



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

02/24/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Spray Plan Amendment
DLCD File Number 001-12

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, March 09, 2012

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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: Crystal Pechanee, City of Spray
Angela Lazarean, DLCD Urban Planner
Karen Swirsky, DLCD Regional Representative

<paa> N



FORM 2

DLCD

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

FEB 21 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Spray**

Local file number: **Anx 2012, Jan 30**

Date of Adoption: **1/16/2012**

Date Mailed: **2/8/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 2/8/2012

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☒ Other: **Annexation**

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

The annexation of the territory is consistent with the fundamental principals and adopted City policies and it is in the best interest of the City that the territory be annexed. In the real property purchase agreement, when the City of Spray sold tax lot 200, Wheeler County Tax Assessor MAP 08S 25E 31BB located in the Urban Growth Boundary, it was agreed by both the City and the purchaser to annex tax lot 200.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Urban Growth Boundary** to: **City of Spray**

Zone Map Changed from: **UGB R** to: **City R**

Location: **4011 Pine Ave. /T.8S, R.25E, SEC.31**

Acres Involved: **.29**

Specify Density: Previous: **12,500 Sq. Ft**

New: **12,500 Sq. Ft**

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. 001-12 (19196) [16946]

DLCD file No. _____

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

Secretary of State, Oregon Department of Revenue, Wheeler County

Local Contact: **Crystal Pechanec**

Phone: **(541) 468-2069** Extension:

Address: **P.O. Box 83**

Fax Number: **541-468-2044**

City: **Spray**

Zip: **97874-**

E-mail Address: **cityofspray@sprayoregon.us**

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 23

AN ORDINANCE DECLARING THE ANNEXATION OF TERRITORY TO THE CITY OF SPRAY, OREGON.

THE CITY COUNCIL OF THE CITY OF SPRAY, OREGON, FINDS:

1. That the following annexation for land complies with the Comprehensive Plan Goals, Objectives, and Policy Statements.
2. That all of the owners of land in the territory to be annexed and not less than 50 percent of electors, if any, residing in the territory have consented in writing to the annexation of the land in the territory and have filed a statement of their consent with the City Council.
3. The territory is contiguous to the City limit boundary and is within the current City of Spray urban growth boundary, and therefore a logical extension of that boundary.
4. All public facilities and services are within distance of serving the territory, but it will be that owners responsibility to extend said service at owners expense if said extension is desired in the future, and to pay applicable connection fees.
5. The annexation of the territory is consistent with the fundamental principals and adopted City policies and it is in the best interest of the City that the territory be annexed.
6. The annexation of the territory facilitates the City's Sewage Works plan and the financing therefore.

THE CITY OF SPRAY ORDAINS AS FOLLOWS:

- SECTION I.** The foregoing findings are hereby approved and incorporated herein.
- SECTION II.** This annexation has been processed pursuant to the City of Spray Comprehensive Plan Ordinance NO. B-1.
- SECTION III.** The territory describe in Exhibit A, which is attached here to incorporated herein, be and the same hereby is annexed to the City of Spray as a part thereof.
- SECTION IV.** This annexation is made pursuant to the provision of ORS 222.125.
- SECTION V.** The City Recorder shall transmit to the Secretary of State of Oregon a copy of this ordinance proclaiming the annexation, a copy of the statement of consent and any other instruments required to be filed with the Secretary of State to evidence this annexation. The effective

date of this annexation shall be the date upon which the papers are filed with the Secretary of State.

SECTION VI.

The City Recorder shall make and submit to the Wheeler County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225.

PASSED BY THE SPRAY CITY COUNCIL THIS 30 DAY OF JANUARY, 2012

SIGNED BY THE MAYOR PRO TEM THIS 30 DAY OF JANUARY, 2012



Valerie Howell, Mayor Pro Tem

ATTEST:



Crystal Pechanec, City Recorder

Read first time January 30, 2012

Read second time by title only January 30, 2012

Motion to adopt Ordinance 23 by: Nancy

Second to motion by: Dan

Ayes 4 Nays 0 Abstain 0

Exhibit "A", Bobby Petersen ET UX

This tract is .29 acres and known as Tax Lot 200 Wheeler County Tax assessor Map 085 25E 31BB and is described as following:

Beginning at the North West corner of section 31, thence South 1097.5 feet, thence east 40 feet to the true point of beginning, thence East 125 feet; thence south 100 feet; thence West 125 feet; thence North 100 feet to the true point of beginning.

REAL PROPERTY PURCHASE AGREEMENT AND CONSENT TO ANNEX
REAL PROPERTY TO CITY OF SPRAY.

It is hereby agreed by and between the City of Spray as "Seller" and Bobby L. Petersen and Barbara j. Petersen, husband and wife as "Purchasers", that Tax Lot 200, Wheeler County Tax Assessor MAP 08S 25E 31BB, located in the Urban Growth Boundary of the City of Spray outside the east boundary of present City boundary.

It is further agreed that the purchase is subject to the following conditions which were posted prior to the Public Hearing at the Spray City Hall at 6:00pm on December 13, 2010 and announced by the Mayor at the outset of said hearing, which are as follow:

1. Size: .29 acres
2. Access: none, there is no public right of way to this lot
3. Survey: provided by purchaser
4. Minimum price: \$9,875.00 based upon \$.79 a square foot determined by estimate of County Appraiser and appraisal on recent exchange of property.
5. Condition of Property: Property is sold "as is" with encroaching building on north end
6. Zoning: Property is zoned residential and is in the Urban Growth Boundary of the City
7. Utility Service: There are no City of Spray water or sewer services extended to this property or hook up fees paid for same.

It is further agreed, that Purchasers hereby consent to annexation of said lot 200 to the City of Spray under provisions of Oregon Revised Statute 222.125 in their capacity as owners and electors; subject to providing a metes and bounds legal description of said parcel to be annexed. The annexation will be initiated by the City of Spray at a future date.

It is further agreed that purchasers paid the sum of Three Thousand Dollars (\$3000.00) by personal check on December 13, 2010 following the closing of the public hearing, which said sum is held by the City of Spray.

It is further agreed that upon payment of the additional sum of Six Thousand Dollars Eight Hundred and Seventy-Five Dollars (\$6,875.00) a bargain and sale Deed from the City of Spray will be delivered to the purchasers by the City of

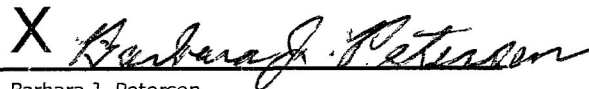
Spray as seller. Purchasers shall have responsibility and pay for the recording of the said deed within ten (10) days of delivery by seller.

Each party has signed this agreement on the date appearing by their respective signatures.

Purchasers:

Date signed:

X 
Bobby L. Petersen

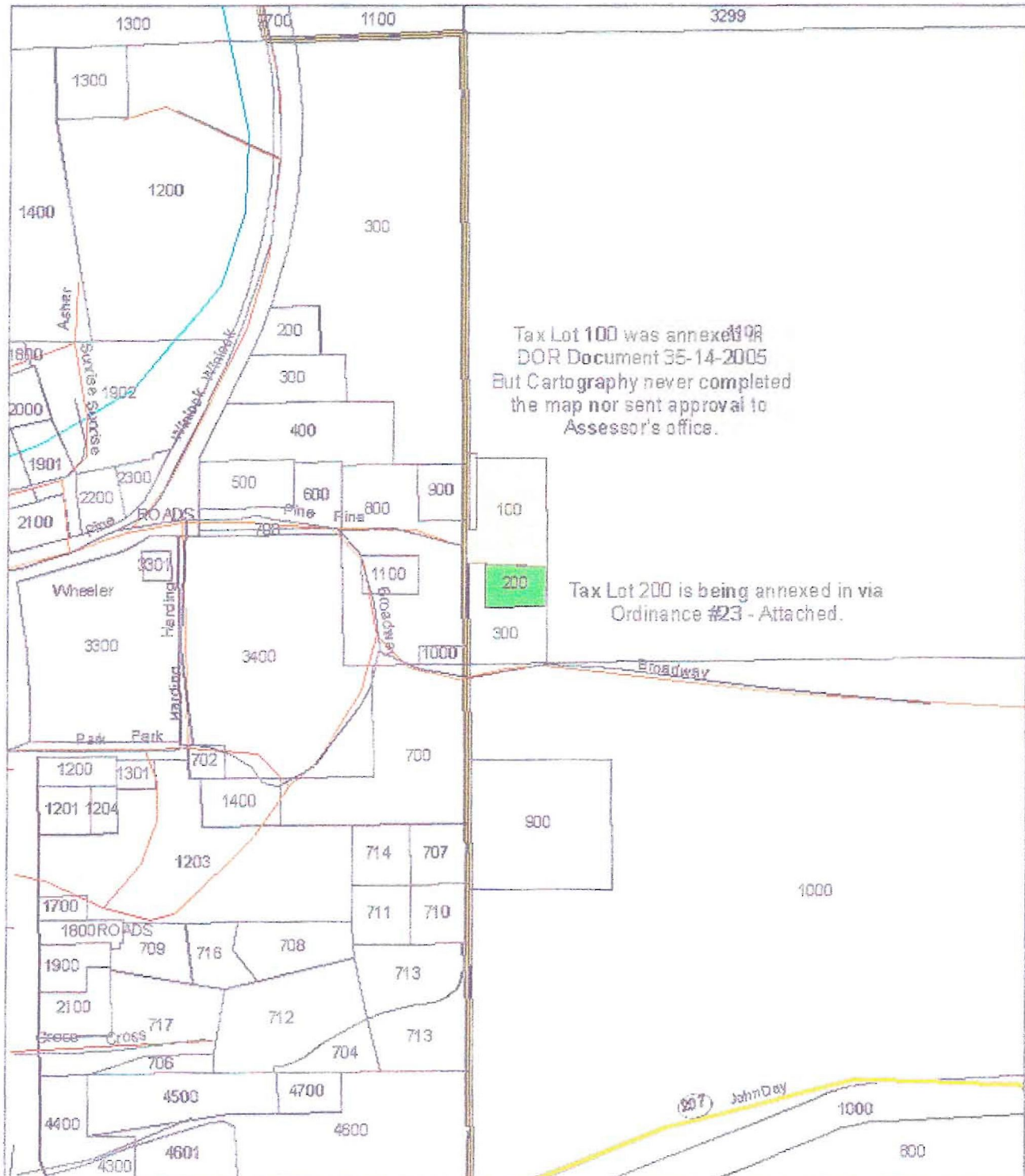
X 
Barbara J. Petersen

Seller- City of Spray

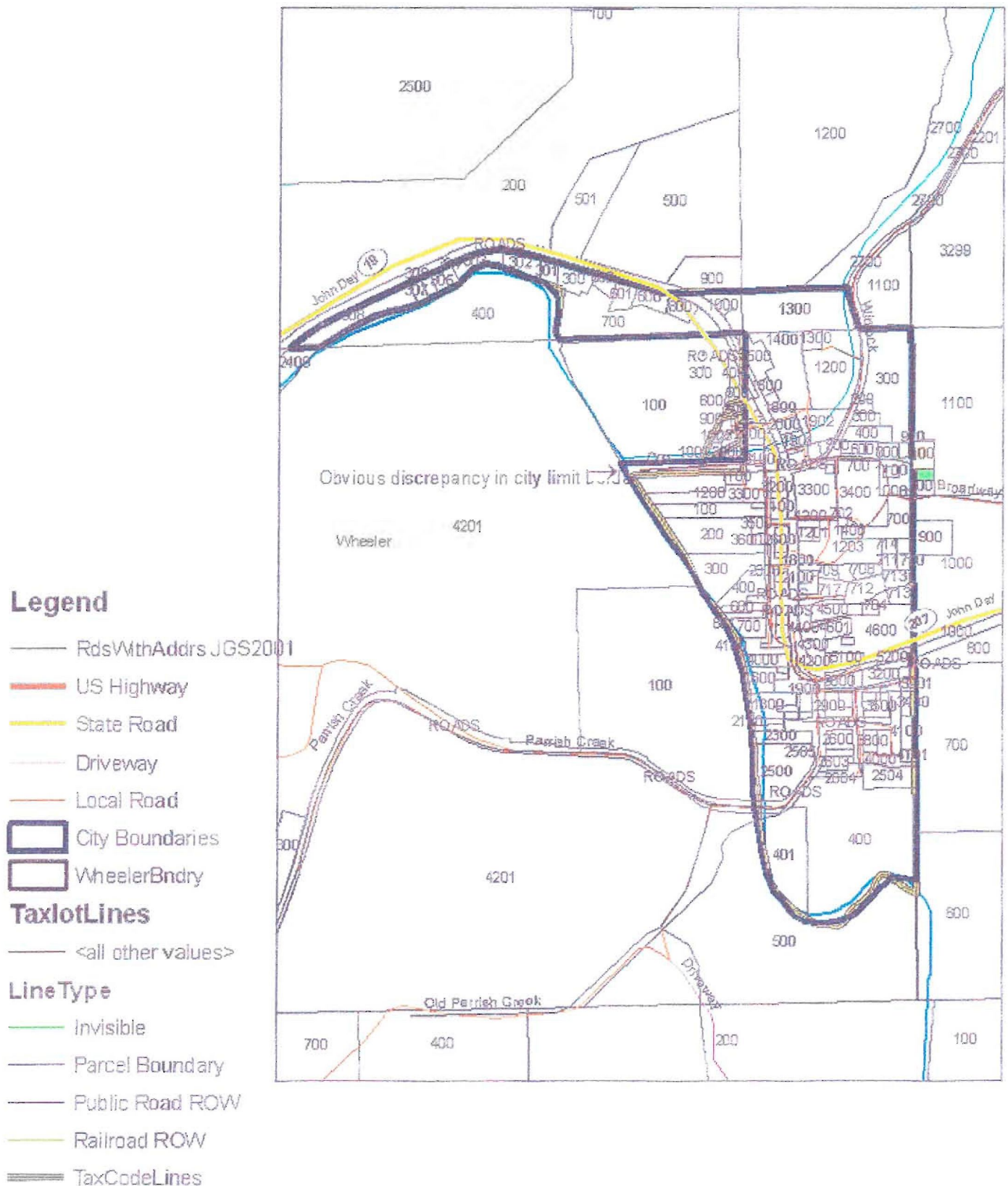
X 
Bobby E. Adams
Mayor

Approved by Spray City Council on 18 January 2011 at the regular City Council Meeting.

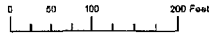
Tax Lot 200



Overall View of City of Spray With Annexation of Tax Lots 100 and 200 on T08sR25E31BB



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

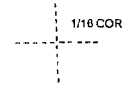


N.W. 1/4 N.W. 1/4 SEC. 31 T.8S. R.25E. W.M.
WHEELER COUNTY
1" = 100'

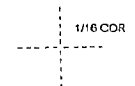
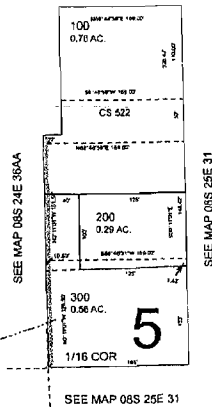
08S25E31BB

CANCELLED:

25 30
36 31

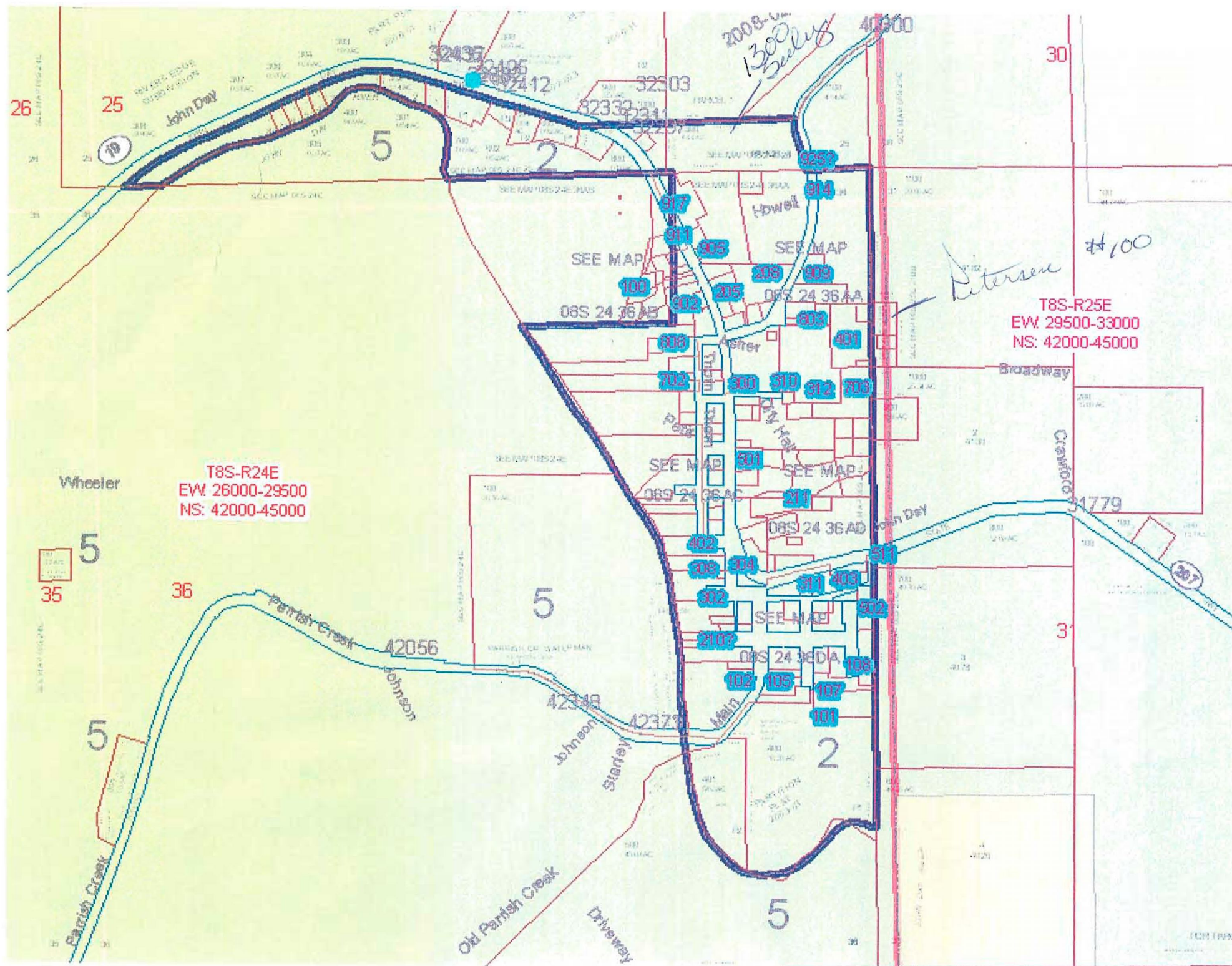


SEE MAP 06S 25E 31



Revised: MA
12/9/2010

08S25E31BB



f Spray
k Avenue
Box 83
OR 97874



DEPT OF

FEB 22 2012

LAND CONSERVATION
AND DEVELOPMENT

FIRST CLASS

Attention: Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540