



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 30, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Joseph Plan Amendment
DLCD File Number 001-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 11, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Grant Young, DLCD Regional Representative
Noma McDaniel, City of Joseph

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DPF 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Joseph

Local file number: 2008-03

Date of Adoption: June 5, 2008

Date Mailed: June 20, 2008

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: ~~April 28, 2008~~ ^{FEBRUARY 21, 2008} *all.d*

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".

#1 Annexation of Tax Lot 2908, Map 2S4532CB currently in Urban Growth Area into the City.

#2 Rezone of Tax Lots 100 and 2908 from Commercial to General Residential. Map 2S4532CB

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: UGA Rural Residential

to: City of Joseph General Residential

Zone Map Changed from: Commercial

to: General Residential

Location: 2S4532CB

Acres Involved: 34,465 sq. ft.

Specify Density: Previous: same

New: same

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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

DLCD file No. 001-08 (16722)

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

Wallowa County, City of Joseph

Local Contact:	Noma McDaniel	Phone:	(541)432-3832	Extension:	
Address:	P.O. Box 15	Fax Number:	541 -432-3832		
City:	Joseph	Zip:	97846	E-mail Address:	cityofjoseph@eoni.com

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE CITY COUNCIL OF THE
CITY OF JOSEPH, OREGON

In the Matter of the)	Case Number 2008-03
)	
Application of:)	Application is for annexation of
)	Tax Lot 2908, Map 2S4532CB
Carlton F. & Sharon R. Harvey)	and Rezone from Commercial to
)	General Residential of Tax Lots
)	100 and 2908, Map 2S4532CB

ORDER

I. Nature of Application

This matter comes before the City Council on the application of Carlton F. and Sharon R. Harvey requesting annexation of Tax Lot 2908, Map 2S4532CB (currently in the urban growth area), abutting and utilized as a portion of Tax Lot 100, Map 2SS4532CB (commonly known as the Dean Waters apartments, constructed by Lowell Lewis) be annexed into the City of Joseph to harmonize with current usage. The property currently is serviced by city water and sewer services. Mr. & Mrs. Harvey are further requesting that the newly annexed parcel, named above as Tax Lot 2908, Map 2S4532CB and main parcel, named about as Tax Lot 100, Map 2S4532CB, be re-zoned from Commercial to General Residential multiple family dwelling to conform to the current usage.

II. Relevant Criteria

City of Joseph Land Use Plan, Statewide Goals; Joseph Annexation Ordinance 2002-02, Joseph Zoning Ordinance, Section 1.010; 1.020; 1.030; 1.050; 2.010, 2.020; 8.010; 8.020; 8.030; 8.040; 9.040; 9.050; 9.070; 9.080. All land use applications are subject to the general ordinance requirements contained as in Article 10.

III. Public Hearing

A public hearing was duly held on this application on May 1, 2008 at the Joseph Community Center. The Staff Report was made part of the record at the hearing. The following persons gave testimony at the hearing.

Finding of Facts Case Number 2008-03
Carlton F. & Sharon R. Harvey

Page # 1

Written testimony in favor of the application was received from Lowell Lewis.

No objection was raised as to notice, jurisdiction, conflicts of interest or to evidence or testimony presented at the hearing.

The statutory time limitation on issuance of a final decision was not waived by the applicant. The statutory 120 day deadline for decision by the Council is June 14, 2008. Application was received February 15, 2008.

IV. Findings of Facts

The Council, after careful consideration of the testimony and evidence in the record, issues the following findings of fact:

1. The subject property is located at 300 East Eights Street and is zoned Commercial. The application meets the requirement of the City of Joseph Land Use Plan and Annexation Ordinance for orderly and appropriate annexation and development.
2. Public was given a 20 day notice for this request by Wallowa County Chieftain and mailing to property owners within 250 feet of the property.
3. The property within the Urban Growth Area has been served with public city services and would not create an additional demand to the City.
4. Re-zone of all the property to residential would preserve the character of the surrounding neighborhood.

V. Order

It is hereby found that the applicant has met the burden of providing the relevant standard and criteria, and therefore, **IT IS ORDERED**, that the application for annexation of Tax Lot 2908, Map 2S4532CB and the rezone of Tax Lots 2908 and 100 to General Residential is granted to Carlton F. and Sharon R. Harvey.

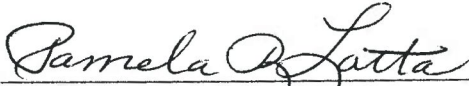
VI. Appeal Rights

The first deadline facing any person who desires to take an appeal of this decision is a 21 day period for filing written notice of intent to appeal with the Land Use Board of Appeals in Salem, Oregon, in the form and in the manner prescribed by State law and the

regulations adopted by the Land Use Board of Appeals, together with the required fee and deposit.

Motion in favor of the annexation and rezone of property to general residential was unanimous.

Dated at Joseph, Oregon, this June 5, 2008.


Pamela Latta, Mayor Pro-Tem

Attest:


Noma J. McDaniel, Recorder

NW1/4 SW1/4 SECTION 32 T.02S. R.45E. W.M.
WALLOWA COUNTY

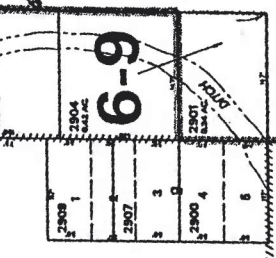
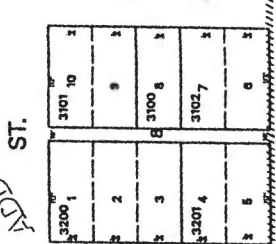
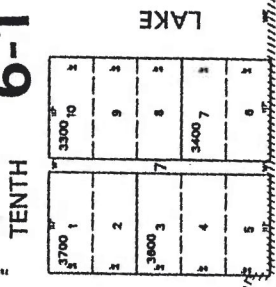
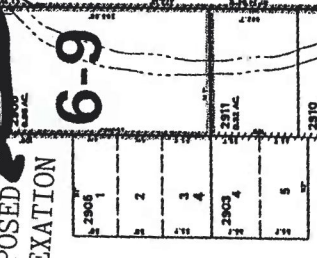
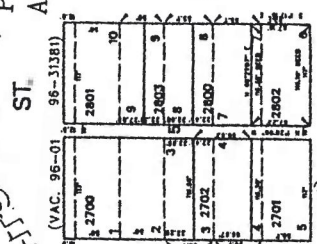
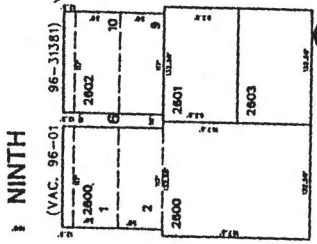
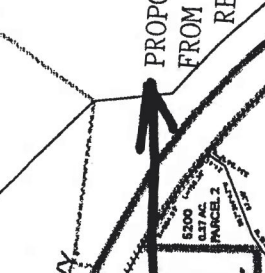
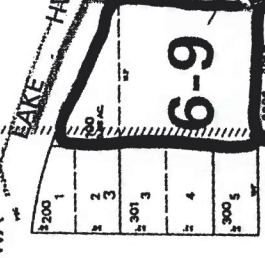
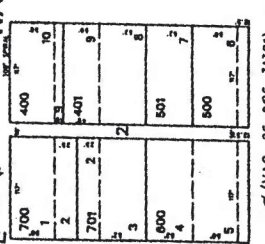
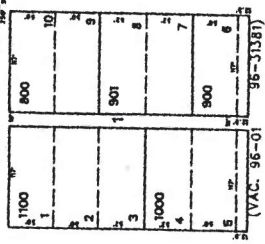
02S 45E 32C

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

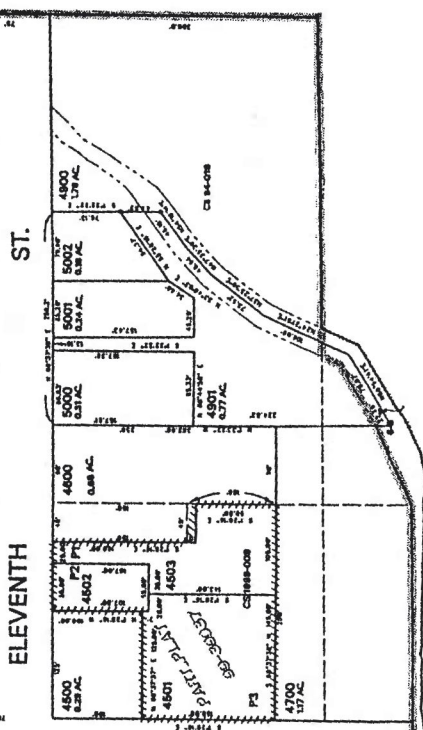
SCALE IN FEET
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SEE MAP 25 45E 32BC

EIGHTH WYANDOTT WALLOWA



ELEVENTH ST.



PROPOSED REZONE FROM COMMERCIAL TO RESIDENTIAL

PROPOSED ANNEXATION

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2005-53324

PLAT 6-9
2005-53323

6-9

6-9

6-9

6-1

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04/14/05

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CITY OF JOSEPH

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