



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

July 31, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Joseph Plan Amendment
DLCD File Number 001-07



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: August 13, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist
Darren Nichols, DLCD Community Services Division Manager
Cliff Voliva, DLCD Communications Officer
Noma McDaniels, City of Joseph

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FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Joseph

Local file number:

Date of Adoption: July 5, 2007 w/30 days for implementation

Date Mailed: July 23, 2007

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one**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".

Revision of Goals I and II of City of Joseph's Land Use Plan with Implementing Ordinance 2007-02.

Does the Adoption differ from proposal? Please select one

Yes with one change

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

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...

45-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. 001-07 and (15778)
002-07 (15043)

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

City of Joseph
Wallowa County

Local Contact:	Noma McDaniel	Phone:	(541) 432 3832	Extension:	
Address:	P.O. Box 15	Fax Number:	541 -432- 3832		
City:	Joseph	Zip:	97846	E-mail Address:	cityofjoseph@eoni.com

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE 2007-02

City of Joseph

An Ordinance Adopting the Revised Goals I and II of the Comprehensive Plan for the City of Joseph repealing 1996 Previous Goals

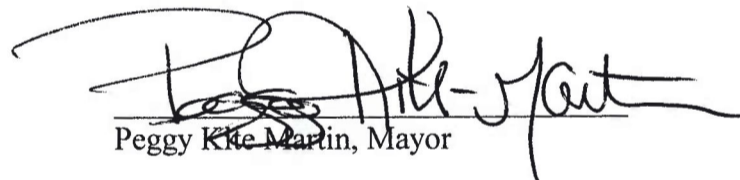
Whereas, acting pursuant to the statutes of the State of Oregon and the goals and guidelines of the Land Conservation and Development Commission, the City of Joseph has undertaken the preparation of revising Goals I and II, establishing policies for guiding the future development of our community, and

Whereas, the City Council has prepared final documents for Goals I and II of the City of Joseph Land Use Plan, and after public hearings, the Council wishes to make these amendments to said proposed plan and to adopt the amendments as the official Goals I and II and rescind any prior such goals, now, therefore,


BE IT ORDAINED BY THE CITY OF JOSEPH:

Goals I and II of the City of Joseph, Comprehensive Plan is hereby approved and adopted as amended for the future development of the City of Joseph, Oregon.

Passed by the City Council of the City of Joseph, this 5th day of July, 2007.


Peggy Kite Martin, Mayor

Attest:


Noma J. McDaniel, City Recorder

Goal I

Citizen Involvement

I. Purpose

The purpose of these guidelines is to provide and promote clear policies and procedures for public involvement in the development of City policy on land use. The City values the involvement of the public and interested parties in all phases of planning, including development of City policy and will seek that input at all appropriate phases of plan and policy development. These guidelines are intended to provide the City Council and City Staff with practical guidance on public involvement during phases of the City of Joseph land use planning process, consistent with the legal requirements of the Oregon Attorney General's Model Rules of Procedure, state law, and the Land Conservation and Development Commission's (LCDC) administrative rules.

These guidelines generally follow the guidelines included in Oregon's Statewide Planning Goals and Guidelines: Goal 1, Citizen Involvement, and LCDC's Citizen Involvement Guidelines for Policy Development.

II. Background

In 1978, the City of Joseph's original Comprehensive Plan (hereafter referred to as The Plan) was adopted and acknowledged by the Department of Land Conservation and Development. This Plan included a Recommendation which stated that "If need be and considered necessary due to lack of interest, the City Council may wish to assume the duty of the Citizen Involvement Committee." For many years, Joseph City Council members have indeed acted as the Citizen Involvement Committee resulting in only seven people representing the city's residents. After careful consideration and mindful of the need to involve a larger cross section of the population, the City of Joseph now requires a Committee for Citizen Involvement.

The City of Joseph shall develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. The City Council, in revising and adopting the City of Joseph Comprehensive Plan, shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land use planning process. The citizen involvement program shall be appropriate to the scope and application of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and understand the issues.

III. Summary of the Goal

Goal 1 requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning. It calls for “the opportunity for citizens to be involved in all phases of the planning process.” It also requires each city and county to have a citizen participation program containing six components specified in the goal.

IV. Policy

A. Citizen Involvement

- 1) The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process.
- 2) Service organizations, secondary and primary educational institutions and other agencies with interests in land use planning will be encouraged to provide education on land use to citizens.
- 3) The City of Joseph’s program for citizen involvement shall include the City of Joseph Committee for Citizen Involvement (CCI), broadly representative of a diversity of interests related to land use and land use decisions. The Committee shall consist of at least three (3) but no more than seven (7) members with a Chair elected by due process by the members.
 - (a) Committee members shall be selected by an open, well-publicized public process. The following selection process will be observed:
 - (i) Citizens will receive a notice of the opportunity to serve on the CCI.
 - (ii) Committee appointees will receive official notification of their selection.
 - (iii) Committee appointments will be well publicized.
 - (b) The Committee for Citizen Involvement shall be responsible for:
 - (i) assisting the City Council with the development of a program that promotes and enhances citizen involvement in land use planning.
 - (ii) scheduling and conducting committee meetings, open to the public, in accordance with Oregon’s Public Meetings Law.
 - (iii) assisting with the implementation of the citizen involvement program.
 - (iv) evaluating the process being used for citizen involvement.
 - (c) If for any reason the CCI cannot perform its duties, the City Council will temporarily assume the responsibilities of the Committee.
 - (d) The Implementation Policy for the CCI is included as Appendix A of Goal I

(Committee for Citizen Involvement).

B. Communication

Processes and procedures shall be established which provide for effective communication between citizens and elected and appointed officials. A program for stimulating citizen involvement will be developed using a range of available media including but not limited to radio, newspapers, newsletters, surveys, mailings, posters, mail-back questionnaires and the City of Joseph website.

C. Citizen Influence

- 1) Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for land use planning. These include Preparation of Plans as well as Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.
- 2) Data Collection- The general public, through the local citizen involvement programs, will have the opportunity to be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans.
- 3) Plan Preparation- The general public, through the local citizen involvement programs, will have the opportunity to participate in developing a body of sound information to identify public goals, develop policy guidelines, and evaluate alternative land conservation and development plans for the preparation of the Plan.
- 4) Adoption Process- The general public, through the local citizen involvement programs, will have the opportunity to review and recommend changes to the Plan prior to the public hearing process to adopt the Plan.
- 5) Implementation- The general public, through the local citizen involvement programs, will have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out the provisions of the Plan. The general public, through the local citizen involvement programs, will have the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.
- 6) Evaluation- The general public, through the local citizen involvement programs, will have the opportunity to be involved in the evaluation of the Plan.
- 7) Revision- The general public, through the local citizen involvement programs, will have the opportunity to review and make recommendations on proposed changes in the Plan prior to the public hearing process to formally consider the proposed changes.

D. Technical Information

- 1) Information necessary to reach policy decisions shall be available to the CCI and the public in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at City Hall and/or on the City's website.
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- 2) Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and zone changes) should provide assistance to the Committee for Citizen Involvement. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.
- 3) Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

E. Feedback Mechanisms

- 1) Recommendations resulting from the City of Joseph's citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from the Joseph City Council or City Staff.
- 2) At the onset of Joseph's citizen involvement program, the Joseph City Council will clearly state the mechanism through which the citizens will receive a response from the policy-makers.
- 3) A process for quantifying and synthesizing citizens' views should be developed and reported to the general public.

F. Financial Support

Human, financial, and informational resources shall be allocated for the citizen involvement program, subject to the availability of funding. These allocations are an integral component of the planning budget. The City Council is responsible for obtaining and providing these resources.

Appendix A

Committee for Citizen Involvement

I. NAME

The name of this organization shall be the City of Joseph Committee for Citizen Involvement, hereinafter called the CCI.

II. PURPOSE

As specified in the City of Joseph Comprehensive Land Use Plan, Section I; the CCI shall involve a cross-section of citizens in all phases of the planning process and shall act as an advisory committee to the Joseph City Council. Additionally, the CCI shall be responsible for assisting the Joseph City Council and other appropriate governing bodies with the development of a program that promotes and enhances citizen involvement in land use planning, assisting in the implementation and funding of the citizen involvement program and evaluating the process being used for citizen involvement.

III. MEMBERSHIP

The committee shall consist of seven members appointed by the Joseph City Council. If the number of members drops below seven, the Committee can continue its duties with no less than three members. The criteria for appointments shall include being a resident of Joseph for at least one year and shall encourage representation of a diversity of occupation, age, gender, and interest. The CCI may recommend members to the Joseph City Council to fill vacancies.

IV. TERM OF OFFICE

The term shall be three years. Expiration dates for terms shall be staggered so that no more than three of the members' terms will expire in any year. To stagger membership terms, appointments could be one or two year terms. Reappointments will be for three-year terms. Members may request reappointment.

V. VOTING

A vote shall be decided by a simple majority of the CCI members at a meeting at which a quorum is present. A quorum shall be a majority of the current CCI members.

VI. MEETINGS

Regular meetings of the membership will be held at the direction of the chair. Meetings will be conducted using the most current City Council Rules. Meetings of the Committee, as a public body, shall be in accordance with the provisions of Oregon's Public Meetings Law. All CCI meetings shall be publicized in advance of the meeting date in accordance with the state law.

VII. ELECTION OF OFFICERS

The officers of the CCI shall be Chair and Vice-Chair, elected by the CCI membership. Election of officers will be held annually, unless agreed upon by a majority of CCI members.

VIII. DUTIES OF OFFICERS

The Chair shall preside at all meetings of the CCI; be an ex-officio member of all committees.

The Vice-Chair shall preside in the absence of the Chair and carry out such duties as shall be assigned by the Chair.

IX. SUB COMMITTEES

Subcommittees may be created by the Chair with the approval of the City Council, based on CCI recommendations as deemed necessary to implement the objectives and purposes of the CCI and carry out its directives.

X. AMENDMENTS

Amendments to these guidelines must be approved by the City Council.

XI. ATTENDANCE AT MEETINGS

Three unexcused sequential absences are grounds for removal from the CCI. Six absences per year will also trigger removal from the CCI at the discretion of the Joseph City Council.

Goal 2 Land Use Planning

I. Purpose

The City shall “establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual basis for such decisions and actions.” It is the intent that the City’s Comprehensive Plan be coordinated with the Plans for the region, Wallowa County, and other cities in Wallowa County.

II. Background

The City’s first Plan was adopted in 1978 (Ordinance No. 78-03). It was revised and amended in December 1986, but the amendment was not adopted until the Plan revision of May 1996 (Ordinance 96-04). The amendment of 1996 was somewhat narrow in scope and not a complete revision of the first Plan. This Plan is intended to provide significant changes necessitated by the changes which have taken place within the City since 1978.

The changed economic structure and changing demographics of Joseph and the surrounding area have raised issues with the relevance of the Plan and whether it is up to date with the current and future needs of the City and the citizens of Joseph. In this regard, it is quite apparent that coordination with other planning entities and governing bodies is necessary to ensure that further growth and change are anticipated and considered in this Plan amendment. The adopted Citizen Involvement Program establishes the basic framework for the actual process of Plan revision.

III. Goal Summary

“Land use planning (Goal 2) outlines the basic procedures of Oregon’s statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation. (taken from: A Summary of Oregon’s Statewide Planning Goals)

IV. Policy

A. Cooperation/Coordination with other planning agencies and entities

- (a) Developing the City's Comprehensive Plan will be done in cooperation with both public and private agencies and entities having jurisdictional responsibilities for resource and infrastructure policy and planning authorities.
- (b) The intent of this coordination is not to attempt to extend the legal jurisdiction outside of the boundaries of the City of Joseph.

B. Planning Process

- 1) The planning process is an open process involving a cross-section of affected or interested citizens in all phases in the development of the City's Comprehensive Plan.
- 2) The City shall follow the guidelines in Goal 1 and promote clear procedures for public involvement in the development of City policy on land use.
- 3) The Plan and the supporting documentation shall be available and easily accessible to the public at Joseph City Hall and/or on-line.

C. Factors Considered in Developing the Plan

The Plan shall include but not be limited to the identification of issues and problems, inventories and other factual information, and clear statements of policy which take into consideration the following:

SOCIO-ECONOMIC FACTORS

Population
Employment
Community Surveys
Economic Effects
Livability
Cultural Values and Facilities
History and Historic Preservation
Aesthetic Values
Downtown Western Theme
Communication Services

ENVIRONMENTAL FACTORS

Soils Conditions, Slopes, Flood
Hazards
Air and Water Quality
Resource Values
Refuse and Recycling
Viewshed (visible aesthetic landscapes)
Solar, Wind and other Energy Saving
Devices
Health Conditions for Residents

GOVERNMENTAL FACTORS

Vehicular/Pedestrian Transportation
Water Supply/Watershed
Wastewater Treatment
Schools

USE FACTORS

Existing and Desired Uses
Zoning
Housing Conditions and Needs
Parcel and Ownership

Public Facilities
Parks and Recreation
Police Services
Fire Protection Services
Expansion by Planned Subdivision

D. Plan Content

- 1) Factual information and inventory maps shall be included in this Plan where applicable, such as the maps which are included with Goal 2. Map # 1 indicates the historical uses of the land at the time of the adoption of the City's Plan in 1978, Map # 2 indicates the present land uses in the City of Joseph, and Map #3 indicates the intended future land uses.
- 2) Statute requires that cities and counties take into account the regional, state, and national needs. The Plan shall take into consideration and shall include elements that address the special needs or desires of the people in the area.

E. Plan Implementation

- 1) The City shall adopt "Implementation Measures" that shall be the means to carry out the policies outlined in the Plan. These Measures consist of, but are not limited to, the City's Water Master Plan, Transportation Plan, Zoning Ordinance, Annexation Ordinance, Subdivision and Partitioning Ordinance, Permits, and Public Works projects. Implementation Measures shall be adopted only after public hearings, which afford opportunities for citizens, governmental bodies, and other affected parties to review and comment on the proposed changes. Planning decisions shall have adequate, factual, and documented findings of fact.
- 2) The City shall adopt Implementation Measures consistent with Oregon State Planning Goal II and OAR 660-Division 4 for taking exceptions to statewide goals.
- 3) The Plan shall be considered the controlling document for Land Use Planning and shall guide and take precedence over all other City policies, Implementation Measures, contracts, and agreements. Where conflicts arise with existing contracts and agreements, those documents shall be amended to conform to The Plan when renewal is not required by the terms of the existing contracts and agreements.

F. Plan Revisions and Amendments

- 1) All legal uses existing at the time of adoption of Plan Revisions and Implementation Measures ("Pre-Existing Uses") shall be allowed to continue provided that the Pre-Existing Use:
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- (a) Is not determined to be a nuisance as defined by statute; and
 - (b) Does not violate Implementation Measures or statutes governing non-conforming uses.
- 2) Future changes shall be made to the Plan as required by Oregon statute or as a result of public involvement through the land use planning process as outlined in Goal 1.