

ORDINANCE NO. 828

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. 409. Said application sought to amend the Town's comprehensive plan and zoning map from General Industrial to an Industrial Commercial Subdistrict;

WHEREAS, public hearings were conducted on the application by the Town Planning Commission at its August 13th and November 12th, 2007 meetings 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 January 22, 2008; 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 are hereby amended to change the plan and zone map designation of the following described real

property parcels as located within the Town of Lakeview, Lake County, Oregon, from General Industrial to Industrial Commercial Subdistrict.

<u>Tax Map</u>	<u>Tax Lot</u>	<u>Size</u>
39-20-10CC	100	21.38 acres
39-20-10CC	1400	1.78 acres

A combined legal description of both parcels is set forth on attached Exhibit "B".

Section 2. - Effective Date: The amendments established by this Ordinance shall be in full force and effect the 30th 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 unanimously. Thereafter, the Ordinance was read by title only and was adopted as indicated below.

Passed by the Town Council by a vote as follows:

5 In Favor

0 Opposed

Adopted this 25 day of February, 2008.



Rick Watson, Mayor

Attest:



Christy Sarina, Town Recorder

STAFF REPORT TOWN OF LAKEVIEW
APPLICATION NO. 409
JANUARY 14, 2008

APPLICANT: Town of Lakeview.

PURPOSE OF REQUEST AND PROPERTY DESCRIPTION: The applicant wants to change the plan and zone designations from General Industrial to Industrial Commercial Subdistrict for property that was previously part of the Lakeview Lumber Co. operations described as:

<u>Tax Map</u>	<u>Tax Lot</u>	<u>Size (acres)</u>	<u>Existing Designation</u>	<u>Proposed Designation</u>
39 20 10CC	100	21.38	M-1, General Industrial	Industrial Commercial Subdistrict
	1400	1.78	M-1, General Industrial	Industrial Commercial Subdistrict

The Industrial Commercial Subdistrict was created for the purpose of allowing a mix of industrial and commercial uses in suitable locations. A copy of Chapter 2.3.170 – Industrial Commercial Subdistrict – is attached.

PLANNING COMMISSION RECOMMENDATION: At its August 13, 2007 meeting, the Planning Commission continued the application to allow the applicant to coordinate with ODOT (Oregon Department of Transportation) and provide additional information related to concerns expressed in the August 13 memo from ODOT to the Town Manager. ODOT expressed that the submitted TIS (Transportation Impact Study) was inadequate. At the request of the applicant, the application was further continued at the September 10 and October 8 meetings.

At its November 12, 2007 meeting, the Planning Commission recommended approval of the map amendments to the Town Council. The Planning Commission recommended approval of map amendments for Tax Lots #100 and 1400 and does not include Tax Lots #201 and 300 which were incorrectly noted on the TIS map as part of this application. The recommendation is based on findings noted in the August 3, 2007 staff report. An additional finding is included in this staff report addressing the traffic impact study.

Testimony on the application before the Planning Commission included correspondence from ODOT with concerns of potential effects of the proposed application on transportation facilities and the inadequacy of the Traffic Impact Study to make a determination.

CURRENT USE: The property is mostly vacant. Several outbuildings are located throughout the property. Some buildings are being used for vehicle storage. There is one vacant building along Highway 140.

COMPREHENSIVE PLAN AND DEVELOPMENT CODE: The property is in an M-1, General Industrial, plan and land use district designation.

ADJACENT ZONING AND USES: M-1 and CC-HC. Adjacent uses include industrial uses to the north (Fremont Sawmill) and west (McFarland Door Manufacturing), a mix of industrial (Lumberman's) and commercial (bowling alley) uses to the south and commercial and residential uses to the east.

ACCESS: North 4th Street and North J Street.

A Traffic Impact Study must be submitted with a plan or land use district change application (Chapter 4.7.600C). The Traffic Impact Study must meet the State Transportation Planning Rule.

The application includes *Williams Mill Property Transportation Study Report* with the third revision dated September 21, 2007.

The report notes:

"Per OAR 660-012-0060 the Town will comply with section (1) by providing a condition of development for transportation improvements and will develop transportation system management measures and demand management measures to mitigate the impacts of the development resulting from the amendment to the land use plan. The Town will specify when measures or improvements will be provided as part of the amendment to the land use plan." (Page 9)

WATER AND SEWER: Town water and sewer services.

FIRE PROTECTION: Town of Lakeview.

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

NOTICE: Notice to Oregon Department of Land Conservation and Development, June 28, 2007. For Planning Commission proceedings: by publication, Lake County Examiner, August 1, 2007 and to adjacent property owners, July 9, 2007. For Town Council proceedings: by publication, Lake County Examiner, January 2, 2008 and to adjacent property owners, December 20, 2007.

RELEVANT CODE PROVISIONS: Town of Lakeview Comprehensive Plan and Town of Lakeview Development Code: Chapter 2.3.170 (Industrial Commercial Sub-District), 4.1.600 (Type IV Procedure), 4.7 (Land Use District Map and Text Amendments) and 4.10 (Traffic Impact Study).

Applicant's information – burden of proof statement and transportation study report (*Williams Mill Property Transportation Study Report, third revision dated September 21,*

2007) - 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. The public has had every opportunity to participate in the process of developing the current comprehensive plan and development code. They have had the opportunity to participate in the text amendments creating the Industrial Commercial subdistrict. Now they have the opportunity to participate in this proposed Plan/Zone map amendment.

Goal 2, Land Use Planning 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.

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

Goal 6, Air, Water and Land Resources Quality. All future uses will need to comply with applicable local, state and federal standards at the time specific uses are proposed.

Goal 7, Areas Subject to Natural Disasters and Hazards. This area is not subject to natural hazards or disasters.

Goal 8, Recreational Needs. Park and recreation improvements are not usually associated with commercial or industrial uses.

Goal 9, Economic Development. The proposed amendments will improve the potential for economic development in the Town of Lakeview by providing a properly zoned area, which can accommodate businesses, which have a need for larger parking and retail space than is available downtown. The central commercial, highway commercial and downtown business core areas are nearly built out at this time. An area needs to be identified which can meet the needs of the continued growth of Lakeview to support employment growth in either manufacturing or retail sales.

The adoption of the Industrial Commercial Subdistrict March 14, 2006 included an Economic Opportunities Analysis in the Town's Comprehensive Plan and is referenced for these map amendments. The analysis includes review of National and

State and Local trends, site requirements, inventory of industrial and commercial lands, and assessment of community economic development potential.

At the same time, plan policies were adopted that define how the property can develop compatibly (how and what commercial and industrial uses should be allowed) and maintain a viable downtown.

Goal 10, Housing. Because this area is a former industrial site, it is not the ideal location for housing development. In addition, there are several housing projects proposed or underway which are better suited to meet the housing needs of the community. When reviewing specific uses for this area, compatibility with existing residential use west of J Street should be considered.

Goal 11, Public Facilities and Services. The Town systems have adequate capacity to accommodate the potential build out of the property.

Goal 12, Transportation. There are no public roads existing on the site at this time. M Street will certainly be one street constructed to serve the area. There should also be a connecting street to North J as well. As the area develops the needs of pedestrians, including ADA requirements and bicycles will be planned for. Because the area is undeveloped at this time, compliance with the Transportation System Plan and this goal can be assured.

Goal 13, Energy Conservation. The area is situated adjacent to existing transportation corridors thus minimizing travel to or from main transportation routes. There is potential for biomass and geothermal energy in the future.

Goal 14, Urbanization. This area is the major undeveloped area within the Town of Lakeview. Infill and redevelopment of areas within the existing Town limits is encouraged first.

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

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

Planning Process, Section 2.B, Policy 5. *That as a condition of making plan changes, it will be determined that community attitudes and/or physical, social, economic or environmental changes have occurred in the area or related areas since Plan adoption (and revision) and that a public need supports the change, or that the original plan (as revised) was incorrect.*

The comments, or lack thereof, received in the hearing process for the Industrial Commercial Subdistrict text amendment to allow mixed use zoning were not opposed to this zoning being applied somewhere in the Town's jurisdiction. There seems to

be a realization that there is not adequate building or parking space in the downtown core area for new box type stores that seem to be popping up in similar sized communities. Community attitudes have changes as evidenced by the text amendment in 2006.

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.*

Other areas, which could be considered for this zoning, include parts of Fremont Sawmill property or the industrial park on South M Street.

Fremont Sawmill uses all of their property in support of the current operation or is reserved for the possible biomass facility. It may have wetland issues in some areas and may have floodplain concerns to the west. The current owners have no intention of development which may not be consistent or compatible with the current operation. Finally, it is not as centrally located as the proposed site.

The industrial park is in multiple ownerships. Most of the property is committed to existing industrial use or is being improved for such uses. It is not centrally located to be attractive to commercial uses. The access from the south end relies on a graveled county road. In addition, there are interspersed private ownerships which are not annexed to the Town of Lakeview at this time.

The former Lakeview Lumber site is the best suited relatively large parcel for its future redevelopment.

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

The property is undeveloped, in a sense, so the future development or redevelopment of the area will need to include provisions for public facilities and infrastructure. There is a water main, which goes north on the proposed M Street and then east to J Street. There is also a sewer main off the dead end of North 6th Street west of J Street.

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 property owner is known to support this request. During the review of the text amendment, it was noted there is a need for zoning to allow a mix of uses. This

property was used as an example of an area within the Town's jurisdiction, and reasonably well located to have the needed infrastructure extended, which could accommodate commercial or small industrial uses, which cannot fit downtown. There appears to be a change in community attitude as evidenced by the recent discussions of the text amendment before the Town Council.

Development Code, Chapter 4.7.600A and 4.10.400A, Traffic Impact Study finding

Based on electronic correspondence from Randy Bednar, Assistant District 11 Manager, ODOT, dated November 10, 2007, the proposed plan and zone map amendments will not significantly affect the state transportation system and the performance of intersections will remain at acceptable levels. No mitigation measures are included.

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 specifically addresses the criteria.

- Approval of the request is consistent with the Statewide Planning Goals;
- Approval of the request is consistent with the Comprehensive Plan;
- The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.
- Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 4.7.600, as applicable. Chapter 4.7.600A states "...the proposal shall be reviewed to determine whether it significantly affects a transportation facility....
"Significant" means the proposal would:
 1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Town's Transportation System Plan ("TSP"); or
 2. Change the standards implementing a functional classification system; or
 3. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
 4. Reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.
- When a Traffic Impact Study is required, approval of the development proposal requires satisfaction of the following criteria:

1. The Traffic Impact Study was prepared by a professional engineer in accordance with OAR 734-051-180; and
2. If the proposed development shall cause one or more of the effects in Section 4.10.200A.5. above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study includes mitigation measures satisfactory to the Town Engineer, and ODOT when applicable; and
3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - a. Have the least negative impact on all applicable transportation facilities; and
 - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
 - c. Make the most efficient use of land and public facilities as practicable; and
 - d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - e. Otherwise comply with applicable requirements of the Town of Lakeview Development Code, including chapters 3.1 Access and Circulation, 3.2 Landscaping, 3.3 Vehicle and Bicycle Parking, 3.4 Public Facilities Standards, (3.5 Surface Water Management,) and 3.8 Loading Standards.

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 hearing and the Town's Comprehensive Plan and implementing regulations to make findings. Findings state the relevant facts and how each approval criterion is satisfied by the facts.

EXHIBIT A

AMENDMENTS TO TOWN OF LAKEVIEW COMPREHENSIVE PLAN AND DEVELOPMENT CODE

AMENDMENTS TO THE COMPREHENSIVE PLAN

Page 5, add the following new plan classification after paragraph, Industrial Areas:

Industrial Commercial Subdistrict. To provide for a broad mix of commercial, wholesale and industrial uses, which may have large site requirements, that is not appropriate in the Downtown Service Core Subdistrict and will not impair present or potential use of adjacent properties in an existing built-up area of the Town.

Goal 9 Economic Development

Page 17, add new plan policies as follows:

Plan Policy IX.B.12. Consideration of commercial uses within the Industrial Commercial Subdistrict shall maintain continuity with and the viability of the existing Downtown Service Core. The performance standard for this policy is to retain small retail trade and office space in the Downtown Service Core.

Plan Policy IX.B.13. Consideration of commercial uses outside the Downtown Service Core shall be determined appropriate when offering a greater diversity of retail products (i.e. department store, variety store). Such commercial uses shall not exceed 50,000 square feet.

Plan Policy IX.B.14. Allocation of land uses within the Industrial Commercial Subdistrict shall include: not less than 30% in industrial use; not less than 30% in commercial use; and the remainder in mixed use.

Technical Data Report

Page 18, add the following as paragraph 2 under HOUSING, POPULATION, AND RESIDENTIAL, COMMERCIAL AND INDUSTRIAL LANDS:

2005 Commercial and Industrial Lands Review

Business activity since 1999 has created some changes in the Buildable Lands Inventory (BLI). These include a proposed expansion of the Les Schwab Tire Center, demolition of a gas station and acquisition of a portion of the Lakeview Lumber Co. site by a local industry. However, there have been no significant changes since periodic review and the BLI.

The following tables from the 1999 BLI show the number of net buildable commercial and industrial acres, projected employment by distribution in 2020, and employment capacity on buildable commercial and industrial lands 1995 to 2020.

Net Buildable Commercial and Industrial Acres

Comprehensive Plan Designation	Acres in Town	Acres in UGB Area	Total Acres
Commercial	3	146	149
Industrial	26	186	212

**Projected Employment by Distribution in 2020
Lakeview and UGB Area**

Type of Employment	Number of Jobs
Commercial	1,779
Industrial	290
Total Jobs in 2020	2,069
Less Existing Jobs (1995)	-1,733
Total Jobs Increase 1995-2020	336

**Employment Capacity on Buildable Commercial and Industrial lands
1995 to 2020**

New Job Capacity on Buildable Lands	Number of Jobs
Capacity on 149 acres of commercial land (7.3 employees/acre)	1,088
Capacity on 212 acres of industrial land (5.0 employees/acre)	1,060
Total Employment Capacity on Buildable Lands	2,148

Conclusions from the above analysis finds:

- There is the capacity for 2,148 new jobs within the existing buildable land zoned for commercial and industrial uses in the UGB.
- The projected employment in 2020 is 336 jobs above 1995 employment levels.
- There is sufficient commercial and industrial buildable land available in the UGB to accommodate future employment needs to 2020.

The BLI included findings that there is limited buildable commercially zoned land in Town. Commercial capacity in the traditional downtown is mostly dependent on redevelopment/business turnover. A question not answered is what is the best location for future commercial services.

More commercial services are needed to support the population growth and the amenities that more urban areas possess. There is a need to locate commercial services which downtown cannot accommodate. There is also a need to maintain industrial lands that can accommodate a variety of industrial/commercial uses, i.e. office park and commercial uses offering a greater diversity of retail products (i.e. department store, variety store).

Land use planning needs to be flexible enough to accommodate any of these opportunities. An Industrial Commercial Subdistrict is designed to provide this flexibility at the same time protecting investments and quality of life.

Page 22, add the following after Natural Resources, ECONOMICS:

2005 Economic Opportunities Analysis

Statewide Planning Goal 9 requires update of economic elements of plans for urban growth boundary areas based on new economic trend information to: (1) forecast needs for industrial and commercial land in several broad "site categories," (e.g., light industrial, heavy industrial, commercial office, commercial retail, etc.); (2) inventory sites currently designated for industrial or commercial use; and (3) project community decisions about desired development. Based on this information, policies must be adopted stating the community's economic development objectives, land must be designated to meet forecasted needs, and sufficient serviceable sites must be designated to meet the needs of the next five years.

Economic analyses from two new studies, draft *South Central Oregon Consolidated Economic Development Strategy and Regional Investment Strategy 2005 – 2007* and *Downtown Lakeview Resource Team Report (2005)* in addition to the Buildable Lands Inventory are the basis of this review. These studies indicate there has been no significant change in economic trends since periodic review and the BLI in 1999.

Timber and wood products, government and agriculture continue to form the basis of Lake County's economy and account for a larger share of County employment than the state average. Government comprises 40.7 percent of total employment and is the largest source of payroll income in the County.

Logging, millwork, door manufacturing and ranching comprise the private sector. Cattle, alfalfa hay and farm forest products are the County's three highest gross agricultural sales, respectively.

Lakeview has a diverse and growing visitor market from ecotourists and hunters to hang gliders and western aficionados due to increased exposure of the area's natural amenities.

A major new development was completion of the \$27 million Warner Creek Correctional Facility, which opened in September and employs approximately 110 persons. Other new developments include the Fremont Inn, an affordable housing development, South Valley Bank's downtown development project, Les Schwab Tire Center expansion, a housing development, and a new 95-lot subdivision.

The Town's new geothermal heating system located at Hunter's Hot Springs currently provides space heating to the Warner Creek Correctional Facility. The system has capacity to heat an additional facility of similar size. Other opportunities include use of

the waste heat for greenhouse or other industrial applications, as well as space heating for institutional uses in Town and at the Lakeview Area Industrial Park.

One sawmill remains in operation. Millwork has been in slow decline. Federal budget reductions have eroded the government component of the local economy.

It is too early to know the economic effects of the Warner Creek Correctional Facility. It has increased State government employment from 70 in January to 180 in October. The steady year-round employment will create a secondary positive affect on many local businesses.

Over the past 10 years, while the State labor force increased 15.8 percent, Lake County's labor force fell by 12.5 percent and total employment declined by 14.6 percent. The loss in the labor force has been the result of working-age residents dropping out of the labor market or relocating to other areas where work is more plentiful.

Lake County per capita income in 2003 was \$21,854 compared to the State per capita income of \$28,792. Median household income of \$34,602 is also lower than Oregon's at \$47,424 for 2005. In 2000, 13.4 percent of the County's families were below the poverty level, an increase from 12.4 percent in 1970. In 2000, 13.7 percent had incomes less than \$10,000; 29 percent had incomes from \$10,000 to \$25,000 and 24.5 percent had incomes of \$50,000 or more.

High unemployment rates continue to be a concern. While improved from the 1980s, unemployment has averaged 4.3 percentage points above the statewide average. Unemployment remains high due to a number of factors including reduction of timber harvests on federal lands and the seasonal nature of many jobs. It highlights the need to diversify the employment base.

Lake County continues to have higher employment in government and natural resources and is less diversified than the State. Future job growth will see a shift from the narrow set of skills needed for jobs in the timber industry to the more varied skills required in a diversified manufacturing, natural resource restoration and service economy. To maintain a strong and viable regional economy, Lake County must be targeted for economic development that requires high-skill, high-wage jobs.

The economic outlook for Lake County over the next several years will depend on the success of economic development strategies to add to the current economic sectors such as value-added natural resources, high technology, and telecommunications; industries that are emerging in the market or will add diversification to the economy; and the development of local entrepreneurs and start-up businesses.

Current efforts include development of local business in small diameter wood products and forest restoration and a renewable energy project. Lake County Resources Initiative assisted local contractors in creating new federal contracting opportunities and training them to prepare bids and do business with the federal government. Potential developers

are studying a business plan prepared by CH2MHill for Lake County Resources Initiative for a 14MW biomass plant. The biomass plant could lead to other industry use of generated steam.

The priority for Lakeview is job creation and higher family wage jobs.

AMENDMENTS TO THE DEVELOPMENT CODE

Page 2.3.1, add 2.3.170 – Industrial Commercial Sub-District and renumber 2.3.170 - Industrial Park Sub-District to 2.3.180 – Industrial Park Sub-District.

Page 2.3.7, add a new land use district as follows:

2.3.170 Industrial Commercial Sub-District

- A. Purpose. The purpose of the Industrial Commercial Subdistrict is to provide for a broad mix of commercial, wholesale and industrial uses which may have large site requirements that are not appropriate in the Downtown Service Core Subdistrict and will not impair present or potential use of adjacent properties in an existing built-up area of the Town. The base standards of the General Industrial District apply, except as modified by the standards of this Subdistrict.

Table 2.3.170 A
Land Uses and Building Types Permitted in the Industrial Commercial Subdistrict

<p>1. Industrial:</p> <ul style="list-style-type: none"> a. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods) b. Warehousing and distribution c. Private or public transportation station or depot d. Veterinarian clinic or laboratory e. Compounding, packaging and storage of cosmetics f. Forest products remanufacturing g. Repair, rental, sales, servicing and storage of machinery, implements, equipment, recreation vehicles and mobile or modular homes and manufacturing and/or assembling thereof h. Automobile and truck sales and service, including service stations and truck stops i. Railroad facilities j. Geothermal resource extraction (CU) k. Uses similar to those listed above <p>2. Residential:</p> <ul style="list-style-type: none"> a. One caretaker unit shall be permitted for each development, subject to the standards in Section 2.3.160. Other residential uses are not permitted. <p>3. Commercial:</p> <ul style="list-style-type: none"> a. Offices and other commercial uses that are integral to a primary industrial use (e.g., administrative offices, and wholesale of goods produced on location and similar uses) b. Retail and service commercial uses 	<p>4. Public and institutional uses:</p> <ul style="list-style-type: none"> a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and similar facilities) where the public is generally not received b. Private utilities (e.g., natural gas, electrical, telephone, cable, and similar facilities) c. Passive open space (e.g., natural areas) d. Special district facilities (e.g., irrigation district, and similar facilities) e. Vocational schools co-located with parent industry or sponsoring organization f. Transportation Facilities and Improvements: <ul style="list-style-type: none"> 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; 4. Landscaping as part of a transportation facility; 5. Emergency Measures; 6. Street or road construction as part of an approved subdivision or partition; 7. Transportation projects that are not designated improvements in the Transportation System Plan** (CU); and 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU) g. Uses similar to those listed above. <p>5. Wireless Communication Equipment - subject to the standards in Chapter 3.6.200</p> <p>6. Accessory Uses and Structures</p>
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Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 4.4. Uses marked with an asterisk (*) are subject to the standards in Section 2.3.160 Special Use standards, "Special Standards for Certain Uses". Uses marked with two asterisks (**) are subject to the standards in Section 4.4.400.D.



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FEBRUARY 5, 2008

LEGAL DESCRIPTION – TAX LOTS 100 & 1400

2008-015

TWO PARCELS OF LAND BEING PART OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 10, TOWNSHIP 39 SOUTH, RANGE 20 EAST OF THE WILLAMETTE MERIDIAN, LAKE COUNTY, OREGON, SAID PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 39 SOUTH, RANGE 20 EAST OF THE WILLAMETTE MERIDIAN; THENCE NORTH $00^{\circ}06'47''$ WEST A DISTANCE OF 30.00 FEET TO A $5/8''$ IRON ROD AS PER RECORD SURVEY #6038; THENCE NORTH $89^{\circ}54'04''$ EAST A DISTANCE OF 200.00 FEET TO A $5/8''$ IRON ROD AS PER RECORD SURVEY #6038 AND THE **POINT OF BEGINNING**. THENCE NORTH $89^{\circ}54'04''$ EAST A DISTANCE OF 295 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN DEED VOLUME 244 PAGE 681; THENCE NORTH $89^{\circ}54'04''$ EAST A DISTANCE OF 265 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED VOLUME 244 PAGE 681, EXCLUDING THE EXCEPTION THEREFROM; THENCE NORTHERLY A DISTANCE OF 264 FEET, MORE OR LESS, TO A $3/4''$ IRON PIPE AS PER RECORD SURVEY #446 AND THE NORTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED VOLUME 244 PAGE 681; THENCE NORTH $89^{\circ}54'04''$ EAST A DISTANCE OF 200 FEET, MORE OR LESS, TO A $1/2''$ IRON ROD AS PER RECORD SURVEY #3056 AND THE NORTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED VOLUME 5 PAGE 410; THENCE NORTH $00^{\circ}15'$ EAST A DISTANCE OF 378 FEET, MORE OR LESS, TO THE NORTH LINE OF NORTH 6TH STREET; THENCE ALONG SAID LINE SOUTH $89^{\circ}30'$ EAST A DISTANCE OF 270 FEET, MORE OR LESS, TO THE WEST LINE OF NORTH J STREET; THENCE ALONG SAID LINE NORTH $00^{\circ}15'47''$ WEST A DISTANCE OF 618 FEET, MORE OR LESS, TO A 2" IRON PIPE WITH BRASS CAP AS PER RECORD SURVEY #1007; THENCE NORTH $89^{\circ}50'57''$ WEST A DISTANCE OF 445.36 FEET TO A 2" IRON PIPE WITH BRASS CAP AS PER RECORD SURVEY #1007; THENCE SOUTH $00^{\circ}06'47''$ EAST A DISTANCE OF 157.00 FEET TO A 2" IRON PIPE WITH BRASS CAP AS PER RECORD SURVEY #1007; THENCE NORTH $89^{\circ}50'57''$ WEST A DISTANCE OF 462.24 FEET TO A $5/8''$ IRON ROD AS PER RECORD SURVEY #6102; THENCE SOUTH $00^{\circ}06'47''$ EAST A DISTANCE OF 176.78 FEET TO A $5/8''$ IRON ROD AS PER RECORD SURVEY #6102; THENCE NORTH $89^{\circ}00'13''$ WEST A DISTANCE OF 147.87 FEET TO A $5/8''$ IRON ROD AS PER RECORD SURVEY #6102; THENCE SOUTH $00^{\circ}06'47''$ WEST A DISTANCE OF 927.83 FEET TO A $5/8''$ IRON ROD AND THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 22.7 ACRES, MORE OR LESS.

EXHIBIT "B"