



Oregon

Theodore R. Kubongski, 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

08/09/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Milton-Freewater Plan Amendment
DLCD File Number 001-12

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: Thursday, August 23, 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: Gina Hartzheim, City of Milton-Freewater
Gordon Howard, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative

<paa> YA

DLCD NOTICE OF ADOPTION

DEPT OF

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

AUG 06 2012

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Milton-Freewater Local File No.: _____
(If no number, use none)

Date of Adoption: 7/23/12 Date Mailed: 8/2/12
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 5/7/12

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

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

Map change from residential, R-3, to Commercial, C-2

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

Plan Map Changed from: Residential to Commercial

Zone Map Changed from: R-3 to C-2

Location: Corner NE 5th & Hwy. 11 Acres Involved: .30

Specify Density: Previous: 26 units/acre New: N/A

Applicable Statewide Planning Goals: 9 & 10

Was an Exception Adopted? Yes: _____ No:

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: _____

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. 959

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

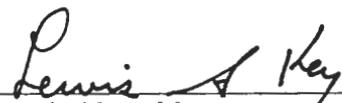
WHEREAS, The Milton-Freewater Planning Commission held a public hearing on a proposed Comprehensive Plan Map amendment on June 12, 2012, and they unanimously recommended to the City Council that the Comprehensive Plan Map be amended, and

WHEREAS, a public hearing was held before the City Council on July 9, 2012 on the proposed amendment,

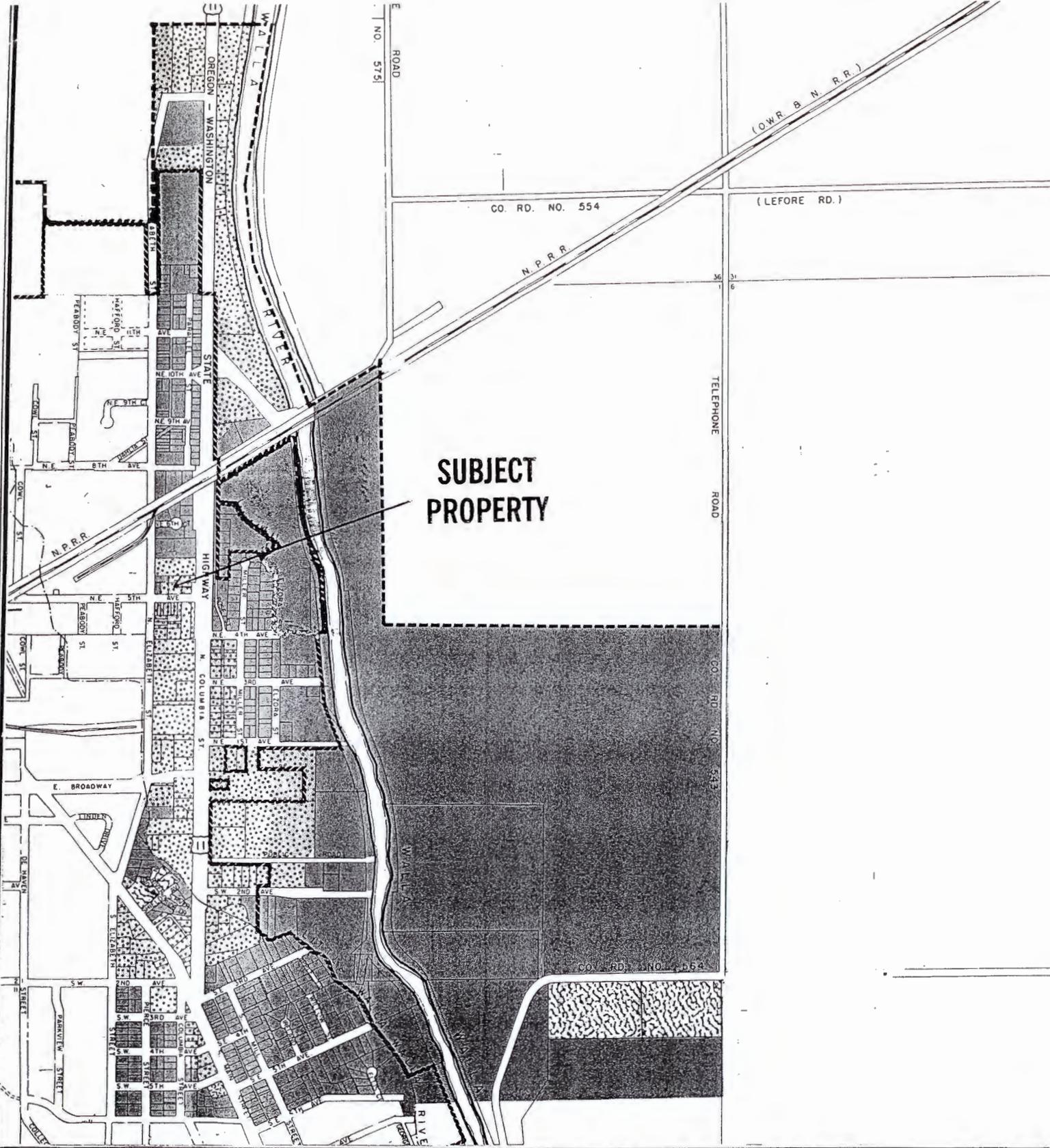
NOW, THEREFORE, THE CITY OF MILTON-FREEWATER ORDAINS
AS FOLLOWS:

The Comprehensive Plan Map 2-30 is hereby amended to designate the property described as Umatilla County Assessor's Map, 5N3501BC, Tax Lot 2200, and the westerly approximately 87 feet of Tax Lot 2400, from residential to commercial as shown on Exhibit "A", attached hereto and incorporated herein.

Passed by the Council and approved by the Mayor this 23rd day of July, 2012.



Lewis Key, Mayor



**SUBJECT
PROPERTY**

MILTON-FREEWATER COMPREHENSIVE PLAN MAP

- City Limits
- RESIDENTIAL
- COMMERCIAL
- Urban Growth Boundary
- RESIDENTIAL-OFFICE
- INDUSTRIAL
- PUBLIC

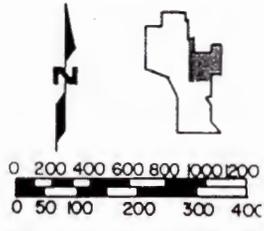


Exhibit 'A'

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

ISSUE: Request for amendment to Comprehensive Plan map from residential to commercial on property located at 709 N.E. 5th Avenue, and on property located immediately to the east.

HEARING DATE: July 9, 2012

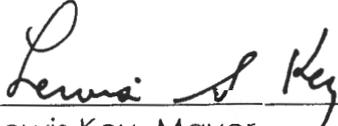
COMMENTS RECEIVED:

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

WE FIND THAT THE PLANNING COMMISSION REPORT, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN, ADEQUATELY ADDRESSES 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
Lewis Key	<u>N/A</u>	<u>N/A</u>
Orrin Lyon	<u>YES</u>	<u> </u>
Steve Irving	<u>Absent</u>	<u> </u>
Brad Humbert	<u>YES</u>	<u> </u>
Ed Chesnut	<u>YES</u>	<u> </u>
Jeff Anliker	<u>YES</u>	<u> </u>
Sam Hopkins-Hubbard	<u>Absent</u>	<u> </u>

Dated this ^{23rd} ~~9th~~ day of July, 2012.



Lewis Key, Mayor

CITY OF MILTON-FREEWATER
PLANNING COMMISSION REPORT
June 14, 2012

APPLICANT: Anita Carson/James Larson

ISSUE: Request for amendment to the Comprehensive Plan Map from Residential to Commercial on property located at 709 N.E. 5th Avenue, and on a portion of the property located immediately to the east.

HEARING DATE: July 9, 2012

I. BACKGROUND

The owner of the property (Anita Carson) has had this property on the market for several years. Co-applicant James Larson has recently made an offer to purchase the property and is desirous of a commercial designation for the entire property. Applicants have filed the application for the proposed amendments to allow for potential commercial development on the subject property. The Planning Commission held a public hearing on the proposed amendment on June 12, 2012. At that time, a unanimous recommendation was made to recommend approval of the application.

II. SITE DESCRIPTION

The subject property consists of two separate tax lots and is located on N.E. 5th Avenue near the intersection with Hwy. 11. One tax lot is mapped "Residential" by the Milton-Freewater Comprehensive Plan. The other tax lot is presently mapped a combination of "Commercial" and "Residential". One of the parcels is currently unimproved (mapped half commercial and half residential) and the other contains a small single family dwelling (mapped residential). The property is bordered by a combination of mostly commercial, and some residential zoning, including the property immediately to the west which contains a single family dwelling. Safeway is located across N.E. 5th Avenue, and there is another single family dwelling west of Safeway, all designated commercial.

III. APPLICABLE COMPREHENSIVE PLAN PROVISIONS

A. Goal 9 Economy

Goal 1: To actively pursue economic development and growth that will diversify and strengthen the mix of economic activity in the local marketplace and

provide employment opportunities for local residents.

Policy 1-1: The City of Milton-Freewater will continually strive to strengthen its business, financial, health, tourist and retail activities and to capitalize on its comparative advantages in the local and regional marketplace.

Discussion, Conclusion and Findings: The subject property has a portion of it already designated commercial, and that borders Hwy. 11. Because of the location on Hwy. 11, the property would more likely be developed as a commercial use rather than a residential use. It would provide a site that would allow business and retail opportunities, and therefore furthers this policy.

B. Goal 10 Housing

Policy 10-A-3: Sufficient acreage for all needed housing types shall be provided by the R-1, R-2 and R-3 residential zones delineated in the Zoning Code. The Comprehensive Plan Map shall contain one residential land use designation to permit greatest flexibility in location of the R-3 zone.

Discussion and Findings: The City's vacant residential land analysis already shows a surplus of residential property. The approximate size of the property proposed for amendment is total of 13,600 sq. ft., or less than a 1/3 of an acre. Applicants' request for a Comprehensive Plan Map amendment from a residential designation to a commercial designation will have a negligible effect on the inventories in either of these categories. As the commercial designation does allow for replacement of existing residential structures, the net effect would be to have only approximately 6500 sq. ft. removed from the inventory, and that would be from the parcel that already has a portion designated commercial.

IV. APPLICABLE CODE PROVISIONS

Chapter 12: Amendments

10-12-1: An amendment to the text of this Ordinance or to the Zoning Map may be initiated by the City Council, Planning Commission, or by application of a citizen.

Findings: The amendments were initiated by Anita Carson and James Larson, as allowed by this section.

10-12-2: Amendments to the text of this Ordinance or to the Zoning Map shall be processed under terms of the Level IV procedure in Section 10-3-10.

Findings: The amendments were processed as a Level IV procedure.

10-12-3: In the Planning Commission report to the City Council, and in the City Council's action after review of the Planning Commission's report, the following standards shall be addressed:

(A) The proposal is in conformance with all applicable provisions of the Comprehensive Plan text and map of land use designations.

Findings: As discussed above, the proposal conforms with applicable provisions of the Comprehensive Plan.

(B) The proposal addresses a need which was improperly or inadequately addressed by the present ordinance text or map.

Findings: The proposed map change would satisfy the above criteria in a number of ways. One of the subject parcels is already partially designated commercial, and having a parcel split with a residential and commercial designation is not a desirable situation, nor one that lends itself to good development. There is also presently commercially designated property located adjacent to and near the subject property. Finally, based on the location of the property, it would appear that a commercial designation is more appropriate. The Planning Commission, in reaching their decision, found that a residential designation was not appropriate for the property.

10-12-4: The City Recorder shall maintain records of text and map amendments.

Findings: As part of City procedure, the appropriate records will be maintained.

IV. GENERAL COMMENT

The proposal would allow commercial development to occur on a piece of property that is bordering Hwy. 11, and is almost completely surrounded by commercially designated property. In addition, it would allow for new business opportunities on the property.

V. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends unanimously to approve the amendment.

ORDINANCE NO. 960

AN ORDINANCE AMENDING THE ZONING MAP
OF THE CITY OF MILTON-FREEWATER

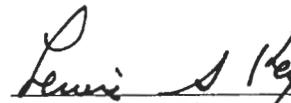
WHEREAS, The Milton-Freewater Planning Commission held a public hearing on a proposed Zoning Map amendment on June 12, 2012, and they unanimously recommended to the City Council that the Zoning Map be amended, and

WHEREAS, a public hearing was held before the City Council on July 9, 2012 on the proposed amendment,

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

The Zoning Map designation on the property described as Umatilla County Assessor's Map 5N3501BC Tax Lot 2200, and the westerly approximately 87 feet of Tax Lot 2400, is hereby amended from R-3 to C-2 as shown on Exhibit "A", attached hereto and incorporated herein.

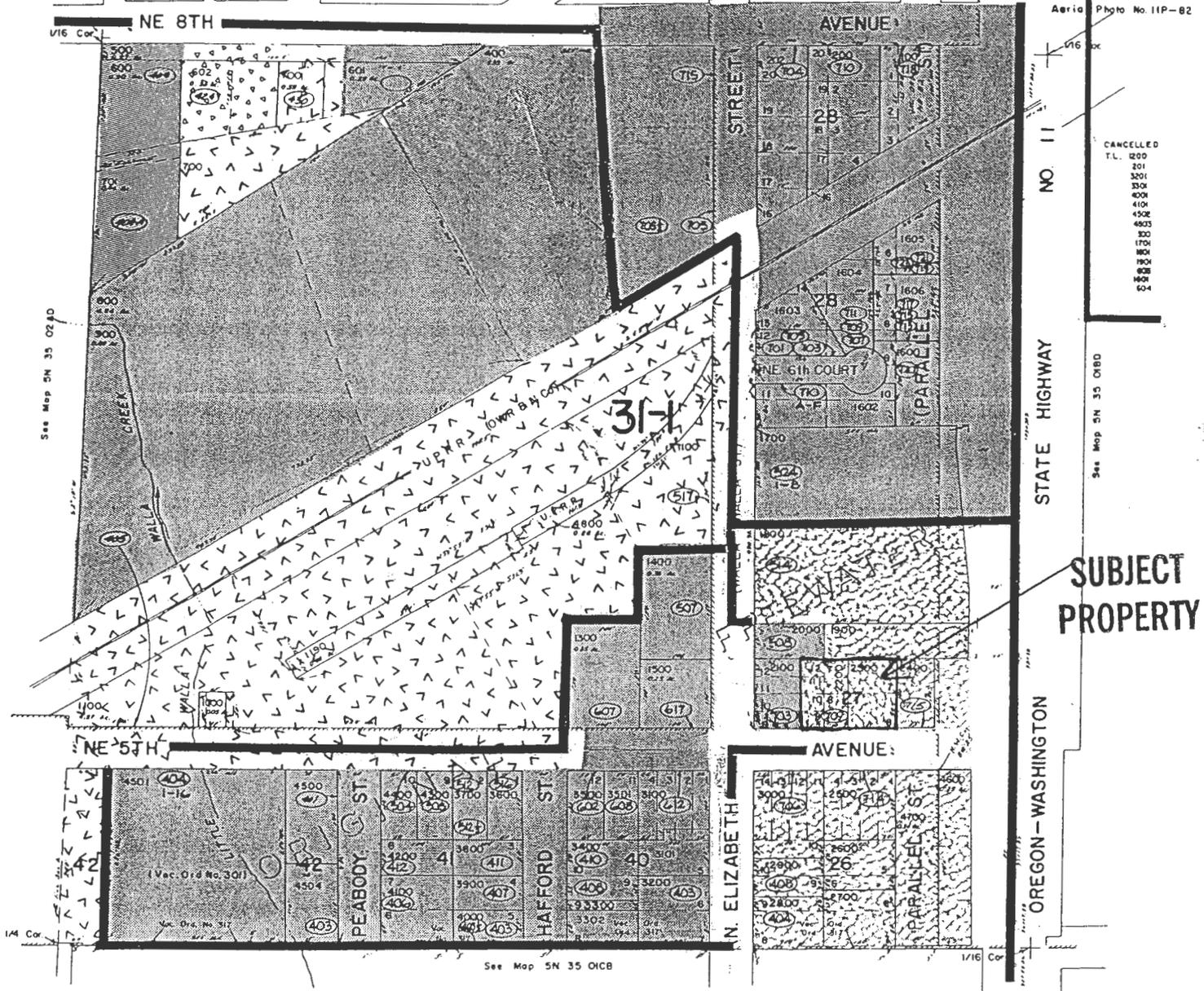
Passed by the Council and approved by the Mayor this 23rd day of July, 2012.



Lewis Key, Mayor

See Map 5N 35 01B8

Aerial Photo No. 11P-82



CANCELLED
T.L. 1200
1201
1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220

**SUBJECT
PROPERTY**



5N 35 01Bc

- | | | | | | |
|-------------|-----|--|--------|--|-----|
| | R-1 | | R-2 | | R-3 |
| | R-O | | C-1 | | C-2 |
| | I-M | | P L | | B P |
| CITY LIMITS | | | U.G.B. | | |

Exhibit "A"

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

ISSUE: Request for amendment to Zoning map from R-3 to C-2 on property located at 709 N.E. 5th Avenue, and on property located immediately to the east.

HEARING DATE: July 9, 2012

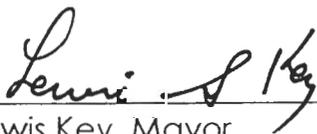
COMMENTS RECEIVED:

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

WE FIND THAT THE PLANNING COMMISSION REPORT, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN, ADEQUATELY ADDRESSES 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
Lewis Key	<u>N/A</u>	<u>N/A</u>
Orrin Lyon	<u>yes</u>	_____
Steve Irving	<u>Absent</u>	_____
Brad Humbert	<u>yes</u>	_____
Ed Chesnut	<u>yes</u>	_____
Jeff Anliker	<u>yes</u>	_____
Sam Hopkins-Hubbard	<u>Absent</u>	_____

Dated this ^{23rd} ~~9th~~ day of July, 2012.



Lewis Key, Mayor

CITY OF MILTON-FREEWATER
PLANNING COMMISSION REPORT
June 14, 2012

APPLICANT: Anita Carson/James Larson

ISSUE: Request for amendment to the Zoning Map from R-3 to C-2 on property located at 709 N.E. 5th Avenue, and on a portion of the property located immediately to the east.

HEARING DATE: July 9, 2012

I. BACKGROUND

The owner of the property (Anita Carson) has had this property on the market for several years. Co-applicant James Larson has recently made an offer to purchase the property and is desirous of a commercial designation for the entire property. Applicants have filed the application for the proposed amendments to allow for potential commercial development on the subject property. The Planning Commission held a public hearing on the proposed amendment on June 12, 2012. At that time, a unanimous recommendation was made to recommend approval of the application.

II. SITE DESCRIPTION

The subject property consists of two separate tax lots and is located on N.E. 5th Avenue near the intersection with Hwy. 11. One tax lot is mapped R-3, High Density Residential, by the Milton-Freewater Zoning Map. The other tax lot is presently zoned a combination of C-2, General Commercial and R-3, High Density Residential. One of the parcels is currently unimproved (zoned half C-2 and half R-3) and the other contains a small single family dwelling (zoned R-3). The property is bordered by a combination of mostly C-2, and some R-3 zoning, including the property immediately to the west which contains a single family dwelling. Safeway is located across N.E. 5th Avenue, and there is another single family dwelling west of Safeway, all designated C-2.

III. APPLICABLE COMPREHENSIVE PLAN PROVISIONS

A. Goal 9 Economy

Goal 1: To actively pursue economic development and growth that will diversify and strengthen the mix of economic activity in the local marketplace and provide employment opportunities for local residents.

Policy 1-1: The City of Milton-Freewater will continually strive to strengthen its business, financial, health, tourist and retail activities and to capitalize on its comparative advantages in the local and regional marketplace.

Discussion, Conclusion and Findings: The subject property has a portion of it already designated C-2, and that borders Hwy. 11. Because of the location on Hwy. 11, the property would more likely be developed as a commercial use rather than a residential use. It would provide a site that would allow business and retail opportunities, and therefore furthers this policy.

B. Goal 10 Housing

Policy 10-A-3: Sufficient acreage for all needed housing types shall be provided by the R-1, R-2 and R-3 residential zones delineated in the Zoning Code. The Comprehensive Plan Map shall contain one residential land use designation to permit greatest flexibility in location of the R-3 zone.

Discussion and Findings: The City's vacant residential land analysis already shows a surplus of residential property. The approximate size of the property proposed for amendment is total of 13,600 sq. ft., or less than a 1/3 of an acre. Applicants' request for an amendment from a R-3 designation to a C-2 designation will have a negligible effect on the inventories in either of these categories. As the commercial designation does allow for replacement of existing residential structures, the net effect would be to have only approximately 6500 sq. ft. removed from the inventory, and that would be from the parcel that already has a portion designated commercial.

IV. APPLICABLE CODE PROVISIONS

Chapter 12: Amendments

10-12-1: An amendment to the text of this Ordinance or to the Zoning Map may be initiated by the City Council, Planning Commission, or by application of a citizen.

Findings: The amendments were initiated by Anita Carson and James Larson, as allowed by this section.

10-12-2: Amendments to the text of this Ordinance or to the Zoning Map shall be processed under terms of the Level IV procedure in Section 10-3-10.

Findings: The amendments were processed as a Level IV procedure.

10-12-3: In the Planning Commission report to the City Council, and in the City Council's action after review of the Planning Commission's report, the following standards shall be addressed:

(A) The proposal is in conformance with all applicable provisions of the Comprehensive Plan text and map of land use designations.

Findings: As discussed above, the proposal conforms with applicable provisions of the Comprehensive Plan.

(B) The proposal addresses a need which was improperly or inadequately addressed by the present ordinance text or map.

Findings: The proposed map change would satisfy the above criteria in a number of ways. One of the subject parcels is already partially designated commercial, and having a parcel split with a residential and commercial designation is not a desirable situation, nor one that lends itself to good development. There is also presently C-2 zoned property located adjacent to and near the subject property. Finally, based on the location of the property, it would appear that a commercial designation is more appropriate. The Planning Commission, in reaching their decision, found that R-3 zoning was not appropriate for the property.

10-12-4: The City Recorder shall maintain records of text and map amendments.

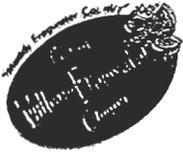
Findings: As part of City procedure, the appropriate records will be maintained.

IV. GENERAL COMMENT

The proposal would allow commercial development to occur on a piece of property that is bordering Hwy. 11, and is almost completely surrounded by commercially designated property. In addition, it would allow for new business opportunities on the property.

V. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends unanimously to approve the amendment.



May 22, 2012

Dear Property Owner:

The Milton-Freewater Planning Commission will hold a public hearing regarding the request received from Anita Carson and James Larson to amend the City's Comprehensive Plan Map from residential to commercial and amend the Zoning Map from R-3, High Density Residential to C-2, General Commercial on property located at 709 N.E. 5th Avenue and on property located east of that parcel (see map on reverse). The hearing will be held on June 12, 2012 at 7:00 p.m. in the Council Chambers, Albee Room in the Public Library, 8 SW 8th Avenue. Applicable criteria relating to this application can be found in the Comprehensive Plan Goals 9 and 10, and in the Zoning Code, Chapters 10-4-4 and 10-4-6 and Chapter 12.

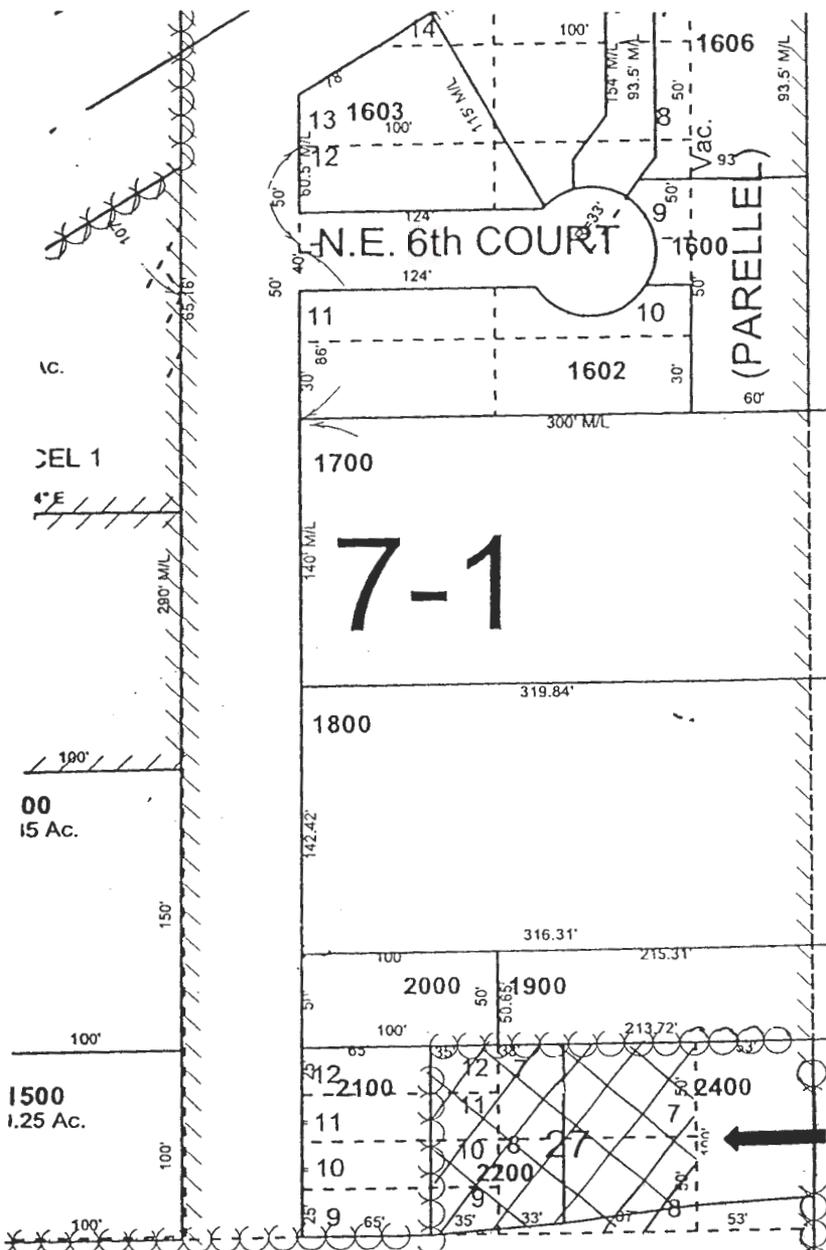
The City Council will then hold a public hearing considering the Planning Commission's recommendation on the map amendments on July 9, 2012 at 7:00 p.m. in the Council Chambers, Albee Room in the Public Library, 8 SW 8th Avenue.

You are being sent this letter because you own property within 200 feet of the subject property and are therefore considered an affected property owner. As an affected property owner, you may give written testimony prior to the hearings or give written or oral testimony at the time of the hearings relevant to these amendments. Please address all correspondence to the Planning Department, P.O. Box 6, Milton-Freewater, OR 97862. Failure to raise issues with sufficient detail prevents appeal to the state Land Use Board of Appeals based on those issues. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing upon request. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least 7 days after the hearing. The decision of the Planning Commission may be appealed by the applicant, any person on the affected property notification list, or any person who participated in the decision process. The appeal must be filed within 15 days following the date of the decision on forms available from the Planning Department.

For more information, you may contact the Planning Department at (541) 938-8234. The location of the hearing is handicapped accessible. Please call the Planning Department Assistant, (541)938-8235 (TTD 938-5511), or write if you will need any special accommodations or an interpreter to attend or participate in the meeting.

Sincerely,

Gina Hartzheim
City Planner



7-1

Subject Property

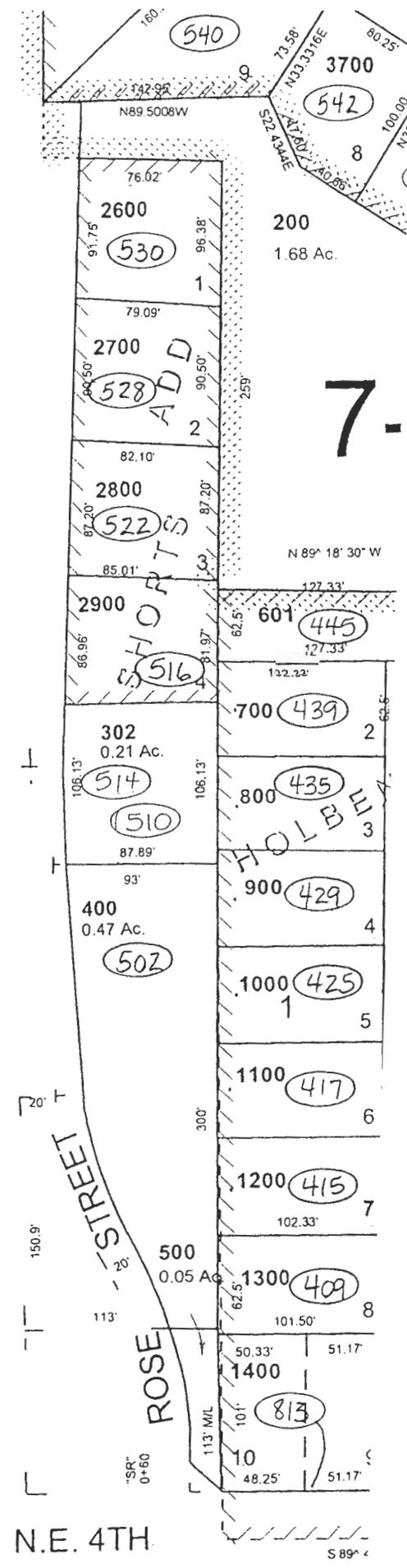
NE 5th AVENUE

N. ELIZABETH

(PARALLEL ST.)

HIGHWAY

OREGON-WASHINGTON



7.

N.E. 4TH

P.C.S. 95+59.00
P.C.S. 96+17.39
P.T. 97+17.39



neopostSM
08/02/2012
US POSTAGE

FIRST-CLASS MAIL
\$01.90⁰



ZIP 97862
041L11209143

DEPT OF

AUG 06 2012

**LAND CONSERVATION
AND DEVELOPMENT**

CITY OF MILTON FREEWATER

PO Box 6
Milton Freewater, OR 97862

TO:

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