



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

July 13, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Imbler Plan Amendment  
DLCD File Number 001-06A

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: July 26, 2006**

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 Regional Representative  
Hanley Jenkins, Union County  
Ruth Zemke, City of Imbler

<paa> ya/

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

DEPT OF

(See reverse side for submittal requirements)

JUL 07 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Imbler/ Union County Local File No.: none (If no number, use none)

Date of Adoption: July 5, 2006 Date Mailed: July 5, 2006 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: September 8, 2005

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other: Urban Growth Boundary Expansion

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

The amendment expanded the City of Imbler Urban Growth Boundary to include 9.41 acres. The subject property was removed from a Union County Exclusive Agriculture Plan and A-1 Exclusive Farm Use Zone and designated in a City of Imbler Residential Plan and R-2 Zone. A Joint Management Agreement was adopted.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

The subject property was designated in Imbler's new R-2 Residential Zone. A Joint Management Agreement was adopted.

Plan Map Changed from: Exclusive Agriculture to Residential

Zone Map Changed from: A-1 Exclusive Farm Use to R-2 Residential

Location: Twp. 15, Range 29, E1/4, Section 20, Tax Lots 1001 & 1002 Acres Involved: 9.41 acres

Specify Density: Previous: 160 acres New: 21,000 square ft.

Applicable Statewide Planning Goals: 1, 2, 3, 10, 14

Was an Exception Adopted? Yes: No: X

DLCD File No.: 001-06A (15119)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

Local Contact: Hanley Jenkins, II Area Code + Phone Number: (541) 963-1014  
Planning Director  
Address: 1001 4th Street, Suite C

City: La Grande Zip Code+4: 97850

## 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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will 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 copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

BE IT REMEMBERED, that at a regular term of the Union County Board of Commissioners, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable	STEVE MCCLURE	Chairman
	COLLEEN MACLEOD	Commissioner
	JOHN LAMOREAU	Commissioner

WHEN, on Wednesday, the 5<sup>th</sup> day of July, 2006 among others the following proceedings were had to-wit:

IN THE MATTER OF AMENDING }	
THE CITY OF IMBLER URBAN }	
GROWTH BOUNDARY, AMENDING }	ORDINANCE NO.
THE LAND USE PLAN & ZONE }	2006-03
DESIGNATIONS & DECLARING }	
AN EMERGENCY }	

WHEREAS, The Imbler City Council advertised and held public hearings and adopted Ordinance Number 1-2005 to expand the City of Imbler's Urban Growth Boundary to include the subject 9.41 acres;

WHEREAS, on November 14, 2005 The City of Imbler adopted Ordinance Number 2-2005 creating a Joint Management Agreement between the City of Imbler and Union County for those areas outside City Limits but inside the Urban Growth Boundary;

WHEREAS, Union County received an application from Michael & Cassandra Lund and Daniel & Barbara Beckner to include the subject 9.41 acres in the City of Imbler's Urban Growth Boundary and change the land use designation and zoning from Union County Exclusive Agriculture Plan and A-1 Exclusive Farm Use Zone to the City of Imbler Residential Plan and R-2 Residential Zone;

WHEREAS, the Union County Planning Commission advertised and held public hearings on September 26, 2005 and January 23, 2006 to accept testimony and review the application;

WHEREAS, on January 23, 2006 the Union County Planning Commission recommended approval of the application to the Union County Board of Commissioners once the City of Imbler adopted a plan and zone designation reflecting the proposed 21,000 square foot minimum lot size residential zone;

WHEREAS, on May 22, 2006 the City of Imbler adopted Ordinance Number 2006-2 which includes a new R-2 Residential Zone with a 21,000 square foot minimum lot size;

WHEREAS, the Union County Board of Commissioners advertised and held a public hearing on July 5, 2006 to review the Planning Commission's recommendation and receive additional testimony.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, COUNTY OF UNION, STATE OF OREGON:

SECTION 1: CITY OF IMBLER URBAN GROWTH BOUNDARY

The City of Imbler Urban Growth Boundary is expanded to include property described as Twp. 1S, Range 39 EWM,

Section 20, Tax Lots 1001 & 1002 and shown on the attached map (Exhibit "A").

SECTION 2: LAND USE PLAN & ZONING DESIGNATIONS

The property described in Section 1 is removed from a Union County Exclusive Agriculture Plan and A-1 Exclusive Farm Use Zone and designated in a City of Imbler Residential Plan and R-2 Residential Zone.

SECTION 3: JOINT MANAGEMENT AGREEMENT

As part of adopting this Ordinance, Union County is signing City of Imbler Ordinance Number 2-2005 which creates a Joint Management Agreement between the City of Imbler and Union County for those areas outside City Limits but inside the Urban Growth Boundary.

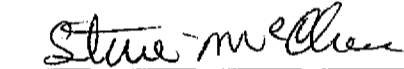
SECTION 4: SUPPORTING FINDINGS

This Ordinance is passed and adopted with the supporting findings included in Exhibit "B".

SECTION 5: EMERGENCY

An emergency is hereby declared to make this ordinance immediately effective within the City of Imbler Urban Growth Area and thereby coordinating implementation of the Imbler Development Codes.

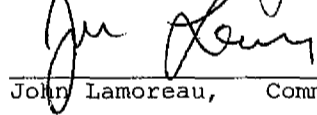
PASSED AND ADOPTED this 5<sup>th</sup> day of July, 2006, by a vote of the following members of the Union County Board of Commissioners voting therefore.



Steve McClure, Chairman



Colleen MacLeod, Commissioner



John Lamoreau, Commissioner

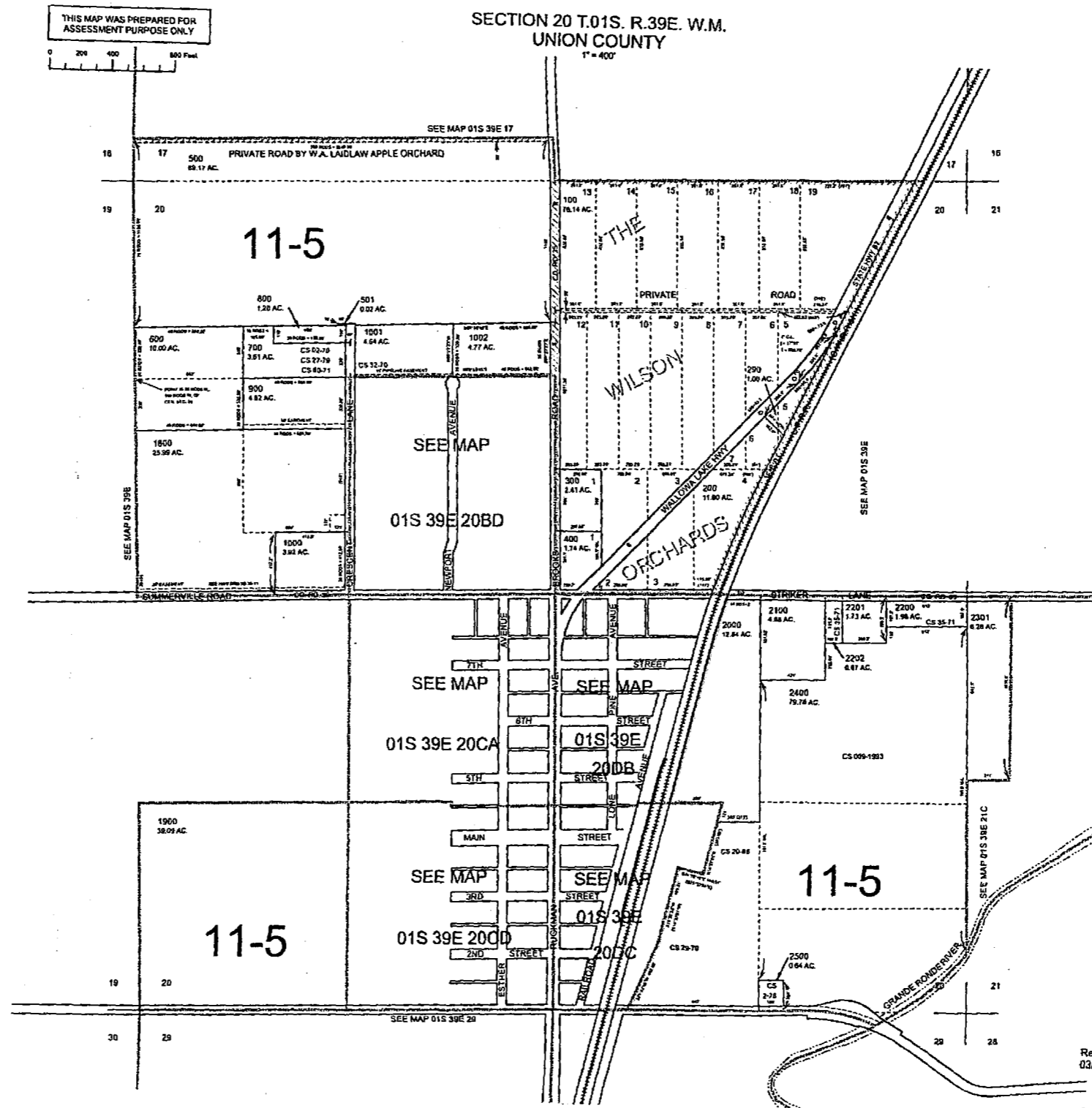
Exhibit "B"

1. Union County Zoning, Partition & Subdivision Ordinance (UCZPSO) Section 23.05(3) identifies criteria which must be satisfied in order to gain County Land Use Plan/Zone amendment approval.
  2. The subject properties are being used for residential purposes and some livestock grazing.
  3. Tax Lot 1001 is accessed by Crescent Road on the west which has a 60 foot right-of-way width and oil mat surface and Tax Lot 1002 is accessed by Brooks Road on the east which has a 60 foot right-of-way width and asphalt surface.
  4. The City of Imbler provided the Department of Land Conservation and Development 45 days notice prior to the first public hearing.
- 
5. The subject property is in the Imbler School District and Imbler Rural Fire Protection District.
  6. The applicants addressed UCZPSO Section 23.05(3) criteria for Land Use Plan and Zoning Ordinance text and map amendments in their Exhibit "C" information.
  7. The City of Imbler adopted Ordinance No. 2-2005 establishing the procedures and responsibility for land use administration and public improvement and maintenance responsibilities for the lands between the City Limits of Imbler and the Imbler Urban Growth Boundary.
  8. The City of Imbler submitted a conceptual development plan for the subject properties as requested by the Planning Commission.
  9. The City of Imbler adopted Ordinance Number 2006-2 which includes a new R-2 Residential Zone with a 21,000 square foot minimum lot size:
  10. The applicants have satisfied UCZPSO Section 23.05(3) as shown in Exhibit "C"; the January 9, 2006 letter to the Union County Planning Commission from Ruth Zemke, City Recorder; and oral testimony.

Exhibit "A"

SECTION 20 T.01S. R.39E. W.M.  
UNION COUNTY

01S 39E 2C  
CANCELLED NJ  
1100 THRU 1700  
2300  
2401



Revised 9C  
03/20/2006

01S 39E 2

## ORDINANCE NUMBER 2-2005

AN ORDINANCE ESTABLISHING THE PROCEDURE AND RESPONSIBILITY FOR LAND USE ADMINISTRATION AND PUBLIC IMPROVEMENTS AND MAINTENANCE RESPONSIBILITIES FOR THE LANDS BETWEEN THE CITY LIMITS OF IMBLER AND THE IMBLER URBAN GROWTH BOUNDARY AND SETTING FORTH THE EFFECTIVE DATE OF THE ORDINANCE.

The County of Union does ordain as follows:

An agreement shall be entered in between the City of Imbler, a municipal corporation, hereinafter City, and Union County, Oregon, hereinafter County, with terms and conditions as set forth herein.

### Section 1:     **PURPOSE**

A. The Joint Management Agreement shall be applicable to the Imbler "Urban Growth Area: which is the area of land between the corporate limits of the City of Imbler, and the Imbler Urban Growth Boundary.

B. The purpose of the agreement is to facilitate land use decisions and resolve potential conflicts that may occur between the City and the County concerning the urban growth area.

### Section 2:     **TERMS OF AGREEMENT**

The agreement shall be perpetual, with the right reserved by both parties to terminate the agreement by giving 60 days notice of intent to terminate prior to the first day of July of each fiscal year.

### Section 3:     **GENERAL PROVISION**

A. County and City shall have joint input for land used decisions and actions affecting the Urban Growth Area; however, in order to promote consistency between the City planning effort and County land use decisions and actions affecting the urban Growth Area, County shall incorporate that portion of the City Comprehensive Plan which addresses the Urban Growth Area into the County Comprehensive Plan.

B. The City Zoning, Partition and Subdivision Ordinances and the urban Growth Area zoning classification map shall be adopted by the County to govern land use activities within the City Urban Growth Area.

C. City Urban Growth Boundary shall be reviewed periodically, at which time proposed amendments to the Urban Growth Area shall be initiated by City and



such amendments shall be adopted only if passed by a majority of both the Imbler City Council and the Union County Board of Commissioners.

**Section 4: PROCEDURES FOR PROCESSING LAND USE DECISIONS**

- A. County Planning Department shall refer to the City each request affecting the Imbler Urban Growth Area.
- B. City will review all necessary planning requests affecting the Imbler Urban Growth Area and send transmittals of proposed actions to the County planning office for review.
- C. County shall, within 10 days from the date a transmittal is sent from the City, make comments and recommendations regarding the proposed action.
- D. After consideration of all comments and recommendations regarding the transmittal, City shall conduct plan reviews and hearings pursuant to City ordinances.
- E. If the planning request is substantially altered after review by the City, the revised request shall be transmitted to the County Planning office for further comments and recommendations. A copy of the final action will be sent to the County Planning Department.

**Section 5: CITY SERVICES AND DEVELOPMENT STANDARDS**

- A. City may extend City services to any site at the expense of the affected property owners or service district, and to the development standards of the City.
- B. For the purpose of this Joint Management Agreement, City services may include, but not be limited to the following:
  - Water, sewer, street lighting, road maintenance, fire protection and Sidewalks.
- C. City services, when constructed to City standards, shall be maintained through one of the following options:
  - 1. A cooperative agreement between City and County taking the form of the written agreement passed by resolution prior to approval of a final plat, or at any time, covering existing improvements or dedications;
  - 2. A maintenance district established by the developer with the legal mechanism for the district to be presented prior to approval of the final plat;

3. Any other method of providing perpetual financing for maintenance services and improvement.

**Section 6: ANNEXATION**

- A. Annexation within the urban growth area shall be in accordance with annexation procedures contained in Oregon Revised Statutes, City Ordinances, and Oregon Case Laws.
- B. The City, upon annexation of portions of the urban Growth Area, shall request jurisdiction and maintenance resistibility for public streets and roads under County maintenance at the time of annexation pursuant to Oregon Law. The City shall maintain all City services within the annexed area including street lighting and fire-police protection unless an agreement has been entered into with a special district.

**Section 7: APPEALS**

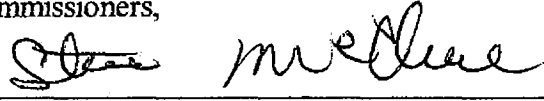
Land use decisions of the City involving the Urban Growth Area shall be appealed to the Union County Board of Commissioners. Either jurisdiction wishing to challenge the validity of an action taken within the Urban Growth Area as being in compliance with the State Land Conservation and Development Commission's goals for land use planning may appeal that specific action to the Land Conservation and Development Commission.

**Section 8: EFFECTIVE DATE**

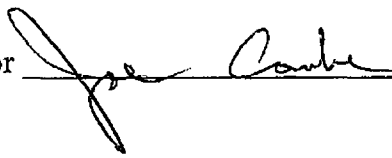
This ordinance shall be in full force and effective upon adoption.

PASSED AND ADOPTED this 14<sup>th</sup> day of November 2005 by (5) City Council members voting therefore.

Union County Board of Commissioners,

Chairman 

City of Imbler

Mayor  Joe Combe