



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Director's Office Fax (503) 378-5518

Main Fax: (503) 378-6033

Web Address: <http://www.lcd.state.or.us>

NOTICE OF ADOPTED AMENDMENT

August 22, 2011



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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Halfway Plan Amendment
DLCD File Number 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: Tuesday, September 6, 2011

This amendment was not submitted to DLCD for review prior to adoption because the jurisdiction determined that emergency circumstances required expedited review. 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 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 DATE SPECIFIED ABOVE.**

Cc: Page Frederickson, City of Halfway
Grant Young, DLCD Regional Representative

<paa> NO



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

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DEPT OF

AUG 17 2011

LAND CONSERVATION AND DEVELOPMENT
For Office Use Only

Jurisdiction: City of Halfway

Local file number:

Date of Adoption: Aug. 11, 2011

Date Mailed: Aug. 15, 2011

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"

Rezone entire lot #200 from public to Residential
"P" "R"
Amend zoning map to reflect the change in
zone for lot #200 - Lot to be used to build
Additional Residential
Housing

Does the Adoption differ from proposal? Please select one

Same

Plan Map Changed from: "P" - Public

to: "R" - Residential

Zone Map Changed from: "P" - Public

to: "R" - Residential

Location: Lot #200 (Tax # 4100)
143 W. Bell St, Halfway, OR.

Acres Involved: .57

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. 001-11 (18934) (16735)

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

Baker County Planning Dept.
Oregon Dept. of Transportation

Local Contact: Page Frederickson Phone: (541)742-4741 Extension:
Address: City of Halfway Fax Number: 541-742-4742
City: Halfway, OR Zip: 97834 E-mail Address: Thecitybypage@hotmail.com

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.

COPY

ORDINANCE NO. 8-11-11

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF HALFWAY;
REZONING LOT 200 FROM PUBLIC ZONE TO RESIDENTIAL ZONE

THE CITY OF HALFWAY ORDAINS AS FOLLOWS:

SECTION 1: THE ZONING MAP WILL BE AMENDED BY REZONING THE ENTIRE LOT #200
LOCATED AT 145 W. BELL ST., HALFWAY, OREGON, ON ASSESSOR'S MAP 8-46-8CD,
FROM PUBLIC TO RESIDENTIAL ZONE.

EXHIBIT A. TAX ASSESSORS MAP SHOWING LOCATION OF LOT.

EXHIBIT B. THE ZONING MAP. REZONED PORTION IS OUTLINES IN RED.

EXHIBIT C. LEGAL DESCRIPTION AND TAX ACCOUNT NUMBER.

-READ FIRST IN FULL, AND THEN BY TITLE, THIS 11TH DAY OF AUGUST, 2011

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT IMMEDIATELY UPON SIGNING, AS
DECLARED AN EMERGENCY BY THE CITY COUNCIL OF THE CITY OF HALFWAY.

-PASSED BY THE CITY COUNCIL OF THE CITY OF HALFWAY,
THIS 11TH DAY OF AUGUST, 2011

-APPROVED BY THE MAYOR OF THE CITY OF HALFWAY,
THIS 11TH DAY OF AUGUST, 2011

APPROVED: Sheila Farwell
SHEILA FARWELL, MAYOR

ATTEST:

Heather Farley
HEATHER FARLEY
CITY RECORDER/TREASURER

DATE:

08-11-2011

4 SECTION 08 T.08S. R.46E. W.M. BAKER COUNTY

1" = 100'

08S 46E 08CD

CANCELLED N
500

MAP 08S 46E 08CA

1/16 COR.

ST.

MOTLEY ADD. TO HALFWAY

PARCEL 1

400
0.23 AC.

300
0.23 AC.

200
0.57 AC.

100
0.23 AC.

601
1.03 AC.

PARCEL 2

602
1.61 AC.

P.P.
P2003-018

PARTITION

Exhibit A

DC

48'
560.24'

XC

CITY OF HALFWAY

SECTIONS 8 AND 17, TWP. 8 SOUTH, RANGE 46 EAST, W.M.
BAKER COUNTY, OREGON




MAY, 2005

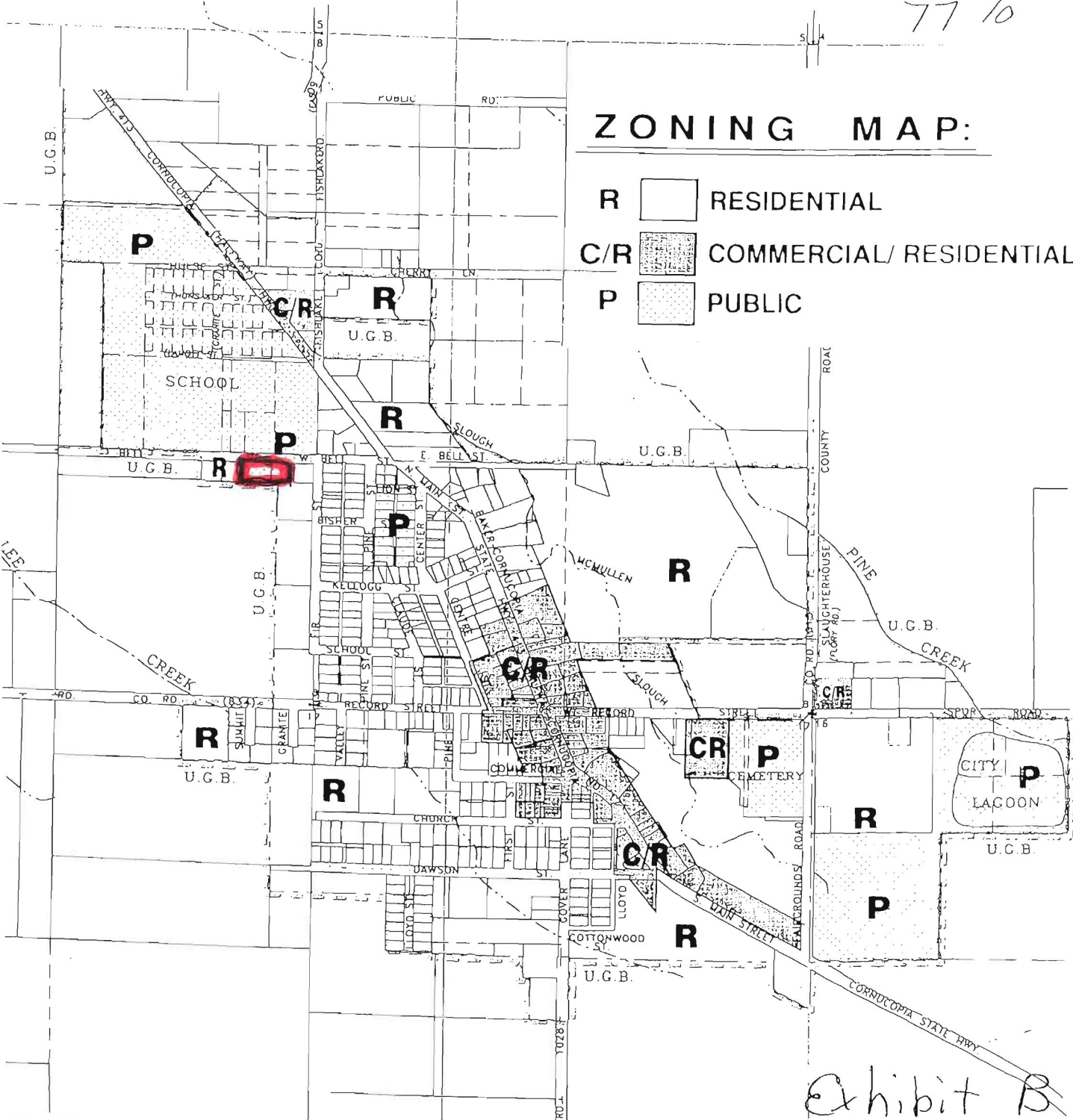
0' 200' 400' 600' 1200'

SCALE IN FEET

77%

ZONING MAP:

- R  RESIDENTIAL
- C/R  COMMERCIAL/ RESIDENTIAL
- P  PUBLIC



LEGEND:

-  CITY LIMITS LINE
-  URBAN GROWTH BOUNDARY

Exhibit B
ATTACHMENT "B"

TENNESON ENGINEERING CORP.

CONSULTING ENGINEERS

409 LINCOLN STREET
THE DALLES, OREGON 97058

PH 541-296-9177 FAX 541-296-6657

K:\ACAD\CITY\HALFWAY.DWG

LEGAL DESCRIPTION OF TAX LOT # 200

ON Baker County Map 8-46E-08CD

Tax ID #4100, Reference #13577

A parcel of land in the SE1/4, SW1/4 of Section 8, Township 8 South, Range 46 East, W.H., described as follows:

Beginning at a point which is 30 feet South and 232.3 feet West of the Northeast corner of said SE1/4 SW1/4: thence West. Parallel with and 30 feet distant from the North line of said SE1/4 SW1/4 150 feet: thence South, at right angles, 100 feet; thence East, parallel with the North line of said SE1/4 SW1/4, 150 feet; thence North, at right angles, to the place of beginning.

EXCEPTING and RESERVING from the above described parcel of land a right-of-way for a covered ditch or culvert extending along the East line of the above described tract for the purpose of conveying water from the North line of the above described tract of land to other lands owned by said grantors lying South of the above described tract.

Subject however to any right outstanding under that certain right-of-way deed in favor of Isaac McMullen, recorded December 3, 1885, in Book 43 of the Deed Records of Baker County, Oregon at page 149 thereof for a ditch right-of-way over and across the SE1/4 SW1/4 of section 8, Township 8 South, Range 46 East, W.M.

Exhibit C

July 26, 2011

Staff Report on the request to amend the zoning map.

Application was submitted to the City on July 7, 2011 by the Pine Eagle School District # 61. The Pine Eagle School District Application also contained a letter stating that Joe Denig was to be the School District representative in this matter.

Mailing Address of the Applicant: Pine Eagle School District #61, 375 N. Main St., Halfway, Oregon 97834

Proposal: The property owner has requested to have the subject property rezoned from Public, ("P") to Residential, ("R"). The owner intends to use the property in the work program of the school district to build a single family dwelling on it and then intends to sell the home and a portion of the property for a residence. The school district representative, Joe Denig requested the council to expedite the process and had the council declare an emergency under ORS 197.610(2). The reason being school starting at the end of August and would like to start construction immediately so to have the house framed and roofed prior to bad weather.

Land Involved: .57 acres (100 ft. X 250 ft. lot) located at 145 W. Bell St. in Halfway, Or. This property is shown on Baker County Assessor map #8,46,8CD, in Section 8, Township 8S, Range 46E, CD.

Lot #200, (also known as tax Lot 4100) is in the city limits of Halfway, Or.

Described as: See Attached copy of the legal description.

The subject property abuts lot#100 to the East, owned by the Catholic Church and abuts Lot# 300 to the west, owned by Bobby Chastain c/o David Huff. Both Lots #100 and #300 are zoned Residential. The Subject property also abuts lot #601 to the south east and that property is also zoned Residential. Lot #601 is owned by Glenna Smith.

The subject property meets the minimum lot size for "R" zone which is 5,000 sq. ft. The subject property is approximately 15,000 sq. ft. The intended use for the subject property is an outright use in an "R" zone under Section 3.1 (1) Permitted Uses, (A) Single-family dwellings and (E) Residential homes. The subject property does allow for the proper set back requirements in a "R" Zone.

The subject property can also meet parking requirements of the "R" Zone as well as the sanitation requirements in Section 3.1(5) (A) and (6) of the City of Halfway Land Use Ordinance. The subject property has existing water and sewer connections to the property as there was once a single-family dwelling on the property a few years back which was destroyed in a fire.

The Zone change is consistent with the City of Halfway transportation plan and will have no adverse effect on the existing traffic flow of the area. The Zone Change is in conformance with the Comprehensive Plan and will serve the public needs best by providing additional housing in the area. The subject property meets the criteria for an "R" Zone.

Notice of the proposed Zone Change was published in the Hells Canyon Journal on 7/20/11 and again on 7/27/11 this is at least 20 days prior to the hearing and this is in compliance with Section 8.5(2) of the City of Halfway Land Use Ordinance.

Notice of the proposed zone change with additional information regarding this matter were sent to property owners within 100 feet of the subject property on 7/18/11, which was at least 20 days prior to the hearing and this is in compliance with Section 8.5(4) of the City of Halfway Land Use Ordinance. A list of the property owners is in the packet of information.

Notice of the proposed zone change with additional information was also sent to the Baker County Planning Department and ODOT on 7/18/11.

No. 8103

JUL 19 2011 2:07PM

FORM No. 100 - WARRANT 1959

169 095

0-7164

KNOW ALL MEN BY THESE PRESENTS, **TAM MACK CHETWOOD and FREDA CHETWOOD, husband and wife**

In consideration of **One thousand and no/100ths** Dollars, to them paid by **SCHOOL DISTRICT NUMBER 61, Baker County, Oregon**

do hereby grant, bargain, sell and convey unto the said grantees **its husband and wife**, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of **Baker** and State of Oregon, bounded and described as follows, to-wit:

A parcel of land in the **SE1/4SW1/4** of Section 8, Township 8 South, Range 46 East, W. M., described as follows: Beginning at a point which is 30 feet South and 232.3 feet West of the Northeast corner of said **SE1/4SW1/4**; thence West, parallel with and 30 feet distant from the North line of said **SE1/4SW1/4**, 150 feet; thence South, at right angles, 100 feet; thence East, parallel with the North line of said **SE1/4SW1/4**, 150 feet; thence North, at right angle, to the place of beginning. **EXCEPTING and RESERVING** from the above described parcel of land a right-of-way for a covered ditch or culvert extending along the East line of the above described tract for the purpose of conveying water from the North line of the above described tract of land to other lands owned by said grantors lying South of the above described tract.

Subject however to any rights outstanding under that certain right-of-way deed in favor of Isaac McMullen, recorded December 3, 1983, in Book 43 of the Deed Records of Baker County, Oregon at Page 149 thereof for a ditch right-of-way over and across the **SE1/4SW1/4** of Section 8, in Township 8 South, Range 46 East, W. M.

To Have and to Hold the above described and granted premises unto the said grantees **its husband and wife** and assigns forever.

And that the grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances.

and that they **will and their heirs, successors and administrators**, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whatsoever.

Witness their hands and seals this **23rd** day of **July**, 19 **59**.

(Signature)

CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

DEPT OF

AUG 17 2011

LAND CONSERVATION
AND DEVELOPMENT

August 15, 2011

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

Enclosed are forms 2 DLCD Notice of Adoption, City of Halfway Ordinance #8-11-11, Exhibit A (Lot Map), Exhibit B (Zoning Map), Legal Description, and staff report.

Please let me know if you need additional information.

Sincerely,



Page Frederickson
Public Works Director
City of Halfway

ALFWAY
ORD ST.

OR 97834



0006

97301

U.S. POSTAGE
PAID
HALFWAY, OR
97334
AUG 15, 11
AMOUNT

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DEPT OF

AUG 17 2011

LAND CONSERVATION
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