



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/20/2012

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Vale Plan Amendment  
DLCD File Number 002-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, May 04, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Brent Barton, City of Vale  
Angela Lazarean, DLCD Urban Planner  
Grant Young, DLCD Regional Representative

<paa> N



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

DEPT OF

APR 16 2012

LAND CONSERVATION  
AND DEVELOPMENT

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: *CITY OF VALE*

Local file number:

Date of Adoption: *4-10-12*

Date Mailed: *4-13-12*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

*TO CHANGE THE ZONING FOR TAX LOTS 4300 AND 4600, MAP 18545E20CC FROM RESIDENTIAL TO COMMERCIAL.*

Does the Adoption differ from proposal? Please select one

*NO*

Plan Map Changed from:

to:

Zone Map Changed from: *RESIDENTIAL*

to: *COMMERCIAL*

Location: *MAP 18545E20CC TAX LOTS 4300 AND 4600*

Acres Involved: *- /*

Specify Density: Previous:

New:

Applicable statewide planning goals:

**1** **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 002-11 (19112) [17008]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

*NONE*

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Local Contact: *BRENT BARTON*

Phone: *(541)473-3133* Extension:

Address: *252 B ST W*

Fax Number: *541-473-3895*

City: *VALE*

Zip: *97918*

E-mail Address: *bbarton@fmtc.com*

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE 861

AN ORDINANCE CHANGING THE EXISTING ZONING  
AT 225 BRYANT STREET (TAX LOT 4600) AND  
287 BRYANT STREET (TAX LOT 4300)  
FROM RESIDENTIAL (R1) TO COMMERCIAL (C)  
AND AMENDING THE ZONING MAP

WHEREAS, application has been made to the City for a change of the zoning from Residential (R1) to Commercial (C) at 225 Bryant Street (tax lot 4600) and 287 Bryant Street (tax lot 4300), Map 18S45E20CC; and

WHEREAS, notices of the zone change request were duly given pursuant to ORS 197.763, including notices to adjoining landowners within a 100 foot diameter of the subject properties more than 10 days before the public hearings on the request before the Planning Commission and City Council; and

WHEREAS, notices of the public hearings were published in the Malheur Enterprise pursuant to Section 8.11.3 of the City Code; and

WHEREAS, public hearings were held before the Planning Commission on February 6, 2012, and before the City Council on February 28, 2012; and

WHEREAS, no oral or written testimony was offered or submitted at the public hearings other than the oral staff report made by the City Manager; and

WHEREAS, the Planning Commission recommended to the City Council that the zone change application be granted; and

WHEREAS, the City Council having duly considered the application and staff report, makes the following findings of fact:

1) The R1 zone in which the subject parcels is located is separated from the downtown Commercial zone by Bryant Street. The subject parcels are on the eastern boundary of the R1 zone and are fronted by Bryant Street. Granting the zone change will extend the downtown Commercial zone westward across Bryant Street to include tax lots 4300 and 4600.

2) Including the subject parcels in the downtown Commercial zone is compatible with the uses of other properties in the existing downtown Commercial zone. The owner of the subject parcel at 225 Bryant Street intends to construct a commercial automotive repair facility on the subject parcel. The extension of the Commercial zone west along Washington Street is compatible with the commercial development of the downtown core area of the City.

3) The remainder of the lots on the same block as the subject parcels will remain in the R1 zone. The owners of those lots have not opposed the rezone request. The remainder of the block is used for an apartment complex, and that use is not incompatible with the commercial use of the remainder of block for commercial uses.

4) Removing the subject parcels from the R1 zone will not significantly reduce the inventory of available residential housing within the City. The current residential dwellings on the subject parcels are in a state of disrepair and are uninhabitable. There is a substantial number of available buildable lots within the City sufficient to meet the residential needs of the City for the foreseeable future.

THE COMMON COUNCIL OF THE CITY OF VALE ORDAINS AS FOLLOWS:

SECTION 1. The zone change application to change the zoning from R1 (Residential) to C (Commercial) of the parcels of real property identified as tax lots 4300 and 4600, Map 18S45E20CC, located at 287 Bryant Street and 225 Bryant Street, respectively, is hereby granted.

SECTION 2. The Zoning Map of the City shall be redrawn in accordance with the granting of the zone change request.

FIRST READING:

This ordinance was presented to the City Council at its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, was read first in full, and then by title only, and a motion was made by Council member \_\_\_\_\_ and seconded by Council member \_\_\_\_\_ for passage of said ordinance, and the following vote having been taken:

Voting for the Ordinance:

Council Members: \_\_\_\_\_

Voting against the Ordinance:

Council Members: \_\_\_\_\_

SECOND READING (if first reading did not result in unanimous vote):

This ordinance was presented to the City Council at its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, for its second reading, was read first in full, and then by title only, and a motion was made by Council member \_\_\_\_\_ and seconded by Council member \_\_\_\_\_ for passage of said ordinance, and the following vote having been taken:

Voting for the Ordinance:

Council Members: \_\_\_\_\_

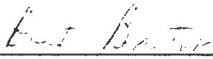
Voting against the Ordinance:

Council Members: \_\_\_\_\_


The Mayor having declared that the measure having received a  
11-10-12 vote for passage, was adopted and became effective in thirty days.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
Brent Barton, City Manager

Approved by the Mayor this 11 day of April, 2012.

  
\_\_\_\_\_  
Mike McLaughlin, Mayor

Indexed (Date): 4-10-12

# DLCD Notice of Proposed Amendment

## Post Acknowledgment Plan Amendments

### Urban Growth Boundary

### Urban Reserve Area

In person  Digital  mailed

For DLCD Use Only

THIS COMPLETED FORM, including the text of the amendment and any supplemental information, must be received at DLCD's Salem office at least 45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING ORS 197.610, OAR 660-018-000

Jurisdiction: City of Vale

Date of First Evidentiary Hearing: February 6, 2012

Local File Number:

Date of Final Hearing: February 14, 2012

Is this a REVISION to a previously submitted proposal?  No  Yes Original submittal date:

Comprehensive Plan Text Amendment(s)

Comprehensive Plan Map Amendment(s)

Land Use Regulation Amendment(s)

Zoning Map Amendment(s)

Transportation System Plan Amendment(s)

Urban Growth Boundary Amendment(s)

Other (please describe):

Urban Reserve Area Amendment(s)

Briefly Summarize Proposal in plain language IN THIS SPACE (maximum 500 characters):

Request is to change the current zoning from R-1 to Commercial. The property is located directly west of our existing commercial zone and is fronted by HWY 20. The two parcels in consideration both have existing single family residents that are not suited for occupancy. This rezoning would allow for extending the commercial zone for an additional half block for the development of an auto repair business.

Has sufficient information been included to advise DLCD of the effect of proposal?

Yes, text is included

Are Map changes included: minimum 8½"x11" color maps of Current and Proposed designations.

Yes, Maps included

Plan map change from:

To:

Zone map change from: Residential-1

To: Commercial

Location of property (Site address and TRS): 225 Bryant St., 18S45E20CC, Tax lots 4300 & 4500

Previous density range:

New density range:

Acres involved: -1

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Is an exception to a statewide planning goal proposed?  YES  NO Goal(s):

Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies.)

Local Contact person (name and title): Brent Barton, City Manager

Phone: 541-473-3133

Extension:

Address: 252 B Street W

City: Vale

Zip: 97918

Fax Number: 541-473-3895

E-mail Address:

bbarton@fmtc.com

- FOR DLCD internal use only -

DLCD file No \_\_\_\_\_

# City of Vale, Oregon

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252 B Street West, Vale, OR 97918  
Phone: 541-473-3133, Fax: 541-473-3895



Malheur County Seat

City of Vale  
Land Use Amendment  
Zoning Designation Change

The City of Vale has received a request to change the existing zoning at 225 Bryant Street, map 18S45E20CC, tax lots 4300 and 4600 from Residential to Commercial. City Code 8.1.8 allows the City to consider amendments to the Comprehensive Plan or to adopt new land use regulations.

The property is fronted by Hwy 20 which is zoned Commercial on the south side of the street and the existing Commercial zone on Bryant Street ending directly across the street to the east.

This request would extend the existing Commercial zone for an additional half block along Hwy 20 and for an additional block on the west side of Bryant Street.

The rezoning of this parcel would allow for the development of an automotive repair business which is not an allowable use or a conditional use within the present zoning but would be allowable with the designation of a commercial zone.

The first evidentiary hearing is scheduled for February 6, 2012 at 6:00 pm at Vale City Hall. Oral testimony may be presented to the Planning and Zoning Committee at this time. Written testimony will be accepted until February 6, 2012 at 5:00 pm at Vale City Hall, 252 B Street West, Vale, Oregon, 97918.

For additional information and questions contact Brent Barton at Vale City Hall, 252 B Street W, Vale, Oregon, 541-474-3133.

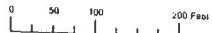
Failure of an issue to be raised in a hearing, in person or by letter or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Brent Barton  
City of Vale  
City Manager

The City of Vale is a Equal Opportunity Employer/Provider



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



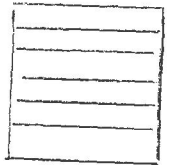
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MALHEUR COUNTY

18S45E20CC  
VALE

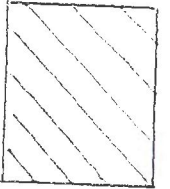
1" = 100'



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  - 7700
  - 8300A3
  - 8300A5
  - 8300A7
  - 8300A8



EXISTING  
RESIDENTIAL



EXISTING  
COMMERCIAL



PROPOSED  
CHANGE

SEE MAP 18S 45E 19DD

SEE MAP 18S 45E 20CC

ADDITION 3

ELDRIDGE'S

Revised MA  
10/24/2008

VALE  
18S45E20CC

# City of Vale, Oregon

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252 B Street West, Vale, OR 97918  
Phone: 541-473-3133, Fax: 541-473-3895



Malheur County Seat

Property notifications for zoning change

Oregon Housing Authority  
959 Fortner Street  
Ontario, OR 97914

Premium Investments  
250 10<sup>th</sup> Street N  
Vale, OR 97918

SK Construction  
Scott Kelso  
483 Yakima Street  
Vale, OR 97918

Philip Fugate  
1839 Hood Road  
Vale, OR 97918

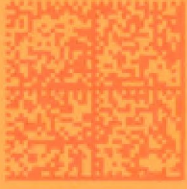
Charles Buskirk  
220 S Dewey  
Middleton, ID 83644

Margaret Castle  
3769 Mill Road  
Emmett, ID 83617

Jacob Atkinson  
315 Bryant Street N  
Vale, OR 97918

The City of Vale is a Equal Opportunity Employer/Provider

CITY OF  
52 B ST  
SALEM, OR 97918



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DEPT OF

APR 16 2012

LAND CONSERVATION  
AND DEVELOPMENT

PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540