NOTICE OF ADOPTED AMENDMENT

02/06/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Halfway Plan Amendment
DLCD File Number 002-11

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: Tuesday, February 21, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Page Frederickson, City of Halfway
    Angela Lazarean, DLCD Urban Planner
    Grant Young, DLCD Regional Representative

<pa> YA
### 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.

<table>
<thead>
<tr>
<th>Jurisdiction: City of Halfway</th>
<th>Local file number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Adoption: Jan. 26, 2012</td>
<td>Date Mailed: Jan 30, 2012</td>
</tr>
</tbody>
</table>

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? □ Yes □ No Date:

- □ Comprehensive Plan Text Amendment
- □ Land Use Regulation Amendment
- □ New Land Use Regulation
- □ Comprehensive Plan Map Amendment
- □ Zoning Map Amendment
- □ Other:

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

- **Reseed entire Lot #2800 from Residential to Commercial/Residential**
- Amend zoning map to reflect the change in Zone "R-1" for Lot #2800 (195 E. Dawson St.)
- Lot and existing building to be used to provide additional space for business opportunity - new business

Does the Adoption differ from proposal? Please select one

- Same

Plan Map Changed from: "R" Residential to "CR" Commercial/Residential

Zone Map Changed from: "R" Residential to "CR" Commercial/Residential

Location: 195 E. Dawson St., Halfway, OR. Acres Involved: 0.23

Specify Density: Previous: New:

Applicable statewide planning goals:

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
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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. 002-11 (19086) [16920]
Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Baker County Planning Dept.
Oregon Dept. of Transportation

<table>
<thead>
<tr>
<th>Local Contact:</th>
<th>Phone: (541) 742-4741</th>
<th>Extension:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page Frederickson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Halfway</td>
<td>Fax Number: 541-742-4742</td>
<td></td>
</tr>
<tr>
<td>Halfway, OR</td>
<td>E-mail Address:</td>
<td></td>
</tr>
<tr>
<td>97834</td>
<td>thecity@<a href="mailto:page@hotmail.com">page@hotmail.com</a></td>
<td></td>
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</tbody>
</table>

ADOPITION 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.

http://www.oregon.gov/LCD/forms.shtml

Updated April 22, 2011
ORDINANCE NO. 1-26-12

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF HALFWAY; REZONING LOT 2800 FROM RESIDENTIAL ZONE TO COMMERCIAL/RESIDENTIAL

THE CITY OF HALFWAY ORDAINS AS FOLLOWS:

SECTION 1: The zoning map will be amended by rezoning the entire Lot #2800 located at 125 E. Dawson St., Halfway, Oregon, on assessor's map 08S-46E-17AA, from Residential Zone to Commercial/Residential Zone.

EXHIBIT A. Tax Assessors map showing location of lot.

EXHIBIT B. The zoning map. Rezoned portion is outlined in red.

EXHIBIT C. Legal description and tax account number.

-Read first in full, and then by title, This 26th Day of January, 2012

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 26th Day of January, 2012

-APPROVED by the Mayor of the City of Halfway, This 26th Day of January, 2012

APPROVED: 
SHEILA FARWELL, MAYOR

ATTEST: 
HEATHER FARLEY
CITY RECORDER/TREASURER

DATE: 1-26-12
CITY OF HALFWAY
IN SECTIONS 8 AND 17, TWP. 8 SOUTH, RANGE 46 EAST, W.M.
BAKER COUNTY, OREGON
MAY, 2005

ZONING MAP:

R  \_ RESIDENTIAL
C/R  \_ COMMERCIAL/RESIDENTIAL
P  \_ PUBLIC

LEGEND:

\_ CITY LIMITS LINE
\_ URBAN GROWTH BOUNDARY

ATTACHMENT "B"
<table>
<thead>
<tr>
<th>REF #</th>
<th>11625</th>
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<td>AMOUNT</td>
<td>DEED #</td>
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<td>ADDRSSS CHANGE</td>
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<td>123103</td>
<td>03520259</td>
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<td>B/S (RE-RECORD)</td>
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<td>B/S (RE-RECORD)</td>
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<tr>
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<tr>
<td>MCKIMMY, ALBERT E (LE)</td>
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<td>04030057</td>
<td>74760</td>
<td>B/S</td>
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<tr>
<td>MCKIMMY, MICHAEL E</td>
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<td>102307</td>
<td>ADDRESS CHANGE PER REQUEST</td>
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<td>04030057</td>
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<td>AUTH# =</td>
<td>UDV =</td>
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<tr>
<td>2-PRINT 5-DEED 7-EOJ 8-CLEAR 13-(LAST LINE + 1) 20-DOCUMENT</td>
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</table>
Know all men by these presents that JOSEPH SAMPLE, his heirs and assigns, for consideration of TEN DOLLARS and other good and valuable consideration paid to him, the money hereinafter mentioned, do hereby freely, absolutely and forever convey and set over unto the said scrolls as inventors by the authority, their heirs and assigns it, and for the proper, convenient and humane, the town, city and town, all the lands, premises and every part of the said premises, all the possessions, belongings and appurtenances situated in the County of Baker and State of Oregon, bounded and described as follows, to wit:

Lots 9 and 10 in and of Block 3 in and of W. V. Lloyd's Addition to Halfway, Baker County, Oregon

To have and to hold the above described and granted premises unto the said premises as inventors by the authority, their heirs and assigns forever.

And that, DEED AND DEED, the parties and assigns, shall possess and hold, save and except the whole, described and set out in the following:.

Witness: D. R. B. and J. C. J. B. 1894

STATE OF OREGON

County of Baker, in the County of Baker and State of Oregon, personally appeared the within described individual, JOSEPH SAMPLE, a citizen of the United States, who, being by me duly sworn, deposed and subscribed the above statement.

My Commission expires Aug. 20, 1900

WARRANTY DEED

JOSEPH SAMPLE

ALBERT S. MERRICK, esq.

IN THE COURT OF COMMON PLEAS OF BAKER COUNTY, OREGON

This is to certify that the within instrument was executed by JOSEPH SAMPLE, upon being sworn and subscribed to the foregoing page.

Witness the hand and seal of Court aforesaid.

[Signature]
PUBLIC NOTICE
Thursday, January 26, 2012
REQUEST FOR AMENDMENT TO ZONING MAP
ZONE REVISION
Notice of request for a Zone Change to property owner's request has been made. An application to change zoning to Commercial Zone 3 in a building located at Lot #2800 from Residential to Commercial/Residential. This property is located at the corner of Main Street and Baker Street. The property owner intends to use this property for commercial purposes. The property is identified as Tax Lot #2800, Lot B, Range 46E W.M., Section 17, Lots 9 & 10, of the Old Pine Market. The public hearing will be held at 1:00 p.m. on Thursday, January 26, 2012, in the City Hall.

R. Stewards,Baker City, Oregon

Copper Lines Corrode
To the Editor:
Here's a heads-up: several people in your community have had copper pipe lines in their homes for years. What begins as a minor annoyance can quickly become a major problem. Copper lines are at risk of corrosion, which can cause leaks and reduce the water quality.

If you suspect your copper lines may be corroding, there are several steps you can take to address the issue:

1. Inspect your pipes: Look for signs of rust or discoloration. These are often telltale signs of corrosion.
2. Have a professional assessment: A plumber can inspect your system to determine the extent of the corrosion and recommend a solution.
3. Consider alternative materials: Copper pipes are susceptible to corrosion, so it might be worth considering alternative materials for new installations.
4. Regular maintenance: Keep your pipes in good condition by regular cleaning and maintenance.

By taking these steps, you can help ensure your water system remains safe and reliable.

Mardelle Kibell
Baker City, Oregon

AGENDA
PINE EAGLE SCHOOL DISTRICT #61

Color Building appears today...
NOTICE OF DECISION
ORDER AND FINAL APPROVAL

On Thursday, January 26, 2012, the City of Halfway City Council and Planning Commission held a public hearing and meeting to review the application for a zone change from Residential to Commercial/Residential for tax lot #2800, owned by Scott and Michael McKimmy. The City of Halfway, City Council voted 5 to 1 to approve the zone change and voted 6 to 1 to enact Ordinance #1-26-12 amending the zoning map for lot #2800 from Residential to Commercial/Residential. Copies of this Order and Final approval along with additional information are available at the City of Halfway City Hall for Public review.

According to Oregon State law, any party of record may appeal this decision within 21 days of this Final Order approval date. This decision by the Halfway City Council may be appealed to the Land Use Board of Appeals (LUBA) in accordance with the Board's rules and procedures. The appeal period for this decision ends February 16, 2012. If no appeals have been filed by February 16, 2012 then the decision is final.

Copies of the approved Council minutes for the public hearing held on January 26, 2012 will be available after February 9, 2012.

Sheila Farwell – Honorable Mayor

Date

This notice was posted on the door of City Hall, IS Bank Entrance, USPO inside bulletin board and the Public Sidewalk bulletin board at the Halfway Market on Friday January 27, 2012.
January 2012

Staff Report on a request to amend the zoning map/ zone change from Residential to Commercial/Residential.

An application was submitted to the City of Halfway on November 8, 2011 by the owner’s agent, Sandy Brumnett. The owner is Scott McKimmy and a letter stating that Sandy Brumnett was to be the agent/ representative in this matter. (A copy is in the packets.) The City’s Land Use Ordinances allows for an authorized agent to submit application on behalf of the owner. (See Section 8.3(2), Article 8(A).) A presentation of fact and reasons were also submitted with the application. A copy is in the packets.

Mailing Address of the Applicant/ Agent: Sandy Brumnett, P.O. Box 913, Halfway, Oregon 97834

Owners Address: Scott and Michael McKimmy, 102 SW Olive Court, Boardman, Or. 97818

Proposal: The property owner’s Agent has requested to have the subject property rezoned from Residential (R), to Commercial/Residential (CR). The agent, Sandy Brumnett, intends to use the subject property as a retail store for local crafts. In the City’s of Halfway Land Use Ordinances a retail trade and service establishments within an enclosed building is an outright permitted use in a Commercial/Residential zone.

Land Involved: 10,000 sq. ft. (100 ft. X 100 ft. lot) located at 125 E. Dawson St. in Halfway, Or. This property is shown on Baker County Assessor map #08,46E,17AA, in Section 8, Township 8S, Range 46E, WM.

The subject property is tax Lot #2800, and is in the city limits of Halfway, Or. also listed as located in the WW Lloyd Addition on the Baker County Assessor map.

See Attached copy of the legal description. (On record w/ Baker County.)

The subject property abuts Residential properties on all four sides of the property with Commercial/Residential Zoned property approximately 50 feet diagonally from the Northeast corner of the subject property. (Please review copy of the map enclosed in the packet.)
The subject property meets the minimum lot size for “CR” zone which is 5,000 sq. ft. The subject property is approximately 10,000 sq. ft. The intended use for the subject property is an outright use in a Commercial/Residential “CR” zone under Article 3, Section 3.2 (1), but is not an outright use in a Residential “R” zone. The subject property has an existing residential dwelling located on the lot, with additional garage and carport buildings located on the lot as well. The applicant submitted with the application a parking plan that meets the additional off street parking requirements for a retail establishment which states one parking space for every 300 sq. ft. of floor area. (See enclosed copy of Land Use Ordinance, Article 4, Section 4.6, (6) commercial.) This property already has sufficient off street parking for a residential use.

The subject property can also meet the sanitation requirements in Section 3.1(5) (A) and (6) of the City of Halfway Land Use Ordinance as the existing residence has existing water and sewer connections which are still connected to the City’s water and sewer systems.

Notice of the proposed Zone Change was published in the Hells Canyon Journal on 1/4/12 and again on 1/12/12 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 12/20/11, 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.

The notice of proposed zone change with appropriate documentation and state forms, were mailed to LDCD on 12/6/11 which was at least 45 days prior to the public hearing. This is a required notice for a zone change under Article 8, Amendments, Section 8.5, Notices, (1).

Notice of the proposed zone change with additional information was also sent to the Baker County Planning Department and ODOT on 12/20/11.
HALFWAY LAND USE AND DEVELOPMENT ORDINANCE

(6) 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.

SECTION 3.2 – COMMERCIAL-RESIDENTIAL ZONE "CR".

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

(1) PERMITTED USES.
   (A) Residential uses listed in Section 3.1 (1).
   (B) Retail trade and service establishments in which the operation takes place solely within an enclosed building.
   (C) Public buildings, structures, and services.
   (D) 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.
   (E) Existing residential uses at the time of adoption of this Ordinance.
   (F) Utilities facilities necessary for public service.
   (G) Any commercial use according to this section shall be reasonably free of objectionable odor, noise, glare, heat, vibration or other adverse effect on neighboring property.

(2) CONDITIONAL USES. Permitted with approval of the City Council in accordance with Article 5 of this ordinance.
   (A) Churches.
### HALFWAY LAND USE AND DEVELOPMENT ORDINANCE

<table>
<thead>
<tr>
<th>Section</th>
<th>Category</th>
<th>Requirements</th>
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</thead>
<tbody>
<tr>
<td>(5)</td>
<td>Commercial Amusement</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(A) Stadium, arena, theater</td>
<td>One space per four seats or eight feet of bench length</td>
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<tr>
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<td>(B) Bowling alley</td>
<td>Five spaces per alley plus one space for two employees.</td>
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<tr>
<td></td>
<td>(C) Dance hall, skating rink</td>
<td>One space per 100 sq. ft. of floor area plus one space per two employees.</td>
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<tr>
<td>(6)</td>
<td>Commercial</td>
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<tr>
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<td>(A) Retail store except as provided in subsection (6)(B) of this section</td>
<td>One space per 300 sq. ft. of floor area designated for retail sales.</td>
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<tr>
<td></td>
<td>(B) Service or repair shop, retail store handling, exclusively bulky merchandise such as automobiles and furniture</td>
<td>One space per 600 sq. ft. of floor area.</td>
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<td>(C) Bank, office (except medical and dental)</td>
<td>One space per 600 sq. ft. of floor area plus one space per two employees.</td>
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<tr>
<td></td>
<td>(D) Medical and dental clinic</td>
<td>One space per 300 sq. ft. of floor area plus one space per two employees.</td>
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<td></td>
<td>(E) Eating or drinking establishment</td>
<td>One space per 250 sq. ft. of floor area.</td>
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<td>(F) Mortuaries</td>
<td>One space per six seats or eight ft. of bench length in chapels.</td>
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<tr>
<td>(7)</td>
<td>Industrial</td>
<td></td>
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<tr>
<td></td>
<td>(A) Storage warehouse,</td>
<td>One space per employee.</td>
</tr>
</tbody>
</table>

March, 2001