Goal 10 findings can be made, and the proposal fully evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at [ldix@fhco.org](mailto:ldix@fhco.org) or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in black ink that reads "Louise Dix".

Louise Dix  
AFFH Specialist  
Fair Housing Council of Oregon

/s/ Jennifer Bragar  
Jennifer Bragar  
President  
Housing Land Advocates

cc: Kevin Young ([kevin.young@state.or.us](mailto:kevin.young@state.or.us))