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

February 7, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Milton-Freewater Plan Amendment
DLCD File Number 003-05

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: February 13, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Gina Harzheim, City of Milton-Freewater

<paa> y

FORM 2

D L C D 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: City of Milton-Freewater Local File No.: _____
(If no number, use none)

Date of Adoption: 1/23/06 Date Mailed: 2/1/06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9/22/05

___ Comprehensive Plan Text Amendment ___ Comprehensive Plan Map Amendment

___ Land Use Regulation Amendment ___ Zoning Map Amendment

___ New Land Use Regulation x Other: UGB amendment
(Please Specify Type of Action)

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

Add approximately 18 acres to the urban growth boundary and delete approximately 26 acres from the urban growth boundary. The added acreage is located at the northerly end of the UGB and the removed acreage is located at the easterly edge, east of the Walla Walla River.

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."

The original proposal included a proposed map change from EFU to Commercial on the added acreage. No map amendment was adopted.

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 3, 14

Was an Exception Adopted? Yes: x No: _____

DLCD File No.: 003-05 (14704)

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: x 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: Umatilla County, ODOT

Local Contact: Gina Hartzheim Area Code + Phone Number: 541-938-8234

Address: P. O. Box 6

City: Milton-Freewater Zip Code+4: 97862

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.

ORDINANCE NO. 932

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP
OF THE CITY OF MILTON-FREEWATER, OREGON

WHEREAS, the Milton-Freewater Planning Commission has unanimously recommended to the City Council that the Comprehensive Plan Map of the City be amended following a public hearing held on December 5, 2005, and

WHEREAS, the City Council held a public hearing on January 23, 2006 regarding the proposed amendment,

NOW, THEREFORE, THE CITY OF MILTON-FREEWATER ORDAINS AS FOLLOWS:

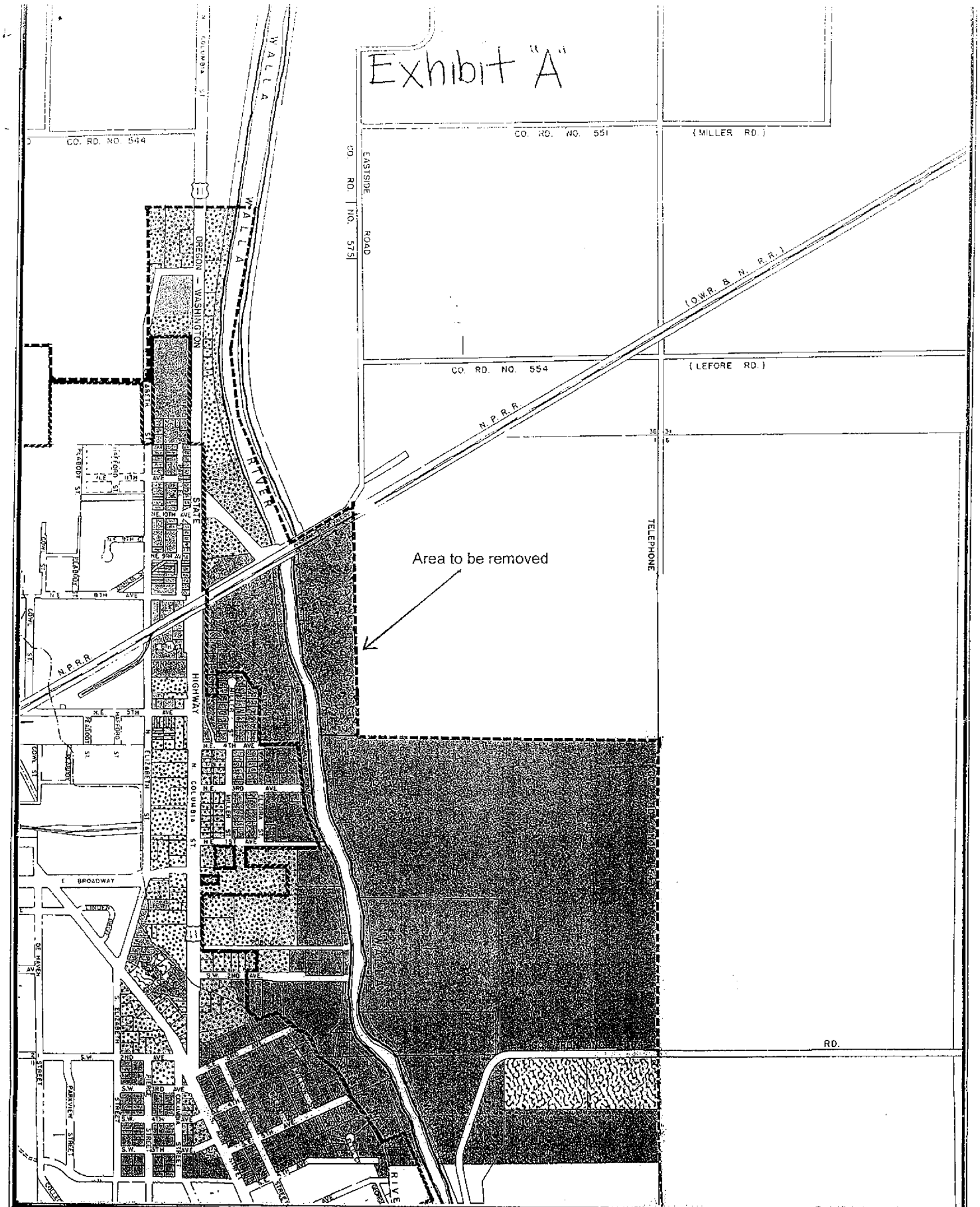
Section 1. Page 2-30 of the Milton-Freewater Comprehensive Plan Map is hereby amended to remove property from the Urban Growth Boundary as shown on Exhibit "A" attached hereto.

Section 2. Page 2-31 of the Milton-Freewater Comprehensive Plan Map is hereby amended to include property in the City's Urban Growth Boundary as shown on Exhibit "B" attached hereto.

PASSED by the Common Council and APPROVED by the Mayor this 23rdday of January, 2006.

Lewis A Key
Lewis Key, Mayor

Exhibit "A"



MILTON-FREEWATER COMPREHENSIVE PLAN MAP

City Limits
Urban Growth Boundary
PUBLIC
RESIDENTIAL
RESIDENTIAL-
COMMERCIAL
INDUSTRIAL

N

0 200 400 600 800 1000 1200
0 50 100 200 300 400

(Amd. Ord. 737, effective 6/20/89)

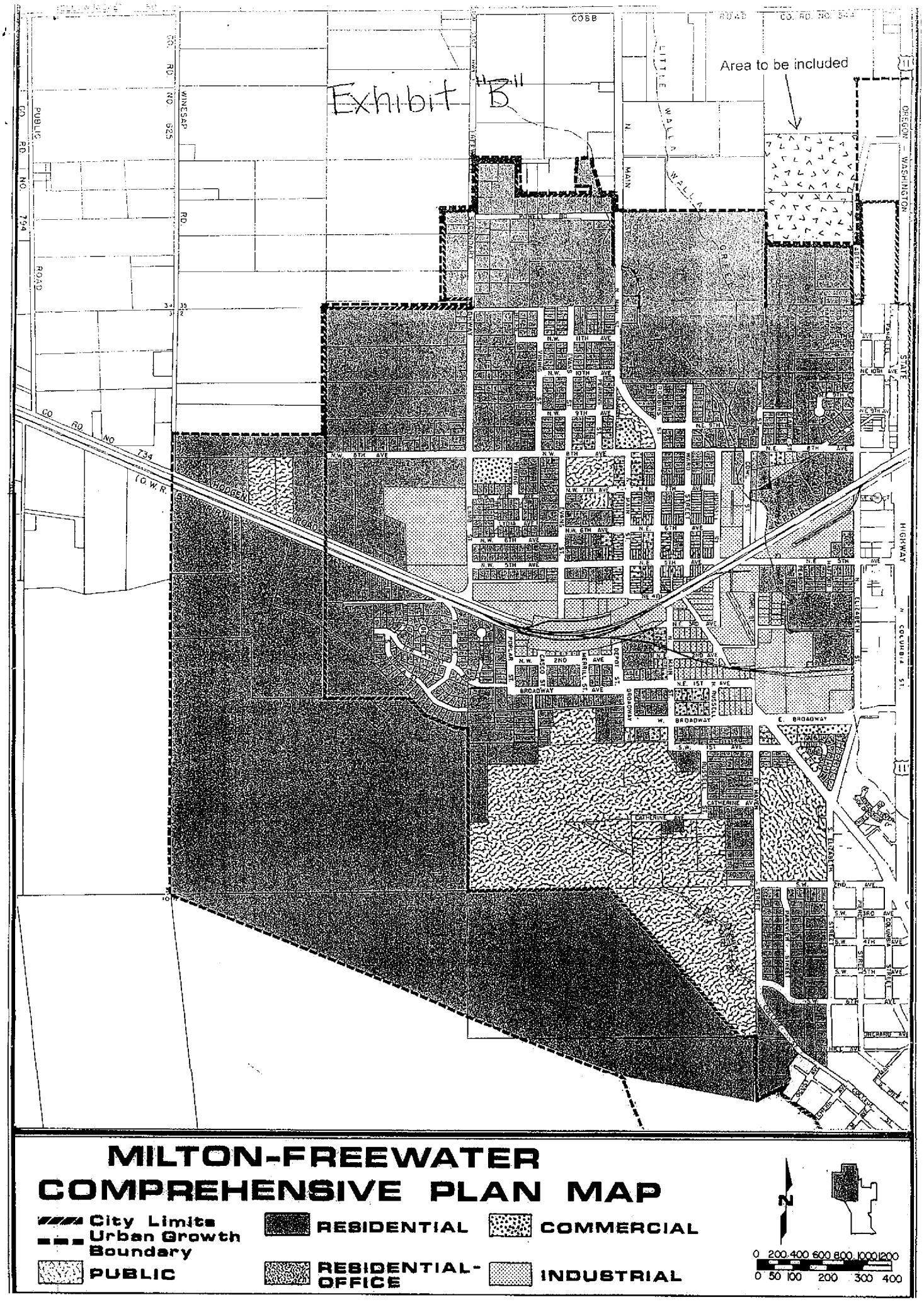


Exhibit B
Area to be included
MILTON-FREEWATER
COMPREHENSIVE PLAN MAP
City Limits
Urban Growth Boundary
PUBLIC
RESIDENTIAL
RESIDENTIAL-OFFICE
COMMERCIAL
INDUSTRIAL
N
0 200 400 600 800 1000 1200
0 50 100 200 300 400

MILTON-FREEWATER CITY COUNCIL
FINDINGS OF FACT AND CONCLUSIONS OF LAW

ISSUE: Amendment to the City's Urban Growth Boundary

HEARING DATE: January 23, 2006

COMMENTS RECEIVED:

Any correspondence or documents received are attached hereto and incorporated herein.

WE FIND THAT THE STAFF REPORT, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN, ADEQUATELY ADDRESS THE RELEVANT ISSUES AND WE AGREE WITH THE FINDINGS AND CONCLUSIONS CONTAINED THEREIN. WE HEREBY APPROVE THE AMENDMENT, WITH THE COUNCIL VOTING AS FOLLOWS:

	Yes	No
Debbie Kelley	✓	
Orrin Lyon	✓	
Ken Records	✓	
Keith Woods	✓	
Steve Irving	✓	
Brad Humbert	Absent	

Dated this 23rd day of January, 2006.

Lewis A Key
Lewis Key, Mayor

Milton-Freewater City Council
PLANNING COMMISSION REPORT
January 13, 2006

APPLICANT: Vern Rodighiero

ISSUE

Public hearing on request for inclusion of approximately 18 acres into the City's urban growth boundary located west of North Elizabeth Street, more particularly described as Umatilla County Assessor's Map No. 6N3536C, Tax Lots 900, 1000 and 1100. Also considered will be the removal of approximately 26 acres of the westerly portion of Umatilla County Assessor's Map No. 5N3501 Tax 100 located south of Eastside Road, and at the eastern edge of the urban growth boundary. The attached map details the areas considered for deletion and addition.

BACKGROUND

Applicant has submitted a request to include property owned by him in the City's urban growth boundary. In reviewing the proposal, staff has recommended that a portion of property located along the eastern boundary of the urban growth boundary be removed.

COMPREHENSIVE PLAN PROVISIONS

Applicable Comprehensive Plan provisions relating to this request are listed below.

Goal 3 AGRICULTURAL LANDS
Goal 9 ECONOMY
Goal 14 URBANIZATION

Goal 3 - Agricultural Lands: Exception to Goal 3:

As noted in the Comprehensive Plan, the City has included within its urban growth boundary land suitable for agricultural use. The present City limits [and surrounding urban growth boundary] is presently in agricultural use or suitable for agricultural use.

Findings: The southerly parcel of the subject property is located in between lands presently within the City limits, and the northerly parcel is adjacent to the land with in the current Urban Growth Boundary. As explained in the acknowledged Comprehensive Plan, the City is surrounded by land in agricultural use. No matter which direction the City grows, at some point agricultural land will be utilized for urban expansion. This fact has previously been noted in the exception to Goal 3 the City took at the time of initial acknowledgment. The relatively small size of the acreage involved results in a net addition of 8 acres of agricultural land to the existing Urban Growth Boundary. Although the land being added to the UGB is agricultural land, the land being deleted is agricultural in nature as well. In addition, the amount of land being removed is greater than what is being added, and therefore a greater amount of agricultural land is being protected as a result. With regard

to soil classification, according to the Soil Survey of Umatilla County, Oregon the land proposed to be added (Freewater very cobbly loam) is considered a lower classification (Class IV) as the land proposed for removal (Oliphant silt loam) which is a Class II. (The higher the number the better the soil). Although the proposed revisions have included agricultural land, there does not exist sufficient land adjacent to the City that is not suitable and being used for agricultural purposes, and the Planning Commission finds that the proposed revisions reduce the amount of land being included that is in agricultural use and a higher class of soil, as well as increase the ability to serve and develop land contained within the Urban Growth Boundary.

Goal 14 - Urbanization: 14-3(2) Establish and Change the Urban Growth Boundary Based on the Following Factors:

The proposal will not result in an expansion of the Urban Growth Boundary, and will actually result in a reduction in acreage. The seven factors of Goal 14 relating to change in the Urban Growth Boundary are discussed below, however, to show that there is no negative impact with regard to those factors.

a. Demonstrated need to accommodate long-range urban population growth requirements consistent with Land Conservation and Development Commission Statewide Goals.

Findings: Inclusion of the subject property in the urban growth boundary is not based on acknowledged population growth since at the time of the inclusion of the land there would also be a withdrawal of land resulting in a net reduction of land in the urban growth boundary. The 1998 revision to the urban growth boundary reduced the amount of acreage by approximately 300 acres. The acknowledged Plan shows a need of approximately 1545 acres for the 20 year supply of land. As the proposed revisions do not increase the amount of acreage, and actually reduce the amount by 8 acres, the proposal is found to be in compliance with this section.

b. The need for housing, employment opportunities and livability.

Findings: The proposed revisions allow additional acreage to be added for development. This additional land could improve the supply of commercial land, but will also will provide a large enough piece of property to allow for varied development opportunities that do not currently exist within some of the other areas in the urban growth boundary. The subject property would also fall within one of the two areas (land west of Highway 11 and south of existing City limits) that are required to be developed prior to allowing development into the third area (east of the Walla Walla River). The subject property is in close proximity to the commercial land to the north that is already committed, and by redevelopment and infill of the subject property and adjoining commercially zoned lands, additional employment opportunities could be created as well. No open space is being compromised by the proposed elimination of land from the UGB. There are no parks located within the area proposed to be deleted.

c. Orderly and economic provision for public facilities and services.

Findings: The subject property borders the current City limits on two sides, to the west and to the north, which in and of itself would allow an orderly extension of public facilities and services to the subject property. In addition, there is an established water quality issue for lands north of the present City limits, and by the inclusion of this land in the urban growth boundary, it would allow an opportunity for extension of City water and sewer to the north, which could then in the future benefit other property owners within the area already within the urban growth boundary. By removing the strip of land east of the Walla Walla River, which is unlikely to develop during the 20 year planning period, if at all, a more orderly urban growth boundary will be created and will be more easily served by City services.

d. Maximum efficiency of land uses within and on the fringe of the existing urban area

Findings: The City will be reducing the UGB by approximately 8 acres. The area proposed for deletion is on the eastern edge of the UGB, and across the Walla Walla River. The land proposed to be included is located directly adjacent to land already in the existing UGB, and actually a portion of the land is adjacent to the existing City limits. Because of the constraints on the land being proposed for deletion, more efficient use should be accomplished by the proposed amendment. By doing so, increased density should be accomplished within the UGB, thereby enhancing the efficiency of the land use.

e. Environmental, energy, economic, and social consequences.

Findings: There does not appear to be any negative environmental issues existing on the subject property. The property is not located in a flood plain and no potential wetlands exist on the property. The property can be efficiently and conveniently served by the extension of city services. No negative social consequences would result from the change in the Urban Growth Boundary, as the change would promote a more compact Urban Growth Boundary. The proposed change will improve the economic opportunities within the Urban Growth Boundary. The Planning Commission finds this criteria has been satisfied.

f. Retention of agricultural land.

Findings: See findings for Goal 3 - Agricultural Lands above. Those findings are incorporated by reference into this section.

g. Compatibility of the proposed urban uses with nearby agricultural activities.

Findings: The land proposed to be added will retain its zoning designation of Exclusive Farm use, which would eliminate potential problems and conflicts that can result from different land uses bordering agricultural uses.

GENERAL COMMENT

The subject property is located in an area that could easily be served by City utilities, is in close proximity to Hwy. 11, and is of a sufficient size to allow for many different types of development. The inclusion of the property in the Urban Growth Boundary will allow

applicant future development opportunities that are not present at this time, and if development occurs, will allow for economic growth in the City.

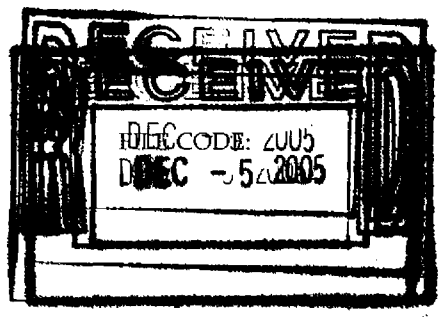
PLANNING COMMISSION RECOMMENDATION

The Planning Commission unanimously recommended approval of the proposed amendment to the urban growth boundary, with the requirement that at the time of any future zone change on the subject property a traffic analysis will be provided as required by the Transportation Planning Rule.

Oregon

Theodore R. Kulongoski, Governor

Department of Transportation



December 2, 2005

Gina Hartzheim, City Planner
City of Milton-Freewater
722 S Main/P.O. Box 6
Milton-Freewater, Oregon 97862
Fax (541) 938-8224

Subject: Proposed Urban Growth Boundary (UGB) Amendment of 18 acres located near the intersection of 17th Avenue and Elizabeth Street from EFU to Commercial and removal of 26 acres along the Walla Walla River by the Union Pacific Railroad

The Oregon Department of Transportation (ODOT) has reviewed the proposed plan amendment to amend the UGB for 18 acres. ODOT is vested with the responsibility of determining the significance of the impact on state facilities and has concerns with the potential impact to Oregon Highway 11. A traffic impact study (TIS) to determine the impacts to the state and local transportation system and identify capitol improvements (mitigation) to accommodate increased trips is needed.

Due to the area's confined traffic pattern and limited street system, a well-connected street network to connect existing and planned streets outside the development should be identified. These connections will provide safe, convenient routes for people to walk and bicycle, as well as to provide for the continuation of the city's street grid system.

To provide alternative routes to the Highway 11 Corridor, the City should consider opportunities for new north/south and east/west connections to serve this area. Street connections are critical to establishing a functional transportation system, which provide for other ingress and egress capability of the property. Planning for a network of streets should be coordinated to assure future opportunities to extend the grid are not precluded. Street stub-outs and easements for future connections to abutting developable properties are an essential component of the transportation system.

As transportation facilities are annexed into the City, urban street standards should become applicable. Elizabeth Street currently lacks pedestrian facilities and should be improved to provide sidewalks as the area develops.

The Transportation Planning Rule (TPR) OAR 660-12-060 requires local government make determinations of compliance with applicable approval criteria before approval of the land use change. Therefore, ODOT requests the City require the applicant to provide a TIS (prepared by a

transportation engineer registered in Oregon) so the impacts can be evaluated. The TIS must meet ODOT concurrence and the applicant should be responsible for mitigating the impacts.

By proactively planning for the growth of this area, the City will help maintain the safety and integrity of the highway function and local transportation infrastructure. Please notify us of the final decision.

George L. Ruby
District 12 Manager

cc: Tom Kuhlman, ODOT Traffic Engineer
Cheryl Jarvis-Smith, ODOT Region Planner
Mark Radabaugh, DLCD
Patty Perry, Umatilla County Sr. Planner

Umatilla County

Department of Resource Services and Development

Director
Tamra Mabbott

Planning & Development Division:

LAND USE PLANNING
541-278-6252

CODE ENFORCEMENT
541-278-6300

Emergency Management Division:

EMERGENCY MANAGEMENT
541-966-3700

CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS PROGRAM (CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

County/State Services Division:

COUNTY FAIR
541-567-6121

State Agency Liaisons:

OSU EXTENSION SERVICE
541-278-5403

WATERMASTER
541-278-5456

January 12, 2006

Gina Hartzheim, City Planner
City of Milton-Freewater
P.O. Box 6
Milton-Freewater, OR 97862

RE: UGB Expansion; Tax Lots 900, 1000, 1100

Dear Gina:

Thank you for the notice about the land use hearing scheduled before the Milton-Freewater City Council hearing on January 23, 2006. I previously, (prior to the City Planning Commission hearing), submitted email comments indicating the county was generally supportive and that the county would take formal action during the county's Urban Growth Boundary (UGB) Amendment co-adoption process.

The county is supportive of the City of Milton-Freewater's efforts to expand its inventory of industrial and commercial lands. Higher intensity commercial and industrial development is appropriate within the city Urban Growth Area where it can be served by municipal sewer and water and be sited within close proximity to other services. The county is not opposed to industrial and commercial activities outside the UGA, along Highway 11 for example, but the scenario is different and the challenge is greater. For instance, industrial and commercial sites outside of the UGB are constrained by lot size limitations in terms of water and septic needs and traffic volume. Because of this, and because the state land use program is designed to encourage growth inside the urban designated areas, it is important, and practical, to have a reasonable inventory of commercial and industrial lands inside the UGB. So yes, the county supports the proposed UGB annexation.

We encourage the city to revisit the initial zone change application. The property is much more likely to be developed if it is both zoned and planned for development. Annexing the land into the UGB is a first step; but the rezoning for commercial and/or industrial development is necessary in order to market the property and bring the development to reality.

I understand the recommendation for a costly traffic study by the Oregon Department of Transportation (ODOT) precipitated the withdrawal of the zone change portion of the land use application. This is unfortunate and certainly understandable. ODOT correctly referenced the Transportation Planning Rule (TPR) requirements and the role for the state agency to protect the state facility (highway). ODOT was remiss however, in identifying alternatives to the costly study.

Alternatives to the traffic study are specifically referenced in the Transportation Planning Rule. OAR 660-012-0060(1) defers to "local government to determine if an impact would significantly affect an existing or planned transportation facility." If a local government determines there would be a significant impact, OAR 660-012-0060(2) lists numerous provisions to address the impact. Specifically, OAR 660-12-0060(2)(e) provides for "other measures as a condition of development or through a development agreement or similar funding method." In other words, the $10 – $20,000 traffic impact study could have been deferred and made a condition of approval and/or with a written agreement between the landowner, city and ODOT.

The other benefits of deferring the traffic study is: 1) the study would be appropriately customized for the specific development, and 2), it enables the landowner to defer the cost until just prior to site development. Traffic studies are typically calculated as part of a project development cost.

I encourage the city and landowner to reconsider the zone change option. County Planning would be happy to assist the city and landowner work through the process.

Thank you for the opportunity to comment. Please contact me if you would like to further discuss this issue.

Cordially,

Tamra J. Mabbott
Planning Director

Cc: Board of Commissioners
Hulette Johnson
Teresa Penninger, ODOT Region V Planning Manager
Derrin Nichols, DLCD Eastern Oregon Field Representative