



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

10/01/2012

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 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Monday, October 15, 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
Gordon Howard, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative

<paa> YA

4 DLCD Notice of Adoption of an UGB Amendment

(See second page for submittal requirements)

in person electronic mailed

DATE STAMP

DEPT OF

SEP 28 2012

LAND CONSERVATION AND RECREATION
For DLCD Use Only

Jurisdiction-City: City of Halfway Date of Adoption-City: April 12, 2012
(Must be filled in) (Must be filled in)

Jurisdiction-County: Baker County Date of Adoption-County: Aug. 1, 2012
(Must be filled in) (Must be filled in)

Local File No: None Date adoption mailed: Sept. 23, 2012
(If no number, use none) (Must be filled in)

Has this UGB Adoption previously been submitted to DLCD? Yes: No: Date: _____

Has ORS 197.296 been addressed? Yes: No: Does not apply:

Has ORS 197.298 been addressed? Yes: No:

Have Statewide Goal 14 factors been addressed? Yes: No:

Other Applicable Statewide Goals: Yes: No: Goal No: _____

Acres Involved in UGB Amendment: 1.25 acres

Attach a map of the amended UGB

Generally describe the boundary amendment in relationship to the entire UGB:

1.25 acres, in Baker Co., located at 46527 Cornucopia Hwy. Property is tax lot #700 and the property abuts the UGB lines at the north west of the U.G.B. Tax lot #700 abuts the UGB on the south and west of property lines.

Local Contact: Page Frederickson Phone Number: (541) 742-4741

Address: PO Box 738 City: Halfway, OR

Email: the.city.by.page@hotmail.com Zip Code + 4: 97834

DO NOT WRITE IN THIS SPACE

DLCD File No.: _____ DLCD 120-Day Action Date: _____ DLCD Referral Date: _____

Appeal Rec'd Date: _____ 21-Day Object Mail Date: _____ LCDC 90-Day Action Date: _____

DLCD Notification of LCDC Meeting Date: _____ Extension of LCDC 90-Day Action Date: _____

DLCD UGB File No. 001-12 (19206) [17190]

CITY OF HALFWAY

IN SECTIONS 8 AND 17, TWP. 8 SOUTH, RANGE 46 EAST, W.M.
BAKER COUNTY, OREGON




MAY, 2005

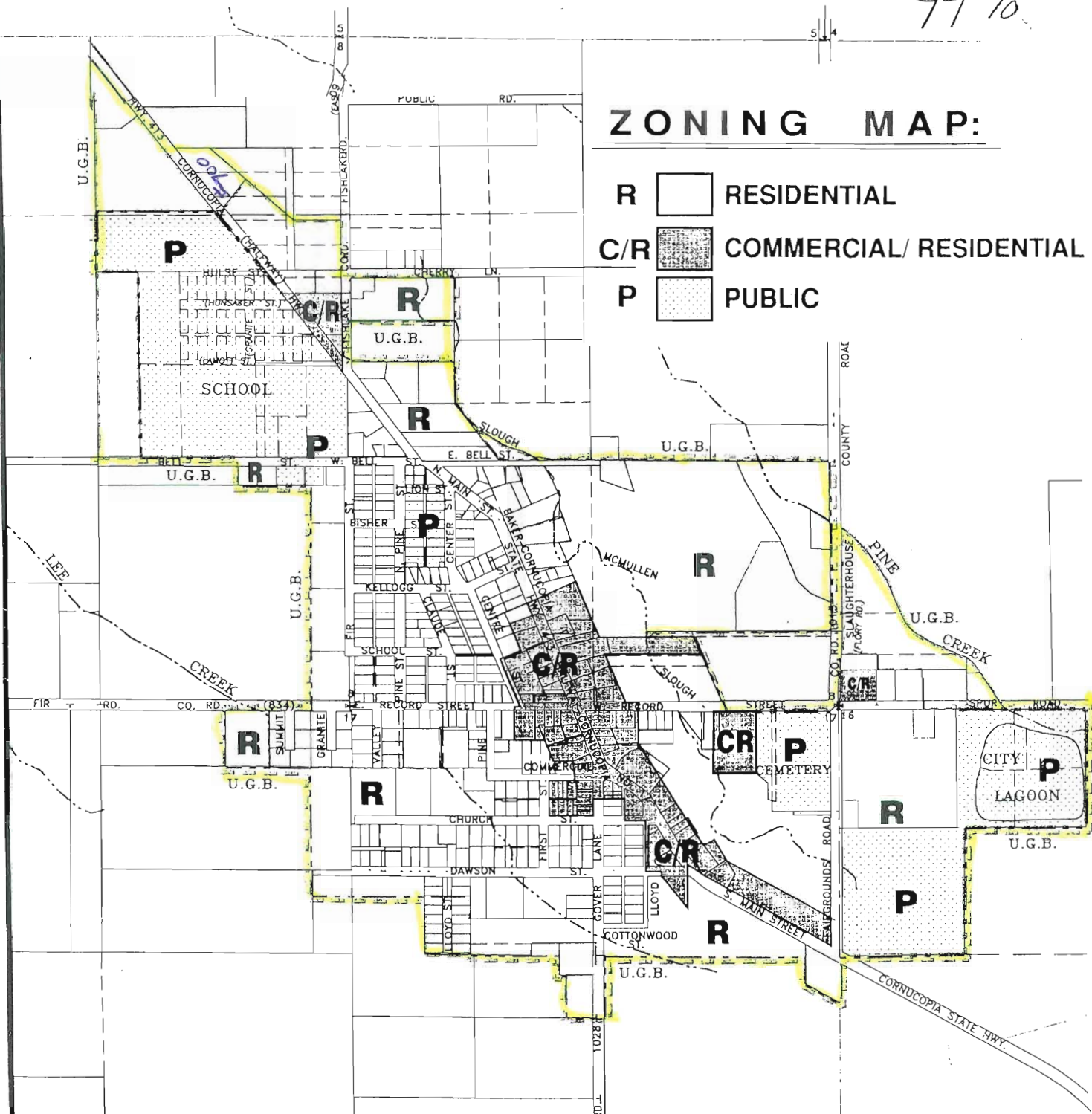
0' 200' 400' 600' 1200'

SCALE IN FEET



77%

ZONING MAP:

- R  RESIDENTIAL
- C/R  COMMERCIAL/ RESIDENTIAL
- P  PUBLIC



LEGEND:

-  CITY LIMITS LINE
-  URBAN GROWTH BOUNDARY

TENNESON ENGINEERING CORP.

CONSULTING ENGINEERS

409 LINCOLN STREET
THE DALLES, OREGON 97058

PH 541-296-9177 FAX 541-296-6657



K:\ACAD\CITY\HALFWAY.DWG



Baker County Department of Planning
1995 Third Street, Ste. 131
Baker City, OR 97814
Ph: 541-523-8219, Fax: 541-523-5925

August 8, 2012

Dear Landowners and Affected Agencies:

RE: Post Acknowledgment Plan Amendment request to expand the Urban Growth Boundary of Halfway, Oregon, and change the zoning designation of a 1.25+/- acre parcel from the Rural Residential (RR-5) Zone (Baker County zoning) to the Residential (R) Zone (City of Halfway, Oregon, zoning).

The Baker County Planning Commission reviewed the Plan Amendment request on Thursday, June 28, 2012, at which time a recommendation to approve the Plan Amendment to the Board of Commissioners, with Conditions of Approval, was rendered.

The Baker County Board of Commissioners reviewed the request for the Post Acknowledgment Plan Amendment on Wednesday, July 18, 2012, and Wednesday, August 1, 2012. At the hearings, the Board of Commissioners took testimony on criteria relevant only to the Plan Amendment request and during the public hearing held on August 1, 2012, the Board of Commissioners **APPROVED** the Plan Amendment request as recommended by the Planning Commission.

The purpose of the Post Acknowledgment Plan Amendment request is to expand the Urban Growth Boundary of Halfway, Oregon, and change the zoning designation of a 1.25+/- acre parcel from the Rural Residential (RR-5) Zone to the Residential (R) Zone. The 1.25+/- acre parcel is described as Tax Lot 700 in Section 8BD of Township 8 South, Range 46 East, W.M., Baker County, Oregon (Ref. 13445), located along Cornucopia Highway (State Highway 413), and is developed as an RV and mobile home park. The City of Halfway approved the UGB proposal by Ordinance No. 4-12-12, dated April 12, 2012. The property owners are Gaylen and Delores West.

The Post Acknowledgment Plan Amendment was reviewed in accordance with Article 9 of the Baker County Zoning and Subdivision Ordinance (BCZSO) #83-3. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning and Subdivision Ordinance it is considered to be consistent with the Comprehensive Land Use Plan. Criteria for these ordinances are outlined in the Baker County Planning Department Staff Report for PA-12-001.

A copy of the staff report which documents the applicable criteria, findings of fact and conclusions that the Planning Commission and Board of Commissioners utilized in their decision is available for review in the office of the Baker County Planning Department or, if you prefer, a copy of the report will be sent to you at a reasonable cost upon request. The Baker County Planning Department is located in the basement of the Baker County Courthouse, 1995 Third Street, Suite 131, Baker City, Oregon, 97814. For additional information, please contact Lauri Hoopes at the Baker County Planning Department by phone at (541) 523-8219, by email at lhoopes@bakercounty.org, or by fax at (541) 523-5925.

If you are a mortgagee, lien holder, vendor or seller: The Baker County Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

WHAT THIS MEANS TO YOU:

On August 1, 2012, the Board of Commissioners APPROVED a Post Acknowledgement Plan Amendment for the City of Halfway, Oregon, to expand the Urban Growth Boundary of Halfway, Oregon, to include and change the zoning designation of a 1.25+/- acre parcel from the Rural Residential (RR-5) Zone, which is Baker County's jurisdiction, to the Residential (R) Zone, which is the City of Halfway, Oregon, jurisdiction.

You are required by law to be notified of this land use decision and you are eligible to appeal this determination for the Plan Amendment to the Oregon Land Use Board of Appeals within 21 days of the date of this notice. If there is no appeal within this time period, then the decision will be final. It is the responsibility of the appellant to file a "Notice of Intent to Appeal" with the Oregon Land Use Board of Appeals, as defined in ORS 197.805 to 197.860.

Cc: Applicant/Property Owner, Property Owners Adjacent to Parcel, Affected Agencies, Tax Lot File

Certificate of Mailing

I, Lauri Hoopes, Planner with the Baker County Planning Department, certify that I provided this Notice of Decision regarding Post Acknowledgement Plan Amendment, PA-12-001, as required by Oregon Revised Statute 197.615, and deposited said notice in the official mail of the Baker County Courthouse on August 8, 2012.


Signed

8-8-12
Dated

received
9-4-12
PT 1:15 pm

COMMISSION CHAIR FRED WARNER, JR.
COMMISSIONER TIM L. KERNS
COMMISSIONER CARL E. STIFF, M.D.

BAKER COUNTY BOARD OF COMMISSIONERS

The Baker County Board of Commissioners met for the August 1, 2012 Commission Session. Present were Commissioner Fred Warner Jr. and Commissioner Tim L. Kerns

2. Citizen's Participation:

- a. Mark Sayers was present to express his appreciation for having the ford repaired. He reported that Roostercomb Road access has been closed by the BLM. Commissioner Warner stated he would discuss the issue with the BLM.

3. Review/Approval of Minutes:

Commissioner Kerns made a motion to approve the July 18, 2012 Commission Session minutes as presented. Commissioner Warner seconded the motion. Motion carried.

4. Additions to the Agenda:

- a. Order No. 2012-139: Designating Albina Asphalt as a sole source provider

5. Scheduled Business

- a. Justice Court Update ~ Damian Yervasi
Judge Yervasi reported that they have a hired a new trial court administrator who is working out very well. Due to budget cuts they have absorbed the Huntington and Pine-Eagle justice court work and they are trying to consolidate their files. Overall they have about 18,000 open traffic cases, 1,479 open criminal cases and 438 outstanding warrants. They have more than \$3 million owed to the court in fines and fees. Judge Yervasi discussed additional staffing and the installation of a kiosk payment center.
- b. Contract Review Board
 1. Kerr Contractors Agreement for Chandler Lane Reconstruction. The reconstruction project includes Chandler Lane and Davenport Lane. The project is funded by Job Transportation Act funds and has been bid at \$2,008,213.50. Commissioner Kerns made a motion to adopt the agreement with Kerr Contractors. Commissioner Warner seconded the motion. Motion carried.
 2. Order No. 2012-131 Designating Alpine Alarm as a sole source provider for the 2012-13 fiscal year and Alpine Alarm Agreements: The Courthouse and Museum will be billed at \$45 per month for fire and security services. The Juvenile Dept., Adler House and Parole & Probation will be billed \$25 per month for security services. Commissioner Kerns made a motion to adopt Order No. 2012-131 and the agreements for fire and security services with Alpine Alarm. Commissioner Warner seconded the motion. Motion carried.
 3. USDA APHIS Wildlife Services 2012-13 Work and Financial Plan Agreement: Wildlife Services agrees to provide county residents assistance in dealing with predatory animals at a cost of \$7,000. Commissioner Kerns made a motion to adopt the agreement with USDA APHIS Wildlife Services. Commissioner Stiff seconded the motion. Motion carried.

4. Order No. 2012-132: Designating Gem State Communications as a sole source provider for the 2012-13 fiscal year. Commissioner Stiff made a motion to adopt Order No. 2012-132. Commissioner Kerns seconded the motion. Motion carried.
5. Order No. 2012-133: Designating Prim Country Communications as a Sole Source Provider for the 2012-13 fiscal year. Commissioner Stiff made a motion to adopt Order No. 2012-133. Commissioner Kerns seconded the motion. Motion carried.
7. Order No. 2012-134: Designating Dan Van Thiel as a sole source provider for the 2012-13 fiscal year. Commissioner Kerns made a motion to adopt Order No. 2012-134. Commissioner Stiff seconded the motion. Motion carried.
8. IGA with the City of Baker City for building inspections. The previous agreement included language for services of small cities that were incorporated. The new contract eliminates that language and shall now include all cities within the County. Commissioner Kerns made a motion to adopt the agreement with the City. Commissioner Stiff seconded the motion. Motion carried.
9. Order No. 2012-139: Designating Albina Asphalt as a Sole Source Provider for the 2012-13 fiscal year. Commissioner Stiff made a motion to adopt Order No. 2012-139. Commissioner Kerns seconded the motion. Motion carried.

c. Public Hearing: Halfway Urban Growth Boundary

This is the second and final public hearing on expanding the Halfway Urban Growth Boundary to include a 1.25 acre parcel currently in use as an RV and mobile home park located on the Cornucopia Highway. Commissioner Warner opened the public hearing for testimony. Paige Frederickson, an employee of the City of Halfway, stated that there was no opposition to the application. Having no further testimony, the hearing was closed. Commissioner Kerns made a motion to adopt Ordinance No. 2012-02. Commissioner Stiff seconded the motion. Motion carried.

6. Documents to be Signed:

- a. Order No. 2012-130: Designating a Paper of Record. Commissioner Kerns made a motion to designate the Baker City Herald as the Paper of Record for the 2012-13 fiscal year. Commissioner Stiff seconded the motion. Motion carried.
- b. Order No. 2012-135 Amending Order No. 2012-121: Appointing a Justice of the Peace Pro-tem for the Baker District. The Order amends the term limits of Keith Long and Don Williams whose terms were originally scheduled to expire in August, 2013. However with a new justice of the peace taking office in January this order will amend their term limits to expire on December 31, 2012. Commissioner Kerns made a motion to adopt Order No. 2012-135. Commissioner Stiff seconded the motion. Motion carried.
- c. Order No. 2012-136: Appointing Steve Bogart as a Justice of the Peace Pro-Tem for a term set to expire on December 31, 2012. Commissioner Kerns made a motion to adopt Order No. 2012-136. Commissioner Stiff seconded the motion. Motion carried.
- d. Order No. 2012-137: Appointing Ryan Preuit and Cynthia Norton to the Baker County Fair Board for terms set to expire on May 1, 2015. Commissioner Kerns made a motion to adopt Order No. 2012-137. Commissioner Stiff seconded the motion. Motion carried.
- e. Order No. 2012-138: Designating the Baker City Herald as the newspaper for publication of the annual foreclosure of the tax liens as shown by the Baker County foreclosure list. Commissioner Kerns made a motion to adopt Order No. 2012-138. Commissioner Stiff seconded the motion. Motion carried.

7. Ratification of Documents:

a.

8. Other Business

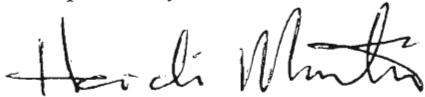
a. Comparison of Calendar:

08/02/12	Natural Resource Advisory Committee
08/07/12	National Night Out
08/08/12	Economic Development Council
08/15/12	Commission Session

9. Adjourn

a. The August 1, 2012 Commission Session was adjourned at 11:00 a.m.

Respectfully Submitted,



Heidi Martin, Executive Assistant
Baker County Board of Commissioners



Baker County Commissioners

COMMISSION CHAIR FRED WARNER, JR.

COMMISSIONER TIM L. KERNS

COMMISSIONER CARL E. STIFF, M.D.

BAKER COUNTY BOARD OF COMMISSIONERS

The Baker County Board of Commissioners met for the July 18, 2012 Commission Session. Present were Commissioner Fred Warner Jr. and Commissioner Tim L. Kerns

2. **Citizen's Participation:**

- a. Mark Sayers was present to discuss the RS2477 request he made on McCullough Mine Road. Mr. Sayers reported that the road is not currently closed, however the bridge has been condemned and until the County fixes the ford there is no access.

3. **Review/Approval of Minutes:**

Commissioner Kerns made a motion to approve the July 11, 2012 Commission Session minutes as presented. Commissioner Warner seconded the motion. Motion carried.

4. **Additions to the Agenda:**

- a. Commissioner Warner Secure Rural Schools funding has been extended for one year.

5. **Scheduled Business**

- a. Health Department Update ~ Nancy Staten and Susan Bland

Ms. Bland discussed the model of the newly formed Coordinated Care Organization (CCO). Greater Oregon Behavioral Health Initiative joined with ODS to become the CCO for our region which includes 13 other counties. CCO's will focus on integrating mental, physical and preventative health care beginning on September 1, 2012. Initially the focus will be on clients covered through OHP and Medicaid. Ms. Staten discussed the upcoming school registration. Last year they saw 605 kids and immunized 82. They are anticipating even more this year. Services are provided at both the High School and Middle School.

Juvenile Update ~ Staci Erickson and Matt Shirtcliff:

Ms. Erickson reported that through the JBAG grant they have been able to pay back more than \$7,300 to victims in court fines and restitution. Some of the work they do includes mowing the Leo Adler Field, shoveling snow, raking leaves and

painting over graffiti. On July 12, 2012 Ms. Erickson reported that they had 57 youth under supervision with 24 of those under formal supervision. They have 6 youth under the care of the Oregon Youth Authority. Misdemeanors make up the majority of the crimes with 12 cases being felonies and 13 listed as violations. They currently have two who participating in drug court and they are proactive in prevention work.

DA Update ~ Matt Shirtcliff

Michael Spaulding was hired about six months ago and he's doing well. Chris Storz is working on drug and property crimes while Mr. Shirtcliff works more on the felonies and usually handles two to eight Measure 11 crimes each year. The Mt. Emily child abuse center will be providing us with personnel to interview victims of sexual assault. Law enforcement has been cracking down on the marijuana problem in the high school. One area of concern has been the OYCC functions may be eliminated which could be detrimental to the rural counties. The Circuit Court docket has been crowded since moving misdemeanors from Justice Court, however it's been working out just fine. Trials are scheduled out into January which isn't that much further out than usual.

b. Public Hearing: Halfway Urban Growth Boundary

The City of Halfway approved Ordinance No. 4-12-12 to incorporate a 1.25 acre parcel into the Urban Growth Boundary (UGB). The property is used as an RV and mobile home park located along Cornucopia Highway. Including the property into the UGB would allow the property owners to connect to the City's water and sewer. Commissioner Warner opened up the public hearing for comment. Paige Frederickson stated that she was in favor of adding the property to the UGB. The way it is now, the property is non-conforming and the property owners are unable to connect to the City's water and sewer. Having no further testimony, Commissioner Warner made a motion to continue the hearing to August 1, 2012 at 10:00 a.m.

6. Documents to be Signed:

- a. Resolution No. 2012-1025: Authorizing Marjorie Lind, William Stinchcomb, Brenda Paul, Greg Plano, Tammie Claisel and Kellie Wright to direct a peace officer or approved secure transport provider to take allegedly mentally ill persons into custody. Commissioner Kerns made a motion to adopt Resolution No. 2012-1025. Commissioner Stiff seconded the motion. Motion carried.

7. Ratification of Documents:

- a.

8. Other Business

- a. Comparison of Calendar:

07/20/12	Mayor's Council Meeting in Haines
07/24/12	NRAC
07/26/12	MH&DDAC Meeting
08/01/12	Commission Session

9. Adjourn

a. The July 18, 2012 Commission Session was adjourned at 10:30 a.m.

Respectfully Submitted,

Heidi Martin, Executive Assistant

Baker County Board of Commissioners

BOARD OF COMMISSIONERS
FOR BAKER COUNTY, OREGON

IN THE MATTER OF:

APPROVING A POST ACKNOWLEDGMENT PLAN AMENDMENT TO THE BAKER COUNTY COMPREHENSIVE LAND USE PLAN AND MAP TO EXPAND THE URBAN GROWTH BOUNDARY OF HALFWAY, OREGON, TO INCLUDE AND CHANGE THE ZONING DESIGNATION OF A 1.25+/- ACRE PARCEL IDENTIFIED AS TAX LOT 700 (08S4608BD), FROM RURAL RESIDENTIAL (RR-5), WHICH IS BAKER COUNTY JURISDICTION, TO THE RESIDENTIAL (R) ZONE, WHICH IS CITY OF HALFWAY, OREGON, ZONING.

ORDINANCE NO.: 2012-02

AMENDING ORDINANCE NO. 84-1

BE IT ORDAINED BY THE COUNTY COMMISSION OF BAKER COUNTY, OREGON:

WHEREAS, The City of Halfway, Oregon, approved Ordinance No. 4-12-12, on April 12, 2012, to incorporate a 1.25+/- acre parcel into the Urban Growth Boundary, and

WHEREAS, Baker County received an application for a Post Acknowledgement Plan Amendment (PAPA) to amend the Baker County Comprehensive Land Use Plan and map to expand the Urban Growth boundary of Halfway, Oregon, to include and change the zoning designation of a 1.25+/- acre parcel from the Rural Residential (RR-5) Zone, which is Baker County jurisdiction, to the Residential (R) Zone, which is City of Halfway, Oregon, zoning; and

WHEREAS, The 1.25+/- acre parcel is developed and utilized as an RV and mobile home park, which is located along Cornucopia Highway (State Highway 413); and

WHEREAS, The parcel is described herein:

1.25+/- acres: Tax Lot 700 in Section 8BD of Township 8 South, Range 46 East, W.M., Baker County, Oregon (Ref. 13445)

WHEREAS, the Department of Land Conservation and Development (DLCD), property owners within 750 feet of the property boundaries of Tax Lot 700, as well as affected agencies or departments, were sent notice of the public hearings regarding this matter and were provided an opportunity to comment; and

WHEREAS, the Baker County Planning Department and the Baker County Planning Commission have completed a review of the Post Acknowledgement Plan Amendment (PAPA) request; and

WHEREAS, the Baker County Planning Commission recommended the Board of Commissioners adopt the Conditions of Approval, as shown in Exhibit A, for the Plan Amendment, and Exhibit B, the map showing the proposed Urban Growth Boundary expansion; and

WHEREAS, the Board of Commissioners have determined the proposed Urban Growth Boundary expansion to incorporate and change the zoning of a 1.25+/- acre parcel will meet the necessary requirements to expand the UGB; and

WHEREAS, a public hearing was held before the Baker County Planning Commission on June 28, 2012, and two public hearings were held before the Baker County Board of Commissioners on July 18, 2012, and August 1, 2012, and testimony was received regarding the matter. On August 1, 2012, the Baker County Board of Commissioners then closed the public hearing, findings and conclusions were made and a decision of APPROVAL was rendered regarding Plan Amendment PA-12-001.

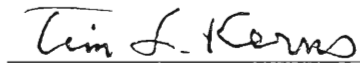
NOW, THEREFORE, THE BAKER COUNTY BOARD OF COMMISSIONERS ORDAIN the Conditions of Approval attached hereto as Exhibit A, and the decision for PA-12-001, a Post Acknowledgment Plan Amendment (PAPA) to amend the Baker County Comprehensive Land Use Plan and map to expand the Halfway, Oregon urban growth boundary and change the zoning designation of a 1.25+/- acre parcel from Rural Residential (RR-5) Zone to the Residential (R) Zone, are hereby approved.

DONE AND DATED this day August 1, 2012

BAKER COUNTY BOARD OF COMMISSIONERS



Fred Warner, Jr., Chair



Tim L. Kerns, Commissioner



Carl E. Stiff, M.D., Commissioner

EXHIBIT A

PA-12-001

CONDITIONS OF APPROVAL

1. Failure to comply with all federal and state laws, county ordinances and regulations related to this land use action and all Conditions of Approval may result in nullification of this approval by the Planning Commission, after the applicants/property owners have been given due process in accordance with the provisions of the Baker County Zoning and Subdivision Ordinance.
2. A record of all amendments must be filed with the Baker County Clerk.
3. The Planning Department shall maintain a record of the amendment to the zoning map, if approved.

Baker County Planning Commission
Baker County Courthouse
1995 Third Street, Ste. 131
Baker City, Oregon 97814
Phone: (541) 523-8219, Fax: (541) 523-5925

The minutes are only a third party summary of the original meeting. For a complete transcript, an audio recording is available. Please contact the Baker County Planning Department for further information.

Baker County Planning Commission
Public Hearing
June 28, 2012, 7:00 pm
Baker County Courthouse

I. Call to Order

Meeting was called to order by Chair Bill Harvey.

A. **Introduction of Planning Commission Members**

Bill Harvey, Haines/Rock Creek; Randy Joseph, Philips Lake; Don Silva, Haines/Rock Creek; Alice Trindle, Haines; Suzan Ellis Jones, Bridgeport and Ted Orr, Haines. Jim Grove was absent.

B. **Introduction of Staff**

Mark Bennett, Lauri Hoopes, Tara Andrews and Kevin Berryman

C. **Ex Parte Contact or Conflicts of Interest**

None

II. Approval of Minutes

A. May 24, 2012

Commissioner Silva made a motion to approve the minutes, with corrections, from the May 24, 2012 meeting. Commissioner Trindle seconded the motion. Motion carried unanimously.

III. New Business

Chair Harvey called the meeting to order. There were no ex parte contacts.

PA-12-001: A Post Acknowledgment Plan Amendment (PAPA) to expand the Urban Growth Boundary of Halfway, Oregon, and change the zoning designation of a 1.25+/- acre parcel described as Tax Lot 700 in 8S4608BD (Ref. 13445), from the Rural Residential (RR-5) Zone to the Residential (R) Zone. Tax Lot 700 is located along Cornucopia Highway (State Highway 413), and is developed as an RV and mobile home park. The City of Halfway approved the UGB proposal by Ordinance No. 4-12-12, dated April 12, 2012. The property owners are Gaylen and Delores West.

Director Bennett explained background information on the application.

Ms. Hoops gave a brief overview of the application. She explained that the City of Halfway would like to expand the urban growth boundary.

Chair Harvey asked how many mobile homes are on the property. Ms. Hoops said there are eight spaces available for mobile homes.

Chair Harvey asked the applicant to come forward.

**Page Fredrickson
Representing City of Halfway
P.O. Box 738
Halfway, Oregon 97834**

Ms. Fredrickson informed the commission that after the city of Halfway approved the application there are now a total of seven residents on the property. She described the property owner's intentions. She gave historical and geographical background on the site.

Chair Harvey asked what septic systems are on site. Ms. Fredrickson answered and gave further description of the site.

Chair Harvey asked what condition the city of Halfway has set. Ms. Fredrickson said the city will not force residents to do anything.

Commissioner Orr discussed possible residential problems. Ms. Fredrickson explained the minimum lot size.

Ms. Fredrickson stated that there is no record of the site in regard to the urban growth boundary.

There was discussion on the rules on acreage within the urban growth boundary. Director Bennett explained the details of city and state approval. Chair Harvey asked about time limits. Bennett said there are no time limits.

There was discussion on the complexities of expanding the urban growth boundary.

Commissioner Trindle asked if anyone was against the plan. Ms. Fredrickson said there is no opposition. Chair Harvey discussed the future problems of an inadequate septic system.

Chair Harvey asked if anyone opposed would like to testify. There were none. He closed the public meeting and opened discussions. Harvey asked about the frontage requirements. Director Bennett gave an explanation.

There was discussion on adopting the Planning Department's recommendations.

Commissioner Silva moved to approve application PA-12-001 to change the zoning designation of a 1.25+/- acre parcel from the Rural Residential (RR-5) Zone to the Residential, subject to the Conditions of Approval. Commissioner Jones seconded the motion. Motion approved unanimously.

There were no conditions of approval.

At this time old business was discussed. Please see section four of this document for details.

New Business Continued:

CU-12-002: A Conditional Use request to allow Roy Tidwell to operate Roy's Ag Repair Inc. as a commercial activity in conjunction with farm use on a 78.4+/- acre parcel identified as Tax Lot 1900 of Township 8 South, Range 39 East, W.M., Baker County, Oregon. The property is located south of Haines, Oregon, in the Exclusive Farm Use (EFU) Zone. The Conditional Use request will be reviewed under the criteria listed in the BCZSO Section 301.02, 301.06 and Article 6, and the Baker County Comprehensive Land Use Plan.

Chair Harvey asked if any commissioners would need to step down. Commissioner Trindle recused herself. **Note: Commissioner Orr recused himself at a later time during the proceedings, recorded below.**

Ms. Andrews gave a brief overview of the application. She stated that Mr. Tidwell would like to construct a repair shop on his parent's property to operate a business. She gave some background on his business and presented a slideshow to further explain the site.

Chair Harvey asked if there were any questions regarding the slides. There were none.

There was discussion on the possibility of adding conditions of approval.

Chair Harvey asked if there were any questions for staff. There were none. Harvey asked the applicant to testify.

Roy Tidwell
13516 South Rock Creek
Haines, Oregon 97833

Mr. Tidwell explained his intentions in building a shop for his business. He described the dimensions of the proposed building.

Commissioner Silva asked about a requested water tank. Mr. Tidwell stated he disagrees with a need for a water tank. There was discussion about fire safety, the onsite water well and a nearby pond.

Mr. Tidwell described the approved septic system.

Commissioner Joseph asked where his current business is located. Mr. Tidwell gave the location of his business.

There was discussion on the resolving of a violation.

Chair Harvey asked if a water supply would be made available. Mr. Tidwell said that would be possible. Commissioner Joseph explained that fire extinguishers would be better. Director Bennett explained fire requirements. There was discussion on fire safety.

Director Bennett suggested a condition of approval be crafted on the subject of fire safety. There was discussion on what to include in the condition.

Chair Harvey asked for testimony in favor of the applications.

Tim Kerns
25917 Quail Rd
Haines, Oregon 97833

Mr. Kerns detailed his favorable opinion of Mr. Tidwell's business. He suggested that fire extinguishers would be an adequate safety measure.

Chair Harvey asked for any questions. There were none.

Alice Trindle
15477 Sky Range Ln
Haines, Oregon 97833

Ms. Trindle explained that she is not in opposition to the applications, but that she has concerns. She suggested a limit to the amount of equipment stored within view from the road.

Commissioner Jones asked if a county ordinance covers equipment storage. There was discussion on private equipment storage and the possibility of the business creating an equipment "grave yard".

Chair Harvey asked the applicant to return.

Roy Tidwell
13516 South Rock Creek
Haines, Oregon 97833

Mr. Tidwell explained that in addition to onsite repairs he also offers service calls. Commissioner Joseph asked if he plans to store equipment. Mr. Tidwell said he has no intention of storing equipment.

Chair Harvey asked that equipment be stored behind the shop. Mr. Tidwell agreed to comply.

Commissioner asked that the color of the building be neutral with limited signage. Commissioner Jones asked what colors would be used. Mr. Tidwell said blue and white where a possibility. There was discussion on the colors.

Chair Harvey thanked and dismissed the applicant. He stated a summary of the commission's concerns.

Commissioner Orr recused himself on that grounds that he is a current customer of Mr. Tidwell's business.

There was discussion on relationships to Mr. Tidwell.

Chair Harvey stated that the area where the shop and business will be located will be disqualified as farm tax relief.

Director Bennett gave his recommendations on fire safety.

Chair Harvey stated that Oregon State Fire code be added to the conditional use. There was discussion on safety implementation.

Commissioner Joseph stated his concern that the stored equipment not exceeds the width of the building. Chair Harvey gave further concern on the color of the building.

Commissioner Jones stated her concerns on the price of the metal siding to be used in construction of the building.

Director Bennett suggested that in the future a tree barrier could solve visual concerns.

Ms. Andrews read the fire safety requirement. There was discussion on the fire code. She read the building color conditions. There was discussion on color. She read the equipment storage conditions. There was discussion on the storage of equipment. Chair Harvey read the hours of operation conditions. There was discussion on after hour operations.

Director Bennett discussed the conditions of use.

Commissioner Jones asked about signage limits. There was discussion of current signage standards.

Chair Harvey asked for a motion.

Commissioner Silva moved to approve application CU-12-002 to operate commercial activity in conjunction with farm use, subject to conditions of approval. Commissioner Joseph seconded the motion. Motion approved unanimously.

IV. **Old Business**

Planner Hoops informed the commission of the upcoming deadline for the application MnP-12-001. There was discussion on the denial of application.

Commissioner Joseph moved to deny application MnP-12-001. Commissioner Jones seconded the motion. Motion to deny passed unanimously.

V. **Set Date of Next Meeting**

07/26/2012

VI. **Adjourn**

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Kevin R. Berryman
Baker County Planning Department

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Baker County Department of Planning and Community Development
STAFF REPORT to the PLANNING COMMISSION
PLAN AMENDMENT PA-12-001
PLANNING COMMISSION HEARING DATE: June 28, 2012

STAFF REPORT DATE: June 15, 2012
REPORT PREPARED BY: Lauri Hoopes, Planner

I. GENERAL INFORMATION AND FACTS

APPLICANT: City of Halfway
PO Box 738
Halfway, Oregon 97834

PROPERTY OWNER: Gaylen and Delores West
PO Box 604
Halfway, Oregon 97834

LAND USE REVIEW: Plan Amendment for an Urban Growth Boundary Expansion

PROPERTY DESCRIPTION: **Tax Lot 700:** in Section 08BD in Township 8 South, Range 46 East, W.M., Baker County, Oregon (Ref. 13445)

LOCATION: 46527 Cornucopia Highway, north of Halfway, Oregon

EXISTING DEVELOPMENT: There is a single family dwelling and an existing RV and Mobile Home Park on the parcel. The RV and Mobile Home Park have been in existence on the parcel since approximately 1950.

PROPOSED DEVELOPMENT: To modify the Urban Growth Boundary of the City of Halfway, Oregon

ZONE: **Current Zone:** Rural Residential (RR-5) Zone—Baker County
Proposed City Zone: Residential (R) Zone—Halfway, Oregon

OVERLAY ZONE(S):

Big Game Habitat: The parcel is not located in the Big Game Habitat.

Flood Zone: The parcel is not located in a flood zone according to Flood Insurance Rate Map (FIRM) #41001CO295C, dated June 3, 1988.

Wetlands: There are no wetlands identified on the parcel according to National Wetlands Inventory Map for Halfway, Oregon, dated July 1981.

Fire District: The parcel is located in the Pine Valley Rural Fire Protection District.

<u>CURRENT LAND USE:</u>	Residential
<u>PARCEL LEGALLY CREATED:</u>	The parcel was lawfully created by the Black and Motley Addition to Halfway Plat, recorded May 8, 1916. The parcel currently consists of a portion of Lots 9, 10, and 11 of Block B.
<u>WATER RIGHTS:</u>	According to the Baker County Watermaster's Office, there are no primary water rights on the parcel.
<u>NRCS SOILS DATA:</u>	The parcel consists of primarily Class III soil.
<u>TAX STATUS:</u>	Standard Tax

II. NATURE OF REQUEST

On April 12, 2012, the City of Halfway, Oregon, approved Ordinance No. 4-12-12, to incorporate a 1.25+/- acre parcel described as Tax Lot 700 in Section 8BD of Township 8 South, Range 46 East, W.M., Baker County, Oregon (Ref. 13445). Ordinance No. 4-12-12 proposes to change the designation of Tax 700 from Rural Residential (RR-5), which is within Baker County's jurisdiction, to the Residential (R) Zone within the Urban Growth Boundary of the City of Halfway, Oregon. Tax Lot 700 is developed and utilized as a RV and mobile home park, which is located along Cornucopia Highway (State Highway 413). The RV and mobile home park was sited on the parcel in the 1950's and has operated as such since that time. Gaylen and Delores West, property owners, have owned the parcel since February 2007.

On June 28, 2012, the Baker County Planning Commission will review the applicant's proposal for a Post Acknowledgement Plan Amendment (PAPA), PA-12-001, to expand the Urban Growth Boundary of Halfway, Oregon, to include and change the zone of a 1.25+/- acre parcel of land identified as Tax Lot 700 (08S4608BD), and will make a recommendation regarding PA-12-001 to the Board of Commissioners. The Board of Commissioners are tentatively scheduled to review the Planning Commission's recommendation on July 18, 2012, and August 1, 2012.

III. APPLICABLE STATUTE AND ADMINISTRATIVE RULE PROVISIONS

A request for a change in an Urban Growth Boundary (UGB) must comply with Article 9 *Amendments* of the Baker County Zoning and Subdivision Ordinance (BCZSO) #83-3. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning and Subdivision Ordinance it is considered to be consistent with the Comprehensive Plan.

IV. FINDINGS OF FACT

- A. Gaylen and Delores West, property owners, submitted an application to the City of Halfway, Oregon, to expand the Urban Growth Boundary on February 16, 2012.

- B. The Baker County Planning Department sent notice by post mail to the DLCD on May 21, 2012. The Baker County Planning Commission is tentatively scheduled to review the UGB expansion proposal on June 28, 2012. The Baker County Board of Commissioners are tentatively scheduled to review the Planning Commission's recommendation on July 18, 2012, and during a second hearing tentatively scheduled for August 1, 2012.
- C. The parcel is described as Tax Lot 700 in Section 8BD of Township 8 South, Range 46 East, W.M., Baker County, Oregon (Ref. 13445). The parcel consists of 1.25+/- acres which is described as portions of Lots 9, 10 and 11 in Block B of the Black and Motley Addition. The Black and Motley Addition was recorded May 8, 1916. *See Exhibits A, B and C*
- D. The 1.25+/- acre parcel was created prior to the Baker County Zoning and Subdivision Ordinance 83-3. The parcel is currently located in the Rural Residential (RR-5) Zone. Prior to the acknowledgement of the Baker County Zoning and Subdivision Ordinance 83-3, the parcel was zoned A-2 (agricultural). According to the 1974 Baker County Zoning and Subdivision Ordinance, the minimum parcel size in the A-2 Zone was no parcel less than 4 acres. In addition, a commercial use in the A-2 Zone required a conditional use permit. In the RR-5 Zone, the minimum parcel size is no parcel less than 5 acres and an RV and Mobile Home Park requires a conditional use permit.
- E. The parcel is located outside of the City of Halfway, Oregon, Urban Growth Boundary (UGB), and outside of the City of Halfway, Oregon, city limits. The UGB is adjacent to the southern boundary of the parcel. The west property boundary of the parcel is parallel to the UGB, which is approximately 50-feet from the parcel across Cornucopia Highway (State Highway 413). *See Exhibit C*
- F. Development on the parcel includes one single family dwelling and an 8-space RV and mobile home park. There are currently 5 residents at the RV Park. The dwelling is vacant at this time. *See Exhibit D, page 2*
- G. According to Baker County Zoning and Subdivision Ordinance Section 108(b), the 1.25+/- acre parcel, located in the Rural Residential (RR-5) Zone, is considered a non-conforming use because the parcel does not meet the required minimum parcel size of 5-acres. By incorporating the parcel within the UGB of Halfway, Oregon, the parcel will be removed from the Rural Residential (RR-5) zone, which is within Baker County's jurisdiction, and rezoned Residential (R), which is within the jurisdiction of the City of Halfway. Once the parcel is incorporated within the Urban Growth Boundary of Halfway and the Residential (R) Zone, the 1.25+/- acre parcel will exceed the 5,000 sq. ft. minimum parcel size in the Residential (R) Zone. In addition, the opportunity to connect to City services (water and sewer) would be provided, if necessary, as described in Ordinance 10-3A, dated March 12, 1981, of the City of Halfway's Comprehensive Land Use Plan. *See Exhibit D, pages 2,3*
- H. The parcel was developed as an RV Park in the 1950's, prior to the 1985 adoption of the Baker County Comprehensive Land Use Plan and the Baker County Zoning and Subdivision Ordinance 83-3. The City of Halfway's Comprehensive Land Use Plan was adopted in 1980 and the City of Halfway's current Zoning Ordinance was adopted in 2005. *See Exhibit D, pages 2,3*
- I. After the Urban Growth Boundary expansion and zone change, the 1.25+/- acre parcel, which is considered substandard in the RR-5 Zone, will exceed the minimum parcel size of 5,000 sq. ft. in the Residential (R) Zone and will enable the 8 space mobile park and single family

dwelling to connect to the City of Halfway water and sewer facilities, when necessary, as described in City of Halfway Ordinance 10-3A, dated March 12, 1981.

- J. Power is currently in place on the parcel from Idaho Power, and there are two existing access points onto Cornucopia Highway.
- K. Emergency services will not change as a result of the proposal. The 1.25+/- acre parcel is located in the Pine Valley Rural Fire Protection District and law enforcement is provided by the Baker County Sheriff's Office.
- L. The surrounding parcels will not be negatively affected by the proposal because the 1.25+/- acre parcel is currently substandard in size as it does not meet the 5-acre minimum for the RR-5 Zone. The RV and Mobile Home Park is pre-existing and fully developed on the 1.25+/- acre parcel and five of the eight mobile home spaces in the park are occupied by full time residents.
- M. The RV and Mobile Home Park is located near accommodations such as shopping and restaurants, and positioned across the road from the Pine Eagle School.
- N. An 1898 single family dwelling also exists on the parcel, which is described as the old Robinette Depot. If the UGB expansion is approved, the applicant would be able to meet the 5,000 sq. ft. minimum parcel size in the Residential (R) Zone and partition the parcel so that the RV Park would be on one parcel and the single family dwelling would be on a separate parcel.

V. **BAKER COUNTY COMPREHENSIVE LAND USE PLAN**

a. **GOAL 2—LAND USE PLANNING**

i. **GOAL II, Section V—Plan Map Designations—page II-14**

3. Rural Residential Areas—refers to those areas already built and committed to non-resource use and for which an exception is proposed.

ii. **GOAL II, Section VI—Exception Areas, Subsection E—Residential Areas (RR-5) approximately 8,145 acres, Page II-28:**

14. North/Southwest/East Halfway

a. Lands located in Sections 8, 9, 16 and 17 of Township 8 South, Range 46 East, W.M., totaling approximately 439 acres of Class II-IV soils. These sites are all adjacent to the City of Halfway, and in fact, include a portion of the urban growth boundary of the city. The sites are all being used for or are committed to residential use.

b. Tax Lot 700 is listed as part of Site Number 43, the “North Halfway Vicinity,” in the Evaluation of Committed area—Sheet No. 1. See *Exhibit H*

b. GOAL 14—URBANIZATION

i. GOAL 14 URBANIZATION FINDINGS AND POLICIES

1. Goal 14 Urbanization Findings:

- a. (1) Urban growth boundaries for the following cities have been established through a cooperative process between the cities and the county: Baker, Halfway, Huntington, Richland and Unity.

2. Goal 14 Urbanization Policies:

- a. (1) County ordinances adopting the various urban growth boundaries of the several cities shall rule in case of conflicts as to the location of such boundaries.
- b. (2) Subject to any agreements between the county and any city in the county, the county shall administer the land use regulations applicable to urbanizable lands in the county. For the purpose of such administration the county shall use the substantive standards and requirements of the land use regulations of the appropriate city.
- c. (3) Any change in any of the urban growth boundaries as established by this plan shall be a cooperative process between the county and the city involved.

VI. ANALYSIS

POST ACKNOWLEDGMENT PLAN AMENDMENT

A. BAKER COUNTY ZONING AND SUBDIVISION ORDINANCE

BCZO Section 901 Authorization to Initiate Amendments

An Amendment to the text of this Ordinance or the Zoning Map may be initiated by the County Court, the County Planning Commission, or by application of a property owner. The request by a property owner for an Amendment shall be accomplished by filing an application with the Planning Department in a manner described in Section 905 or 907 of this Article at least by the first working day of the month during which the action is to be heard.

Findings: The application for a Plan Amendment, along with a site map, required fee and the justification for the amendment was submitted by the applicant, the City of Halfway, Oregon, on May 11, 2012, in accordance with Section 905 of this Article. The DLCDC Notice of Proposed Amendment was submitted by the Planning Department on May 21, 2012, 35 days prior to the first evidentiary hearing, which will be held on June 28, 2012. The Planning Commission will review the applicant's request on June 28, 2012.

Planning Commission Conclusion: Based on the findings above, the Baker County Planning Commission determined the criteria are met.

BCZO Section 902 Authorization to Approve or Deny Proposed Amendments

The Planning Commission may approve, deny, or modify proposed Amendments to the Map or text of

this Ordinance when such action is taken in accordance with the appropriate portions of Sections 903 through 907 of this Article.

Findings: On May 11, 2012, the applicant, City of Halfway, Oregon, submitted an application for a Post Acknowledgment Plan Amendment (PAPA) for a map amendment to expand the City of Halfway, Oregon, Urban Growth Boundary to include a 1.25+/- acre parcel in Baker County. As part of the public review process to be held on June 28, 2012, the Planning Commission will review the proposed Plan Amendment with the applicable portions of Sections 903 through 907 of this Article. The Planning Commission reviewed the applicant's request on June 28, 2012.

Planning Commission Conclusion: Based on the findings above, the Baker County Planning Commission determined the criteria are met.

BCZO Section 903 Standards for Granting an Amendment

To determine whether an Amendment shall be approved, denied or modified, the Commission shall find, in addition to the specific requirements in Sections 905, 906, and 907 of this Ordinance, that the proposal conforms with the County's Comprehensive Plan.

Note: In the Baker County Zoning and Subdivision Ordinance 83-3, Section 905 is titled Map Amendment Application Procedure, Section 906 is titled Environmental Impact Report Procedure, and Section 907 is titled Text Amendment Application Procedure.

Findings: The Baker County Planning Commission reviewed the proposed Map Amendment on June 28, 2012, according to the specific requirements listed in Sections 905 of the Baker County Zoning and Subdivision Ordinance 83-3 and the Baker County Comprehensive Land Use Plan, and will make a recommendation to the Board of Commissioners to accept / deny the Plan Amendment request. (For more information regarding the Baker County Comprehensive Land Use Plan, please see *Section IV, Findings of Fact*, on pages 2 and 3 of this report.)

Planning Commission Conclusion:

BCZO Section 904 Public Hearing on Amendment

The Planning Commission shall conduct a public hearing on a proposed Amendment within 60 days after the Amendment is proposed and shall, within five working days after the hearing, recommend to the County Court approval, disapproval, or modified approval of the proposed Amendment. This hearing may be continued for just cause. After receiving the recommendation of the Planning Commission, the County Court shall hold a public hearing on the proposed Amendment within 30 days of Planning Commission action on the request. The Court shall announce its decision within 30 days of its public hearing. Amendments shall be subject to review by the State pursuant to ORS 197.610-630.

Findings: On May 11, 2012, the City of Halfway, Oregon, applicant, submitted an application for a Post Acknowledgment Plan Amendment (PAPA) for a map amendment to expand the Urban Growth Boundary of Halfway, Oregon, and change the zoning designation of a 1.25+/- acre parcel described as Tax Lot 700 in 8S4608BD (Ref. 13445), from the Rural Residential (RR-5) Zone to the Residential (R) Zone.

The Baker County Planning Commission conducted a public review hearing on June 28, 2012, within 60 days after the Amendment was proposed, and made a recommendation to the Baker County Board of Commissioners regarding the proposed amendment. The Baker County Board of Commissioners (County Court) are tentatively scheduled to review the Planning Commission's recommendation of approval in two public hearings to be held on July 18, 2012, and August 1, 2012.

Planning Commission Conclusion: Based on the findings above, the Baker County Planning Commission determined the criteria are met.

BCZO Section 905 Map Amendment Application Procedure

The following procedure shall be followed when initiating an action for Amendment to the Map of this Ordinance.

- A. *The applicant shall submit a site plan to the Planning Department and discuss the property involved in the action and the development to be placed on the property if the Amendment is approved. This discussion is to assist the applicant in understanding the Amendment process and to review the development proposal for conformance with the physical requirements of the Zoning and Subdivision Ordinance as early in the process as possible.*

Findings: The City of Halfway, Oregon, submitted a site plan, included as Exhibit B of this report, which demonstrates the proposed Urban Growth Boundary expansion. The purpose of this Plan Amendment is to expand the Urban Growth Boundary of Halfway, Oregon, and change the zoning designation of a 1.25+/- acre parcel described as Tax Lot 700 in 8S4608BD (Ref. 13445), from the Rural Residential (RR-5) Zone to the Residential (R) Zone. The City of Halfway approved the UGB proposal by Ordinance No. 4-12-12, dated April 12, 2012. Tax Lot 700 is located along Cornucopia Highway (State Highway 413), and is developed as a RV and mobile home park. The property owners are Gaylen and Delores West.

Planning Commission Conclusion: Based on the findings above, the Baker County Planning Commission determined the criteria are met.

- B. *The applicant and the Planning Department shall jointly complete an environmental review checklist provided by the Planning Department to survey environmental consequences of the proposed action. Copies of the completed environmental review checklist will be circulated to other departments and affected agencies. Department comments will be attached to the original and will remain in the application file.*

Findings: An environmental review checklist is not required for this Plan Amendment request because the parcel is fully developed and the use conducted on the parcel is pre-existing.

Planning Commission Conclusion: The Baker County Planning Commission determined the criteria are not applicable.

- C. *Impact Report: After response from the other departments and agencies, the Site Plan Review advisory committee will recommend to the Planning Commission whether or not the project has*

a significant effect on the environment and hence whether an environmental impact report of a negative declaration is appropriate.

Findings: An environmental review checklist is not required as part of this Plan Amendment request because the development and uses conducted on the parcel are pre-existing; therefore, an impact report is not applicable.

Planning Commission Conclusion: According to the findings above, the criteria are not applicable.

D. If it is determined by the Planning Commission that an environmental impact report is required, the applicant shall be informed by mail that the report must be completed before the application can be considered. The applicant has 10 working days to appeal this requirement to the County Court. If the environmental impact report is required, the mandatory time limit for action on the application shall be extended for the period of time necessary to prepare and adopt a satisfactory report.

Findings: An environmental review checklist is not required as a part of this Plan Amendment request because the development and uses conducted on the parcel are pre-existing and the parcel is fully developed. No construction is proposed as part of this request.

Planning Commission Conclusion: According to the findings above, the Baker County Planning Commission determined the criteria are not applicable.

BCZO Section 908 Record of Amendments

After filing the Amendment(s) with the County Clerk, the County Planning Department shall maintain records of Amendments to the text of the Ordinance and the Zoning Map.

Findings: According to Goal II, Section VI—Exception Areas, Subsection E—Residential Areas (RR-5), Page II-28, there are approximately 8,145 acres of RR-5 zoned property. After the proposed expansion to incorporate 1.25+/- acres into the City of Halfway, Oregon, Urban Growth Boundary, the Baker County RR-5 inventory will be reduced to 8,143.75+/- acres. The County Clerk shall record the Amendment and the Planning Department shall maintain a record of the Amendment to the Baker County Comprehensive Land Use Plan.

Planning Commission Conclusion: Based on the findings above, the Baker County Planning Commission determined the criteria are met or can be met as Condition of Approval #2.

VII. SUMMARY CONCLUSIONS AND STAFF RECOMMENDATION

An Urban Growth Boundary may be allowed through the PAPA process if the applicant demonstrates that the proposal meets, or is capable of meeting, all applicable review criteria and standards.

Therefore, based on the information contained in Sections I through V of this report, the above review criteria, findings of fact and conclusions found in Section VI, and the public testimony received on the matter, the Baker County Planning Commission recommends **APPROVAL** to the Baker County Board of Commissioners of this Plan Amendment request, PA-12-001, to amend the Baker

County Comprehensive Land Use Plan to include a 1.25+/- acre parcel within the Urban Growth Boundary of Halfway, Oregon, and change the current zoning of the parcel from Rural Residential (RR-5) to Residential (R).

VIII. SUGGESTED CONDITIONS OF APPROVAL

1. Failure to comply with all federal and state laws, county ordinances and regulations related to this land use action and all Conditions of Approval may result in nullification of this approval by the Planning Commission, after the applicants/property owners have been given due process in accordance with the provisions of the Baker County Zoning and Subdivision Ordinance.
 2. A record of all amendments must be filed with the Baker County Clerk.
 3. The Planning Department shall maintain a record of the amendment to the zoning map, if approved.
-

IX. EXHIBITS (Attached and included as part of this report).

Exhibit A	Assessor's Map of Area
Exhibit B	Applicant's Site Map
Exhibit C	City of Halfway UGB Boundary
Exhibit D	City of Halfway Ordinance No. 4-12-12
Exhibit E	City of Halfway Staff Report for UGB Expansion/Plan Amendment
Exhibit F	City of Halfway Special Council Meeting Minutes, April 12, 2012
Exhibit G	Applicant's Letter of Intent
Exhibit H	Comprehensive Land Use Plan Evaluation of Committed Areas, Site No. 43

EXHIBIT A

Tax Lot 700 in Section 8BD in Township 8 South,
Range 46 East, W.M., Baker County, Oregon

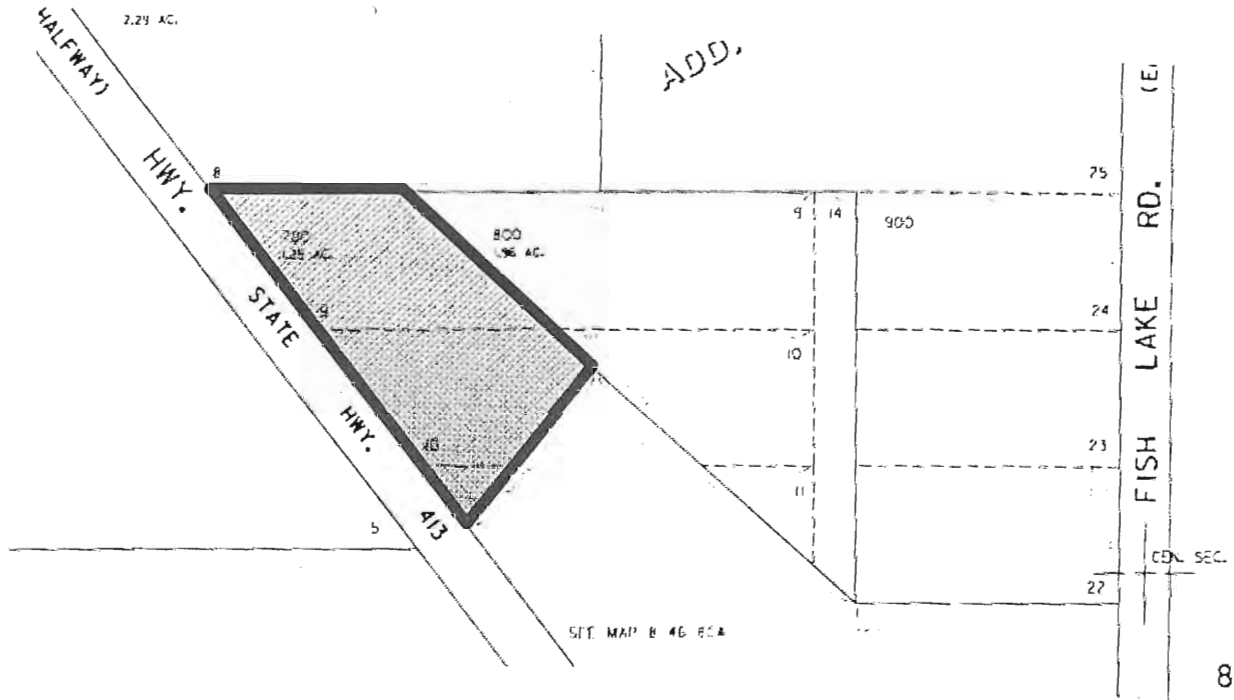
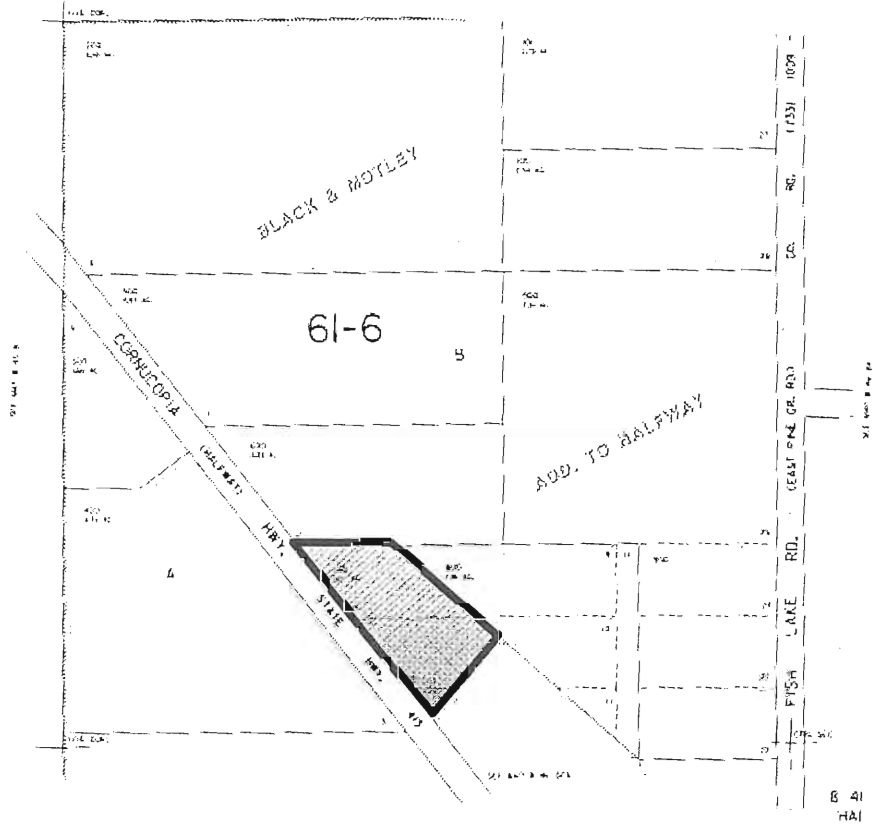


EXHIBIT A

Tax Lot 700 in Section 8BD in Township 8 South,
Range 46 East, W.M., Baker County, Oregon



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

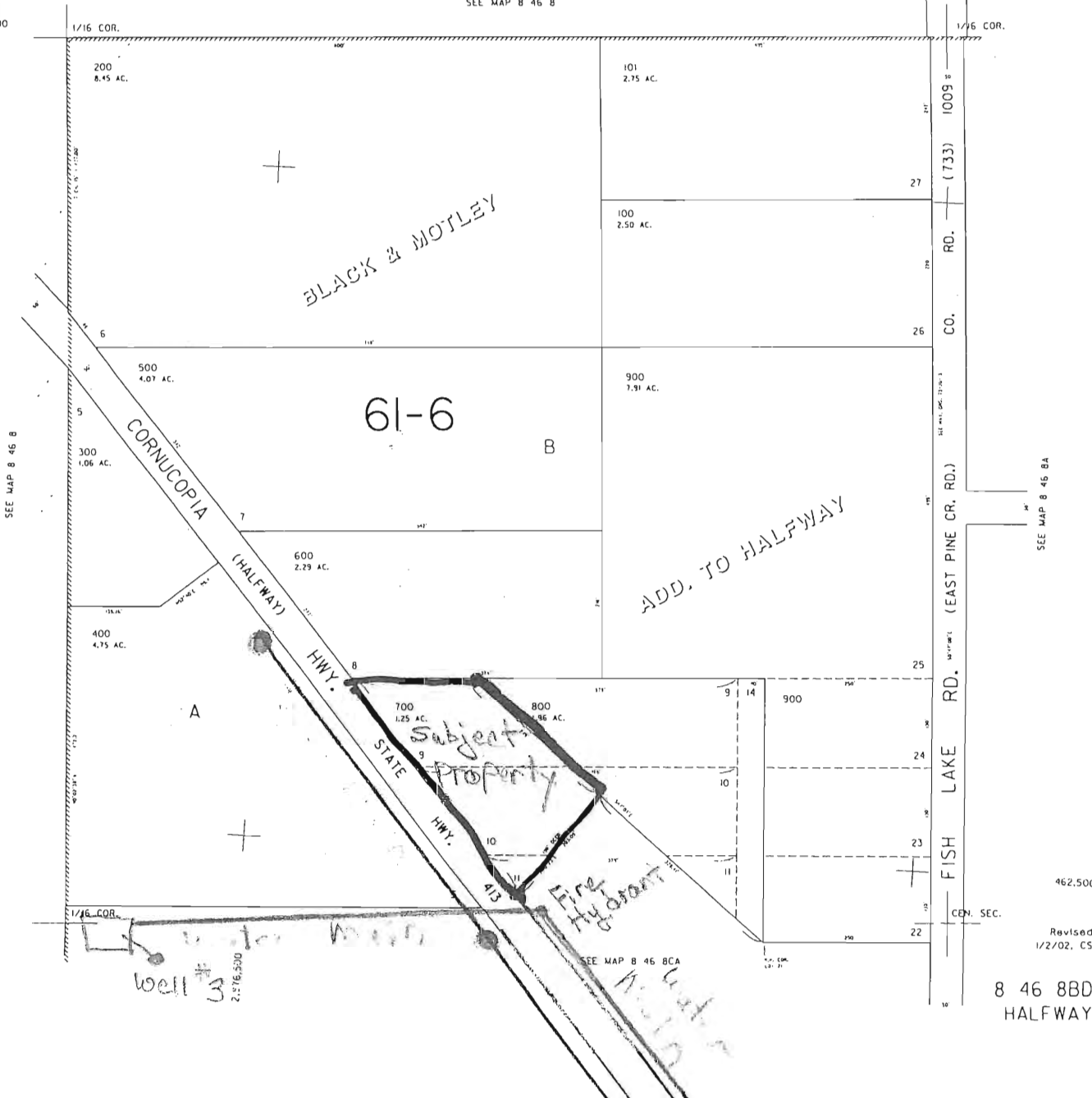
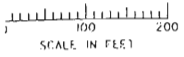
SE1/4 NW1/4 SEC. 8 T.8S. R.46E. W.M.
BAKER COUNTY

8 46 88D
HALFWAY

City
Water and
Sewer
Services

1" = 100'

SEE MAP B 46 B



SEE MAP B 46 BA

462.500
Revised
1/2/02, CS

8 46 88D
HALFWAY

EXHIBIT B

CITY OF HALFWAY

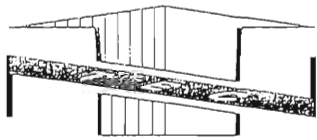
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BAKER COUNTY, OREGON

MAY, 2005




0' 200' 400' 600' 1200'

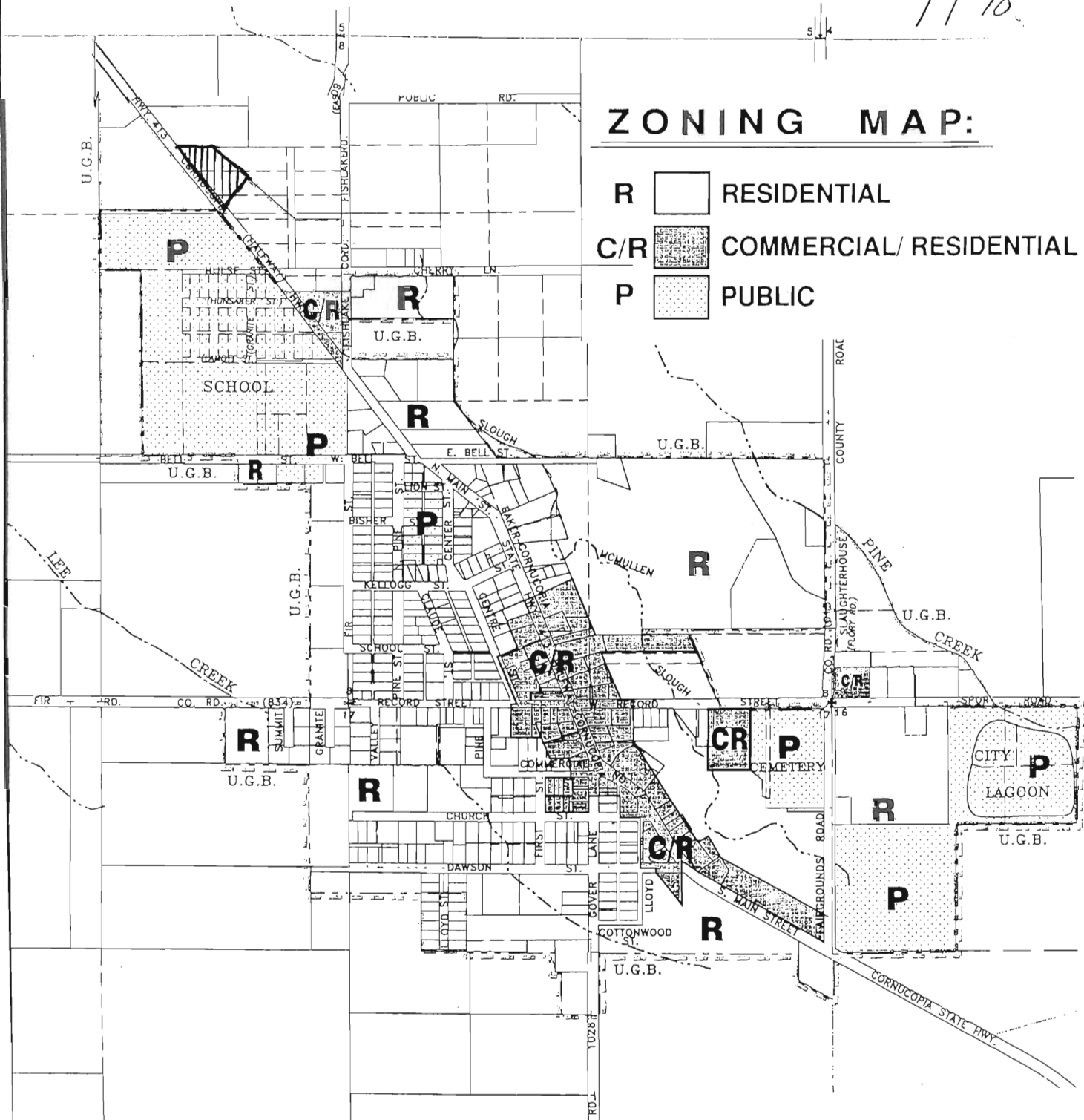
SCALE IN FEET

77%




ZONING MAP:

- R  RESIDENTIAL
- C/R  COMMERCIAL/ RESIDENTIAL
- P  PUBLIC



LEGEND:

-  CITY LIMITS LINE
-  URBAN GROWTH BOUNDARY

TENNESON ENGINEERING CORP.

CONSULTING ENGINEERS
409 LINCOLN STREET
THE DALLES, OREGON 97058

PH. 541-296-9177 FAX 541-296-6657



EXHIBIT D

STAFF REPORT ON A REQUEST FOR AMENDING THE URBAN GROWTH BOUNDARY MAP/COMPREHENSIVE PLAN MAP AMENDMENTS

An application was submitted to the City of Halfway by the property owners of Delores and Galen West requesting expansion of the Urban Growth Boundary.

Applicants/Owners mailing address: P.O. Box 604, Halfway, Oregon 97834

Application Received – February 16, 2012

Application deemed complete: February 23, 2012

Date was set for the special council meeting and public hearing for April 12, 2012 at 4:30 pm to be held at the City of Halfway City Hall located at 155 B. E. Record St. in Halfway, Oregon.

Notice mailed to DLCD: February 27, 2012, this is at least 45 days prior to the public hearing (OAR 197.610, OAR660-018-000) and is at least 35 day prior to the public hearing as this is the current OAR that went into effect January 1, 2012.

Public Notice and informational packets mailed to effected land owners within 100 feet of the subject property: February 27, 2012 this is at least 20 days prior to the Public Hearing per City of Halfway LUO Article 8, section 8.5(4).

Notice of the Public Hearing posted around town and posted on site at the subject property location of *46527 Cornucopia Highway, Halfway, Or.* on March 12, 2012 and this is at least 20 days prior to the Public Hearing per City of Halfway LUO.

Notice of the Public Hearing was published in the Hells Canyon Journal: March 14, 2012 and again on March 21, 2012. This is at least 20 days prior to the public hearing per City of Halfway LUO Article 8, section 8.5(4).

Subject Property is described as Tax Lot #700, portions of Lots 9, 10, and 11 in the Black and Motley Addition, physical address of 46527 Cornucopia Highway, ODOT Highway 413, Halfway, Oregon. Located in TSP 8S, R46E, WM and is on Baker County Map 8468BD. (A copy of the legal description is included in the packets and attached to this staff report.) The subject property is 1.25 acres.

The subject property is currently located outside of the City of Halfway Urban Growth Boundary, outside of the City of Halfway City Limits but is located in Baker County. The subject property does abut the UGB on the South property line of the subject property and the subject property's west property line runs parallel to the UGB line just across the ODOT Highway 413, approximately 50 feet from the subject property west property line. (Please review the maps included in the packets.) The subject property is fully developed and no future development of this property is anticipated. The subject property was developed in the 1950's and has operated as such since that time.

EXHIBIT D

The subject property consists of one two story house/residence on the North end of the subject property and an 8 space mobile home park on the South end of the property. This property is currently home to 5 citizens in the mobile home park, with the possibility to provide more housing needs for more citizens in the house and additional existing empty mobile home spaces.

The subject property currently is in Baker County and is zoned "RR5". The subject property is a non conforming use due to its substandard size and a mobile home park is a conditional use in a RR5 zone. The residential home is an outright use in a RR5 zone but still a non conforming use as the minimum lot size in a "RR5" zone is 5 acres. The subject property is 1.25 acres. (Baker County LUO, Article 3, section 303.01, 303.02, 303.03) Copies are attached.

Proposal: The applicants and property owners have requested the Urban Growth Boundary (UGB) to be extended to include all of the subject property (1.25 acres) known as Parcel Tax Lot #700. This would allow for the subject property to go from a non conforming use in Baker County to a conforming use with the City of Halfway UGB /comp plan regulations and allow more flexibility for the subject property.

The following is how this Urban Growth Boundary (UGB) extension would meet the local, City of Halfway Comp Plan, City of Halfway Land Use Ordinances and comply with the State of Oregon applicable state planning goals.

The extension of the UGB would allow the subject property to change from a non conforming lot size to a conforming lot size as the lot size for RR5 in Baker County as previously stated is 5 acres and subject property is 1.25 acres. The minimum lot size requirement in the City of Halfway UGB in an R zone is 5,000 sq. ft and minimum lot size for lots in a CR zone is 4,000 sq. ft. for residences. Minimum lot size for mobile home parks in an R zone is 5,000 sq. ft. and in a CR zone is 4,000 sq. ft. The requirement for minimum lot size for a mobile home park shall be subject to the same minimum lot sizes in the C and CR zones. The subject property (1.25 acres) would meet these minimum lot size requirements as well as having adequate space to provide the additional space needed to meet the required parking spaces for each mobile home area in the park. (City of Halfway Comp Plan Ordinance 10-2, section 4.030, section 5.030, section 6.010, section 6.020, and article 7.)(City of Halfway Land Use Ordinance Section 3.1(2), and Section 5(B).

The City of Halfway's Comp plan and Land Use ordinances has a continuation allowance for non conforming uses stating that a lawful use of land, a building or other structure existing on the effective date of this ordinance may be continued and kept in a state of repair, provided, however, that the use of land, building or other structure shall not be extended, expanded or otherwise made further nonconforming without approval by the City Council. (City of Halfway Comp plan Article 8, section 8.020, section 8.030, section 8.040 shall apply.) (City of Halfway Land Use Ordinances Article 7, section 7.1 – Non conforming uses, (1,2,3,4) shall also apply.)

The subject property was developed in the 1950's which was years prior to the adoptions of the City of Halfway's Comp Plan/ UGB and Current Land Use Ordinances

EXHIBIT D

as well as adoption of the Baker County current Land Use ordinances. The City of Halfway's comp plan was adopted in 1980 and the City of Halfway's current land use ordinances were adopted in 2005.

The extension of the UGB would allow the subject property to be provided City services (water and sewer) in the event the current services on the property were to fail and present a possible health threat to the residents of the mobile home park. Due to the age of the subject property current water and septic system the possibility of system failure is likely in the future. The City of Halfway's comprehensive plan allows unincorporated areas within the UGB to be provided with City services, such as water and sewer, as the need arises. (Comp. Plan Amendment, Ordinance 10-3A, dated 3/12/81, under UGB justification)

State wide planning goal conformance is as follows.

The UGB expansion request has been reviewed for compliance with the applicable Oregon State Wide Planning Goals, with the following findings as a result.

Goal 1 – Citizen Involvement

Findings: This goal will be met as proper notice of public hearing before the Halfway City Council was given by mail to property owners within 100 feet of the subject property and by publication in the local newspaper, Hells Canyon Journal. This process provides adequate involvement during the public hearing process as well.

Goal 2 – Land Use Planning

Findings: The City of Halfway's City Council has an adequate Land Use Planning process and policy framework to enable the City Council to make a decision in this case. The Halfway City Council follows the City of Halfway Comprehensive Plan and Land Use Ordinances that provides the framework for the decision makers. This is a minor change to the Comprehensive Plan/UGB map and has no effect on the immediate area.

Goal 3 – Agriculture Land

Findings: This goal states to preserve and maintain agriculture land. The subject property is an existing developed 1.25 acre parcel which has no agriculture land and contains no grazing property.

Goal 9 – Economic Development

Findings: The goal states to provide adequate opportunities through the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon citizens. If the existing use of the Mobile Home Park, which is commercial in nature, is not continued the existing tenants residing in the mobile home park would suffer economic hardship if forced to relocate. If the services (water and sewer) in the mobile home park would fail and no other option was available, because the subject property is

EXHIBIT D

outside of the UGB, then the health and welfare of those citizens would be in question. An extension of the UGB to include this subject property would preserve the health, welfare and economic of the citizens in the mobile home park and of the State.

Goal 10 – Housing

Findings: This goal states to provide housing needs of the citizens of the State. As stated before if the tenants of the mobile home park were forced to relocate and there is no other developed areas for mobile home living, (which there are very few available here in the Halfway area), then the needs of these citizens will not be met. Expanding the UGB to include the subject property would be to continue to provide the housing needs for these citizens.

Goal 11 – Public Facilities

Findings: As previously stated the subject property has been developed since the 1950's and the existing water and septic system could fail in the future leaving the tenants with no sanitary services. Extending the UGB to include this subject property would, if needed in the future, allow the mobile home park and the current residences to hook up to the City of Halfway water and sewer systems. The City of Halfway water and sewer system has the existing capacity to allow for this expansion. There is an existing sewer main on the west side of Cornucopia Highway/ODOT Highway 413 just 50 feet from the subject property west property line. There is an existing water main approximately 50 feet from the southwest corner of the subject property with an existing fire hydrant so to provide fire protection service. Extending the UGB would allow the City to provide these services in the future if needed. (See attached map of City water and sewer service mains) Baker County provided police protection currently and will continue to do so as the City of Halfway has no police services and Baker County also provides this service to the City of Halfway.

Goal 12 – Transportation

Findings: This goal requires that adequate transportation system is in place to service lands within the UGB. This is the case as the subject property is served currently by ODOT Highway 413 and will continue to do so. The subject property has 2 existing accesses to the property that have been in existence for many years and the subject property is fully developed and no future accesses are anticipated. Due to the fact that the subject property is fully developed no additional traffic increase is anticipated therefore there will be no impact on the traffic system. The existing transportation system is maintained by ODOT and the entrances are maintained by the property owners. This manor of maintenance will continue in the future.

Goal 14 – Urbanization

The primary goal of the UGB is to encourage the maximum efficiency of land use within the UGB and discourage sprawl onto farm and forest land. The subject property is a parcel of 1.25 acres and is neither farm or forest land as it had been developed since the 1950's. This is a small parcel and will not impact the surround areas. The City of Halfway had shown that it does have sufficient lands inside of the current UGB for 20

EXHIBIT D

years of growth but many of these areas are unavailable for development at this time. The subject property is already developed for residential housing and will continue to provide residential opportunities and a living environment for the existing tenants there when the UGB is extended. This would preserve the maximum efficiency use of the subject property.

CONCLUSIONS: The request meets all of the applicable criteria for inclusion of the subject property within the City of Halfway Urban Growth Boundary. The request meets all of the criteria for granting a comprehensive Plan Map change and a UGB map change in that the request complies with all of the Statewide Planning Goals and the City of Halfway's Comprehensive Plan Policies. It appears that this was possibly an oversight at the time of the original determination of the Urban Growth Boundaries.

Recommendations: I recommend that the City Council except the request and extend the Urban Growth Boundary to include all of tax lot#700 into the UGB based on the facts and findings in this report. I recommend the property be an "R" zone as abutting properties in the UGB are already zoned "R", to the West and South of the subject property.

EXHIBIT E

CITY OF HALFWAY

ORDINANCE NUMBER 4-12-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALFWAY, OREGON, INCORPORATING CERTAIN DESCRIBED LANDS ALONG CORNUCOPIA HIGHWAY (ALSO KNOW AS ODOT HIGHWAY 413) INTO THE URBAN GROWTH BOUNDARY, REDESIGNATING SUCH PROPERTY FROM "RR5" IN BAKER COUNTY ON THE COMPREHENSIVE PLAN LAND USE MAP AND FROM RR5 IN BAKER COUNTY TO "R" RESIDENTIAL ON THE CITY OF HALFWAY COMPREHENSIVE PLAN MAP WITHIN THE CITY OF HALFWAY URBAN GROWTH BOUNDARY.

WHEREAS, the applicants, Delores and Galen West, applied for a Comprehensive Map Plan Amendment to include the described land in the Urban Growth Boundary of the City of Halfway and to change the land use designation from "RR5" in Baker County to "R" (Residential) in the City of Halfway Urban Growth Boundary and,

WHEREAS, the proper notices were published in *The Hells Canyon Journal*, mailed to affected property owners within one hundred feet (100') of affected property, and posted in City of Halfway City Hall, duly advertizing the City of Halfway Special Council Meeting and Public Hearing to consider the application; and,

WHEREAS, notice was provided to the Oregon Department of Land Conversation and Development at least forty-five (45) days in advance of the first public hearing; and,

WHEREAS, the application was reviewed and procedures followed as set forth in the City of Halfway Land Use Ordinance Number 10-15, Article 8, Article 9, and the City of Halfway Comprehensive Plan, Ordinance Number 10-2, series 1979, Resolution Number 10-3 A, series 1980, and Amendment to the Comprehensive Plan 10-3A, dated 3/12/81; and,

WHEREAS, the Findings Document adopted by the City of Halfway, City Council supporting this decision here to as Exhibit "A", the current Zoning and Comprehensive Plan Map is attached as Exhibit "B", the revised Zoning and Comprehensive Plan Map is attached as Exhibit "C", by this reference incorporated herein as if fully set forth; and,

WHEREAS, the Amendment conforms to the City of Halfway Comprehensive Plan and Statewide Planning Goals, as evidenced by the Findings document, Exhibit "A"; and,

WHEREAS, the City of Halfway, City Council conducted a Public Hearing to receive public testimony on the Application request and the Ordinance incorporating the Amendment;

THE CITY OF HALFWAY ORDAINS AS FOLLOWS:

Section 1. That the City of Halfway Comprehensive Plan Land Use Map be amended to change the Urban Growth Boundary to include the following described property:

A tract of land situated in the Southeast Quarter of the Northwest Quarter of Section 8, Township 8 South, Range 46 East WM of Baker County, on Assessor Map Number 8,46,8BD, said tract more particularly described as follows;

EXHIBIT E

City of Halfway Ordinance Number 4-12-12

Page 2

Baker County Tax Lot #700 described as, A portion of Lots 9, 10, and 11, Block "B", Black and Motley's Addition to the Town of Halfway, according to the official plat thereof, in the City of Halfway, County of Baker and State of Oregon: BEGINNING at a point on the Northeasterly line of the County Road, said point being Southeasterly 400 feet from the Northwest corner of said Lot 9, Block "B"; thence Northwesterly 400 feet along the Northeasterly line of said County road; thence Easterly 181 feet along the Northerly line of said Lot 9, Block "B"; thence Southeasterly 249 feet to a point that is Northeasterly 198 feet from the point of beginning; thence Southwesterly to the POINT OF BEGINNING.

Said tract containing 1.25 acres.

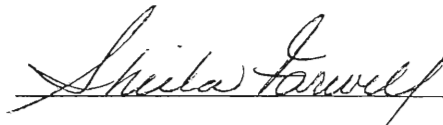
Section 2. That the City of Halfway Comprehensive Plan Land Use Map and Zoning Map be amended to change the Land Use designation of the described property from "RR5" in Baker County to "R" in the City of Halfway's Urban Growth Boundary as depicted in Exhibit "C".

Section 3. The Findings Document, Exhibit "A" is hereby adopted as the Halfway City Council's findings.

Section 4. This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of Halfway, Oregon, and its approval by the Mayor; specifically, May 14, 2012.

ADOPTED this Twelfth (12th) Day of April, 2012 by Six (6) of Seven (7) Councilors and the Mayor present and voting.

APPROVED this Twelfth (12th) day of April, 2012.



Sheila Farwell, Honorable Mayor

ATTEST



Heather Farley, City Recorder

Attachments



April 12, 2012 Special Council Meeting- Public Hearing for Land Use

- Mayor Sheila Farwell called the meeting to order at 4:30 P.M. for April 12, 2012
Present Council Members: Shelley Welch, Mike Walter, Teresa Brown, Bonnie Zanelli, Richard Seal, Marion Crow
City Recorder: Heather Farley **Public Works Director:** Page Frederickson
Public Attendance: Galen West (via telephone), Hayley Sanders (representing the Hells Canyon Journal)

Farwell stated the purpose of the Public Hearing:

-To consider the application request for an expansion of the Urban Growth Boundary from Galen and Delores West.

- Farwell went over the hearing agenda and the procedures that will be followed.
- Farwell asked if any Council member wished to disqualify him or herself for any reason: Yes- Mike Walter disqualified himself based on the fact that he has interest in a nearby property.
- Farwell asked if any Council member wished to report any significant ex-parte or pre-hearing contacts: Yes- Farwell stated that she had had brief contact with the applicant regarding this application, but does not feel that this will impact her ability to make a decision on the proposal.
- Farwell asked if any member of the audience wished to challenge the right of any Council member to hear in this matter: None
- Farwell stated that Oregon Land Use laws require that all issues be raised, if these issues are to be appealed. Failure to raise the issues at this hearing may invalidate their further appeal.
- Farwell asked for the presenting of the staff report (copy included in minutes file).

Frederickson read her report. She stated the name and address of the applicants. This application to extend the Urban Growth Boundary was received on 2/16/2012 and deemed complete on 2/23/2012. The proper notices were sent to DLCD and adjacent landowners within 100 feet of the subject property, in compliance with the given guidelines according to OAR and as stated in the City of Halfway Land Use Ordinance.

Frederickson then stated the subject property address to be Tax Lot 700, located at 46527 Cornucopia

Sheila Farwell
5-10-12

CITY OF HALFWAY SPECIAL COUNCIL MEETING
April 12, 2012

Highway in Halfway, Oregon. The legal description of the subject property was given and stated that it is located inside of Baker County, but located outside of the City of Halfway city limits and UGB. The property is a mobile home park that is currently zoned "RR5" and is a non conforming use in Baker County. The applicant's proposal is to extend the City of Halfway's UGB to include this subject property and allow for it to fall under a conforming use within. This extension would allow for the subject property to be provided city services in the event that the current services were to fail, causing a potential health threat to the residents. Frederickson provided all of the pertinent information and the findings that were the result of the review for compliance with the applicable Oregon Statewide Planning Goals. She stated that the request meets all of the applicable criteria for inclusion of the subject property within the City of Halfway Urban Growth Boundary. Her recommendation was to accept this request and extend the City of Halfway's UGB to include this subject property. Also, to accept the property as an "R" zone within this UGB.

- Farwell asked if the Applicant was present: Yes, Applicant stated his name as Galen West, speaking on his wife Delores' behalf as well, address of P.O. Box 604 Halfway, Oregon. He stated that he was present via speakerphone, as he is currently in Sitka, Alaska. West then thanked the Council for their time and the City staff for all of their hard work on this process.
- Farwell asked if the applicant would like to add anything further to the staff report: No
- Farwell asked if any Council member had any questions of the Applicant: None
- Farwell asked if there was any public testimony in favor of this proposal: None
- Farwell called for any public testimony against of this proposal: None
- Farwell asked if there are any neutral comments or testimony regarding this proposal: None
- Farwell asked if any further discussion or deliberation was needed for the Council: None
- Farwell asked the Council if they felt that they could make a decision based on the given testimony, staff report, and general information: Yes

CITY OF HALFWAY SPECIAL COUNCIL MEETING
April 12, 2012

5:01 P.M. Close of Public Hearing

- Farwell then asked the pleasure of the Council:
- Farwell asked if any further discussion or deliberation was needed for the Council: None
 - **Motion** made by Marion Crow: *To accept this application and to extend the City of Halfway's Urban Growth Boundary to include Tax Lot #700.* Seconded by: Shelley Welch

Motion passed with 6 in favor
-Mike Walter: Abstain

- **Motion** made by Shelley Welch: *To accept the findings of the staff report regarding this application.* Seconded by: Marion Crow

Motion passed with 6 in favor
-Mike Walter: Abstain

- Farwell then presented Ordinance No. 4-12-12, An Ordinance incorporating certain described lands along Cornucopia Highway (ODOT Highway 413) into the City of Halfway's UGB, re-designating such property from "RR5" in Baker County on the Comprehensive Plan Land Use Map and from "RR5" in Baker County to "R" Residential on the City of Halfway Comprehensive Plan Map within the City of Halfway Urban Growth Boundary.

-(Copy in minutes file).

Reading this Ordinance first in full, and then by title.

- **Motion** made by Bonnie Zanelli: *To approve and adopt Ordinance No.4-12-12.* Seconded by: Teresa Brown

Motion passed with 6 in favor
- Mike Walter: Abstain

- Farwell stated that the decision notice or final order will be sent to the applicants and will be on file at City Hall for public review. Anyone wishing a copy of the decision notice or final order may do so by notifying City Staff. She then stated that this matter will be heard before the Baker County Planning Commission and they will then render a decision.

CITY OF HALFWAY SPECIAL COUNCIL MEETING
April 12, 2012

- Farwell stated that if there is an appeal, then that process will start with LUBA. She then mentioned that the appeal period is 12 days not including weekends, and that date will be 4/30/2012.
- **Meeting Adjourned at 5:11 P.M. on April 12, 2012**

EXHIBIT G

STATEMENT OF FACTS AND REASONS

Attention: Mayor Farwell and the Halfway City Council Members.

Topic: Request Tax Lot 700 to be included within Halfway's urban growth boundary.

My wife and I are owners of Mountain View Mobile Home Park. Our application to you is for tax lot 700 which is located on the Cornucopia highway across from the Mormon Church. Our 1.25 acre parcel is located on the north boundary of the urban growth boundary (UGB) of Halfway. It is presently zoned RR5 in the county. This parcel has 2 separate entities, an eight space mobile home park that is fully developed on the south end and a two story home on the north end. This mobile home park and home was constructed in the mid 1950's and has operated continuously since then. We are the second owners. There is no farm or forest land on this property. My intentions are to continue operating the mobile park as it is home to a number of residents.

Our request to you is to allow us to be included in Halfway's UGB area. Presently that boundary is my south property line.

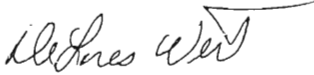
There are several reasons that we want to be included in your UGB area. In the future we may want to divide the home from the mobile home park. The normal process for this procedure is to apply to Baker County planning commission for a rezoning change from RR5 to commercial in the county. Upon getting it zoned commercial we could then rezone the home to residential leaving the mobile home park zoned commercial creating two separate tax lots. One residential for the home and one commercial for the mobile home park, but because this parcel is 1.25 acres it is considered a substandard lot and does not meet the 5 acre minimum requirement of the county's land use planning board. Therefore, the commission will not allow us to rezone it commercial. However, if we are in Halfway's UBA area we can in the future apply to our city council for a minor partition of the parcel and divide the mobile home park from the home creating the two separate tax lots. It will require that we have the properties surveyed. As it presently stands with the house and mobile home park on the same parcel we are unable to sell the house. The current financial institutions requirements are so rigid that practically no one can obtain a commercial loan to borrow money to buy a mobile home park. However, there are loans available to buy residential homes. Separating these two properties will allow us to sell the home. The mobile home park will continue to operate as a commercial business. There is an additional reason for joining Halfway's UGB zone. The mobile park and the home are on their own septic systems. As a safety net if we are in UGB and have a septic problem we could apply to the city to be allowed to hook up to present sewer system. With all of the present DEQ requirements there is a good chance we would not be able to replace or upgrade my existing system in the park. If that were to happen the mobile park would be shut down and the present residents would be out on the street.

EXHIBIT G

In light of Baker County Land use regulations this seems to me to be the most common sense and straight forward solution to our land use issue.

We want to thank our mayor and city council in Halfway for taking time to address our land use issue. We appreciate your attention and support in this matter.

Respectfully,

A handwritten signature in cursive script that reads "DeLores West".

DeLores West

A handwritten signature in cursive script that reads "Galen West".
Galen West

EXHIBIT H

EVALUATION OF COMMITTED AREA - Sheet No. 1

AREA NAME: North Halfway Vicinity

SITE NUMBER: 43

** TOTAL ACREAGE: 299.77

** NUMBER OF OWNERSHIPS: 35

** TOTAL NUMBER OF TAX LOTS: 37

PARCEL SIZES

<u>0-1 ac.</u>	<u>1.01-2.5 ac.</u>	<u>2.51-5 ac.</u>	<u>5.01-10 ac.</u>	<u>10.01-20 ac.</u>	<u>20.01 ac.</u>
2	7	8	12	3	4

MEDIAN OWNERSHIP SIZE: 4.94

NUMBER OF DWELLINGS: 20

ADJACENT LAND USE (GENERAL): NORTH: Farm Use
SOUTH: Urban or Urbanizable
EAST: Farm Use
WEST: Farm Use

COMMITTED AREAS'S PREDOMINANT LAND USE: Residential

ADJACENT PREDOMINANT LAND USE: Farm Use/Urban Uses

TOPOGRAPHY: flat

NATURAL HAZARD PROBLEMS: Pine Creek and McMullan Slough are both inventoried as being flood-prone areas; the area has a known high water table.

EVALUATION COMMENTS

- I. Physical Development: The majority of the ownerships are physically developed for residential use.
- II. Parcelization: 8 of the ownerships are large enough to permit partitioning into 5 acre parcels.
- III. Services: Adequate for rural development.
- IV. Access: State Highway and County Road
- V. Vacant Land: Approximately 110 acres.

EXHIBIT H

INDEX OF EXCEPTION AREAS

SITE NO.	AREA OR PARCEL NAME	TOWNSHIP	RANGE	SECTION(S)
41.	Hells Canyon Commercial/ Oxbow Village, Oxbow Park (amended per Ord. 95-01)	7	48	
42.	Keating Service Area	8	42	17
43.	N. Halfway Vicinity	8	46	8
44.	E. Halfway Vicinity	8	46	16
45.	Southwest Halfway Vicinity	8	46	17
46.	West Pine	8	46	21
47.	Pine	8	46	21AA, 22BB
47A.	Re-numbered to Site 84			
48.	New Bridge/New Bridge Townsite	9 9	45 45	10AC
49.	North New Bridge	9	45	10AB
50.	North Foothill Road/Eagle Valley	9	45	15
51.	Middle Foothill Road/ Eagle Valley	9	45	22
52.	West Richland	9	45	23
53.	East Richland	9	45	23, 24
54.	North Brownlee Sites (deleted per Ordinance 84-1)			
55.	Hewitt Park Marina Recreation Site	9	46	29, 30, 30AC
56.	Greenhorn	10	35	9D
57.	Haven of Rest/Three Bar Ranchlands/SVMA Residential/SVMA Overlay	9 10	37 37	33 3, 4, 9, 10
57A.	Re-numbered to Site 85			
58.	Phillips Lake Area	10	38	19

EXHIBIT H

COMPUTED LANDS EVALUATION

Sheet No. 2

Parcel Area: North Halfway Vicinity

Site No: 43

Committed Area's Name (general): North Halfway Vicinity

TWP. 8 RGE. 46 SEC 8

<u>TAX LOT NUMBER</u>	<u>OWNERSHIP NAME</u>	<u>ACREAGE</u>	<u>NUMBER OF DWELLINGS</u>
400	Baird	23.20	0
402	McArthur	12.00	0
300	Baker City	1.30	0
200	Seymonia	5.33	0
401	McCord	5.63	1
700	Palmer	8.45	1
1200	Darrough	5.40	1
1300	Coker	2.84	1
1400	Farson	15.00	0
104	Massie	10.00	0
106	Wright	4.77	0
100	Turk	4.76	0
107	Turk	8.00	2
1301	Houk	2.50	1
801	Larsen	4.07	0
800	Epps	7.78	0
900	Parrish	2.29	1
1500	Thompson	4.94	0
2100	Farson	7.60	0
103	Steele	11.31	2
*1000	Epps	2.10	0
1600	Motley	3.81	0
2200	Walter	8.10	0
1700	Wilson	1.34	1
1800	Covey	1.37	1
2000	Comstock	.68	1
2300	Dennis	27.12	0
3100	Orman	5.61	1
3200	Boerner	9.96	1
2500	Rathke	8.72	0
2502	Huff	.43	1
2400	Ferguson	2.86	0
4400 **	McKinmy	2.00	0
3800	Gross	5.00	1
3900	McCoy	3.10	1
4001	Smith	35.20	1
4002	Smith	35.20	1

** Portion of ownership is in RR-1 Zone; remainder within UGB.

EXHIBIT H

FOR
L.Y.

SECTION 8 T8S R46 E.W.M.

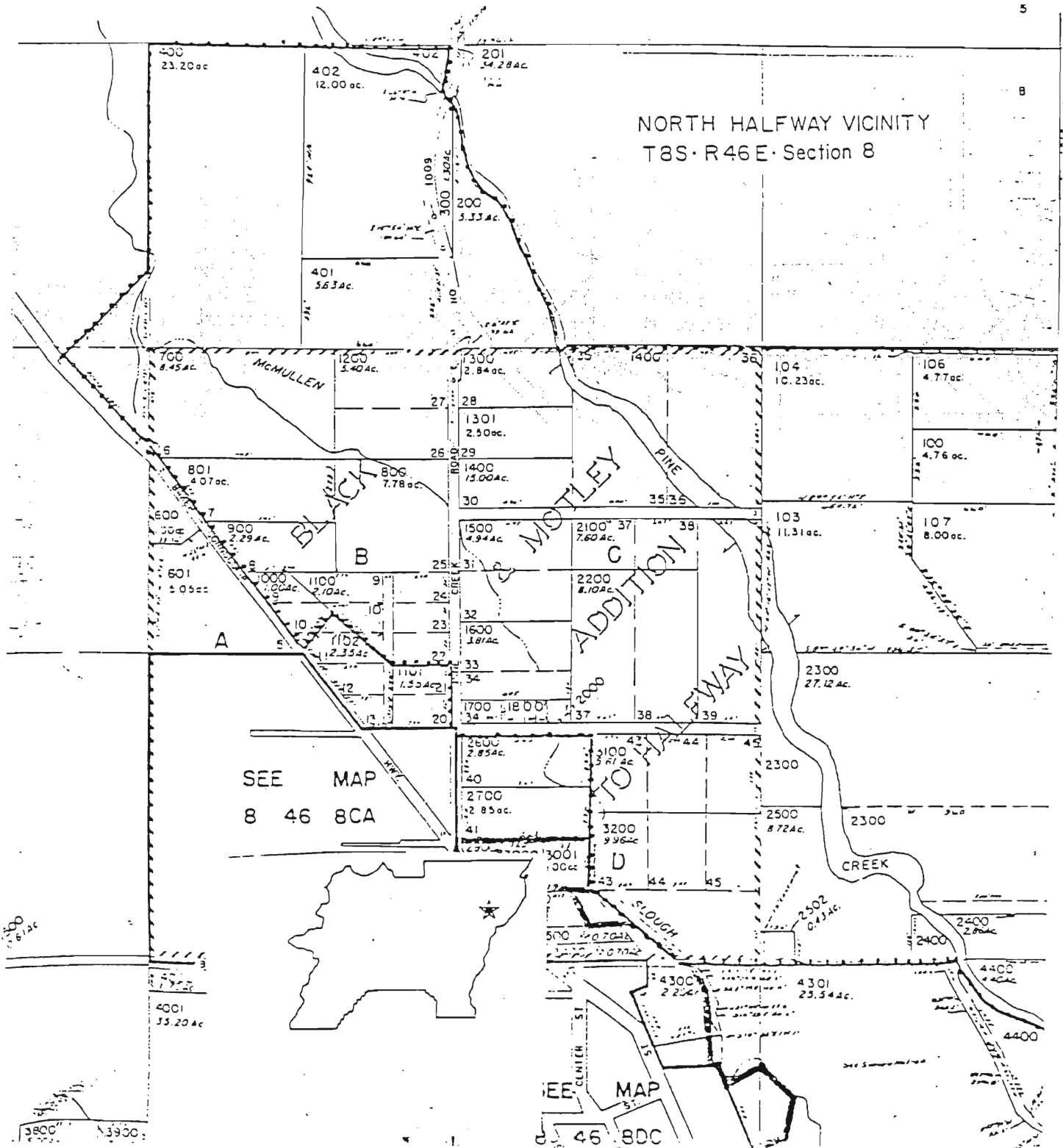
BAKER COUNTY

1" = 400'

SEE MAP 8 46

5

NORTH HALFWAY VICINITY
T8S · R46 E · Section 8





Baker County Board of Commissioners Commission Session Agenda

July 18, 2012 ~ 9:00 a.m.

Courthouse, 1995 Third Street, Baker City, Oregon 97814

Note: Because of the uncertain length of time needed, the Board of Commissioners may deal with an item at any time in the meeting, except those set for a specific time. Anyone wishing to be heard on any item not having a set time should arrive when the meeting begins to avoid missing an item of interest.

1. **Call to Order/Pledge of Allegiance**
2. **Citizen's Participation:**
 - a.
3. **Review/Approval of Minutes:**
 - a. July 11, 2012 Commission Session Minutes
4. **Additions to the Agenda**
 - a.
5. **Scheduled Business**
 - a. 9:15 a.m. Department Update:
 1. Health Dept.
 2. D.A./Juvenile
 - c. 10:00 a.m. Public Hearing:
Halfway Urban Growth Boundary
6. **Documents to be Signed**
 - a. Resolution No. 2012-1025: Allowing Mt. Valley Mental Health staff to direct a peace officer to transport allegedly mentally ill persons
7. **Ratification of Documents**
 - a.
8. **Other Business**
 - a. Comparison of Calendar
9. **Adjourn**

Baker County operates under an EEO policy and complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Assistance is available for individuals with disabilities and should be requested at least 48 hours in advance by calling 523-8200 (TTY: 523-9538).

Agency Notice of Proposed Project

From the Baker County Planning Department

Jurisdiction: **Baker County**
Local File Number: **PA-12-001**
Date submitted: **MAY 11, 2012**

Date of First Evidentiary Hearing: **JUNE 28, 2012**
Date of Final Hearing: **AUGUST 1, 2012**

Project Type:

- | | |
|---|--|
| <input type="checkbox"/> Major/Minor Partition/Replat | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> New Dwelling Approval | <input checked="" type="checkbox"/> Plan Amendment |
| <input checked="" type="checkbox"/> Other: UGB EXPANSION & ZONE CHANGE | |

received
5-23-12
pf 2:15 PM

Property Owner(s): GAYLEN & DELORES WEST, PROPERTY OWNERS; CITY OF HALFWAY, OREGON, APPLICANT

Physical Address: 46527 CORNUCOPIA HWY., HALFWAY, OREGON

Property Description: Tax Lot(s) 700 in Township 08 South, Range 46 East, Section 08BD, W.M., Baker County, OR

Property Zoning: RURAL RESIDENTIAL (RR-5)

Proposal Summary:

On April 12, 2012, the City of Halfway, Oregon, approved Ordinance No. 4-12-12, to incorporate a 1.25+/- acre parcel described as Tax Lot 700 in Section 8BD of Township 8 South, Range 46 East, W.M., Baker County, Oregon (Ref. 13445). Ordinance No. 4-12-12 proposes to change the zoning designation of Tax 700 from Rural Residential (RR-5), which is within Baker County's jurisdiction, to the Residential (R) Zone within the City of Halfway, Oregon, Urban Growth Boundary. Currently, Tax Lot 700 is developed and utilized as an RV and mobile home park, which is located along Cornucopia Highway (State Highway 413). The RV and mobile home park was developed on the parcel in the 1950's and has operated as such since that time. Gaylen and Delores West, property owners, have owned the parcel since February 2007.

On June 28, 2012, the Baker County Planning Commission will review the applicant's Post Acknowledgement Plan Amendment request, PA-12-001, to expand the Urban Growth Boundary and change the zone of Tax Lot 700, and make a recommendation regarding PA-12-001 to the Board of Commissioners. The Board of Commissioners will review the Planning Commission's recommendation on July 18, 2012, and August 1, 2012.

If you have any questions or would like to submit testimony regarding the above proposal, please send them to the contact below either by fax, email, or hard copy by **THURSDAY, JUNE 14, 2012, AT 5:00 PM**. Thank you for your attention to this matter. You will receive a hard copy of the pre-notice for the proposal by post mail within the next couple of weeks. All comments should be addressed to the "BAKER COUNTY PLANNING COMMISSION" and submitted to the contact information below.

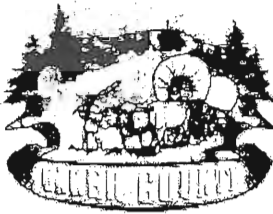
Local Contact: **LAURI HOOPES**
Address: **1995 Third Street, Suite 131**
Fax Number: **541-523-5925**

Phone: **541-523-8219**
City: **Baker City, OR**
E-mail Address: **lhoopes@bakercounty.org**

Extension:
Zip: **97814**

COPY

11/11/11 collect 10
BKCO - 5-9-12



BAKER COUNTY Planning

****For Department Use Only**

Date: _____

APPLICATION TYPE & NUMBER:

Rec'd By: _____ Fee: _____

1995 Third Street, Suite 131
Baker City, Oregon
Phone: 541-523-8219, Fax: 541-523-5925

PROPOSED USE:

Plan amendment for
U.G.B. Expansion

GENERAL APPLICATION

APPLICANT			PROPERTY OWNER		
> City of Halfway			> West, Delores + Galen		
Last Name	First	Mi	Last Name	First	Mi
> P.O. Bot 738			> P.O. Bot 604		
Mailing Address			Mailing Address		
> 155 B. E. Record. St.			>		
Physical Address			Physical Address		
> Halfway, OR 97834			> Halfway, OR 97834		
City	State	Zip	City	State	Zip
> (541) 742-4741			> (541) 742-2596		
Telephone			Telephone		

Property Information

Township 8S Range 46E Section 8 Tax Lot 700 Ref.# _____

Township _____ Range _____ Section _____ Tax Lot _____ Ref.# _____

Size of Tract (include all contiguous lots under the same ownership):

1.25 acre parcel

Zone: <u>County UG B - City</u> <u>RR5- to R.</u>	Total Acres: <u>1.25 acres</u>
Rural Fire District: <u>Pine Valley Rural Fire Dept.</u>	Flood Zone Map: <u>FIRM - # 41001C0295C</u> <u>map Panel 295 of 975</u>
Overlay Zone:	Wetlands Map:
Soils:	Urban Growth Boundary: <u>City of Halfway</u>
Legal Parcel:	Existing Development: <u>one residence house and</u> <u>Eight space mobile Home park.</u>

REQUESTED USE INFORMATION

Predominant Use: <u>Residence and Small Mobile Home park</u>	Water Supply: Public Spring Creek <u>(Well)</u>
Sanitary Waste Disposal: <u>Septic Tank/Drainfield Type</u>	Land Use Compatibility Statement / Authorization Notice Approval Date:
Power Supplier: <u>IDAHO POWER</u>	Other Utilities:
Water Rights/Acres:	Site Plan Received/Approved:
Road Approach: State Hwy: <u>413</u> County Road: Pvt. Easement:	Road Name: <u>Cornucopia Hwy - ODOT # 413</u>

APPLICANT'S SIGNATURE AND CONSENT AGREEMENT

Please read carefully and initial each line.

- AW GW PT I understand that this approval will not modify the maintenance of, or snow removal on, any County access road(s) to this parcel.
- AW GW PT I hereby certify that all work to be performed shall be in accordance with all governing laws and rules.
- AW GW PT I understand that the approval herein, if granted, represents only land use approval of my building permit and that a copy of this land use approval must be attached to the building permit form issued by the Building Department.
- AW GW PT I understand and agree that my land use approval may be revoked if I do not comply with the approved Site Plan and Conditions of Approval that may be contained herein.
- AW GW PT Planning approval is valid for a period of 1 / 2 / 4 year(s) from the date of approval. I understand that any work must be completed within this time period. I understand that I may apply for an *Extension of Time* if I am unable to complete the Conditions of Approval within the allotted time frame. I understand that an *Extension of Time* application must be submitted prior to the expiration of the final approval.

No new Building
I am the property owner and I am doing my own work. - city of Halfway PT.

I am an authorized agent of the property owner.

Applicant Signature: Shirley Farwell - Mayor Date: 5-1-12

Property Owner(s) Signature: Page M. Fredericksen - Public Works Director

Property Owner(s) Signature: John D. West Date: May 4, 12

Property Owner(s) Signature: Debra West Date: 5/4/12

Lien Holder(s) Signature: None

****NOTE: All property owners must sign. Authorized signatures must provide legal documentation at the time of submittal.**

**PLANNING DEPARTMENT REVIEW
FOR OFFICE USE ONLY**

{ } Permitted Use { } Conditional Use { } Lot of Record { } Plan Amendment { } Variance

{ } Approved { } Denied PERMIT#: _____ DATE: _____

REASON FOR DENIAL: _____
PLANNING OFFICIAL SIGNATURE: _____ TITLE: _____ DATE: _____

****For Department Use Only****

Revenue Line #		Amount
Planning Fee	101131-3404105	\$
Addressing Fee	101131-3404106	\$
Road Inspection Fee	230100-3404105	\$
	Total	\$
Fee to be paid to Baker County Treasurer	\$	
Date:	Amount Received:	
Received by:		



CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

May 15, 2012

Delores and Galen West
P.O. Box 604
Halfway, OR 97834

RE: UGB Information

Dear Mr. and Mrs. West,

This letter is to inform you that to the City's knowledge there have not been an appeal filed with LUBA. The appeal period ended May 4, 2012 and no objections have been received by the City or DLCD. If you any further questions regarding this matter please contact me at City Hall.

Enclosed for your file is a copy of the signed approved minutes for the April 12, 2012 Special Council Meeting and Public Hearing for the UGB Extension Request.

Thank you for your patience in this process and if I can be of further assistance please contact me. I will continue to keep you informed on any developments in the Baker County's Land Use process on this matter.

Sincerely,

Page Frederickson
Public Works Director
City of Halfway

April 12, 2012 Special Council Meeting- Public Hearing for Land Use

- Mayor Sheila Farwell called the meeting to order at 4:30 P.M. for April 12, 2012
Present Council Members: Shelley Welch, Mike Walter, Teresa Brown, Bonnie Zanelli, Richard Seal, Marion Crow
City Recorder: Heather Farley **Public Works Director:** Page Frederickson
Public Attendance: Galen West (via telephone), Hayley Sanders (representing the Hells Canyon Journal)

Farwell stated the purpose of the Public Hearing:

- To consider the application request for an expansion of the Urban Growth Boundary from Galen and Delores West.
- Farwell went over the hearing agenda and the procedures that will be followed.
- Farwell asked if any Council member wished to disqualify him or herself for any reason: Yes- Mike Walter disqualified himself based on the fact that he has interest in a nearby property.
- Farwell asked if any Council member wished to report any significant ex-parte or pre-hearing contacts: Yes- Farwell stated that she had had brief contact with the applicant regarding this application, but does not feel that this will impact her ability to make a decision on the proposal.
- Farwell asked if any member of the audience wished to challenge the right of any Council member to hear in this matter: None
- Farwell stated that Oregon Land Use laws require that all issues be raised, if these issues are to be appealed. Failure to raise the issues at this hearing may invalidate their further appeal.
- Farwell asked for the presenting of the staff report (copy included in minutes file).

Frederickson read her report. She stated the name and address of the applicants. This application to extend the Urban Growth Boundary was received on 2/16/2012 and deemed complete on 2/23/2012. The proper notices were sent to DLCD and adjacent landowners within 100 feet of the subject property, in compliance with the given guidelines according to OAR and as stated in the City of Halfway Land Use Ordinance.

Frederickson then stated the subject property address to be Tax Lot 700, located at 46527 Cornucopia

Sheila Farwell
1 5-10-12

Highway in Halfway, Oregon. The legal description of the subject property was given and stated that it is located inside of Baker County, but located outside of the City of Halfway city limits and UGB. The property is a mobile home park that is currently zoned "RRS" and is a non conforming use in Baker County. The applicant's proposal is to extend the City of Halfway's UGB to include this subject property and allow for it to fall under a conforming use within. This extension would allow for the subject property to be provided city services in the event that the current services were to fail, causing a potential health threat to the residents. Frederickson provided all of the pertinent information and the findings that were the result of the review for compliance with the applicable Oregon Statewide Planning Goals. She stated that the request meets all of the applicable criteria for inclusion of the subject property within the City of Halfway Urban Growth Boundary. Her recommendation was to accept this request and extend the City of Halfway's UGB to include this subject property. Also, to accept the property as an "R" zone within this UGB.

- Farwell asked if the Applicant was present: Yes, Applicant stated his name as Galen West, speaking on his wife Delores' behalf as well, address of P.O. Box 604 Halfway, Oregon. He stated that he was present via speakerphone, as he is currently in Sitka, Alaska. West then thanked the Council for their time and the City staff for all of their hard work on this process.
- Farwell asked if the applicant would like to add anything further to the staff report: No
- Farwell asked if any Council member had any questions of the Applicant: None
- Farwell asked if there was any public testimony in favor of this proposal: None
- Farwell called for any public testimony against of this proposal: None
- Farwell asked if there are any neutral comments or testimony regarding this proposal: None
- Farwell asked if any further discussion or deliberation was needed for the Council: None
- Farwell asked the Council if they felt that they could make a decision based on the given testimony, staff report, and general information: Yes

5:01 P.M. Close of Public Hearing

- Farwell then asked the pleasure of the Council:
- Farwell asked if any further discussion or deliberation was needed for the Council: None
 - **Motion** made by Marion Crow: *To accept this application and to extend the City of Halfway's Urban Growth Boundary to include Tax Lot #700.* Seconded by: Shelley Welch

Motion passed with 6 in favor
-Mike Walter: Abstain

- **Motion** made by Shelley Welch: *To accept the findings of the staff report regarding this application.* Seconded by: Marion Crow

Motion passed with 6 in favor
-Mike Walter: Abstain

- Farwell then presented Ordinance No. 4-12-12, An Ordinance incorporating certain described lands along Cornucopia Highway (ODOT Highway 413) into the City of Halfway's UGB, re-designating such property from "RR5" in Baker County on the Comprehensive Plan Land Use Map and from "RR5" in Baker County to "R" Residential on the City of Halfway Comprehensive Plan Map within the City of Halfway Urban Growth Boundary.

-(Copy in minutes file).

Reading this Ordinance first in full, and then by title.

- **Motion** made by Bonnie Zanelli: *To approve and adopt Ordinance No.4-12-12.* Seconded by: Teresa Brown

Motion passed with 6 in favor
- Mike Walter: Abstain

- Farwell stated that the decision notice or final order will be sent to the applicants and will be on file at City Hall for public review. Anyone wishing a copy of the decision notice or final order may do so by notifying City Staff. She then stated that this matter will be heard before the Baker County Planning Commission and they will then render a decision.

CITY OF HALFWAY SPECIAL COUNCIL MEETING
April 12, 2012

- Farwell stated that if there is an appeal, then that process will start with LUBA. She then mentioned that the appeal period is 12 days not including weekends, and that date will be 4/30/2012.
- **Meeting Adjourned at 5:11 P.M. on April 12, 2012**

CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

April 25, 2012

Jack Bradley
P.O. Box 923
Halfway, Or 97834

RE: Written testimony on Urban Growth Boundary Expansion for tax lot #700 owned by Delores and Galen West

Dear Mr. Bradley,

You were a participant in the public hearing on the City of Halfway Urban Growth Boundary (UGB) extension by way of written testimony which was read for you at the public hearing for the record. This public hearing was held on Thursday April 12, 2012 at 4:30 pm.

Enclosed is a copy of the Notice of Decision Order and Final approval along with the notice of UGB amendment adoption. The approved minutes for the April 12, 2012 public hearing and special council meeting will be available for review at City Hall after May 10, 2012. If you have any question or want additional information please contact Page Frederickson at (541) 742-4741.

Thank you for your participation in this public process.

Sincerely,



Page M. Frederickson
Public Works Director
City of Halfway

CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

April 25, 2012

Amanda and Jory Hearne
P.O. Box 741
Halfway, Or 97834

RE: Written testimony on Urban Growth Boundary Expansion for tax lot #700 owned by Delores and Galen West

Dear Mr. and Mrs. Hearne,

Both of you were participants in the public hearing on the City of Halfway Urban Growth Boundary (UGB) extension by way of written testimony which was read for you at the public hearing for the record. This public hearing was held on Thursday April 12, 2012 at 4:30 pm.

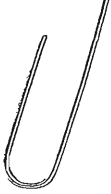
Enclosed is a copy of the Notice of Decision Order and Final approval along with the notice of UGB amendment adoption. The approved minutes for the April 12, 2012 public hearing and special council meeting will be available for review at City Hall after May 10, 2012. If you have any question or want additional information please contact Page Frederickson at (541) 742-4741.

Thank you for your participation in this public process.

Sincerely,



Page M. Frederickson
Public Works Director
City of Halfway



CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

April 25, 2012

Glenna Smith
P.O. Box 874
Halfway, Or 97834

RE: Written testimony on Urban Growth Boundary Expansion for tax lot #700 owned by Delores and Galen West

Dear Ms. Smith,

You were a participant in the public hearing on the City of Halfway Urban Growth Boundary (UGB) extension by way of written testimony which was read for you at the public hearing for the record. This public hearing was held on Thursday April 12, 2012 at 4:30 pm.

Enclosed is a copy of the Notice of Decision Order and Final approval along with the notice of UGB amendment adoption. The approved minutes for the April 12, 2012 public hearing and special council meeting will be available for review at City Hall after May 10, 2012. If you have any question or want additional information please contact Page Frederickson at (541) 742-4741.

Thank you for your participation in this public process.

Sincerely,

A handwritten signature in black ink that reads "Page M. Frederickson".

Page M. Frederickson
Public Works Director
City of Halfway

015

CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

NOTICE OF DECISION
ORDER AND FINAL APPROVAL

On Thursday, April 12, 2012, the City of Halfway City Council and Planning Commission held a public hearing and meeting to review the application submitted to the City by Delores and Galen West for an Urban Growth Boundary Extension. The City Council voted six (6) to one (1) to approve the Urban Growth boundary (UGB) extension and voted six (6) to one (1) to enact Ordinance #4-12-12 amending the UGB Comprehensive Planning and Zoning map for lot #700. 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 Boards rules and procedures. The appeal period for this decision ends May 4, 2012. If no appeals have been filed by May 4, 2012 then the decision is final.

Copies of the approved Council minutes for the public hearing held on April 12, 2012 will be available after their approval on May 10, 2012.



Sheila Farwell – Honorable Mayor

4-12-12

Date

This notice was posted on the door of City Hall, US Bank Entrance, USPO inside bulletin board and the Public Sidewalk bulletin board at the Halfway Market, as well as on the subject property on Friday April 13, 2012.

(3)

CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

April 16, 2012

Delores and Galen West
P.O. Box 604
Halfway, Or 97834

RE: UGB Information

Dear Mr. & Mrs. West,

The City Council of the City of Halfway held their public hearing and special meeting on Thursday April 12, 2012 and voted to extend the UGB to include your tax lot #700. Enclosed for your file is a copy of a cover letter sent to Baker County Planning Department, copy of the notice of decision order and final approval, copy of the notice of UGB amendment adoption, copy of the ordinance #4-12-12 with attached exhibits A, B, and C.

This is the first part of the process and Baker County Planning Department process is the second part before going on to the State for the final process. The approved minutes of the public hearing and special meeting on this will be available after May 10, 2012. I will send you a copy of the signed and approved minutes when they are available.

I did receive a phone call today from Laurie at the Baker County Planning Department and she said she would be the one handling their process and she will start working on this sometime the first or second week in May. She said she will contact me next month if she needs additional information and will let me know how she is proceeding.

If you have any questions or need additional information, please give me a call. Thank you for your patience in this procedure. If I can be of further assistance, let me know.

Sincerely,



Page M. Frederickson
Public Works Director
City of Halfway

CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

April 13, 2012

NOTICE OF URBAN GROWTH BOUNDARY AMENDMENT ADOPTION

On April 12, 2012, the City of Halfway, City Council made its final decision regarding an amendment to its Comprehensive Plan Map of the Urban Growth Boundary (UGB). This amendment expands the UGB to include the 1.25 acres in Baker County known as tax lot #700 owned by Galen and Delores West, located at 46527 Cornucopia Highway, Halfway, Or. 87834.

The above listed property was developed many years prior to the determination of the existing UGB. In reaching this decision, the City of Halfway, reviewed the State Wide Planning Goals, Local City of Halfway Comprehensive Plan and City of Halfway Land Use Ordinances for criteria.

You may review a copy of this decision and other documentations regarding this matter at the City of Halfway, City Hall. The office is at 155 B E. Record St., Halfway, Or. 97834. Office hours are 8:00 am to 4:00 pm, Monday through Thursday, closed 12:00 to 1:00 pm for lunch. You may purchase a copy of the decision from the City of Halfway, City Hall by calling or mailing your request for the information along with the payment. Call the City Recorder, Heather Farley, or the Public Works Director, Page Frederickson at (541) 742-4741 with inquiries.

If you believe the City of Halfway did not satisfactorily complete the UGB amendment or that the amendment does not comply with the statewide planning goals, you may object to DLCD. To file an objection with DLCD, you *must* do three things. First address these requirements in your objection:

1. Show how you participated in the UGB amendment either by speaking at the public hearing or by sending written comments about the proposal;
2. Explain your objection to the adopted amendment. Be specific as possible, including what goal, rule or statute has been violated and why;
3. Recommend a specific change that would resolve your objection.
4. Submit the written objection to:

ATTN: Periodic Review Specialist or Plan Amendment Specialist
Department of Land Conservation and Development
635 Capital Street NE, Suite 150
Salem, OR 97301

DLCD must receive the objection no later than 21 days from the date the notice was mailed by the City of Halfway (i.e., postmark date on envelope). [Or: DLCD must receive the objection by May 4, 2012]

If you have any questions about DLCD's review of this work task, please contact the DLCD Regional Representative: Grant Young, (541) 962-3982, grant.s.young@state.or.us
www.oregon.gov/LCD

Copy

CITY OF HALFWAY

ORDINANCE NUMBER 4-12-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALFWAY, OREGON, INCORPORATING CERTAIN DESCRIBED LANDS ALONG CORNUCOPIA HIGHWAY (ALSO KNOW AS ODOT HIGHWAY 413) INTO THE URBAN GROWTH BOUNDARY, REDESIGNATING SUCH PROPERTY FROM "RR5" IN BAKER COUNTY ON THE COMPREHENSIVE PLAN LAND USE MAP AND FROM RR5 IN BAKER COUNTY TO "R" RESIDENTIAL ON THE CITY OF HALFWAY COMPREHENSIVE PLAN MAP WITHIN THE CITY OF HALFWAY URBAN GROWTH BOUNDARY.

WHEREAS, the applicants, Delores and Galen West, applied for a Comprehensive Map Plan Amendment to include the described land in the Urban Growth Boundary of the City of Halfway and to change the land use designation from "RR5" in Baker County to "R" (Residential) in the City of Halfway Urban Growth Boundary and,

WHEREAS, the proper notices were published in *The Hells Canyon Journal*, mailed to affected property owners within one hundred feet (100') of affected property, and posted in City of Halfway City Hall, duly advertizing the City of Halfway Special Council Meeting and Public Hearing to consider the application; and,

WHEREAS, notice was provided to the Oregon Department of Land Conversation and Development at least forty-five (45) days in advance of the first public hearing; and,

WHEREAS, the application was reviewed and procedures followed as set forth in the City of Halfway Land Use Ordinance Number 10-15, Article 8, Article 9, and the City of Halfway Comprehensive Plan, Ordinance Number 10-2, series 1979, Resolution Number 10-3 A, series 1980, and Amendment to the Comprehensive Plan 10-3A, dated 3/12/81; and,

WHEREAS, the Findings Document adopted by the City of Halfway, City Council supporting this decision here to as Exhibit "A", the current Zoning and Comprehensive Plan Map is attached as Exhibit "B", the revised Zoning and Comprehensive Plan Map is attached as Exhibit "C", by this reference incorporated herein as if fully set forth; and,

WHEREAS, the Amendment conforms to the City of Halfway Comprehensive Plan and Statewide Planning Goals, as evidenced by the Findings document, Exhibit "A"; and,

WHEREAS, the City of Halfway, City Council conducted a Public Hearing to receive public testimony on the Application request and the Ordinance incorporating the Amendment;

THE CITY OF HALFWAY ORDAINS AS FOLLOWS:

Section 1. That the City of Halfway Comprehensive Plan Land Use Map be amended to change the Urban Growth Boundary to include the following described property:

A tract of land situated in the Southeast Quarter of the Northwest Quarter of Section 8, Township 8 South, Range 46 East WM of Baker County, on Assessor Map Number 8,46,8BD, said tract more particularly described as follows;

COPY

Baker County Tax Lot #700 described as, A portion of Lots 9, 10, and 11, Block "B", Black and Motley's Addition to the Town of Halfway, according to the official plat thereof, in the City of Halfway, County of Baker and State of Oregon: BEGINNING at a point on the Northeasterly line of the County Road, said point being Southeasterly 400 feet from the Northwest corner of said Lot 9, Block "B"; thence Northwesterly 400 feet along the Northeasterly line of said County road; thence Easterly 181 feet along the Northerly line of said Lot 9, Block "B"; thence Southeasterly 249 feet to a point that is Northeasterly 198 feet from the point of beginning; thence Southwesterly to the POINT OF BEGINNING.

Said tract containing 1.25 acres.

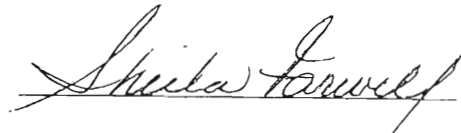
Section 2. That the City of Halfway Comprehensive Plan Land Use Map and Zoning Map be amended to change the Land Use designation of the described property from "RR5" in Baker County to "R" in the City of Halfway's Urban Growth Boundary as depicted in Exhibit "C".

Section 3. The Findings Document, Exhibit "A" is hereby adopted as the Halfway City Council's findings.

Section 4. This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of Halfway, Oregon, and its approval by the Mayor; specifically, May 14, 2012.

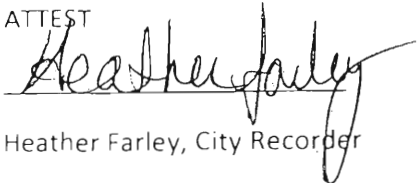
ADOPTED this Twelfth (12th) Day of April, 2012 by Six (6) of Seven (7) Councilors and the Mayor present and voting.

APPROVED this Twelfth (12th) day of April, 2012.



Sheila Farwell, Honorable Mayor

ATTEST



Heather Farley, City Recorder

Attachments



*STAFF REPORT ON A REQUEST FOR AMENDING THE URBAN GROWTH
BOUNDARY MAP/COMPREHENSIVE PLAN MAP AMENDMENTS*

An application was submitted to the City of Halfway by the property owners of Delores and Galen West requesting expansion of the Urban Growth Boundary.

Applicants/Owners mailing address: P.O. Box 604, Halfway, Oregon 97834

Application Received – February 16, 2012

Application deemed complete: February 23, 2012

Date was set for the special council meeting and public hearing for April 12, 2012 at 4:30 pm to be held at the City of Halfway City Hall located at 155 B. E. Record St. in Halfway, Oregon.

Notice mailed to DLCD: February 27, 2012, this is at least 45 days prior to the public hearing (OAR 197.610, OAR660-018-000) and is at least 35 day prior to the public hearing as this is the current OAR that went into effect January 1, 2012.

Public Notice and informational packets mailed to effected land owners within 100 feet of the subject property: February 27, 2012 this is at least 20 days prior to the Public Hearing per City of Halfway LUO Article 8, section 8.5(4).

Notice of the Public Hearing posted around town and posted on site at the subject property location of *46527 Cornucopia Highway, Halfway, Or.* on March 12, 2012 and this is at least 20 days prior to the Public Hearing per City of Halfway LUO.

Notice of the Public Hearing was published in the Hells Canyon Journal: March 14, 2012 and again on March 21, 2012. This is at least 20 days prior to the public hearing per City of Halfway LUO Article 8, section 8.5(4).

Subject Property is described as Tax Lot #700, portions of Lots 9, 10, and 11 in the Black and Motley Addition, physical address of 46527 Cornucopia Highway, ODOT Highway 413, Halfway, Oregon. Located in TSP 8S, R46E, WM and is on Baker County Map 8468BD. (A copy of the legal description is included in the packets and attached to this staff report.) The subject property is 1.25 acres.

The subject property is currently located outside of the City of Halfway Urban Growth Boundary, outside of the City of Halfway City Limits but is located in Baker County. The subject property does abut the UGB on the South property line of the subject property and the subject property's west property line runs parallel to the UGB line just across the ODOT Highway 413, approximately 50 feet from the subject property west property line. (Please review the maps included in the packets.) The subject property is fully developed and no future development of this property is anticipated. The subject property was developed in the 1950's and has operated as such since that time.

Exhibit A

The subject property consists of one two story house/residence on the North end of the subject property and an 8 space mobile home park on the South end of the property. This property is currently home to 5 citizens in the mobile home park, with the possibility to provide more housing needs for more citizens in the house and additional existing empty mobile home spaces.

The subject property currently is in Baker County and is zoned "RR5". The subject property is a non conforming use due to its substandard size and a mobile home park is a conditional use in a RR5 zone. The residential home is an outright use in a RR5 zone but still a non conforming use as the minimum lot size in a "RR5" zone is 5 acres. The subject property is 1.25 acres. (Baker County LUO, Article 3, section 303.01, 303.02, 303.03) Copies are attached.

Proposal: The applicants and property owners have requested the Urban Growth Boundary (UGB) to be extended to include all of the subject property (1.25 acres) known as Parcel Tax Lot #700. This would allow for the subject property to go from a non conforming use in Baker County to a conforming use with the City of Halfway UGB /comp plan regulations and allow more flexibility for the subject property.

The following is how this Urban Growth Boundary (UGB) extension would meet the local, City of Halfway Comp Plan, City of Halfway Land Use Ordinances and comply with the State of Oregon applicable state planning goals.

The extension of the UGB would allow the subject property to change from a non conforming lot size to a conforming lot size as the lot size for RR5 in Baker County as previously stated is 5 acres and subject property is 1.25 acres. The minimum lot size requirement in the City of Halfway UGB in an R zone is 5,000 sq. ft and minimum lot size for lots in a CR zone is 4,000 sq. ft. for residences. Minimum lot size for mobile home parks in an R zone is 5,000 sq. ft. and in a CR zone is 4,000 sq. ft. The requirement for minimum lot size for a mobile home park shall be subject to the same minimum lot sizes in the C and CR zones. The subject property (1.25 acres) would meet these minimum lot size requirements as well as having adequate space to provide the additional space needed to meet the required parking spaces for each mobile home area in the park. (City of Halfway Comp Plan Ordinance 10-2, section 4.030, section 5.030, section 6.010, section 6.020, and article 7.)(City of Halfway Land Use Ordinance Section 3.1(2), and Section 5(B).

The City of Halfway's Comp plan and Land Use ordinances has a continuation allowance for non conforming uses stating that a lawful use of land, a building or other structure existing on the effective date of this ordinance may be continued and kept in a state of repair, provided, however, that the use of land, building or other structure shall not be extended, expanded or otherwise made further nonconforming without approval by the City Council. (City of Halfway Comp plan Article 8, section 8.020, section 8.030, section 8.040 shall apply.) (City of Halfway Land Use Ordinances Article 7, section 7.1 – Non conforming uses, (1,2,3,4) shall also apply.)

The subject property was developed in the 1950's which was years prior to the adoptions of the City of Halfway's Comp Plan/ UGB and Current Land Use Ordinances

as well as adoption of the Baker County current Land Use ordinances. The City of Halfway's comp plan was adopted in 1980 and the City of Halfway's current land use ordinances were adopted in 2005.

The extension of the UGB would allow the subject property to be provided City services (water and sewer) in the event the current services on the property were to fail and present a possible health threat to the residents of the mobile home park. Due to the age of the subject property current water and septic system the possibility of system failure is likely in the future. The City of Halfway's comprehensive plan allows unincorporated areas within the UGB to be provided with City services, such as water and sewer, as the need arises. (Comp. Plan Amendment, Ordinance 10-3A, dated 3/12/81, under UGB justification)

State wide planning goal conformance is as follows.

The UGB expansion request has been reviewed for compliance with the applicable Oregon State Wide Planning Goals, with the following findings as a result.

Goal 1 – Citizen Involvement

Findings: This goal will be met as proper notice of public hearing before the Halfway City Council was given by mail to property owners within 100 feet of the subject property and by publication in the local newspaper, Hells Canyon Journal. This process provides adequate involvement during the public hearing process as well.

Goal 2 – Land Use Planning

Findings: The City of Halfway's City Council has an adequate Land Use Planning process and policy framework to enable the City Council to make a decision in this case. The Halfway City Council follows the City of Halfway Comprehensive Plan and Land Use Ordinances that provides the framework for the decision makers. This is a minor change to the Comprehensive Plan/UGB map and has no effect on the immediate area.

Goal 3 – Agriculture Land

Findings: This goal states to preserve and maintain agriculture land. The subject property is an existing developed 1.25 acre parcel which has no agriculture land and contains no grazing property.

Goal 9 – Economic Development

Findings: The goal states to provide adequate opportunities through the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon citizens. If the existing use of the Mobile Home Park, which is commercial in nature, is not continues the existing tenants residing in the mobile home park would suffer economic hardship if forced to relocate. If the services (water and sewer) in the mobile home park would fail and no other option was available, because the subject property is

outside of the UGB, then the health and welfare of those citizens would be in question. An extension of the UGB to include this subject property would preserve the health, welfare and economic of the citizens in the mobile home park and of the State.

Goal 10 – Housing

Findings: This goal states to provide housing needs of the citizens of the State. As stated before if the tenants of the mobile home park were forced to relocate and there is no other developed areas for mobile home living, (which there are very few available here in the Halfway area), then the needs of these citizens will not be met. Expanding the UGB to include the subject property would be to continue to provide the housing needs for these citizens.

Goal 11 – Public Facilities

Findings: As previously stated the subject property has been developed since the 1950's and the existing water and septic system could fail in the future leaving the tenants with no sanitary services. Extending the UGB to include this subject property would, if needed in the future, allow the mobile home park and the current residences to hook up to the City of Halfway water and sewer systems. The City of Halfway water and sewer system has the existing capacity to allow for this expansion. There is an existing sewer main on the west side of Cornucopia Highway/ODOT Highway 413 just 50 feet from the subject property west property line. There is an existing water main approximately 50 feet from the southwest corner of the subject property with an existing fire hydrant so to provide fire protection service. Extending the UGB would allow the City to provide these services in the future if needed. (See attached map of City water and sewer service mains) Baker County provided police protection currently and will continue to do so as the City of Halfway has no police services and Baker County also provides this service to the City of Halfway.

Goal 12 – Transportation

Findings: This goal requires that adequate transportation system is in place to service lands within the UGB. This is the case as the subject property is served currently by ODOT Highway 413 and will continue to do so. The subject property has 2 existing accesses to the property that have been in existence for many years and the subject property is fully developed and no future accesses are anticipated. Due to the fact that the subject property is fully developed no additional traffic increase is anticipated therefore there will be no impact on the traffic system. The existing transportation system is maintained by ODOT and the entrances are maintained by the property owners. This manor of maintenance will continue in the future.

Goal 14 – Urbanization

The primary goal of the UGB is to encourage the maximum efficiency of land use within the UGB and discourage sprawl onto farm and forest land. The subject property is a parcel of 1.25 acres and is neither farm or forest land as it had been developed since the 1950's. This is a small parcel and will not impact the surround areas. The City of Halfway had shown that it does have sufficient lands inside of the current UGB for 20

years of growth but many of these areas are unavailable for development at this time. The subject property is already developed for residential housing and will continue to provide residential opportunities and a living environment for the existing tenants there when the UGB is extended. This would preserve the maximum efficiency use of the subject property.

CONCLUSIONS: The request meets all of the applicable criteria for inclusion of the subject property within the City of Halfway Urban Growth Boundary. The request meets all of the criteria for granting a comprehensive Plan Map change and a UGB map change in that the request complies with all of the Statewide Planning Goals and the City of Halfway's Comprehensive Plan Policies. It appears that this was possibly an oversight at the time of the original determination of the Urban Growth Boundaries.

Recommendations: I recommend that the City Council except the request and extend the Urban Growth Boundary to include all of tax lot#700 into the UGB based on the facts and findings in this report. I recommend the property be an "R" zone as abutting properties in the UGB are already zoned "R", to the West and South of the subject property.

CITY OF HALFWAY




IN SECTIONS 8 AND 17, TWP. 8 SOUTH, RANGE 46 EAST, W.M.
BAKER COUNTY, OREGON

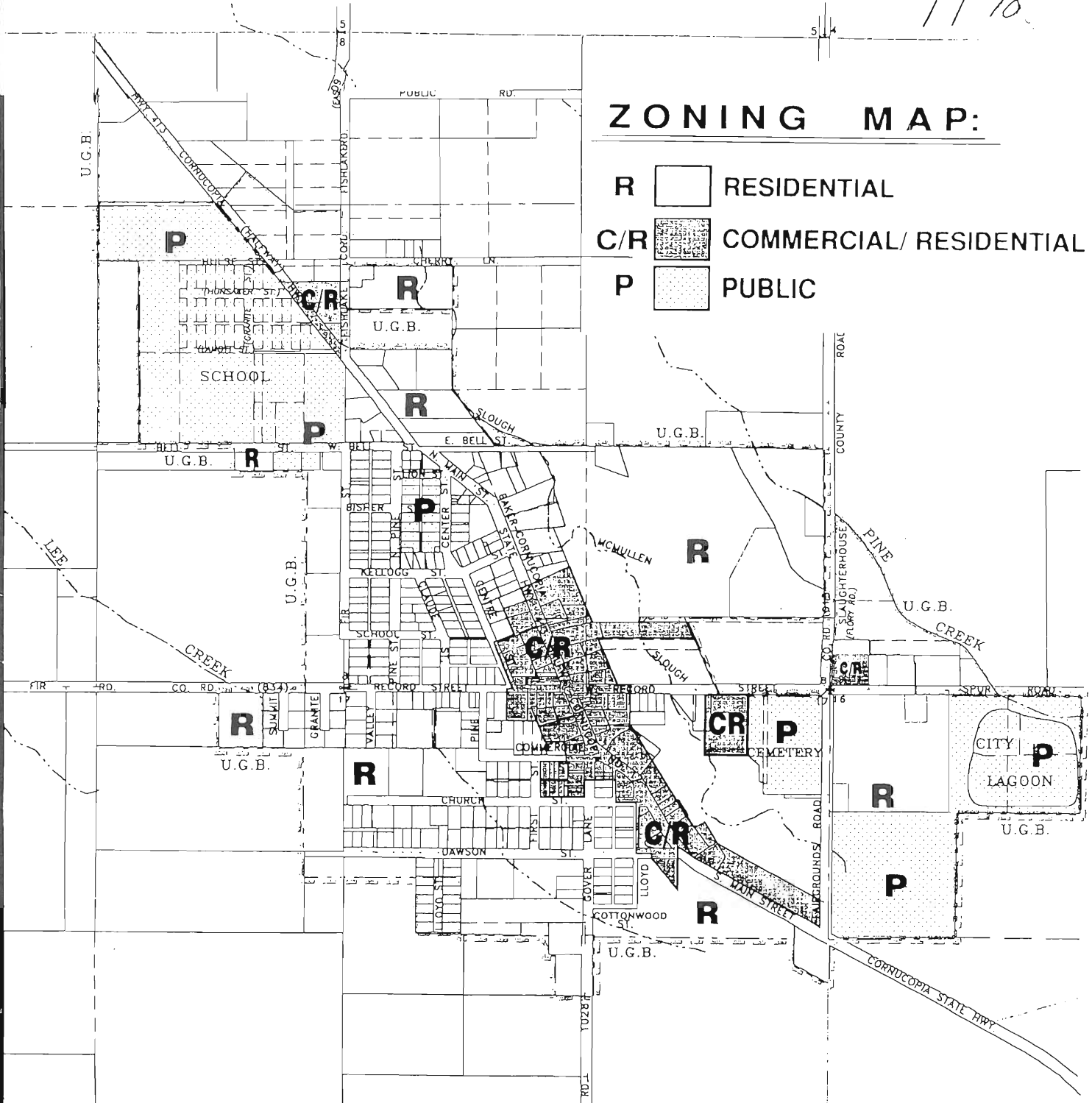
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0' 200' 400' 600' 1200'
SCALE IN FEET


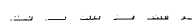
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ZONING MAP:

- R  RESIDENTIAL
- C/R  COMMERCIAL/ RESIDENTIAL
- P  PUBLIC



LEGEND:

-  CITY LIMITS LINE
-  URBAN GROWTH BOUNDARY



TENNESON ENGINEERING CORP.

CONSULTING ENGINEERS

409 LINCOLN STREET

THE DALLES, OREGON 97058

PH. 541-296-9177 FAX 541-296-6657

K:\ACAD\CITY\HALFWAY.DWG

NOTICE:
SPECIAL CITY COUNCIL
MEETING FOR PUBLIC
HEARING AND LAND USE
MEETING

THURSDAY, April 12, 2012

4:30 P.M., AT CITY HALL

PURPOSE: A Public Hearing on an application request for an EXTENSION OF THE URBAN GROWTH BOUNDARY. The Application request is from Delores and Galen West. This is a public meeting/hearing, open to all. If you have a disability or other needs requiring special materials, services, or assistance, please call 742-4741 so we may arrange for the appropriate accommodations.

NOTE: This notice was posted on the door at City Hall, US Post Office bulletin board, sidewalk bulletin board, and US Bank entrance on Wednesday, April 4, 2012.

Posted - 4-4-12 8:45AM

CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

April 3, 2012

Baker County Planning Department
ATTN: Holly Kerns / Mark Bennett
1995 Third Street
Baker City, Or 97814

Enclosed is a copy of the staff report for the upcoming public hearing and special council meeting regarding the Urban Growth Boundary extension application request which will be held on Thursday April 12, 2012. Please contact me if you have any comments or questions.

Just to let you know I will be out of the office Weds. April 4 and back in the office on Tuesday April 10.

Please contact me and let me know what procedures Baker County will be doing to finish this process so the joint required paperwork can be sent to the State LDCD as soon as possible.

Sincerely,



Page Frederickson
Public Works Director
City of Halfway

CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900


April 4, 2012

Oregon department of Transportation
ATTN: Lisa Hulse
3014 Island Ave
La Grande, Or 97850

Enclosed is a copy of the staff report for the upcoming public hearing and special council meeting regarding the Urban Growth Boundary extension application request which will be held on Thursday April 12, 2012. Please contact me if you have any comments or questions.

Just to let you know I will be out of the office Weds. April 4 and back in the office on Tuesday April 10.

If you have comments please have them to me by 4:00 pm on April 12, 2012. They can be received by Fax, mail or email. (email to thecitybypage@hotmail.com)

Sincerely,

Page Frederickson
Public Works Director
City of Halfway

*STAFF REPORT ON A REQUEST FOR AMENDING THE URBAN GROWTH
BOUNDARY MAP/COMPREHENSIVE PLAN MAP AMENDMENTS*

An application was submitted to the City of Halfway by the property owners of Delores and Galen West requesting expansion of the Urban Growth Boundary.

Applicants/Owners mailing address: P.O. Box 604, Halfway, Oregon 97834

Application Received – February 16, 2012

Application deemed complete: February 23, 2012

Date was set for the special council meeting and public hearing for April 12, 2012 at 4:30 pm to be held at the City of Halfway City Hall located at 155 B. E. Record St. in Halfway, Oregon.

Notice mailed to DLCD: February 27, 2012, this is at least 45 days prior to the public hearing (OAR 197.610, OAR660-018-000) and is at least 35 day prior to the public hearing as this is the current OAR that went into effect January 1, 2012.

Public Notice and informational packets mailed to effected land owners within 100 feet of the subject property: February 27, 2012 this is at least 20 days prior to the Public Hearing per City of Halfway LUO Article 8, section 8.5(4).

Notice of the Public Hearing posted around town and posted on site at the subject property location of *46527 Cornucopia Highway, Halfway, Or.* on March 12, 2012 and this is at least 20 days prior to the Public Hearing per City of Halfway LUO.

Notice of the Public Hearing was published in the Hells Canyon Journal: March 14, 2012 and again on March 21, 2012. This is at least 20 days prior to the public hearing per City of Halfway LUO Article 8, section 8.5(4).

Subject Property is described as Tax Lot #700, portions of Lots 9, 10, and 11 in the Black and Motley Addition, physical address of 46527 Cornucopia Highway, ODOT Highway 413, Halfway, Oregon. Located in TSP 8S, R46E, WM and is on Baker County Map 8468BD. (A copy of the legal description is included in the packets and attached to this staff report.) The subject property is 1.25 acres.

The subject property is currently located outside of the City of Halfway Urban Growth Boundary, outside of the City of Halfway City Limits but is located in Baker County. The subject property does abut the UGB on the South property line of the subject property and the subject property's west property line runs parallel to the UGB line just across the ODOT Highway 413, approximately 50 feet from the subject property west property line. (Please review the maps included in the packets.) The subject property is fully developed and no future development of this property is anticipated. The subject property was developed in the 1950's and has operated as such since that time.

The subject property consists of one two story house/residence on the North end of the subject property and an 8 space mobile home park on the South end of the property. This property is currently home to 5 citizens in the mobile home park, with the possibility to provide more housing needs for more citizens in the house and additional existing empty mobile home spaces.

The subject property currently is in Baker County and is zoned "RR5". The subject property is a non conforming use due to its substandard size and a mobile home park is a conditional use in a RR5 zone. The residential home is an outright use in a RR5 zone but still a non conforming use as the minimum lot size in a "RR5" zone is 5 acres. The subject property is 1.25 acres. (Baker County LUO, Article 3, section 303.01, 303.02, 303.03) Copies are attached.

Proposal: The applicants and property owners have requested the Urban Growth Boundary (UGB) to be extended to include all of the subject property (1.25 acres) known as Parcel Tax Lot #700. This would allow for the subject property to go from a non conforming use in Baker County to a conforming use with the City of Halfway UGB /comp plan regulations and allow more flexibility for the subject property.

The following is how this Urban Growth Boundary (UGB) extension would meet the local, City of Halfway Comp Plan, City of Halfway Land Use Ordinances and comply with the State of Oregon applicable state planning goals.

The extension of the UGB would allow the subject property to change from a non conforming lot size to a conforming lot size as the lot size for RR5 in Baker County as previously stated is 5 acres and subject property is 1.25 acres. The minimum lot size requirement in the City of Halfway UGB in an R zone is 5,000 sq. ft and minimum lot size for lots in a CR zone is 4,000 sq. ft. for residences. Minimum lot size for mobile home parks in an R zone is 5,000 sq. ft. and in a CR zone is 4,000 sq. ft. The requirement for minimum lot size for a mobile home park shall be subject to the same minimum lot sizes in the C and CR zones. The subject property (1.25 acres) would meet these minimum lot size requirements as well as having adequate space to provide the additional space needed to meet the required parking spaces for each mobile home area in the park. (City of Halfway Comp Plan Ordinance 10-2, section 4.030, section 5.030, section 6.010, section 6.020, and article 7.)(City of Halfway Land Use Ordinance Section 3.1(2), and Section 5(B).

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Findings: This goal will be met as proper notice of public hearing before the Halfway City Council was given by mail to property owners within 100 feet of the subject property and by publication in the local newspaper, Hells Canyon Journal. This process provides adequate involvement during the public hearing process as well.

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Findings: The City of Halfway's City Council has an adequate Land Use Planning process and policy framework to enable the City Council to make a decision in this case. The Halfway City Council follows the City of Halfway Comprehensive Plan and Land Use Ordinances that provides the framework for the decision makers. This is a minor change to the Comprehensive Plan/UGB map and has no effect on the immediate area.

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Findings: As previously stated the subject property has been developed since the 1950's and the existing water and septic system could fail in the future leaving the tenants with no sanitary services. Extending the UGB to include this subject property would, if needed in the future, allow the mobile home park and the current residences to hook up to the City of Halfway water and sewer systems. The City of Halfway water and sewer system has the existing capacity to allow for this expansion. There is an existing sewer main on the west side of Cornucopia Highway/ODOT Highway 413 just 50 feet from the subject property west property line. There is an existing water main approximately 50 feet from the southwest corner of the subject property with an existing fire hydrant so to provide fire protection service. Extending the UGB would allow the City to provide these services in the future if needed. (See attached map of City water and sewer service mains) Baker County provided police protection currently and will continue to do so as the City of Halfway has no police services and Baker County also provides this service to the City of Halfway.

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Findings: This goal requires that adequate transportation system is in place to service lands within the UGB. This is the case as the subject property is served currently by ODOT Highway 413 and will continue to do so. The subject property has 2 existing accesses to the property that have been in existence for many years and the subject property is fully developed and no future accesses are anticipated. Due to the fact that the subject property is fully developed no additional traffic increase is anticipated therefore there will be no impact on the traffic system. The existing transportation system is maintained by ODOT and the entrances are maintained by the property owners. This manor of maintenance will continue in the future.

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years of growth but many of these areas are unavailable for development at this time. The subject property is already developed for residential housing and will continue to provide residential opportunities and a living environment for the existing tenants there when the UGB is extended. This would preserve the maximum efficiency use of the subject property.

CONCLUSIONS: The request meets all of the applicable criteria for inclusion of the subject property within the City of Halfway Urban Growth Boundary. The request meets all of the criteria for granting a comprehensive Plan Map change and a UGB map change in that the request complies with all of the Statewide Planning Goals and the City of Halfway's Comprehensive Plan Policies. It appears that this was possibly an oversight at the time of the original determination of the Urban Growth Boundaries.

Recommendations: I recommend that the City Council except the request and extend the Urban Growth Boundary to include all of tax lot#700 into the UGB based on the facts and findings in this report. I recommend the property be an "R" zone as abutting properties in the UGB are already zoned "R", to the West and South of the subject property.

LEGAL OF TAX LOT #700

A portion of Lots 9, 10 and 11, Block "B", BLACK & MOTLEY'S ADDITION TO THE TOWN OF HALFWAY, according to the official plat thereof, in the City of Halfway, County of Baker and State of Oregon, more particularly described as follows:


BEGINNING at a point on the Northeasterly line of the County Road, said point being Southeasterly 400 feet from the Northwest corner of said Lot 9, Block "B"; thence Northwesterly 400 feet along the Northeasterly line of said County Road; thence Easterly 181 feet along the Northerly line of said Lot 9, Block "B"; thence Southeasterly 249 feet to a point that is Northeasterly 198 feet from the point of beginning; thence Southwesterly to the POINT OF BEGINNING.



ARTICLE 3: USE ZONES

SECTION 303.03 MINIMUM LOT SIZE

In the RR-5 Zone, the minimum lot or parcel size shall be no less than five acres.

A banner for the Baker County Planning Department featuring a landscape with mountains, trees, and a building. The text "Baker County Planning Department" is overlaid in a serif font.

Baker County Planning Department

ARTICLE 3: USE ZONES

SECTION 303.02 CONDITIONAL USES

In an RR-5 zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 6 of this Ordinance.

- A. Home occupations.
- B. Churches.
- C. Public or private schools.
- D. Governmental or non-profit organizations, structures or uses including community centers, libraries and fire stations.
- E. Medical and dental clinics, hospitals, rest homes, or nursing homes.
- F. Major utility facilities as defined in Section 108(B) of this Ordinance.
- G. Convenience stores.
- H. Multi-family dwellings.
- I. Subdivisions, Planned Unit Developments, and Mobile Home Developments including Mobile Home Subdivisions, Mobile Home Parks, Recreational Vehicle Parks and Mobile Home Planned Unit Developments; subject to the requirements of each of those actions in this Ordinance.

various land use zones shall be dated and adopted by the City Council; such map by this reference is made a part of this ordinance and may be referred to as the zoning map.

(b) The land use zone boundaries shall be streets, and lot or parcel lines, where practical, or such lines extended.

Article 4. Residential Zone: R

SECTION 4.010. Uses permitted outright. In the R zone the following uses are permitted outright.

- (1) Single family dwelling.
- (2) Two family dwelling.
- (3) Mobile home dwelling.
- (4) Home Occupation.
- (5) Utility facilities necessary for public service.

SECTION 4.020. Uses subject to approval. In the R zone the following uses are subject to the approval of the City Council:

- (1) Church.
- (2) Day care center.
- (3) Hospital.
- (4) Mobile home park. (See Article 6)
- (5) Multiple family dwelling.
- (6) Nursing or convalescent home.
- (7) Parks, playgrounds or community centers owned and operated by a public agency or nonprofit community organization.
- (8) Private school.
- (9) Professional office.
- (10) Public building.
- (11) Public school.
- (12) Rooming house.
- (13) Expansion, extension or reestablishment of a nonconforming use or structure.

SECTION 4.030. Minimum lot size. In the R zone the minimum lot or parcel size shall be as follows:

- (1) Single, two family and mobile home dwellings: 5000 square feet.
- (2) Multiple family dwellings: 5000 square feet for two dwelling units plus:
 - (i) 1000 square feet for each additional 1-bedroom dwelling unit;
 - (ii) 1350 square feet for each additional 2-bedroom dwelling unit;
 - (iii) 1600 square feet for each additional 3-bedroom dwelling unit; and
 - (iv) 1800 square feet for each additional 4-bedroom dwelling unit.
- (3) Rooming house: 5000 square feet.
- (4) Mobile home park: See Article 6.
- (5) All uses shall have adequate area to meet the property line setback requirements and the off street parking space requirements of this ordinance.

SECTION 4.040. Property line setback; exception. In the R zone all dwellings and attached structures and the buildings and attached

structures of all other uses shall maintain a minimum setback distance from property lines as follows:

- (1) Front property line: 5 feet
- (2) Side and rear property lines: 5 feet
- (3) Front property line for corner lots: 10 feet
- (4) Exception: An unattached accessory building to a use permitted according to this article may have a setback distance of 5 feet from the rear property line.

SECTION 4.050. Height of Buildings. In the R zone the maximum height of buildings shall be two stories or 28 feet above grade which ever is the lesser height.

Article 5. Commercial Residential Zone: CR

SECTION 5.010. Uses permitted outright. (a) In the CR zone the following uses are permitted outright:

- (1) Any use permitted outright in the R zone.
- ✓ (2) Commercial: Limited to the customary and ordinary sales and/or services establishments conforming to subsections (b) and (c) of this section.
- ✓ (b) Any commercial use according to this section, except for parking and loading activity, shall be conducted entirely within buildings and shall require no outside storage of materials, supplies or products.
- ✓ (c) Any commercial use according to this section shall be reasonably free of objectionable odor, noise, glare, heat, vibration or other adverse affect on neighboring property.

SECTION 5.020. Uses subject to approval. (a) In the CR zone the following uses are subject to the approval of the City Council:

- (1) Any use that is subject to such approval in the R zone.
- (2) Any commercial use that reasonably cannot meet the standards of subsections (b) and (c) of Section 5.010.
- (b) In approving a use according to this section the City Council shall have authority and may require the use of sight obscuring fencing, screening or appropriate shrubbery or trees to reduce any unreasonable visual impact a use may have on neighboring property.

SECTION 5.030. Minimum lot size. (a) In the CR zone the minimum lot or parcel size for dwellings shall be as follows:

- (1) Single, two family and mobile dwellings: 4000 square feet.
- (2) Multiple family dwellings and rooming houses: 4000 square feet plus the additional areas according to Section 4.030 (2) (i) (ii) (iii) and (iv).
- (3) Mobile home parks: See Article 7.
- (b) In the CR zone the minimum lot or parcel size for commercial use shall be 4000 square feet.
- ✓ (c) All uses shall have adequate area to meet the property line setback requirements and off street parking requirements of this ordinance.

SECTION 5.040. Property line setback. (a) In the CR zone all dwellings , including attached structures and accessory buildings, and any other buildings, providing dwellings units, boarding or rooming facilities, shall maintain a setback distance from property lines as follows:

- (1) Front property line: 15 feet.
- (2) Side and rear property lines: 10 feet.
- (b) In the CR zone commercial buildings and structures shall not be required to maintain a setback distance from property lines, except where a property line abuts or faces the R zone, in which case a setback distance of 15 feet from the abutting or facing property line or lines shall be maintained.

SECTION 5.050. Height of Buildings. In the CR zone the maximum height of buildings used for any dwelling or rooming house purpose shall be two stories or 28 feet above grade which ever is the lesser height.

Article 6. Mobile Home Parks

SECTION 6.010. Residential zone. (a) Mobile home parks in the R zone, in addition to other requirements of law, shall be subject to the minimum lot size of 5000 square feet and other requirements for such zone.

(b) Mobile home parks in the R zone shall be used only for the placement of mobile homes.

SECTION 6.020. Other zones. (a) Mobile home parks in the CR zone, in addition to other requirements of law, shall be subject to the minimum lot size of 4000 square feet and other requirements for such zones.

(b) Mobile home parks in the C zone may be used for the placement of mobile homes, travel trailers and motor homes.

Article 7. Off Street Parking

SECTION 7.010. General requirements. (a) In all zones, at the time of new construction of a building or structure, off street parking space shall be provided in accordance with this Article.

(b) Expansion, extension or reestablishment of any nonconforming use, where reasonably practical, shall provide off street parking in accordance with this Article.

(c) The required off street parking space shall be used for parking of vehicles only and shall not be used in a manner to limit the availability of off street parking.

(d) A parking space shall be an area of the lot or parcel of no less than nine feet by twenty feet (9'x20') designated for vehicular parking.

SECTION 7.020. Residential parking space. The number of off street parking spaces for dwelling or residential use shall be provided as follows:

- (a) Single family dwelling: two spaces.
- (b) Mobile home dwelling: two spaces.
- (c) Two family dwelling: three spaces.
- (d) Multiple family dwelling: one and one half space per dwelling unit rounded to the highest whole number.
- (e) Rooming house: one space per guest room.

SECTION 7.030. Nonresidential parking space. The number of non-

Article 3 Land Use Zones

SECTION 3.1 - RESIDENTIAL ZONE "R".

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

(1) PERMITTED USES:

- (A) Single-family dwellings.
- (B) Duplexes, two unit dwellings.
- (C) Accessory uses and buildings customarily incidental to the above uses. Detached accessory buildings shall not be located within the required setback areas. Accessory uses are those which are clearly incidental and subordinate to the primary use of the main building.
- (D) Name plates and signs. One non-illuminated nameplate not to exceed 1- 1/2 square feet in area placed flat against the building, for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed eight square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board not to exceed 12 square feet in area for each church, public library, neighborhood or community center.
- (E) Residential homes.
- (F) Utilities facilities necessary for public service

(2) CONDITIONAL USES. Permitted with approval of the City Council in accordance with Section 5.1.

- (A) Churches
- (B) Mobile home parks

line but the side yard on the street side of such corner lot shall not be less than 10 feet in width.

(C) Rear Yard. There shall be a rear yard of not less than 5 feet from the drip-line in depth.

(D) Lot Area. In the "R" Zone the minimum lot or parcel size shall be as follows:

1. Single, two family and mobile home dwellings: 5000 square feet.

2. Multiple family dwellings: 5000 square feet for two dwellings units plus:

(a) 1000 square feet for each additional 1-bedroom dwelling unit;

(b) 1350 square feet for each additional 2-bedroom dwelling unit;

(c) 1600 square feet for each additional 3-bedroom dwelling unit; and

(d) 1800 square feet for each additional 4-bedroom dwelling unit.

3. All uses shall have adequate area to meet the property line setback requirements and the off street parking space requirements of this Ordinance.

4. All uses shall have a frontage on the street of a minimum of 25 feet.

(5) PARKING REGULATIONS.

(A) Dwellings. Two parking spaces shall be provided on the lot for each dwelling unit.

(B) Uses other than Dwellings. See Section 4.7.

residential off street parking spaces shall be provided as follows:

(a) All institutional, commercial and industrial uses shall provide no less than one off street parking space for each employer and employee and two spaces for visitors, unless the following requirements indicate a greater number of spaces:

(1) Hospitals: one and one half spaces for each bed rounded to the highest whole number.

(2) Churches, clubs and lodges: one space for every four fixed seats or every eight feet of bench length or every 28 square feet of floor area of the main assembly room or sanctuary where permanent seats or benches are not maintained.

(3) Libraries; museums; art galleries: one space for each 250 square feet of gross floor area.

(4) Nursing homes; groupcare homes; asylums: one space for each three beds.

(5) Public offices: one space for each employee and additional spaces as reasonably necessary.

(6) Public or private schools: one and one half space for each teaching station plus one space for every six fixed seats or one space for each 42 square feet of seating area where fixed seats are not provided in the auditorium or assembly area.

(7) Retail establishments: one space for each 300 square feet of gross floor area.

(8) Barber and beauty shops: one space for each 75 square feet of gross floor area.

(9) Bowling alleys: six spaces for each bowling lane.

(10) Office buildings; business and professional offices: one space for each 400 square feet of gross floor area.

(11) Recreational or entertainment establishments:

(i) Spectator types: auditoriums, assembly halls, theaters, stadiums, places of public assembly: one space for each four seats.

(ii) Skating rinks, dance halls: one space for each 75 square feet of gross floor area.

(iii) Establishments for the sale and consumption on the premises of food and beverages: one space for each 60 square feet of gross floor area.

(iv) Hotels, motels: one space for each guest room.

(12) Industrial uses: one space for each 500 square feet of gross floor area.

(b) Any use not specifically listed in this Article shall provide a number of off street parking spaces equal to that listed use to which it is most similar.

Article 8. Nonconforming Use

SECTION 8.010. Definitions. As used in this ordinance:

(a) "Nonconforming use" means a use of land, a building or structure in a manner that does not conform to the provisions of this ordinance: (i) as to use or (ii) as to other requirements such as height, setback, parking, screening and the like.

(b) "Use" means the purpose for which land, a building or other structure is designed or intended, or for which purpose land, a building or other structure is occupied or maintained.

SECTION 8.020. Continuation. A lawful use of land, a building or other structure existing on the effective date of this ordinance

may be continued and kept in a state of repair: Provided, however, that the use of land, a building or other structure shall not be extended, expanded or otherwise made further nonconforming without the approval of the City Council.

SECTION 8.030. Reestablishment. (a) A nonconforming building or other structure that is destroyed by fire or other casualty may be reestablished: Provided, however, that construction or reconstruction of such building or other structure is commenced and diligently pursued within one year of the date of the casualty.

(b) The reestablishment of a nonconforming building or other structure after one year from the date such building or other structure is destroyed by fire or other casualty shall be subject to the approval of the City Council.

SECTION 8.040. Change in use. A new use replacing a nonconforming use shall conform to the provisions of this ordinance.

Article 9. Uses Subject To Approval

SECTION 9.010. Application for approval. (a) (1) No new use of land, a building or other structure which use is subject to approval, shall be approved when such approval would be contrary to any purpose of this ordinance in Section 1.010.

(2) No reestablishment of a nonconforming use shall be approved when such approval would be contrary to any purpose of this ordinance in Section 1.010.

(b) Any person proposing to establish or reestablish a use that is subject to approval, or his authorized agent or representative, may make application to the City Council for such approval. Each such application shall be on forms provided for such purpose and shall be accompanied by the required fee.

(c) The City Council shall consider the application at a public hearing held within 45 days of the date of the completed application and either approve it or deny it, or set date, time and place for further hearing. In any event, a continuation of a hearing shall not exceed a period of time of 6 months from the date of the completed application.

SECTION 9.020. Public Notice. A notice of public hearing on an application for any use subject to approval shall be posted at the City Hall and two other conspicuous places in the City at least 10 days prior to the date of public hearing. In addition, an individual notice of such hearing shall be mailed to owners of record of land abutting the land involved in the application. The failure of an owner of land to receive an individual notice shall not invalidate any action taken on an application.

Article 10. Amendments

SECTION 10.010. When prohibited; how initiated. (a) "Amendment" includes any change or revision to this zoning ordinance, including the zoning map.

(b) No amendment to this zoning ordinance shall be approved that would be contrary to any purpose in Section 1.010.

(c) An amendment may be initiated by the City Council, Planning Commission or by a property owner.

Article 7 Exceptions and Variances

SECTION 7.1 - NONCONFORMING USES.

- (1) A nonconforming use or structure may be continued but may not be altered or expanded. The expansion of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not an enlargement or expansion of a nonconforming use. A non-conforming structure, which conforms with respect to use, may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this ordinance. A nonconforming use that does not conform with respect to use, may be reconstructed, altered, replaced in the same location as long as the construction does not cause the structure to deviate any further from the standards of this ordinance than the original structure.
- (2) If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
- (3) If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.
- (4) Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued by the City and construction has commenced prior to the adoption of this ordinance provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the permit is issued.

SECTION 7.2 - AUTHORIZATION TO GRANT OR DENY VARIANCES. The City Council may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. In granting a variance, the City Council may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

Commercial

Commercial land-use needs to the year 2000 are considered minimal

There is abundant land within the Commercial-Residential to meet those needs. (over 2 acres).

Industrial

There are no perceived industrial land-use needs. Should the unforeseen occur, the City will designate land to meet those needs. Note Comments under Goal #9, Economy of the State.

URBAN GROWTH BOUNDARY JUSTIFICATION

The City of Halfway has a greater-than-City limits Urban Growth Boundary. There are two reasons: (1) large areas already committed to public and residential use are contiguous to the corporate City limits and (2) the eastern Oregon life-style (i.e., large lots) is prevalent in Halfway and vicinity.

Approximate 80 acres of unincorporated land are within Halfway's urban growth boundary. This includes school property, the cemetery, church property, fairgrounds and the flood hazard areas. Less than fifteen acres might be considered buildable. Some vacant land within the Urban Growth Boundary is used for pasture. The parcels are small. Urbanization of this land would have no effect on commercial agricultural practices or result in incompatibility of adjacent land uses. In establishing its Urban Growth Boundary, the City addressed the seven factors listed under Goal # 14. Unincorporated areas within the Urban Growth Boundary can be provided with City services as the need arises.

OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES (Goal #5).

Historic Areas. Halfway is located in an historic mining district. There are not, however, any historic sites associated with that activity within the City limits or Urban Growth Boundary. On Church Street is a small monument marking the site of old Fort Lloyd. The property is in City ownership and will be protected as an historic site.

Scenic-Natural Areas. Halfway is located in a very scenic area, however, there is no particular location that warrants special consideration as a scenic overlook or vista. There are no areas within the City or Urban Growth Boundary that are significant as Natural areas.

Mineral Resources. There are no known mineral or commercial aggregate resources within the City or Urban Growth Boundary.

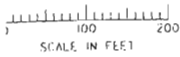
Geothermal Sites. There are no known geothermal sites within the City or its Urban Growth Boundary.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

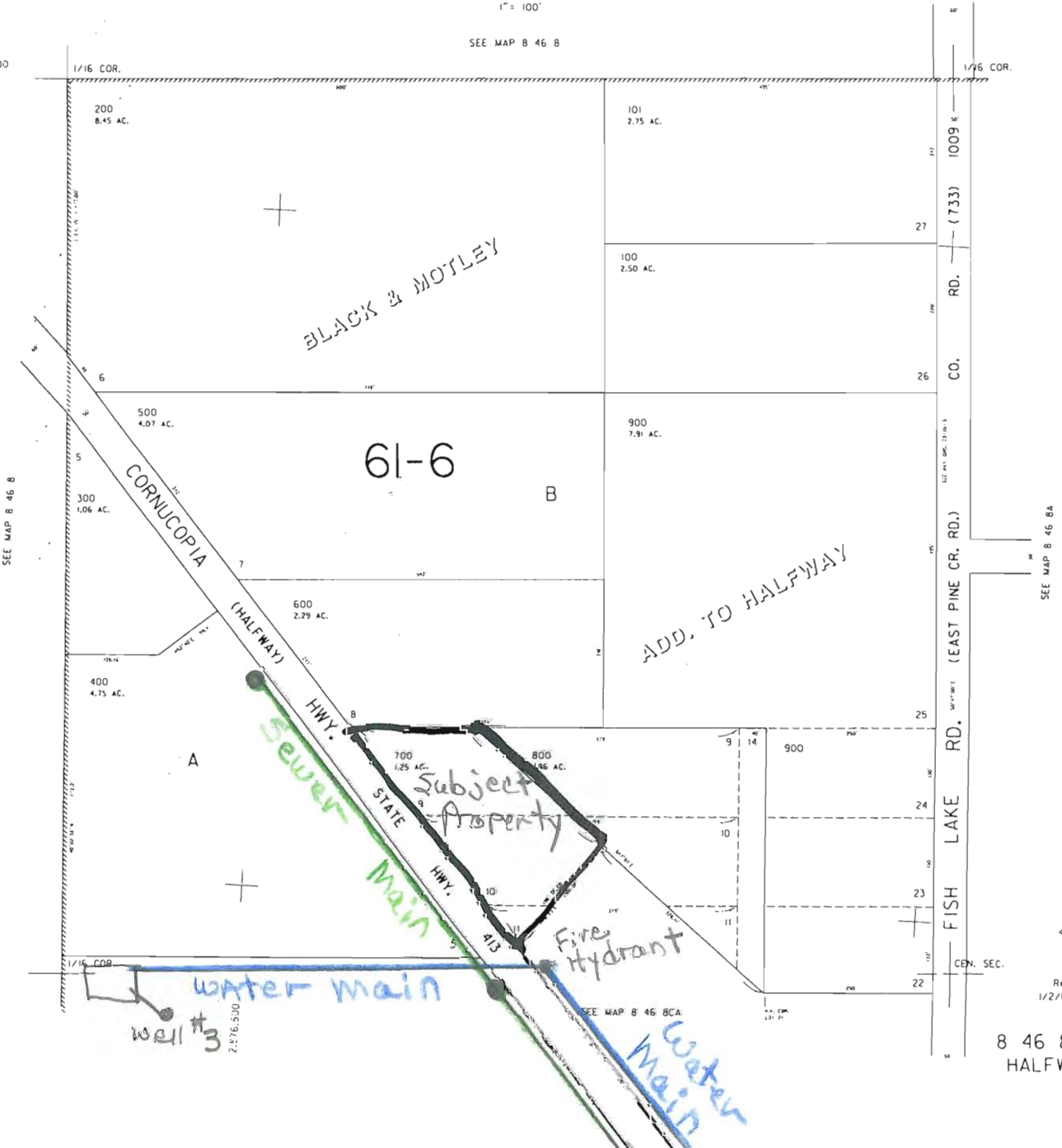
SE1/4 NW1/4 SEC. 8 T.8S. R.46E. W.M.
BAKER COUNTY

8 46 8BD
HALFWAY

City
Water and
Sewer
Services



SEE MAP B 46 B



SEE MAP B 46 BA

462,500

Revised
1/2/02. CS

8 46 8BD
HALFWAY

March 22, 2012


Mayor Farwell, City Council, and City Planner or Halfway,

Subject: Urban Growth Boundary

I have been a resident of Halfway all my life.

I feel the Mountain View Mobile Home Park should be within the Urban Growth Boundary. After looking at the city map it is hard for me to understand why it wasn't originally included within the boundary. I support West's effort to get it included.

Respectively,


Glenna Smith

March 28, 2012

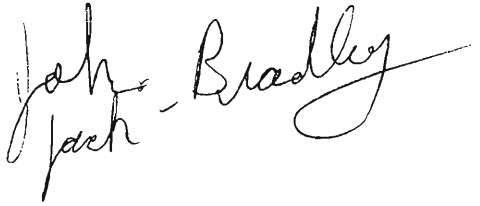
Dear Mayor Farwell and City Council Members of Halfway,

I am a long time resident of Galen West's Mountain View Mobile Home Park.

I think it is a good idea to get the park included in the Urban Growth Boundary of Halfway.

Thank you,

Jack Bradley

A handwritten signature in black ink that reads "Jack Bradley". The signature is written in a cursive style with a long horizontal flourish extending to the right.

COPY

received
4-3-12
PF 3:45 pm

To Mayor Farwell
& Halfway City Council Members,

This letter is in regards to Tax lot #700 belonging to Galen and Dee West.

I am writing to voice my support for this property to be included in the UGB.
Anything we can do to further local business is beneficial to the City and its residents.

Sincerely, *Amanda Hearne*

COPY

received
4-3-12

PF 3:45 PM

Mayor Farwell and the Halfway City Council,

I am writing in regards to the pending decision on tax lot #700 belonging to Galen and Dee West.

I would like to show my support for this property being included in the Urban Growth Boundary. I believe that supporting local business' every way we can is of great benefit to the City and Local Economy.

Sincerely,

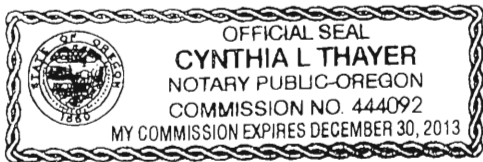


AFFIDAVIT OF PUBLICATION

I, Debra Lowe, being first duly sworn, affirm that I am the Secretary of the *Hells Canyon Journal*, a weekly newspaper of general circulation published in the City of Halfway, Baker County, State of Oregon; that such newspaper is made up of at least eight (8) pages of six (6) columns each, of at least twenty-one (21) inches in depth of type matter; that such newspaper was regularly and uninterruptedly published once each week for at least twelve (12) consecutive months immediately preceding the first publication of the attached notice, and has more than two-hundred (200) bona fide subscribers within said county; that the attached legal ad for U.S. B. Mension of which one hereto attached is a true and correct copy as printed, was published in the regular and entire issue of said newspaper and not in any supplement thereof, once each week for 2 successive and consecutive weeks, commencing with the issue dated the 14 day of March, 2012; ending with the issue dated the 24th day of March, 2012; and that the amount of charge made and to be collected by such newspaper for such publication is \$ 120.00.

Debra Lowe

Debra Lowe



State of OREGON

County of Baker

Signed and sworn to before me on March 22, 2012

Cynthia L. Thayer

Notary Public – State of Oregon

My Commission expires December 30, 2013

PUBLIC NOTICE

CITY OF HALFWAY

EXTENSION OF THE URBAN GROWTH BOUNDRY REQUEST

PUBLIC HEARING, THURSDAY APRIL 12, 2012 AT 4:30 PM

This is a notice that the City of Halfway has received an application request to extend the Urban Growth Boundary (UGB) to include tax lot #700, 46527 Cornucopia Highway, Halfway, Oregon.

Property Owner and Applicants are Delores and Galen West, mailing address of P.O. Box 604, Halfway, Or, 97834.

The Property is identified as Tax Lot 700, located at 46527 Cornucopia Highway, Halfway Oregon, TSP 8S, R46E WM and is on Baker County Map 8468BD. The subject property is approximately 1.25 acres.

Purpose of the application is to extend the UGB to include the entire parcel of tax lot 700, so the parcel possibly could at a future date be provided city services of water and sewer as well as a possible future minor partition, under applicable statewide goals numbers 1,2,3,9,10,11,12, and 14. The existing parcel is fully developed and no future development of the parcel is anticipated. The existing parcel contains no farming or forest land.

A notice, a map of the request area and applicable review criteria are being mailed to the applicants and owners of property within 100 feet of the exterior property boundaries for which the application had been made at least 20 days prior to the public hearing. The public hearing for review of the application is scheduled for *April 12, 2012 at 4:30 pm at City Hall*, located at 155 B E. Record Street, Halfway Oregon. Written testimony may be submitted to: City of Halfway; ATTN: City Council, P.O. Box 738, Halfway, Or. 97834 and must be received prior to 4:00 pm on the above hearing date. Written or verbal testimony may be given at the public hearing.

Failure to raise an issue by the close of record at or following the public hearing in person or by letter precludes appeal to LUBA based on that issue. (ORS 197.763(3)(3) and ORS 197.763(1)1) Failure to provide sufficient specificity to afford the City Council an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue. (ORS 197.763(3)(e))

A copy of the application, all documents and evidence submitted by or on behalf of the applicants is available at City Hall for inspection at no cost. Copies will be provided at reasonable cost. City ordinances are available for review and copies will be provided at reasonable cost at City Hall. Halfway City Hall is handicapped accessible. If special accommodations or materials are needed for persons wishing to participate in the public hearing, please contact City Hall office at (541) 742-4741 at least 24 hours prior to the public hearing. **Notice to mortgagee, lien holder, vendor or seller: ORS 215 requires that if you receive this notice, it must promptly be forwarded to the purchaser.** If you have any questions about this application, please contact Page Frederickson at City of Halfway at (541) 742-4741.

Property Owners within 100 feet of subject Property

Robert & Laurie Steele

4118 Sumpter Way

Boise, Idaho 83709

Billee Howard

46278 Fish Lake Road

Halfway, Oregon 97834

Latter Day Saints

50 EN Temple 519-0770

Salt Lake, Utah 84111

Pine Eagle School District #61

375 N. Main Street

Halfway, Oregon 97834

Duane Anderson

46509 Cornucopia Highway

Halfway, Oregon 97834

Other effected Agencies:

Oregon Department of Transportation

3014 Island Ave.

La Grande, Oregon 97850

Baker County Planning Department

1995 Third Street

Baker City, Oregon 97814

Deborah & Galen West

*Mailed
Mon 2-27-12*

CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

February 27, 2012

Oregon Department of Transportation
3014 Island Ave.
La Grande, OR 97850

You are receiving the following notice and enclosed information because your agency, Oregon Department of Transportation, may have an interest regarding the proposed Urban Growth Boundary change. The staff report will be available by April 4, 2012, one week prior to the public hearing.

If you would like a copy of the staff report sent to you or you have any questions regarding this matter please contact City Hall at the above phone number. If you wish to make comments on this matter please read the following notice for proper procedures of comments and testimony.

Sincerely,



Page M. Frederickson
Public Works Director
City of Halfway

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**The City Of Halfway is an AA/EEO employer, in compliance with
Section 504 of the Rehab. Act of 1973**

W

CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

February 27, 2012

Robert & Laurie Steele
4118 Sumpter Way
Boise, Idaho 83709

You are receiving the following notice and enclosed information because you are listed as an owner of property within 100 feet of the subject property in the notice. The staff report will be available by April 4, 2012, one week prior to the public hearing.

If you would like a copy of the staff report sent to you or you have any questions regarding this matter please contact City Hall at the above phone number. If you wish to make comments on this matter please read the following notice for proper procedures of comments and testimony. If you have any questions please contact City Hall.

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Page M. Frederickson
Public Works Director
City of Halfway

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155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

February 27, 2012

Billee Howard
46278 Fish Lake Road
Halfway, OR 97834

You are receiving the following notice and enclosed information because you are listed as an owner of property within 100 feet of the subject property in the notice. The staff report will be available by April 4, 2012, one week prior to the public hearing.

If you would like a copy of the staff report sent to you or you have any questions regarding this matter please contact City Hall at the above phone number. If you wish to make comments on this matter please read the following notice for proper procedures of comments and testimony. If you have any questions please contact City Hall.

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TTY/Voice: 1-800-735-2900

February 27, 2012

Latter Day Saints
50 EN Temple 519-0770
Salt Lake City, Utah 84111

You are receiving the following notice and enclosed information because you are listed as an owner of property within 100 feet of the subject property in the notice. The staff report will be available by April 4, 2012, one week prior to the public hearing.

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City of Halfway

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Halfway, OR 97834
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TTY/Voice: 1-800-735-2900

February 27, 2012

Pine Eagle School District #61
375 N. Main St.
Halfway, OR 97834

You are receiving the following notice and enclosed information because you are listed as an owner of property within 100 feet of the subject property in the notice. The staff report will be available by April 4, 2012, one week prior to the public hearing.

If you would like a copy of the staff report sent to you or you have any questions regarding this matter please contact City Hall at the above phone number. If you wish to make comments on this matter please read the following notice for proper procedures of comments and testimony. If you have any questions please contact City Hall.

Sincerely,



Page M. Frederickson
Public Works Director
City of Halfway

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Halfway, OR 97834
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TTY/Voice: 1-800-735-2900

February 27, 2012

Duane Anderson
46509 Cornucopia Highway
Halfway, OR 97834

You are receiving the following notice and enclosed information because you are listed as an owner of property within 100 feet of the subject property in the notice. The staff report will be available by April 4, 2012, one week prior to the public hearing.

If you would like a copy of the staff report sent to you or you have any questions regarding this matter please contact City Hall at the above phone number. If you wish to make comments on this matter please read the following notice for proper procedures of comments and testimony. If you have any questions please contact City Hall.

Sincerely,



Page M. Frederickson
Public Works Director
City of Halfway

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Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

February 27, 2012

Baker County Planning Department
1995 Third St.
Baker City, OR 97814

You are receiving the following notice and enclosed information because your agency, Baker County Planning Department, may have an interest regarding the proposed Urban Growth Boundary change. The staff report will be available by April 4, 2012, one week prior to the public hearing.

If you would like a copy of the staff report sent to you or you have any questions regarding this matter please contact City Hall at the above phone number. If you wish to make comments on this matter please read the following notice for proper procedures of comments and testimony.

Sincerely,



Page M. Frederickson
Public Works Director
City of Halfway

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Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

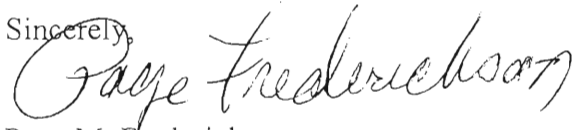
February 28, 2012

Delores and Galen West
P.O. Box 604
Halfway, OR 97834

You are receiving the following notice and enclosed information because you are the owner/applicant regarding the proposed Urban Growth Boundary change. The staff report will be available by April 4, 2012, one week prior to the public hearing.

If you would like a copy of the staff report sent to you or you have any questions regarding this matter please contact City Hall at the above phone number. As we have discussed previously, you may call in by telephone to give your testimony at the public hearing.

Sincerely,



Page M. Frederickson
Public Works Director
City of Halfway

PUBLIC NOTICE
CITY OF HALFWAY
EXTENSION OF THE URBAN GROWTH BOUNDARY REQUEST
PUBLIC HEARING, THURSDAY APRIL 12, 2012 AT 4:30 PM

This is a notice that the City of Halfway has received an application request to extend the Urban Growth Boundary (UGB) to include tax lot #700, 46527 Cornucopia Highway, Halfway, Oregon.

Property Owner and Applicants are Delores and Galen West, mailing address of P.O. Box 604, Halfway, Or, 97834.

The Property is identified as Tax Lot 700, located at 46527 Cornucopia Highway, Halfway Oregon, TSP 8S, R46E WM and is on Baker County Map 8468BD. The subject property is approximately 1.25 acres.

Purpose of the application is to extend the UGB to include the entire parcel of tax lot 700, so the parcel possibly could at a future date be provided city services of water and sewer as well as a possible future minor partition, under applicable statewide goals numbers 1,2,3,9,10,11,12, and 14. The existing parcel is fully developed and no future development of the parcel is anticipated. The existing parcel contains no farming or forest land.

A notice, a map of the request area and applicable review criteria are being mailed to the applicants and owners of property within 100 feet of the exterior property boundaries for which the application had been made at least 20 days prior to the public hearing. The public hearing for review of the application is scheduled for *April 12, 2012 at 4:30 pm at City Hall*, located at 155 B E. Record Street, Halfway Oregon. Written testimony may be submitted to: City of Halfway; ATTN: City Council, P.O. Box 738, Halfway, Or. 97834 and must be received prior to 4:00 pm on the above hearing date. Written or verbal testimony may be given at the public hearing.

Failure to raise an issue by the close of record at or following the public hearing in person or by letter precludes appeal to LUBA based on that issue. (ORS 197.763(3)(3) and ORS 197.763(1)1) Failure to provide sufficient specificity to afford the City Council an opportunity to respond to an issue that is raised precludes appeal to LUBA based n that issue. (ORS 197.763(3)(e))

A copy of the application, all documents and evidence submitted by or on behalf of the applicants is available at City Hall for inspection at no cost. Copies will be provided at reasonable cost. City ordinances are available for review and copies will be provided at reasonable cost at City Hall. Halfway City Hall is handicapped accessible. If special accommodations or materials are needed for persons wishing to participate in the public hearing, please contact City Hall office at (541) 742-4741 at least 24 hours prior to the public hearing.

Notice to mortgagee, lien holder, vendor or seller: ORS 215 requires that if you receive this notice, it must promptly be forwarded to the purchaser. If you have any questions about this application, please contact Page Frederickson at City of Halfway at (541) 742-4741.

DLCD Notice of Proposed Amendment Post Acknowledgment Plan Amendments Urban Growth Boundary Urban Reserve Area

In person Digital mailed

For DLCD Use Only

THIS COMPLETED FORM, including the text of the amendment and any supplemental information, must be received at DLCD's Salem office at least **35 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING** ORS 197.610, OAR 660-018-000

Jurisdiction: City of Halfway Date of First Evidentiary Hearing: April 12, 2012
 Local File Number: _____ Date of Final Hearing: ? 4:30pm

Is this a REVISION to a previously submitted proposal? No Yes Original submittal date: _____

Comprehensive Plan Text Amendment(s) Comprehensive Plan Map Amendment(s)
 Land Use Regulation Amendment(s) Zoning Map Amendment(s)
 Transportation System Plan Amendment(s) Urban Growth Boundary Amendment(s)
 Other (please describe): _____ Urban Reserve Area Amendment(s)

Briefly Summarize Proposal in plain language IN THIS SPACE (maximum 500 characters):
To extend the Urban Growth Boundary to include tax Lot 700 (Physical address of 46527 Cornucopia Highway, Halfway, OR) for the purpose of possible future connection to city services and possible separation of the residence from the mobile home park - as it is now one parcel and separation is not allowed under current Baker Co. L.U. ordinances.

Has sufficient information been included to advise DLCD of the effect of proposal? Yes, text is included
 Are Map changes included: minimum 8 1/2" x 11" color maps of Current and Proposed designations. Yes, Maps included

Plan map change from: County To: U.G.B.
 Zone map change from: County To: U.G.B.

Location of property (Site address and TRS): 46527 Cornucopia Highway 8T85 R46 E
 Previous density range: SAME (U.A) New density range: SAME (U.A) Acres involved: 1.25

Applicable statewide planning goals:

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Is an exception to a statewide planning goal proposed? YES NO Goal(s):
Baker County Planning Dept.
Oregon Dept. of Transportation

Local Contact person (name and title): Page Frederickson - Public Works Director
 Phone: (541) 742-4741 Extension: _____
 Address: P.O. Box 738 City: Halfway, OR Zip: 97834
 Fax Number: (541) 742-4742 E-mail Address: Thecitybypage@hotmail.com

- FOR DLCD internal use only -
 DLCD file No _____

mailed 2-27-12

PUBLIC NOTICE

CITY OF HALFWAY

EXTENSION OF THE URBAN GROWTH BOUNDRY REQUEST

PUBLIC HEARING, THURSDAY APRIL 12, 2012 AT 4:30 PM

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Property Owner and Applicants are Delores and Galen West, mailing address of P.O. Box 604, Halfway, Or, 97834.

The Property is identified as Tax Lot 700, located at 46527 Cornucopia Highway, Halfway Oregon, TSP 8S, R46E WM and is on Baker County Map 8468BD. The subject property is approximately 1.25 acres.

Purpose of the application is to extend the UGB to include the entire parcel of tax lot 700, so the parcel possibly could at a future date be provided city services of water and sewer as well as a possible future minor partition, under applicable statewide goals numbers 1,2,3,9,10,11,12, and 14. The existing parcel is fully developed and no future development of the parcel is anticipated. The existing parcel contains no farming or forest land.

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CITY OF HALFWAY
APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

Date Received 2-16-12 *RF*
Date Approved _____

Date 2-16-2012

Name of Applicant Delores & Galen West
(If different from landowner, attach written authorization to represent landowner)

Mailing Address P.O. Box 604, Halfway, OR 97834

Physical Street Address of Lot # 700-46527 ^{Cornucopia Highway} Phone No. 541-742-2596

Name of Land Owner Delores & Galen West

Land Involved 1.25 (acres, square feet) in Section 8BD of Township 8S, Range 46 E. WM., Tax Lot 700; Lot *1 of Block B, Assessor's Map No. *2, with frontage on (street name) Cornucopia Highway
*1 - PORTION OF LOTS 9, 10, 11 in Black & Motley Addit

TYPE OF AMENDMENT: *2 - 085460880
_____ Text: Applicant shall prepare and attach a copy of proposed text amendment to this application. Section to be amended _____.

Map: Urban Growth Boundary Extension.

- Attached hereto is:
- (1) A presentation of facts and reasons, which establish need, appropriateness and purpose of the proposed amendment.
 - (2) 8 1/2 " x 11" location map of area subject to proposed amendment drawn to scale.
 - (3) Either assessor's map or other parcel map amendment, and
 - (4) A list of names and addresses of property owners** whose property is subject to the proposed map amendment and of those within 100' of the boundary thereof.
**NOTE: this information available from the county assessor's office.
 - (5) Other supplementary material as may be required pursuant to the provisions of Section 8 of the City of Halfway Land Use and Development Ordinance # 10-15. If location is adjacent to a County or State Transportation facility, additional information may be required. Section 9.2(1) see attached pg 68.
 - (6) Legal descriptions if it is a Map amendment.

CITY OF HALFWAY

Submitted herewith is an application fee of \$250.

Applicant's Signature Galen West Debra West

Additional Information:

I, Debra & Galen West, (circle one Landowner, Agent*, Representative of Government Unit) swear that the details and information contained in the above application and attachments thereto are true and correct to the best of my knowledge.

*NOTE If agent, attach written authorization to represent landowner or contract purchaser.

Galen West Debra West
Signature of Applicant

2-16-2012
Date

I, Page Fredericksen, Deputy Recorder/City Planner, attest that the foregoing application and attachments thereto were received by me on the 16 day of Feb. from Galen West, accompanied by a fee of \$250.

Receipt # 549860

Page M Fredericksen
Deputy Recorder/City Planner
Public Works Director

2-16-12
Date

Comments:

Return to:
Deputy Recorder/City Planner,
City of Halfway, 155B E. Record Street, PO Box 738, Halfway, OR 97834

STATEMENT OF FACTS AND REASONS

Attention: Mayor Farwell and the Halfway City Council Members.

Topic: Request Tax Lot 700 to be included within Halfway's urban growth boundary.

My wife and I are owners of Mountain View Mobile Home Park. Our application to you is for tax lot 700 which is located on the Cornucopia highway across from the Mormon Church. Our 1.25 acre parcel is located on the north boundary of the urban growth boundary (UGB) of Halfway. It is presently zoned RR5 in the county. This parcel has 2 separate entities, an eight space mobile home park that is fully developed on the south end and a two story home on the north end. This mobile home park and home was constructed in the mid 1950's and has operated continuously since then. We are the second owners. There is no farm or forest land on this property. My intentions are to continue operating the mobile park as it is home to a number of residents.

Our request to you is to allow us to be included in Halfway's UGB area. Presently that boundary is my south property line.

There are several reasons that we want to be included in your UGB area. In the future we may want to divide the home from the mobile home park. The normal process for this procedure is to apply to Baker County planning commission for a rezoning change from RR5 to commercial in the county. Upon getting it zoned commercial we could then rezone the home to residential leaving the mobile home park zoned commercial creating two separate tax lots. One residential for the home and one commercial for the mobile home park, but because this parcel is 1.25 acres it is considered a substandard lot and does not meet the 5 acre minimum requirement of the county's land use planning board. Therefore, the commission will not allow us to rezone it commercial. However, if we are in Halfway's UBA area we can in the future apply to our city council for a minor partition of the parcel and divide the mobile home park from the home creating the two separate tax lots. It will require that we have the properties surveyed. As it presently stands with the house and mobile home park on the same parcel we are unable to sell the house. The current financial institutions requirements are so rigid that practically no one can obtain a commercial loan to borrow money to buy a mobile home park. However, there are loans available to buy residential homes. Separating these two properties will allow us to sell the home. The mobile home park will continue to operate as a commercial business. There is an additional reason for joining Halfway's UGB zone. The mobile park and the home are on their own septic systems. As a safety net if we are in UGB and have a septic problem we could apply to the city to be allowed to hook up to present sewer system. With all of the present DEQ requirements there is a good chance we would not be able to replace or upgrade my existing system in the park. If that were to happen the mobile park would be shut down and the present residents would be out on the street.

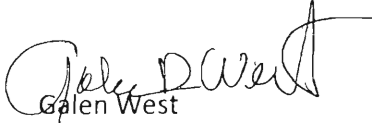
In light of Baker County Land use regulations this seems to me to be the most common sense and straight forward solution to our land use issue.

We want to thank our mayor and city council in Halfway for taking time to address our land use issue. We appreciate your attention and support in this matter.

Respectfully,

A handwritten signature in cursive script that reads "DeLores West". The signature is written in black ink and has a long horizontal flourish extending to the right.

DeLores West

A handwritten signature in cursive script that reads "Galen West". The signature is written in black ink and has a long horizontal flourish extending to the right.

Galen West

Property Owners within 100 feet of subject Property

Robert & Laurie Steele

4118 Sumpter Way

Boise, Idaho 83709

Billee Howard

46278 Fish Lake Road

Halfway, Oregon 97834

Latter Day Saints

50 EN Temple 519-0770

Salt Lake, Utah 84111

Pine Eagle School District #61

375 N. Main Street

Halfway, Oregon 97834

Duane Anderson

46509 Cornucopia Highway

Halfway, Oregon 97834

Other effected Agencies:

Oregon Department of Transportation

3014 Island Ave.

La Grande, Oregon 97850

Baker County Planning Department

1995 Third Street

Baker City, Oregon 97814

LEGAL OF TAX LOT #700

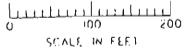
A portion of Lots 9, 10 and 11, Block "B", BLACK & MOTLEY'S ADDITION TO THE TOWN OF HALFWAY, according to the official plat thereof, in the City of Halfway, County of Baker and State of Oregon, more particularly described as follows:

BEGINNING at a point on the Northeasterly line of the County Road, said point being Southeasterly 400 feet from the Northwest corner of said Lot 9, Block "B"; thence Northwesterly 400 feet along the Northeasterly line of said County Road; thence Easterly 181 feet along the Northerly line of said Lot 9, Block "B"; thence Southeasterly 249 feet to a point that is Northeasterly 198 feet from the point of beginning; thence Southwesterly to the POINT OF BEGINNING.

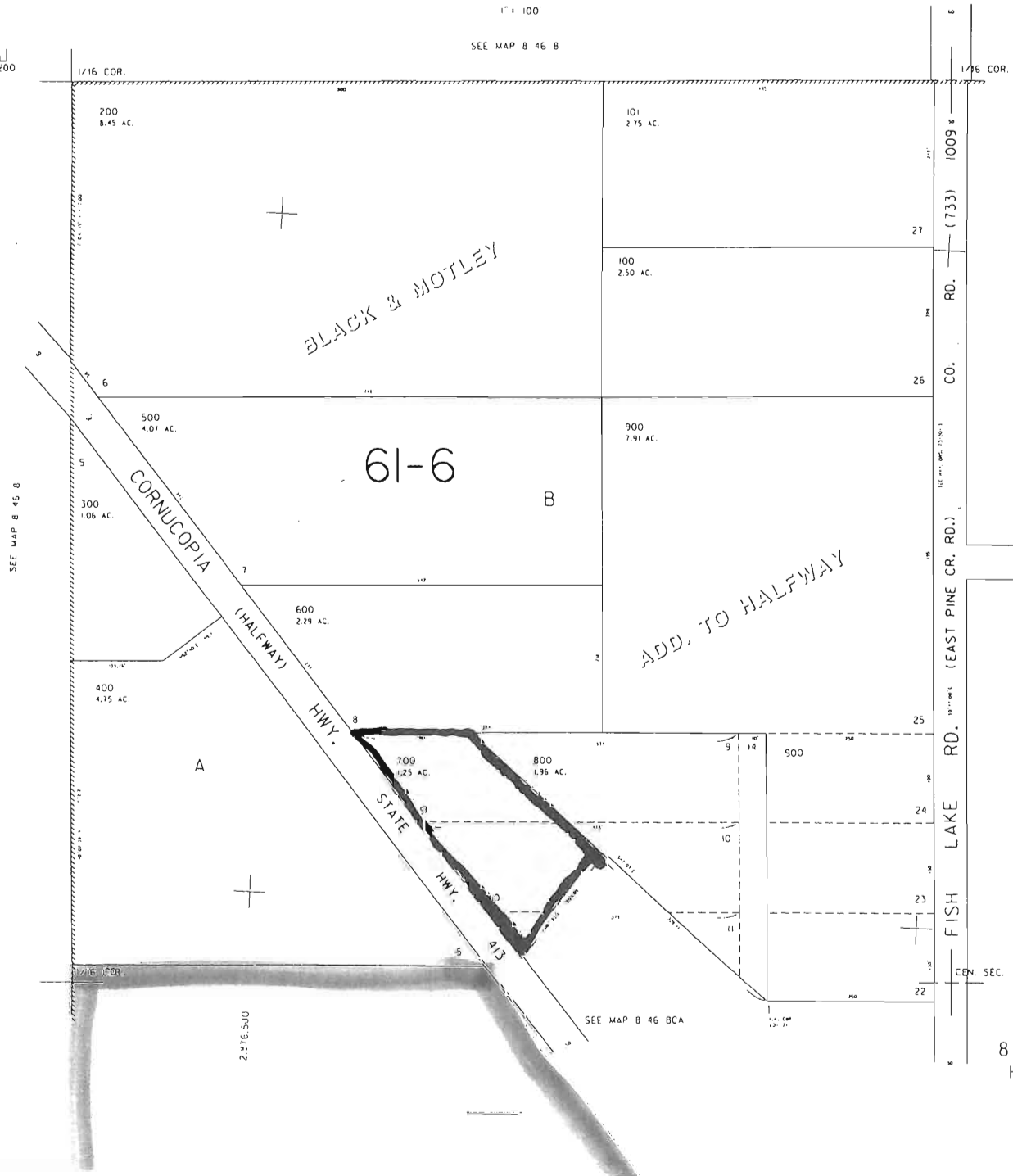
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SE1/4 NW1/4 SEC. 8 T.8S. R.46E. W.M.
BAKER COUNTY

8 46 8BD
HALFWAY



SEE MAP B 46 B



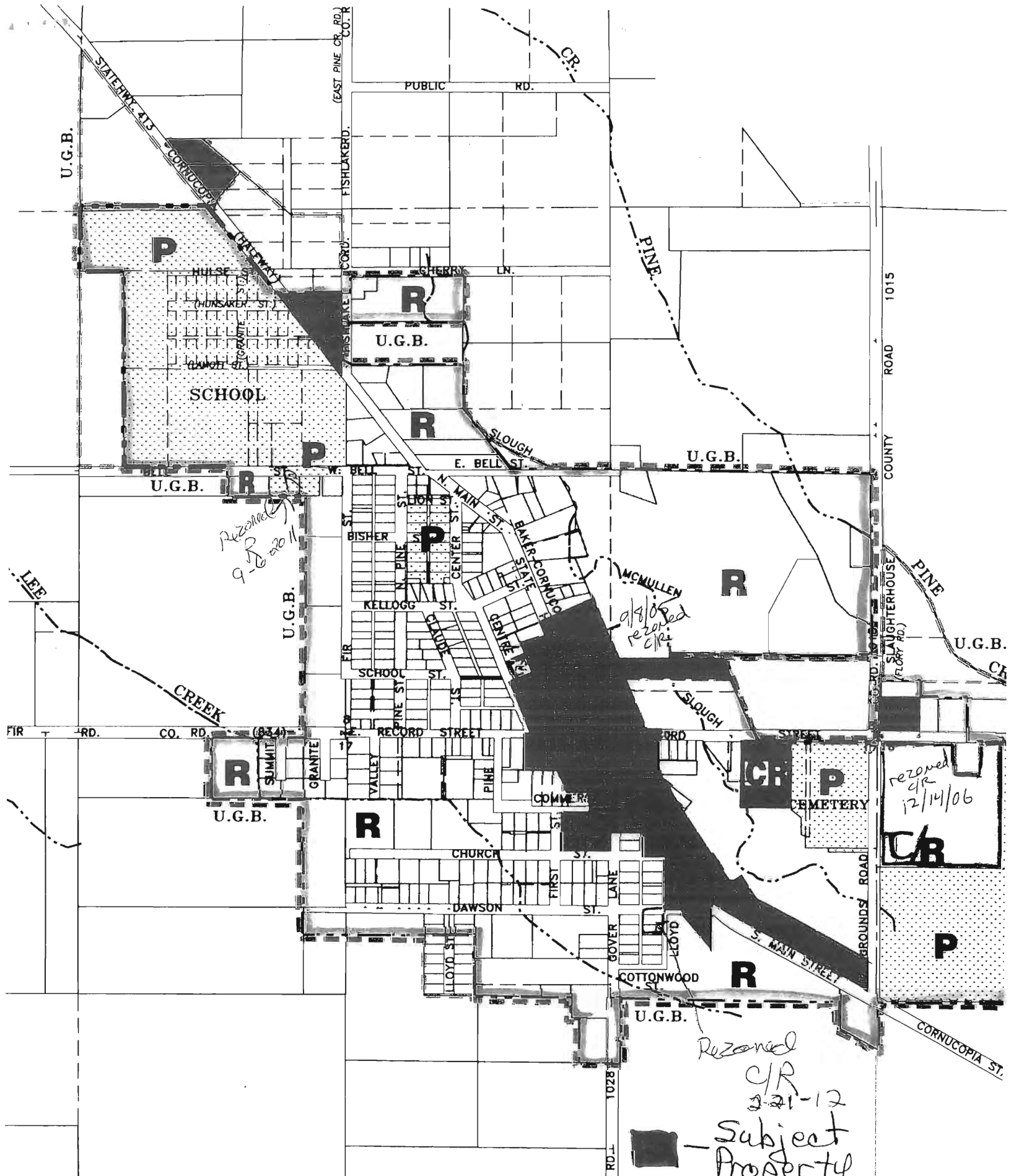
U.G.B.
City
Limits

Subject
Property

SEE MAP B 46 B4

462.500
Revised
1/2/02. CS

8 46 8BD
HALFWAY



TENNESON ENGINEERING CORP.
 CONSULTING ENGINEERS
 409 LINCOLN STREET
 THE DALLES, OREGON 97058

LEGEND:

- CITY LIMITS LINE
- URBAN GROWTH BOUNDARY

ATTACHM



HALFWAY
RECORD ST.
38
SEASIDE, OR 97834



ATTN: Periodic Review Specialist / Plan Amendment
Dept. of Land Conservation + Development
635 Capitol Street NE
Suite 150
Salem, OR 97301-2540

attn: [unclear]
[unclear]



DEPT OF
SEP 26 2012
LAND CONSERVATION
AND DEVELOPMENT