



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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



NOTICE OF ADOPTED AMENDMENT

January 31, 2011

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Richland Plan Amendment
DLCD File Number 001-10

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: Thursday, February 10, 2011

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. 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 DATE SPECIFIED ABOVE.**

cc: Holly Kerns, City of Richland
Gloria Gardiner, Urban Planner Specialist
Grant Young, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

JAN 24 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

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 Richland** Local file number: **AX; RZ; CPAMD; ZOAMD-2010-001**

Date of Adoption: **1/18/2011**

Date Mailed: **1/20/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: Original on 3/22/10, updated notice on 12/14/10

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".

The City annexed approximately 20.4+/- acres from within the Urban Growth Boundary. The City also amended the text of the Comprehensive Plan and Zoning Ordinance to include a new zone called 'Commercial-Residential-Apartments'. The City then changed the zone of two tax lots currently owned by School District #61 from the zones of 'Public Reserve' and 'Commercial Residential' to the newly created zone of 'Commercial-Residential-Apartments'. The map of the annexation, amended Comprehensive Plan and Zoning Ordinance map showing the rezone, and text of the new zone are all included.

Does the Adoption differ from proposal?

No

Plan Map Changed from: **PR and CR**

to: **CRA**

Zone Map Changed from: **PR and CR**

to: **CRA**

Location: **Township 9 South, Range 45 East, Section 23 (Zoning Map 09S4523AD Tax Lots 100 & 200)**

Acres Involved: **20.4+/-**

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
X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	X	X	X	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

DCLD File No. 001-10 (18188) [16492]

DLCD file No. 001-10 (18188)

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

Baker County, ODOT, DLCD.

Local Contact: **Patti Crews, City Recorder**

Phone: **(541) 893-6141** Extension:

Address: **PO Box 266**

Fax Number: **(541)-893-6267**

City: **Richland**

Zip: **97870**

E-mail Address: **richcity@eagletelephone.com**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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) of 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.

January 20, 2011

NOTICE OF DECISION

This is to notify you the City of Richland adopted Ordinance #204, annexing certain property into the City, and Ordinance #205, amending the Richland Land Use and Development Ordinance by creating a 'Commercial Residential Apartments' zone and changing the zone of the old Richland Elementary School property to 'Commercial Residential Apartments.'

On January 4 and January 11, 2011, the Richland City Council held public hearings on Ordinances #204 and #205. The City Council voted to adopt both ordinances at the January 11, 2011 hearing. Ordinances #204 and #205 became effective when signed by the Mayor on January 18, 2011.

Ordinance #204 annexed certain property in the Urban Growth Boundary east of the city limits into the City. The total area is approximately 20.4+/- acres. This was initiated at the request or agreement to annexation of all the landowners in the area that has been annexed. The annexation was reviewed under the provisions of Oregon Revised Statutes 222.005 – 222.177.

Ordinance #205 amended Section 3 of the City of Richland Land Use and Development Ordinance, creating a new zone title 'Commercial Residential Apartments' (text amendment). Ordinance #205 also rezoned the site of the old Richland Elementary School property (Township 9 South, Range 45 East, Section 23 (Map 09S4523AD) Tax Lots 100 and 200) from 'Public Reserve' and 'Commercial Residential' to the newly created 'Commercial Residential Apartments' zone (map amendment). The text and map amendments were reviewed under Article 8 of the Richland Land Use and Development Ordinance.

Ordinances #204 and #205, the text amendment to the Richland Land Use and Development Ordinance, the map amendment to the Comprehensive Land Use Plan and Zoning Map, and the staff report with the City Council's findings and conclusions on each matter are available for review at no cost in the Richland City Hall, located at 89 Main Street, Richland, Oregon 97870. Copies may be purchased from the City of Richland at the cost of \$0.50/page. The documents are also available for review at the Baker County Planning Department, currently located at North Baker Elementary School, 2725 7th Street, Baker City, OR 97814.

Ordinance #205 adopted a text amendment to the Richland Land Use and Development Ordinance, adding the 'Commercial Residential Apartments' zone to Section 3. Ordinance #205 also adopted a map amendment to the Comprehensive Land Use Plan and Zoning Ordinance, changing the zone of the old Richland Elementary School property (Township 9 South, Range 45 East, Section 23 (Map 09S4523AD) Tax Lots 100 and 200) from 'Public Reserve' and 'Commercial Residential' to 'Commercial Residential Apartments'. These actions are land use decisions, and as such, may be appealed under the provisions of Oregon Revised Statutes 197.830 – 197.845. From the date of this notice, there is a 21-day appeal period in which to appeal the text and/or map amendment decisions to the Land Use Board of Appeals. The appellant is responsible for filing the required Notice of Intent to Appeal with the Land Use Board of Appeals. If no appeal is filed, the decision becomes final.

If you have any questions regarding these matters, please contact Holly Kerns at the Baker County Planning Department by calling (541) 523-8219.

January 20, 2011

Certificate of Mailing

I, Holly Kerns, Manager of the Baker County Planning Department, certify that I provided this Notice of Decision regarding annexation under Ordinance #204 and a text and map amendment under Ordinance #205 on behalf of the Recorder of the City of Richland, as required by Oregon Revised Statute 197.615, and deposited said notice in the official mail of the Baker County Courthouse on January 20, 2011.



Signed



Dated

City of Richland

Ordinance No. 204

AN ORDINANCE ANNEXING INTO THE BOUNDARIES OF THE CITY OF RICHLAND CERTAIN PROPERTY DESCRIBED HEREIN CURRENTLY LOCATED IN THE URBAN GROWTH BOUNDARY, AND DECLARING AN EMERGENCY.

Whereas, certain property owners in the Urban Growth Boundary have requested or agreed to be annexed into the City, and

Whereas, the property is contiguous to the City and all owners of the land have filed a statement of consent to annex with the City in accordance with ORS 222.125, and

Whereas, the Richland City Council feels that it is in the best interest of the City to annex the property into the City of Richland in accordance with ORS 222.125 allowing annexation by consent of the owners of the land and approval of the legislative body of the City of Richland, and

Whereas, the Richland City Council finds the properties owned by Old Trail, Inc. (Township 9 South, Range 45 East, Section 23 (Map 09S4523DA) Tax Lot 100) and by Betty Lou Basche Revocable Living Trust (Township 9 South, Range 45 East, Section 23 (Map 09S4523DA) Tax Lot 200) included within the area to be annexed are not currently connected to a city sewer line; therefore, the properties shall be connected to the city sewer system prior to sale or development of said property, or, if not developed or sold, within 2 years of the effective date of this annexation, unless such time is extended by the Richland City Council.

Now, therefore, be it ordained by the Council of the City of Richland:

Section 1. The following described land, contiguous to the limits of the City of Richland, Oregon, is hereby annexed to and made part of the City of Richland, Oregon.

Multiple parcels of land lying in the East ½ East ½ of Section 23 and in the West ½ West ½ of Section 24, Township 9 South, Range 45 East, Willamette Meridian, Baker County, Oregon, described as follows:

Beginning at Engineer's center line Station 2161+76.69 on the Baker - Copperfield Highway, said station being 1.94 feet South and 666.19 feet West of the East ¼ corner of Section 23, T.9S., R.45E., W.M.; thence S.0°10'E., 30 feet to the South right of way of said Baker-Copperfield Highway; thence N.89°50'00" E., along said South right of way, 76 feet, more or less, to the Northeast corner of that parcel described in Baker County Deed #83 28 003; thence S.1°44'E., 230 feet, more or less, to the Southeast corner thereof; thence S.63°36' E., 660 feet, more or less, to the East line of said Section 23; thence N.1°44' W., along said East line, 525 feet, more or less, to the South right of way of said Baker - Copperfield Highway; thence Easterly, along said South right of way, 1320 feet, more or less, to the East line of the West ½ West ½ of said Section 24; thence Northerly, 60 feet, to the North right of way of said Baker - Copperfield Highway; thence Northerly, along said East line of the West ½ West ½ of Section 24, 293 feet; thence Westerly, parallel to said Baker - Copperfield Highway, 1290 feet, more or less,

to the East right of way of Moody Road; thence Southerly, along said East right of way, 42 feet to the Northwest corner of the parcel described in Baker County Deed #85 20 043; thence Easterly, along the North line of said parcel, 100 feet to the Northeast corner thereof; thence Southerly, along the East line of said parcel, 100 feet to the Southeast corner thereof; thence Westerly, along the South line of said parcel, and its Westerly extension, 160 feet to the West right of way of Moody Road; thence Northerly, along said West right of way, 485 feet to the Northeast corner of the parcel described in Baker County Deed Book 170, Page 979; thence Westerly, along the North line of said parcel, 267 feet to the Northwest corner thereof; thence Southerly, along the West line of said parcel and along the West line of the parcel described in Baker County Deed Book 80, Page 104, 636 feet to the North right of way of Baker – Copperfield Highway; thence S.89°50'00"W., along said North right of way 369 feet, more or less, to a point opposite Engineer's center line Station 2161+76.69; thence S.0°10'E., 30 feet to the Point of Beginning.

Containing 20.40 acres, more or less.

Section 2. Whereas, the Richland City Council deems it advisable to so expand the boundaries of the City of Richland in order to include that portion of land described above in Section 1. The Richland City Council believes that the best interest of its citizens will be served with the earliest annexation possible, and, in the judgment of the Council an emergency exists, and the same is hereby declared to exist, and it is necessary that this ordinance shall become effective and operative upon its adoption by the Council and approval of the Mayor.

Read for the first time in full January 4, 2011.

Read for the second time by title only January 11, 2011, upon unanimous vote of the members of the Council present, after the text of the ordinance was offered to the members of the press and public attending.

Passed by the City Council of the City of Richland, Oregon, this 11th day of January, 2011.

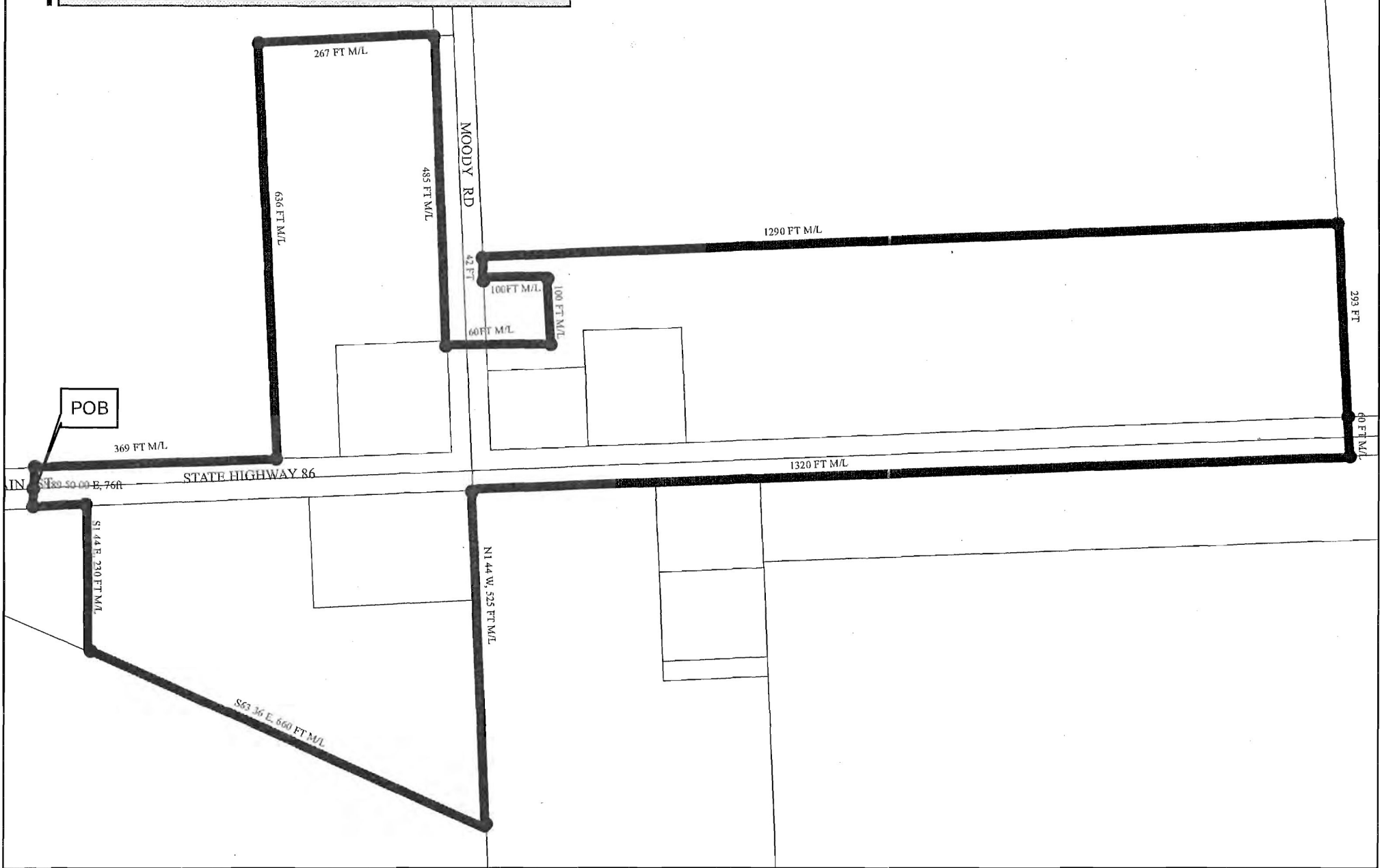
Approved by the Mayor of the City of Richland, Oregon, this 18th day of January, 2011.



Mayor, City of Richland

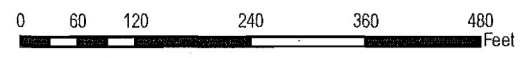
ATTEST: 
City Recorder

City of Richland Annexation Ord No. 204



Baker County Assessor's Office use only. Use for any purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Township 9 S, Range 45 E., W.M.
Baker County, State of Oregon



1 inch = 200 feet



City of Richland

Ordinance No. 205

AN ORDINANCE AMENDING THE CITY OF RICHLAND COMPREHENSIVE LAND USE PLAN AND LAND USE DEVELOPMENT ORDINANCE CREATING A NEW ZONE TITLED 'COMMERCIAL-RESIDENTIAL-APARTMENTS', AND ALSO AMENDING THE CITY OF RICHLAND COMPREHENSIVE PLAN AND ZONING MAP, REZONING PROPERTY DESCRIBED AS TOWNSHIP 9 SOUTH, RANGE 45 EAST, SECTION 23 (ZONING MAP 09S4523AD) TAX LOTS 100 AND 200 FROM 'PUBLIC RESERVE' AND 'COMMERCIAL RESIDENTIAL' TO 'COMMERCIAL-RESIDENTIAL-APARTMENTS', AND DECLARING AN EMERGENCY.

Whereas, the Pine Eagle Economic Development Corporation has applied on behalf of the property owner School District #61 to rezone property described as Tax Lots 100 and 200 of Township 9 South, Range 45 East, Section 23 (Zoning Map 09S4523AD) to a newly created zone titled "Commercial-Residential-Apartments",

Whereas, the property described has been declared surplus by School District #61,

Whereas, the newly created zone titled "Commercial-Residential-Apartments" will allow, either outright or conditionally, a mix of uses which will allow the property to be re-used,

Whereas, the Richland City Council held public hearings to accept testimony on the newly created "Commercial-Residential-Apartments" zone on January 4, 2011, and January 11, 2011, and

Whereas, the Richland City Council held public hearings to accept testimony on the proposed zone change on January 4, 2011, and January 11, 2011.

Now, therefore, be it ordained by the Council of the City of Richland:

Section 1. The Comprehensive Land Use Plan and Land Use Development Ordinance is hereby amended to include the text of the "Commercial-Residential-Apartments" Zone attached as Exhibit "A".


Section 2. The Comprehensive Plan and Zoning Map is hereby amended to rezone the property described as Tax Lots 100 and 200 of Township 9 South, Range 45 East, Section 23 (Zoning Map 09S4523AD) to the newly created zone "Commercial-Residential-Apartments" as shown in attached Exhibit "B". The Richland City Council believes that the best interest of its citizens will be served with the earliest text and map amendment to the Comprehensive Land Use Plan and Land Use Development Ordinance possible, and, in the judgment of the Council an emergency exists, and the same is hereby declared to exist, and it is necessary that this ordinance shall become effective and operative upon its adoption by the Council and approval of the Mayor.

Read for the first time in full on January 4, 2011.

Read for the second time by title only on January 11, 2011, upon unanimous vote of the members of the Council present, after the text of the ordinance was offered to the press and public attending.

Passed by the City Council of the City of Richland, Oregon, this 11th day of January, 2011.

Approved by the Mayor of the City of Richland, Oregon, this 18th day of January, 2011.



Mayor, City of Richland

ATTEST: Patricia H. Crews
City Recorder

EXHIBIT 'A' of Ordinance #205

Text Amendments to the Land Use and Development Ordinance

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Article 2 Basic Provisions

SECTION 2.1 - COMPLIANCE WITH ORDINANCE PROVISIONS. The land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance shall permit.

SECTION 2.2 - ESTABLISHMENT OF LAND USE ZONE. This ordinance hereby establishes the following land use zones for the City.

<i>ZONE</i>	<i>ABBREVIATED DESIGNATIONS</i>
Residential	R
Commercial- Residential	CR
Commercial- Residential-Apartments	CRA
Public Reserve	PR

SECTION 2.3 - LOCATION OF ZONES. The boundaries of the zones listed in this ordinance are indicated on the Richland Zoning Map, which is attached to this ordinance.

SECTION 2.4 - ZONING MAP. The Zoning Map of the City of Richland is attached to this ordinance. Zoning Map Amendments shall be dated with the effective date of the ordinance that adopts the map amendment and filed in the office of the City Recorder.

SECTION 2.5 - ZONING BOUNDARIES. Unless otherwise specified, zone boundaries are centerlines of streets, lot lines, and city limits lines.

SECTION 2.6 – APPLICATION. The provisions of this Ordinance shall apply to all land areas inside the incorporated boundary of the City.

SECTION 2.7 – VIOLATIONS: PERMITS.

- (1) No person shall locate, construct, maintain, repair, alter the use, or transfer land in violation of any provisions of this Ordinance.

- (2) Where a permit or approval is required by any provision of this Ordinance, no person shall take any action or do any of the things mentioned in (1) of this section without such permit or approval.

SECTION 3.3 – COMMERCIAL-RESIDENTIAL-APARTMENTS

USES. Buildings and structures hereafter erected, structurally altered, enlarged, or moved or land hereafter used in the "CRA" Commercial-Residential-Apartments Zone shall comply with the following regulations.

(1) PERMITTED USES.

- (A) Farm use, not including structures or permanent facilities.
- (B) Residential uses listed in Section 3.1 (A) and (B).
- (C) Apartments.
- (D) Retail trade and service establishments in which the operation takes place solely within an enclosed building.
- (E) Public buildings, structures, and services including community centers.
- (F) Retail trade establishments, personal, and business services in which the operation takes place solely within an enclosed building and the owner, operator or lessee of the business lives in an apartment on the premises.

(2) CONDITIONAL USES. Permitted with approval of the City Council in accordance with Article 5 of this ordinance.

- (A) Retail trade and service establishments in which some activities take place within an enclosed building.
- (B) Public and private schools.

(3) STANDARDS. In the "CRA" Zone, the following standards shall apply if determined to be the best interest and welfare of residents:

- (A) The minimum lot size shall be determined by the City Council to be necessary for the protection of public health and safety and natural resources.
- (B) Setback dimensions shall be determined by the City Council.
- (C) All uses shall have adequate area to meet the property line setback requirements and the off street parking space requirements of this Ordinance.

(D) All uses shall have a frontage on the street of a minimum of 25 feet.

(4) PARKING REGULATIONS.

(A) Residential Off-Street Parking. For residential uses, two parking spaces for each dwelling unit.

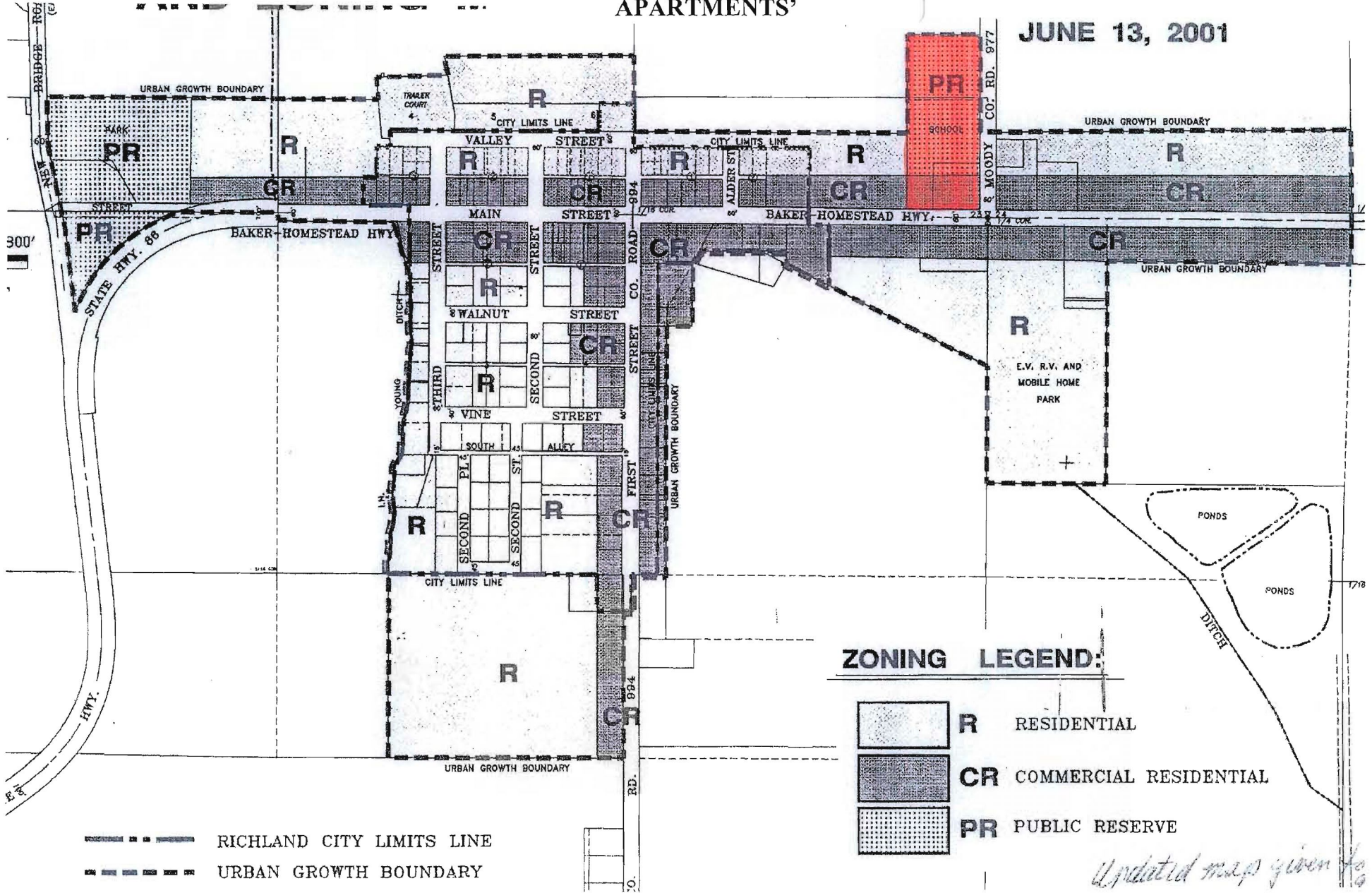
(B) Off-Street Parking. See Section 4.7.

(C) Parking Area Approval. Land used for parking areas in this zone shall be developed in accordance with a plan approved in writing by the City Council. The area must be surfaced with asphalt, concrete, or other type of surfacing approved by the City Council and all parking spaces shall be individually marked.

(5) SANITATION REGULATIONS. Before any dwelling is occupied, it must be connected to an approved subsurface disposal system and, ultimately, to the city sewer system at such time as the city sewer system becomes available to the property on which the dwelling is located.

PROPOSED REZONE TO 'COMMERCIAL-RESIDENTIAL- APARTMENTS'

JUNE 13, 2001



ZONING LEGEND:

- R RESIDENTIAL
- CR COMMERCIAL RESIDENTIAL
- PR PUBLIC RESERVE

Updated map given to

RICHLAND CITY LIMITS LINE
 URBAN GROWTH BOUNDARY

Staff Report

To: Mayor and City Council

From: Holly Kerns, Baker County Planning Department

For Council Meetings: January 4 and January 11, 2011, at 7:00 PM

Re:

- Annexing certain property currently within the Urban Growth Boundary into the City of Richland
- Application to amend City of Richland Land Use and Development Ordinance to create a zone titled 'Commercial-Residential-Apartments' (CRA)
- Application to change the zone of Richland Elementary School Property (Township 9 South, Range 45 East, Section 23 (Map 09S4523AD), Tax Lots 100 and 200) to CRA

Report Date: December 23, 2010

I. SUMMARY & BACKGROUND:

Certain owners of property currently located within the Urban Growth Boundary (UGB) have requested or agreed to be annexed into the City of Richland. The total area proposed for annexation is 20.4+/- acres, and includes property owned by School District #61 that is the site of the Richland Elementary School.

Pine Eagle Economic Development Corporation has applied on behalf of the Pine Eagle School Board for a text amendment to the City of Richland Land Use Development Ordinance, Section 3, to create a new zone called 'Commercial-Residential-Apartments' (CRA) that would allow certain uses included in the existing Commercial-Residential (CR) zone and the existing Public Reserve (PR) zone, with the addition of allowing apartments. The applicant has also requested a map amendment to change the zone of the Richland Elementary School property (Township 9 South, Range 45 East, Section 23 (Map 09S4523AD), Tax Lots 100 and 200) from Public Reserve (PR) and Commercial-Residential (CR) to Commercial-Residential-Apartments (CRA).

II. FINDINGS OF FACT

- 1) All property owners included in the area proposed for annexation have signed an agreement with the City of Richland consenting to annexation.
- 2) All parcels included within the proposed annexation are contiguous to the eastern City limits.
- 3) All parcels proposed for annexation are currently served by city water. All parcels proposed for annexation that are located north of the highway are served by a private sewer line. The City will not accept ownership or responsibility for the private sewer line through this annexation process.
- 4) The Richland Land Use and Development Ordinance does not currently have a zone that allows for the all of the uses proposed for reusing Richland Elementary, such as apartments.
- 5) The property owned by School District #61 that is the subject of this application is currently zoned both Public Reserve "PR" and Commercial Residential "CR".

III. APPLICABLE CRITERIA: ANNEXATION

222.005 Notice to public utilities of annexation; contents of notice; effect. (1) When territory is approved for annexation to a city by city council action under ORS chapter 199 or this chapter, the recorder of the city or other city officer or agency performing the duties of recorder under this section, not later than 10 working days after passage of a resolution or ordinance approving the proposed annexation, shall provide by certified mail to all public utilities, electric cooperatives and telecommunications carriers operating within the city each site address to be annexed as recorded on county assessment and tax rolls, a legal description and map of the proposed boundary change and a copy of the city council's resolution or ordinance approving the proposed annexation.

(2) Additional or increased fees or taxes, other than ad valorem taxes, imposed on public utilities, electric cooperatives and telecommunications carriers as a result of an annexation of territory to a city shall become effective on the effective date of the annexation if notice of the annexation is given to public utilities, electric cooperatives and telecommunications carriers by certified mail not later than 10 working days after the effective date of the annexation. However, if notification of the effective date of the annexation is provided to the public utilities, electric cooperatives and telecommunications carriers later than the 10th working day after the effective date of the annexation, the additional or increased fees or taxes become effective on the date of notification.

(3) As used in this section:

(a) "Effective date of annexation" is the effective date described in ORS chapter 199 or this chapter, whichever is applicable.

(b) "Public utility" has the meaning given that term in ORS 757.005.

(c) "Telecommunications carrier" has the meaning given that term in ORS 133.721. [1981 c.238 §2; 1985 c.702 §5; 1987 c.447 §116; 1989 c.736 §1; 1991 c.136 §1; 1999 c.1093 §11]

Findings: The City Council directed staff to provide notice by certified mail to all public utilities, electric cooperatives and telecommunications carriers operating within the city within 10 working days of the ordinance's passage. The notice will include each site address to be annexed, a legal description and map of the boundary change and a copy of the City Council's ordinance.

Conclusion: The City Council found that the criteria could be met, and directed staff to serve the required notices.

222.010 Report of city boundary changes; contents of report; time for filing; exception. (1) Every city, through its recorder or other city officer or agency designated to perform the duties of the recorder under this section, shall report to the county clerk and county assessor of the county within which the city is located all changes in the boundaries or limits of the city. The report shall contain a detailed legal description of the new boundaries established by the city. The report shall be filed by the city within 10 days from the effective date of the change of any boundary lines.

Findings: The City Council directed staff to provide notice to the Baker County Clerk and Baker County Assessor of the new boundaries, complete with a detailed legal description, within 10 days of the effective date of the annexation.

Conclusion: The City Council found the criteria could be met, and directed staff to serve the required notices.

222.111 Authority and procedure for annexation. (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

(3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.

Findings: The annexation was considered under the provisions of ORS 222.111-222.180. The territory proposed for annexation into the city is contiguous to the city limits. The proposal for annexation of territory to the city was initiated by vote of the City Council.

Conclusion: Criteria are met.

222.120 Procedure without election by city electors; hearing; ordinance subject to referendum. (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or

(c) Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of

the withdrawal of territory shall be determined as provided in ORS 222.465.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

(7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39; 2009 c.595 §180]

Findings:

(1) The proposal for annexation of territory to the city was initiated by vote of the City Council.

(2) Public hearings for consideration of the proposed annexation were held on January 4, 2011, and January 11, 2011, at 7:00 pm. The public provided testimony regarding the proposed annexation at both hearings.

(3) Notice of the hearings was published in the Hells Canyon Journal on December 22, 2010, and December 29, 2010. Notice of the hearings was posted in four public places in the City beginning on December 15, 2010. The notices were posted in City Hall, at the Richland Post Office, the Hitching Post Store, and in front of the Shorthorn Restaurant.

(4)(a) Not applicable.

(4)(b) The City Council approved an ordinance, Ordinance #204, to annex the proposed territory into the city at the second hearing held on January 11, 2011. The landowners of the property proposed for annexation consented to the annexation in writing prior to the first public hearing, held on January 4, 2011.

(4)(c) Not applicable.

(5) Not applicable.

(6) Ordinance #204 is subject to referendum.

(7) All property owners who have consented to the annexation meet the definition of "owner" provided in this section.

Conclusion: Criteria are met.

222.125 Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Findings: All owners of the land in the territory proposed to be annexed, and all electors, consented in writing to annexation of the land, and a statement of consent has been filed with the City. The City held two public hearings to take input on the proposed annexation and to have readings of Ordinance #204. The City Council adopted Ordinance #204 with the legal description of the boundaries to be annexed.

Conclusion: Criteria are met.

222.170 Effect of consent to annexation by territory; proclamation with and without city election. (1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(3) If the city legislative body has not dispensed with submitting the question to the electors of the city and a majority of the votes cast on the proposition within the city favor annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

(4) Real property that is publicly owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721 or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section. [Amended by 1955 c.51 §2; 1961 c.511 §2; 1971 c.673 §1; 1973 c.434 §1; 1983 c.350 §36; 1985 c.702 §11; 1987 c.447 §117; 1987 c.737 §4; 1999 c.1093 §12]

Findings: (1) All owners of the land proposed for annexation have consented in writing to the annexation; therefore, the question of annexation has not been proposed for election.

(a) Public hearings were held as required by ORS 222.120. The hearings were held on January 4, 2011, and January 11, 2011, at 7:00 pm, at the Eagle Valley Grange Hall in Richland.

(b) Not applicable.

(2) No election is proposed, as all owners and electors registered in the territory proposed to be annexed have consented in writing to the annexation, and the consent has been filed with the City.

(3) Not applicable.

(4) Real property that is publicly owned was not considered when determining the number of owners consenting to annexation. No owner of such property filed a statement consenting or opposing the proposed annexation.

Conclusion: Criteria are met.

222.173 Time limit for filing statements of consent; public records. (1) For the purpose of authorizing an annexation under ORS 222.170 or under a proceeding initiated as provided by ORS 199.490 (2), only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other

period of time has been entered into between an owner of land or an elector and the city.

(2) Statements of consent to annexation filed with the legislative body of the city by electors and owners of land under ORS 222.170 are public records under ORS 192.410 to 192.505. [1985 c.702 §20; 1987 c.737 §5; 1987 c.818 §8]

Findings: All statements of consent were filed with the City of Richland within the one-year period. All statements of consent to annexation are public records.

Conclusion: Criteria are met.

222.177 Filing of annexation records with Secretary of State. When a city legislative body proclaims an annexation under ORS 222.125, 222.150, 222.160 or 222.170, the recorder of the city or any other city officer or agency designated by the city legislative body to perform the duties of the recorder under this section shall transmit to the Secretary of State:

(1) A copy of the resolution or ordinance proclaiming the annexation.

(2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.

(3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.

(4) A copy of the ordinance issued under ORS 222.120 (4).

(5) An abstract of the vote upon the referendum if a referendum petition was filed with respect to the ordinance adopted under ORS 222.120 (4). [1985 c.702 §4; 1987 c.737 §7; 1987 c.818 §10]

Findings: The City Council directed staff to transmit all required records to the Secretary of State.

Conclusion: The City Council found the criteria could be met, and directed staff to transmit the required records to the Secretary of State.

IV. DECISION

It was moved and seconded that the City Council adopt Ordinance #204 as amended by the City Council. Motion passed unanimously.

V. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN CRITERIA: TEXT AND MAP AMENDMENT TO THE RICHLAND LAND USE AND DEVELOPMENT ORDINANCE

Article 8 Amendments

SECTION 8.1 - FORMS OF AMENDMENTS. There are two types of amendments to this ordinance:

(1) Amendment to the Text. (Legislative Revision)

(2) Amendment to the Map. (Legislative Revision or Quasi-Judicial Change)

Findings: Amendments to both the text and the map are proposed.

Conclusion: The City Council concluded that the proposed amendments are legislative.

SECTION 8.2 - LEGISLATIVE REVISIONS.

- (1) Proposed amendments to this ordinance shall be deemed legislative revisions if:
 - (A) The proposed amendment involves the text of this ordinance, and/or
 - (B) The proposed amendment involves the map, when such an amendment would have widespread and significant impact beyond the immediate area of the proposed amendment.
- (2) Legislative revisions shall be initiated by:
 - (A) A majority vote of the City Council; or
 - (B) A majority vote of the City Council; or
 - (C) A request by the City Attorney or City Planner.

Findings: This proposal requests an amendment to both the text of the Land Use and Development Ordinance and to the Comprehensive Plan and Zoning Map. This legislative revision was initiated by a majority vote of the City Council on March 17, 2010.

Conclusion: The City Council determined that both amendments are legislative.

SECTION 8.3 - QUASI-JUDICIAL REVISIONS.

- (1) A proposed amendment to this ordinance shall be deemed a quasi-judicial change if the proposed amendment involves the Zoning map and does not have widespread and significant impact beyond the immediate area of the proposed amendment.
- (2) Quasi-judicial changes may be initiated by:
 - (A) Property owners or contract purchaser or an authorized agent; or
 - (B) A majority vote of the City Council; or
 - (C) A majority vote of the City Council; or
 - (D) A request by the City Attorney or City Planner.
- (3) In case of a controversy as to whether an amendment be deemed a legislative or quasi-judicial matter, city staff shall make the initial determination. The staff decision may be appealed to the City Council.

Findings: Because the text amendment to the City of Richland Land Use Development Ordinance is legislative, and because of potential for impact beyond the boundary of the Richland Elementary School property (Township 9 South, Range 45 East, Section 23 (Map 09S4523AD), Tax Lots 100 and 200) in the

matter of amending the Comprehensive Plan and Zoning Map, the City Council deemed the application to rezone the Richland Elementary School property a legislative action.

Conclusion: Criteria do not apply, as both the text and map amendments are legislative actions.

SECTION 8.4 – HEARING REQUIREMENTS FOR LEGISLATIVE OR QUASI-JUDICIAL REVISIONS TO THE ZONING ORDINANCE. Public hearings, under the provisions of Section 8.5, shall be required for both legislative and quasi-judicial amendments to the Zoning Ordinance. A public hearing before the City Council is mandatory. A public hearing before the City Council is optional. (See procedures in Section 8.6 below).

SECTION 8.5 – NOTICE REQUIREMENTS. For both legislative and quasi-judicial revisions to the Zoning Ordinance, a series of public notices are required. These notices are as follows:

- (1) POST-ACKNOWLEDGEMENT PLAN AMENDMENT NOTICE TO DLCD. The Department of Land Conservation and Development requires notice of the first evidentiary hearing on a proposed amendment to a jurisdiction's zoning ordinance to be submitted to the Department on their forms at least forty-five (45) days in advance of the first hearing. Notice must be in the Salem office forty-five (45) days or earlier than the date of the proposed hearing before the City Council.
- (2) NOTICES OF BOTH LEGISLATIVE AND QUASI-JUDICIAL HEARINGS. Notices of both legislative and quasi-judicial hearings must be published in the local newspaper following the requirements of Section 8.5 of this Ordinance.
- (3) LEGISLATIVE REVISIONS—BALLOT MEASURE 56. Ballot Measure 56, passed by general vote in the 1998 election, requires specific notices be mailed to all affected landowners in the instance of a legislative revision in which a rezoning will occur. These must be mailed not more than forty (40) nor less than twenty (20) days from the date of the first hearing.
- (4) QUASI-JUDICIAL HEARINGS. Quasi-judicial hearings require notices to all affected property owners within one hundred (100) feet of the subject property be mailed at least ten (10) days before each hearing on the proposed amendment.

Findings:

8.4: Public hearings on the legislative amendments were held by the City Council on January 4, 2011, at 7:00 pm, and January 11, 2011, at 7:00 pm.

8.5 (1): A Post Acknowledgement Plan Amendment notice to the Department of Land Conservation and Development (DLCD) was sent on March 18, 2010. An amended notice updating the hearing date was sent on December 15, 2010.

8.5 (2): Notice of the hearings was published in the Hells Canyon Journal on December 22, 2010, and December 29, 2010, in accordance with the requirements of Section 8.5 of the Ordinance.

8.5 (3): Specific notices were mailed to all affected property owners notifying them of this legislative revision on December 15, 2010, in accordance with the provisions of ORS 227.186, which implemented Ballot Measure 56. The notices were sent to all property owners within the City of Richland, all property owners within the territory proposed for annexation, and all property owners within 100 feet of the

Richland Elementary School property (Township 9 South, Range 45 East, Section 23 (Map 09S4523AD), Tax Lots 100 and 200).

8.5 (4): Not applicable.

Conclusion: Criteria are met.

SECTION 8.6 – LEGISLATIVE OR QUASI-JUDICIAL AMENDMENT PROCEDURAL PROCESS.

The City Council shall conduct a public hearing on the proposed amendment. Within forty-five (45) days after the hearing, the City Council shall render a decision. The City Council must take final action on an amendment request. Amendments shall be made by ordinance.

Findings: Hearings were conducted on January 4, 2011, and January 11, 2011, at 7:00 pm. At the January 11, 2011 hearing, the City Council chose to adopt Ordinance #205, amending the text and map of the City of Richland Comprehensive Land Use Plan and Land Use and Development Ordinance.

Conclusion: Criteria are met.

SECTION 8.7 – LEGISLATIVE AMENDMENTS. Legislative amendments are broad-based amendments which impact the whole City not just a specific neighborhood or area. Most text amendments are legislative. No specific hearing procedure is required. The City Council are acting as legislators, making new law for the City. It is suggested, in order to provide a sound format for the hearing process, that the quasi-judicial procedure be followed.

Findings: The proposed text and map amendments are legislative amendments.

Conclusion: Criteria are met.

SECTION 8.9 – NOTIFICATION OF DECISION. Within five (5) working days after a final decision on an amendment to the comprehensive plan, zoning ordinance text or plan/zone map, the City Recorder shall provide the applicant and the Department of Land Conservation and Development a complete copy of the City Council decision. Within five (5) working days after a final decision, the City shall also provide notice of the decision to all persons who participated in the local proceedings and requested in writing that they be given notice. The notice shall meet the requirements of ORS 197.615.

Findings: The City Council directed staff to provide the Department of Land Conservation and Development with a complete copy of the City Council decision within 5 working days of the final decision and notice of decision to all persons who participated in the local proceedings. The notice will meet the requirements of ORS 197.615.

Conclusion: Criteria are met.

SECTION 8.10 – LIMITATION OF RE-APPLICATIONS. No application of a property owner for an amendment to a zone boundary shall be considered by the City Council within the one year period immediately following a previous denial of such request, except the City Council may permit a new application if, in the opinion of the City Council, new evidence or a change of circumstances warrant it.

SECTION 8.11 – RECORD OF AMENDMENTS. The Recorder shall maintain records of amendments to this ordinance.

SECTION 8.12 – AMENDMENTS AFFECTING TRANSPORTATION FACILITIES.

- (1) Plan or land use regulation amendment significantly affects a transportation facility if it:
 - (A) Changes the functional classification of an existing or planned transportation facility;
 - (B) Changes standards implementing a functional classification system;
 - (C) Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
 - (D) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.
- (2) Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
 - (A) Limiting allowed land uses to be consistent with the planned function of the transportation facility;
 - (B) Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
 - (C) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

Findings:

8.12 (1) An amendment to an acknowledged Comprehensive Plan is proposed. Access to the parcels known as the Richland Elementary School property, described as Township 9 South, Range 45 East, Section 23 (Map 09S4523AD), Tax Lots 100 and 200, is from Moody Road. There is no access directly onto the State Highway. Tom Kuhlman of Oregon Department of Transportation provided the following information regarding the Comprehensive Plan Amendment, “The current ADT (*average daily traffic*) for the West end of Richland is about 1100 ADT and for the East end about 640 ADT. Assuming the traffic grew on the East end (because of this development) to match west end, we could use an assumed worst case of about 1100 trip per day on the East end. Peak hour traffic would be about 110 trips. Comparing this volume to the turn lane warrant requirements, most all (70% to 100%) of this traffic would have to be turning into this development to warrant turn lanes. As such, I don't feel a TIA (*traffic impact analysis*) would be needed for this location. Sight distance is good and I'm not aware of any other issues that would need to be addressed.” Patrick Knight of Oregon Department of Transportation further clarified, “Tom Kuhlman has looked over the proposition for the City rezone... and has considered compliance with the TPR (*transportation planning rule*).”

The existing intersection is currently functioning at an "A" classification, and even if the proposed development increases traffic to the high of 1100 ADT used as an example by Tom Kuhlman, the intersection will continue to function at an "A" classification.

8.12 (2) The proposed amendment will not have a significant affect on the transportation facility.

Conclusion: The City Council concluded the proposed amendment would not have a significant affect on the transportation facility.

VI. DECISION

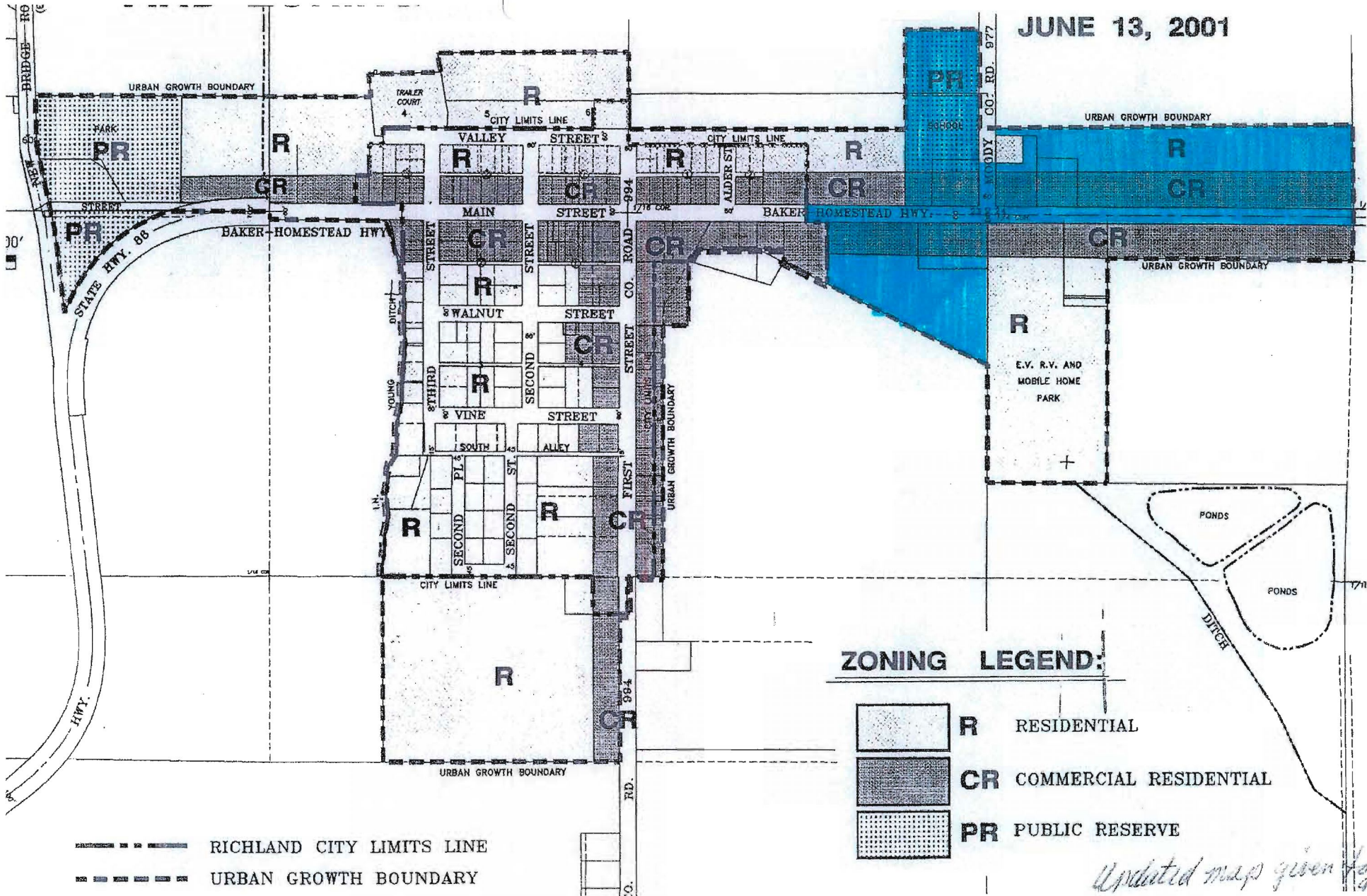
It was moved and seconded that the City Council approve the text amendments described in Exhibit 'C' to add the Commercial-Residential-Apartments zone to the Land Use and Development Ordinance, and the City Council approved the request to rezone tax lots 100 and 200 of Township 9 South, Range 45 East, Section 23AD, from Public Reserve and Commercial-Residential to Commercial-Residential-Apartments, based on the information, findings of fact and conclusions in Section V above. It was also moved and seconded that the City Council adopt Ordinance #205 as amended by the City Council to declare an emergency. Both motions passed unanimously.

VII. EXHIBITS

- Exhibit 'A' Map of Proposed Annexation
- Exhibit 'B' Description of Property Proposed for Annexation
- Exhibit 'C' Proposed Text Amendments
- Exhibit 'D' Map of Proposed Zone Change
- Exhibit 'E' Request for Zone Change Submitted by Pine-Eagle Economic Development Corporation




PROPOSED ANNEXATION

JUNE 13, 2001



- - - - - RICHLAND CITY LIMITS LINE
 - - - - - URBAN GROWTH BOUNDARY

ZONING LEGEND:

-  R RESIDENTIAL
-  CR COMMERCIAL RESIDENTIAL
-  PR PUBLIC RESERVE

Updated map given to

EXHIBIT 'B'

Description of Property Proposed for Annexation

DESCRIPTION

Multiple parcels of land lying in the East ½ East ½ of Section 23 and in the West ½ West ½ of Section 24, Township 9 South, Range 45 East, Willamette Meridian, Baker County, Oregon, described as follows:

Beginning at Engineer's center line Station 2161+76.69 on the Baker - Copperfield Highway, said station being 1.94 feet South and 666.19 feet West of the East ¼ corner of Section 23, T.9S., R.45E., W.M.; thence S.0°10'E., 30 feet to the South right of way of said Baker-Copperfield Highway; thence N.89°50'00" E., along said South right of way, 76 feet, more or less, to the Northeast corner of that parcel described in Baker County Deed #83 28 003; thence S.1°44'E., 230 feet, more or less, to the Southeast corner thereof; thence S.63°36' E., 660 feet, more or less, to the East line of said Section 23; thence N.1°44' W., along said East line, 525 feet, more or less, to the South right of way of said Baker - Copperfield Highway; thence Easterly, along said South right of way, 1320 feet, more or less, to the East line of the West ½ West ½ of said Section 24; thence Northerly, 60 feet, to the North right of way of said Baker - Copperfield Highway; thence Northerly, along said East line of the West ½ West ½ of Section 24, 293 feet; thence Westerly, parallel to said Baker - Copperfield Highway, 1290 feet, more or less, to the East right of way of Moody Road; thence Southerly, along said East right of way, 42 feet to the Northwest corner of the parcel described in Baker County Deed #85 20 043; thence Easterly, along the North line of said parcel, 100 feet to the Northeast corner thereof; thence Southerly, along the East line of said parcel, 100 feet to the Southeast corner thereof; thence Westerly, along the South line of said parcel, and its Westerly extension, 160 feet to the West right of way of Moody Road; thence Northerly, along said West right of way, 485 feet to the Northeast corner of the parcel described in Baker County Deed Book 170, Page 979; thence Westerly, along the North line of said parcel, 267 feet to the Northwest corner thereof; thence Southerly, along the West line of said parcel and along the West line of the parcel described in Baker County Deed Book 80, Page 104, 636 feet to the North right of way of Baker - Copperfield Highway; thence S.89°50'00"W., along said North right of way 369 feet, more of less, to a point opposite Engineer's center line Station 2161+76.69; thence S.0°10'E., 30 feet to the Point of Beginning.

Containing 20.40 acres, more or less.

EXHIBIT 'C'

Text Amendments to the Land Use and Development Ordinance

List of Amended Pages

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- Page 12
- Pages 19-21

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Article 2 Basic Provisions

SECTION 2.1 - COMPLIANCE WITH ORDINANCE PROVISIONS. The land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance shall permit.

SECTION 2.2 - ESTABLISHMENT OF LAND USE ZONE. This ordinance hereby establishes the following land use zones for the City.

<i>ZONE</i>	<i>ABBREVIATED DESIGNATIONS</i>
Residential	R
Commercial- Residential	CR
<u>Commercial-</u>	<u>CRA</u>
<u>Residential-Apartments</u>	
Public Reserve	PR

SECTION 2.3 - LOCATION OF ZONES. The boundaries of the zones listed in this ordinance are indicated on the Richland Zoning Map, which is attached to this ordinance.

SECTION 2.4 - ZONING MAP. The Zoning Map of the City of Richland is attached to this ordinance. Zoning Map Amendments shall be dated with the effective date of the ordinance that adopts the map amendment and filed in the office of the City Recorder.

SECTION 2.5 - ZONING BOUNDARIES. Unless otherwise specified, zone boundaries are centerlines of streets, lot lines, and city limits lines.

SECTION 2.6 – APPLICATION. The provisions of this Ordinance shall apply to all land areas inside the incorporated boundary of the City.

SECTION 2.7 – VIOLATIONS: PERMITS.

- (1) No person shall locate, construct, maintain, repair, alter the use, or transfer land in violation of any provisions of this Ordinance.
- (2) Where a permit or approval is required by any provision of this Ordinance, no person shall take any action or do any of the things mentioned in (1) of this section without such permit or approval.

SECTION 3.3 – COMMERCIAL-RESIDENTIAL-APARTMENTS

USES. Buildings and structures hereafter erected, structurally altered, enlarged, or moved or land hereafter used in the "CRA" Commercial-Residential-Apartments Zone shall comply with the following regulations.

(1) PERMITTED USES.

- (A) Farm use, not including structures or permanent facilities.
- (B) Residential uses listed in Section 3.1 (A) and (B).
- (C) Apartments.
- (D) Retail trade and service establishments in which the operation takes place solely within an enclosed building.
- (E) Public buildings, structures, and services including community centers.
- (F) Retail trade establishments, personal, and business services in which the operation takes place solely within an enclosed building and the owner, operator or lessee of the business lives in an apartment on the premises.

(2) CONDITIONAL USES. Permitted with approval of the City Council in accordance with Article 5 of this ordinance.

- (A) Retail trade and service establishments in which some activities take place within an enclosed building.
- (B) Public and private schools.

(3) STANDARDS. In the "CRA" Zone, the following standards shall apply if determined to be the best interest and welfare of residents:

- (A) The minimum lot size shall be determined by the City Council to be necessary for the protection of public health and safety and natural resources.
- (B) Setback dimensions shall be determined by the City Council.
- (C) All uses shall have adequate area to meet the property line setback requirements and the off street parking space requirements of this Ordinance.

(D) All uses shall have a frontage on the street of a minimum of 25 feet.

(4) PARKING REGULATIONS.

(A) Residential Off-Street Parking. For residential uses, two parking spaces for each dwelling unit.

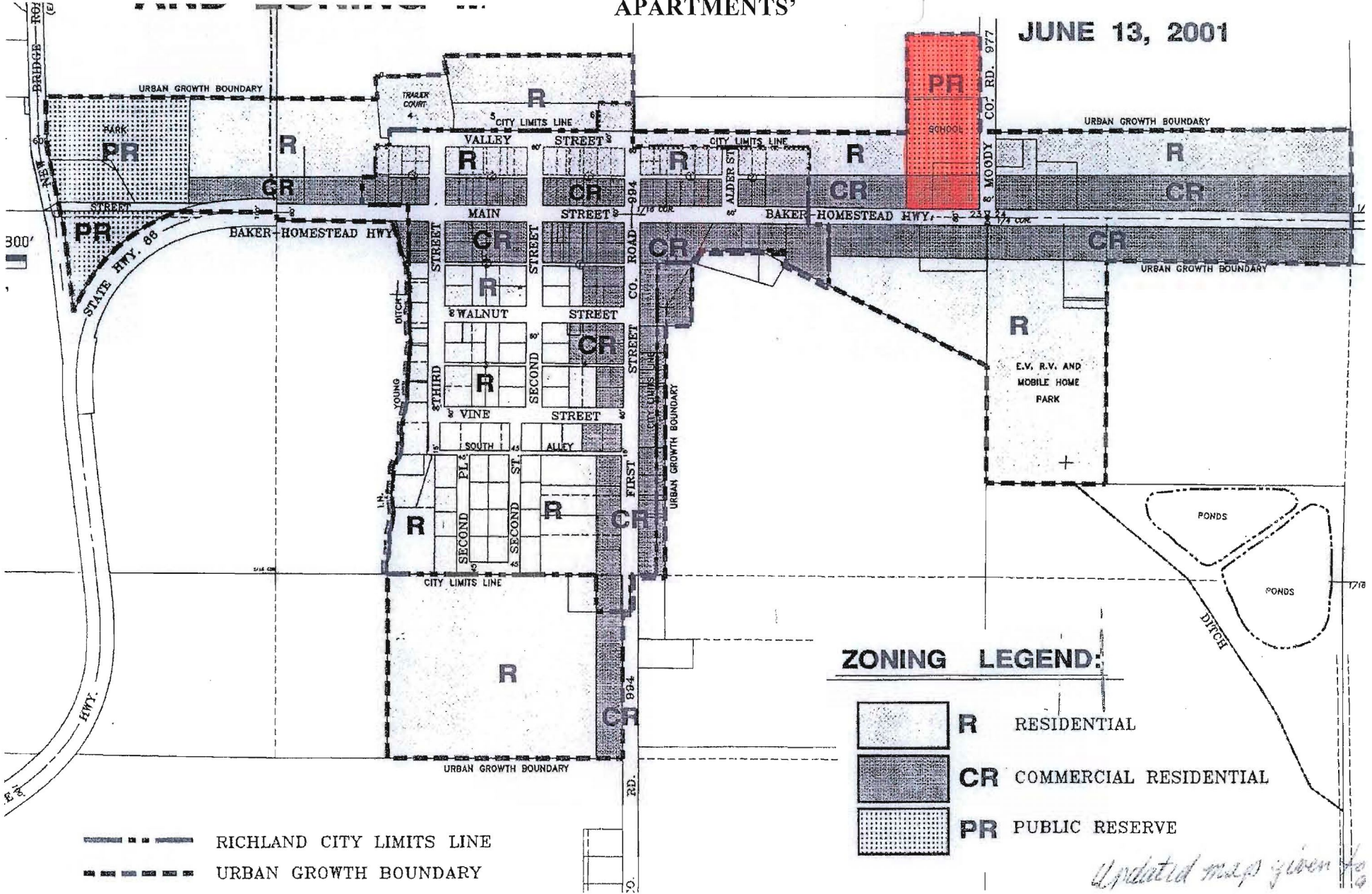
(B) Off-Street Parking. See Section 4.7.

(C) Parking Area Approval. Land used for parking areas in this zone shall be developed in accordance with a plan approved in writing by the City Council. The area must be surfaced with asphalt, concrete, or other type of surfacing approved by the City Council and all parking spaces shall be individually marked.

(5) SANITATION REGULATIONS. Before any dwelling is occupied, it must be connected to an approved subsurface disposal system and, ultimately, to the city sewer system at such time as the city sewer system becomes available to the property on which the dwelling is located.

PROPOSED REZONE TO 'COMMERCIAL-RESIDENTIAL- APARTMENTS'

JUNE 13, 2001



RICHLAND CITY LIMITS LINE
 URBAN GROWTH BOUNDARY

ZONING LEGEND:

- R** RESIDENTIAL
- CR** COMMERCIAL RESIDENTIAL
- PR** PUBLIC RESERVE

Updated map given to

EXHIBIT 'E'

Requested Zone Change

Property legal description: Map 09S4523AD Tax Lots 100 & 200 in Baker County, Oregon, known as the Richland Elementary School. Approximately 3.9 acres zoned Public Reserve with a 100-foot strip of Commercial/Residential zone along Hwy 86 and within the Urban Growth Boundaries of the City of Richland

The Pine Eagle School Board (Owner) has declared the property surplus and has agreed in principal to transfer the property to North East Oregon Housing Authority (NEOHA) and the Eagle Valley Rural Fire Dept (EVRFD) with conditions. One of which is that the property be rezoned to meet the requirement and uses of the parties receiving the property.

It is the intent of the NEOHA to create housing units for low-income seniors in the two classroom wings of the existing building and enter into an agreement with the Pine Eagle Economic Development Corp (PEEDS) a non-profit 501(c) (3), to manage the remainder of the building as a Community Center and for public or commercial use. The PEEDC would like the flexibility to charge for usage and rent space for commercial use to offset costs associated with its portion of the building.

The EVRFD would like to be able to construct a building large enough to house their engines, equipment and provide room for training and educational purposes.

Rather than amend the existing Commercial/Residential Zone, it has been suggested that a new zone be created that allows for all of the uses described. Such a new zone would only apply to this particular parcel. At a minimum this zone need to allow for multiple residential units, commercial use, community centers and community service/emergency response facilities. It is not necessary for this parcel to be annexed into the City of Richland for this to be accomplished.

Respectfully
Steve Brooks
Vice-President for PEEDC



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01/20/2011

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