



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

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

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

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

NOTICE OF ADOPTED AMENDMENT

July 19, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Morrow County Plan Amendment
DLCD File Number 001-06

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: August 4, 2006

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

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

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

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Carla McLane, Morrow County

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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

(See reverse side for submittal requirements)

Jurisdiction: Morrow County Local File No.: Wenholz Zone CHANGE (If no number, use none)

Date of Adoption: July 12, 2006 Date Mailed: July 14, 2006 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 3/27/2006

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
[X] Comprehensive Plan Map Amendment
[X] Zoning Map Amendment
Other: (Please Specify Type of Action)

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

CHANGED THE ZONING FROM SUBURBAN RESIDENTIAL TO GENERAL COMMERCIAL ON APPROXIMATELY .65 ACRES.

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

SAME

DEPT OF

JUL 17 2006

LAND CONSERVATION AND DEVELOPMENT

Plan Map Changed from: SR to CG

Zone Map Changed from: SR to CG

Location: 5N 26 25B TL 1300 Acres Involved: .65+ ACRES

Specify Density: Previous: 2 Acre minimum New: No residential development

Applicable Statewide Planning Goals: 1, 9, 12

Was an Exception Adopted? Yes: No: [X]

DLCD File No.: 001-06 (15122)

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

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

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

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

Affected State or Federal Agencies, Local Governments or Special Districts: _____

DLCP, ODOT, City of Irrigon

Local Contact: Carla McLane Area Code + Phone Number: 541 922 4624

Address: PO Box 40

City: Irrigon Zip Code+4: 97844

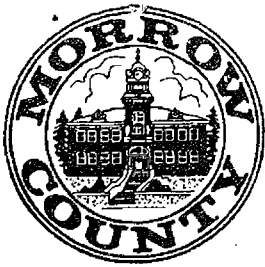
ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**



PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

NOTICE OF DECISION

July 14, 2006

Morrow County Comprehensive Plan Map and Zoning Map Amendment

This notice is to inform you that on July 12, 2006, the Morrow County Court adopted Ordinance Number MC-04-06 amending the Morrow County Comprehensive Plan Map and Zoning Map. Specifically the zoning on approximately .65 acre was changed from Suburban Residential to General Commercial.

The requirements for filing an appeal of the decision to the Land Use Board of Appeals (LUBA) are set forth in ORS 197.830 to 197.845. State law and associated administrative rules promulgated by LUBA describe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that a notice of intent to appeal plan or land use regulation amendments adopted pursuant to ORS 197.610 to 197.625 "shall be filed not later than 21 days after notice of the decision sought to be reviewed is mailed or otherwise submitted to parties entitled to notice under ORS 197.615." Notice of this decision was mailed on July 14, 2006. The deadline to appeal is August 4, 2006.

Cordially,

A handwritten signature in cursive script that reads "Carla McLane".

Carla McLane
Planning Director

I certify that on July 14, 2006, I mailed a copy of this Notice of Decision by first class mail to all persons entitled to notice of this decision.

A handwritten signature in cursive script that reads "Kristina Gray".
Signature

7/14/06
Date

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE AMENDING THE MORROW
COUNTY COMPREHENSIVE PLAN MAP AND
ZONING MAP TO APPLY GENERAL
COMMERCIAL ZONING TO THE SUBJECT
PROPERTY TOTALING APPROXIMATELY .65
ACRES

COUNTY ORDINANCE
NO. MO - 04 - 06

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the county over matters of County concern; and

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan on January 15, 1988; and

WHEREAS, a request was filed by John Wenholz to change the zoning of the subject property which totals approximately .65 acres from Suburban Residential to General Commercial; and

WHEREAS, the Morrow County Planning Commission held a hearing to review the request on May 23, 2006, at the North Morrow County Annex Building in Irrigon, Oregon, and on June 27, 2006, at the Morrow County School District Building in Lexington, Oregon; and

WHEREAS, the Morrow County Planning Commission unanimously recommended approval of the request and adopted Final Findings of Fact; and

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on July 12, 2006, at the CSEPP Safe Room at the North Morrow County Annex Building in Irrigon, Oregon;

NOW THEREFORE THE COUNTY COURT OF MORROW COUNTY ORDAINS AS FOLLOWS:

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the "Wenholz 2006 Zone Change."

Section 2 Zone Change

1. The Comprehensive Plan and Zoning Map of Morrow County shall be amended to designate the subject property as General Commercial.

2. The affected property is currently defined as an area the width of tax lot 1300 of Assessor's Map 5N 26 25B (333.26 feet) and 85 feet deep equaling approximately .65 acre. The final configuration of tax lot 1300 on the Wenholz Replat R-N-004, as approved by the Morrow County Planning Commission and appropriately signed and recorded, will provide the final platted boundary for this zone change.

Section 3 Effective Date

Given that it is the policy of the State of Oregon that time is of the essence in deciding Land Use matters and based upon the request of Mr. Wenholz for quick action, an emergency is declared to exist, and this ordinance shall be effective immediately upon execution.

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 12th DAY OF JULY, 2006.

ATTEST:

MORROW COUNTY COURT:

Bobbi Childers
Bobbi Childers
County Clerk



Larry K. Tallman
Larry K. Tallman, Judge

APPROVED AS TO FORM:

ABSTAINING
John E. Wenholz, Commissioner

David Allen
David Allen
County Counsel

Ray Grace
Ray Grace, Commissioner

**Morrow County Planning Commission
Final Findings of Fact
Zone Change Request**

REQUEST: Change the zoning on the subject property from Suburban Residential to General Commercial and amend the Comprehensive Plan and Zoning Maps to reflect the change.

APPLICANT: John Wenholtz
290 W California
Irrigon OR 97844

OWNER: Cecil and DeElva Rock
P.O. Box 820
Irrigon OR 97844

PROPERTY DESCRIPTION: Tax Lots 302 and 1300 of Assessor's Map 5N 26 25B

PROPERTY LOCATION: Just west of Irrigon at the corner of Highway 730 and West Third Road

FINDINGS OF FACT:

I BACKGROUND INFORMATION:

The subject properties are zoned Suburban Residential (SR-1A) with a minimum lot size of two acres (tax lot 302) and General Commercial (CG) with no minimum lot size requirements (tax lot 1300). Tax lot 302, or Parcel 2 of Partition Plat 2005-5, is 7.70 acres and tax lot 1300 is 1.22 acres. Tax lot 302 is pasture ground with minimal improvements; the other tax lot has storage units.

The applicant submitted a request to amend the property line which was considered and approved with Conditions at the April 25, 2006, Planning Commission Public Hearing. That action, when complete, will move the current property line 85 feet to the north enlarging tax lot 1300. It is that 85 feet by 333 feet, or .65 acre, that is the subject of the request to change the zoning from Suburban Residential to General Commercial.

- II SUMMARY OF APPLICABLE CRITERIA** To approve the request the Planning Commission will need to make findings to show that the request meets the necessary criteria in the Morrow County Zoning Ordinance, specifically Article 8 Amendments Section 8.050 Burden and Criteria. Those criteria are presented below in **bold** print with responses in regular print.

Morrow County Zoning Ordinance Article 8 Amendments Section 8.050 Burden and Criteria: The proponent of the application or permit has the burden of proving justification for its approval. The more drastic the request or the greater

the impact of the application or permit on the neighborhood, area, or county, the greater is the burden on the applicant. The following criteria shall be considered by the Planning Commission in preparing a recommendation and by the County Court in reaching their decision.

A. That conditions have changed since the adoption of the Comprehensive Plan and zoning map that warrant an amendment, or that there was a mistake in the original designation.

No specific conditions have changed since the Comprehensive Plan was adopted, however the County does continue to grow. This growth will place development pressure on the County, specifically in relation to commercially zoned property. Currently the County has a total of about 10 acres of commercially zoned property, not an adequate supply to serve the needs of the 12,000 residents.

B. That public services and facilities are sufficient to support a change in designation, including but not limited to, streets and roads (refer to the Transportation System Plan and Transportation Planning Rule).

The subject property will not have water rights through the West Extension Irrigation District (see Replat R-N-004). As a commercial storage facility there is also not a well or septic system on the property currently or planned in the future based on the application. Power and telephone service are available along West Third Road.

1. Amendments to the zoning ordinance or zone changes which significantly affect a transportation facility shall assure that 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 or roadway;**
- 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 to meet needs through other modes.**

The affected facilities currently operate well under capacity, therefore Planning staff do not see a reason to limit allowed land uses. Additionally with the provisions in the Transportation System Plan and the ability to utilize the Traffic Impact Analysis component any future uses should be manageable relative to their potential impacts, certainly with respect to this request.

On Tuesday, May 2, 2006, ODOT staff did contact the Planning Department in reference to the 45 Day Notice that was submitted, as required, to DLCD. Based on that conversation it would

appear that ODOT does not have a concern with this Zone Change request. ODOT will receive a copy of the Findings of Fact and notice of each Public Hearing.

2. A 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;**
- 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 minimal acceptable level identified in the Transportation System Plan. (MC-C-8-98)**

The change in zoning of .65 acre will have little if any impact on the affected facilities - Highway 730 and West Third Road. The proposed future use is expansion of the current storage facilities.

C. That the proposed amendment is consistent with unamended portions of the Comprehensive Plan and supports goals and policies of the Comprehensive Plan, that there is a public need for the proposal, and that the need will be best served by allowing the request. If other areas in the county are designated for a use as requested in the application, then a showing of the necessity for introducing that use into an area not now so zoned and why the owners there should bear the burden, if any, of introducing that zone into their area.

The proposed amendment is consistent with the Comprehensive Plan and supports the goals and policies of the Plan. The proposed zone designation is General Commercial of which there are currently about 10 acres in the County. Planning staff would state this is not sufficient to meet the current needs of the County. The current use of the property is commercial storage facilities, one of two in the Irrigon area. There does appear to be continuing demand for this type of service which is an expansion of a use, not a new use. The application meets this criteria.

D. The factors listed in ORS 215.055 or others which relate to the public need for healthful, safe and aesthetic surroundings and conditions.

ORS 215.055 was repealed in 1977. Also to be considered are the need for healthful, safe and aesthetic surroundings and conditions. Based on the small acreage being considered with this application and the proposed future use is a continuation of the current use, Planning staff would state that the application meets this criteria.

III DLCD 45 DAY NOTICE:

March 27, 2006

IV PROPERTY OWNER NOTICE: Planning Commission
May 3, 2006

County Court
June 23, 2006

V LEGAL NOTICE: Heppner Gazette Times and East-Oregonian
Planning Commission
May 10 and June 14, 2006

County Court
June 28, 2006

VI AGENCIES NOTIFIED: Mara Ulloa, Department of Land Conservation and Development; George Ruby and Teresa Penninger, Oregon Department of Transportation; Joni Hammond, Department of Environmental Quality; Larry Burns, Irrigon Rural Fire Protection District; Jerry Breazeale, City of Irrigon; Greg Sweek, Morrow County Assessor; Burke O'Brien, Morrow County Public Works

VII HEARING DATES:

Planning Commission
May 23, 2006
North Morrow County Annex Building
Irrigon, Oregon

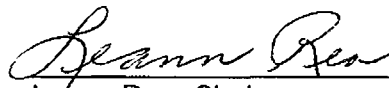
June 27, 2006
Morrow County School District Building
Lexington, Oregon

County Court
July 12, 2006
North Morrow County Annex Building - CSEPP Safe Room
Irrigon, Oregon

IX RECOMMENDATION OF THE MORROW COUNTY PLANNING DEPARTMENT:

Recommend to the Morrow County Court approval of the request to include:

- Apply the General Commercial use zone to the subject property of .65 acres.
- Amend the Morrow County Comprehensive and Zoning Maps to reflect this change.



Leann Rea, Chair
Morrow County Planning Commission

6/29/2006
Date

Attachments:


Vicinity Map, Zoning Maps, WEID letter dated May 16, 2006

ASSESSMENT PURPOSE ONLY
 SCALE IN FEET
 0 200 400

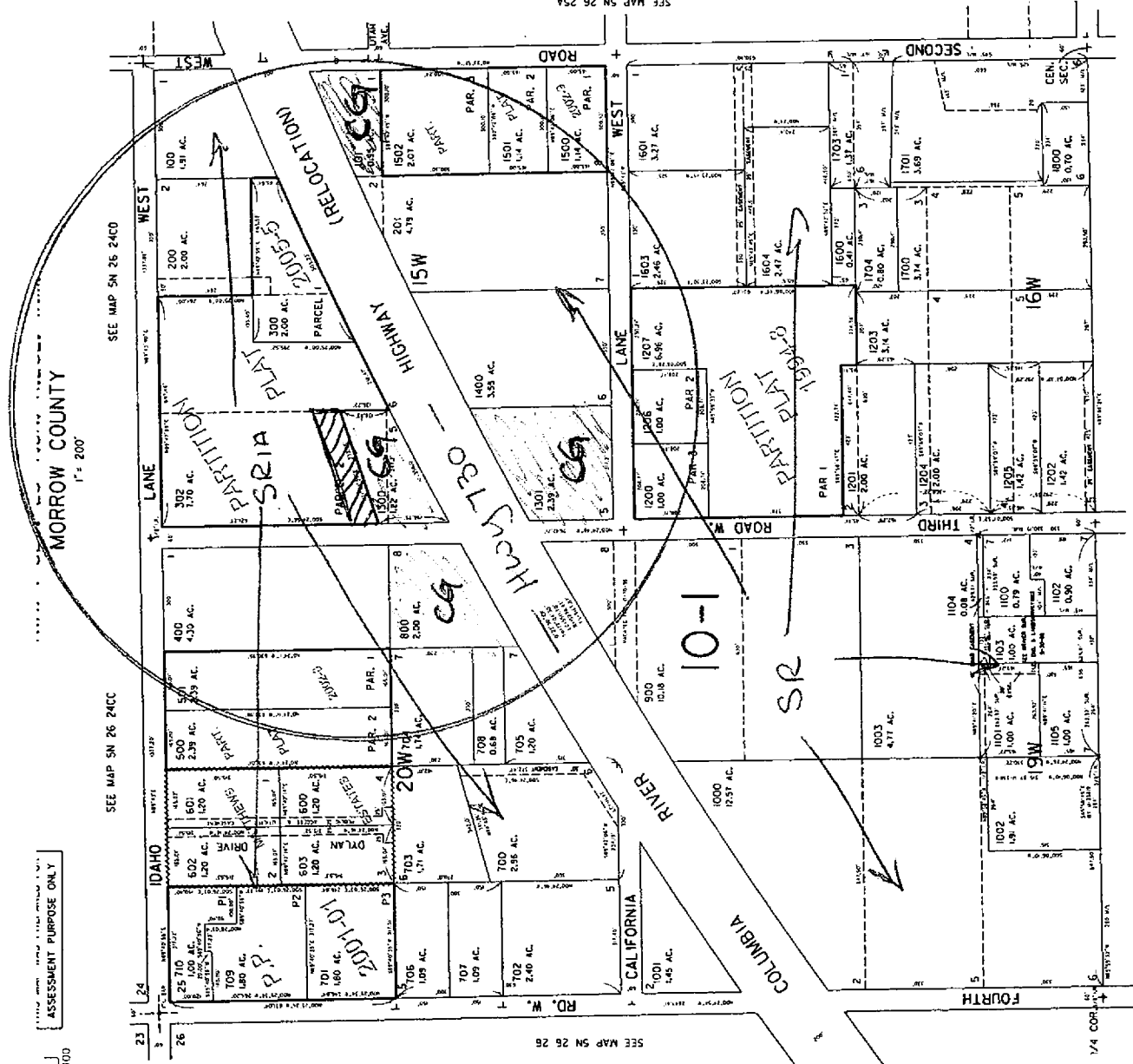
CANCELLED
 NUMBERS
 L.L. 301
 L.L. 399
 L.L. 401
 L.L. 602
 L.L. 1702

CURRENT ZONING
 CG General Commercial

SR Suburban Residential (South of Hwy 730)
 SRIA Suburban Residential outside UG1B (North of Hwy 730)

 AREA CHANGING FROM SRIA TO CG

Revised
 11/4/2005, DLW
 5N 26 25B



SEE MAP 5N 26 24C0

SEE MAP 5N 26 24CC

SEE MAP 5N 26 26

SEE MAP 5N 26 25A

SEE MAP 5N 26 25C

West Extension Irrigation District

P. O. Box 100 Irrigon, Oregon 97844
541-922-3814 541-922-9775 (fax)

May 16, 2006

Morrow County Planning Department
P. O. Box 40
Irrigon, OR 97844

RECEIVED
MAY 22 2006
MORROW CO. PLANNING DEPT.

Re: Zone Change, John Wenholtz, applicant and Cecil Rock, owner
5N 26 25B, tax lot 1300

This property, as amended under the tentatively approved Replat R-N-004, will qualify for 0.65 acres of water rights under the District's Columbia River permit in Irrigon. In a letter dated April 20, 2006, the District asked the owners to sign off the subject water rights. This action has not yet been taken. The District would like assurance that the water right request for transfer will be filed with the District and signed by all involved parties if the replat receives final approval and the Zone Change is granted.

Thank you for allowing comment.

Sincerely,



Bev Bridgewater
District Manager