

Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

March 11, 2014

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Enterprise Plan Amendment
DLCD File Number 002-13



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Acknowledged

This amendment was submitted to DLCD for review 35 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Michele Young, City of Enterprise
Gordon Howard, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
002-13 (19847)
File No.: [17790]
Received: 3/3/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Enterprise

Local file no.: **Bane - 2013-11-11**

Date of adoption: 02/20/2014

Date sent: 03/03/2013

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 11/22/2013

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Michele Young

Phone: 541-426-4196

E-mail: cityent@eoni.com

Street address: 108 N.E. 1st

City: Enterprise

Zip: 97828-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from C-1	to R-3	-1.0 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from C-1	to R-3	Acres: -1.0
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 2S44E02AD

List affected state or federal agencies, local governments and special districts: none

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

none

ORDINANCE NO. 572

AN ORDINANCE AMENDING THE COMBINED LAND USE PLAN MAP AND ZONING MAP TO EFFECT A RE-ZONE OF TAX LOT 8701 , MAP 2S44E02AD FROM C-1 to R-3

THE CITY OF ENTERPRISE ORDAINS AS FOLLOWS:

Section 1. Amendment of Zoning and Land Use Plan Map.

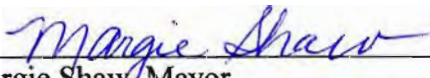
The combined City of Enterprise Zoning and Land Use Plan Map is hereby amended to change tax lot 8701, Map 2S44E02AD from a zoning classification of C-1 to R-3 and that the Land Use Plan Classification be changed from General Commercial to Medium/High Density Residential.

The City Recorder is directed to make appropriate notation on said Land Use Plan Map of said map amendment.

Section 2. Effective Date.

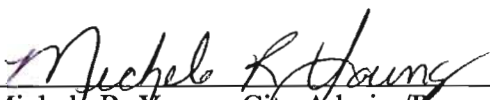
This ordinance shall be effective thirty days after the date of its enactment.

Passed and adopted by a vote of 6 ayes and 0 nays, this 10th day of February, 2014

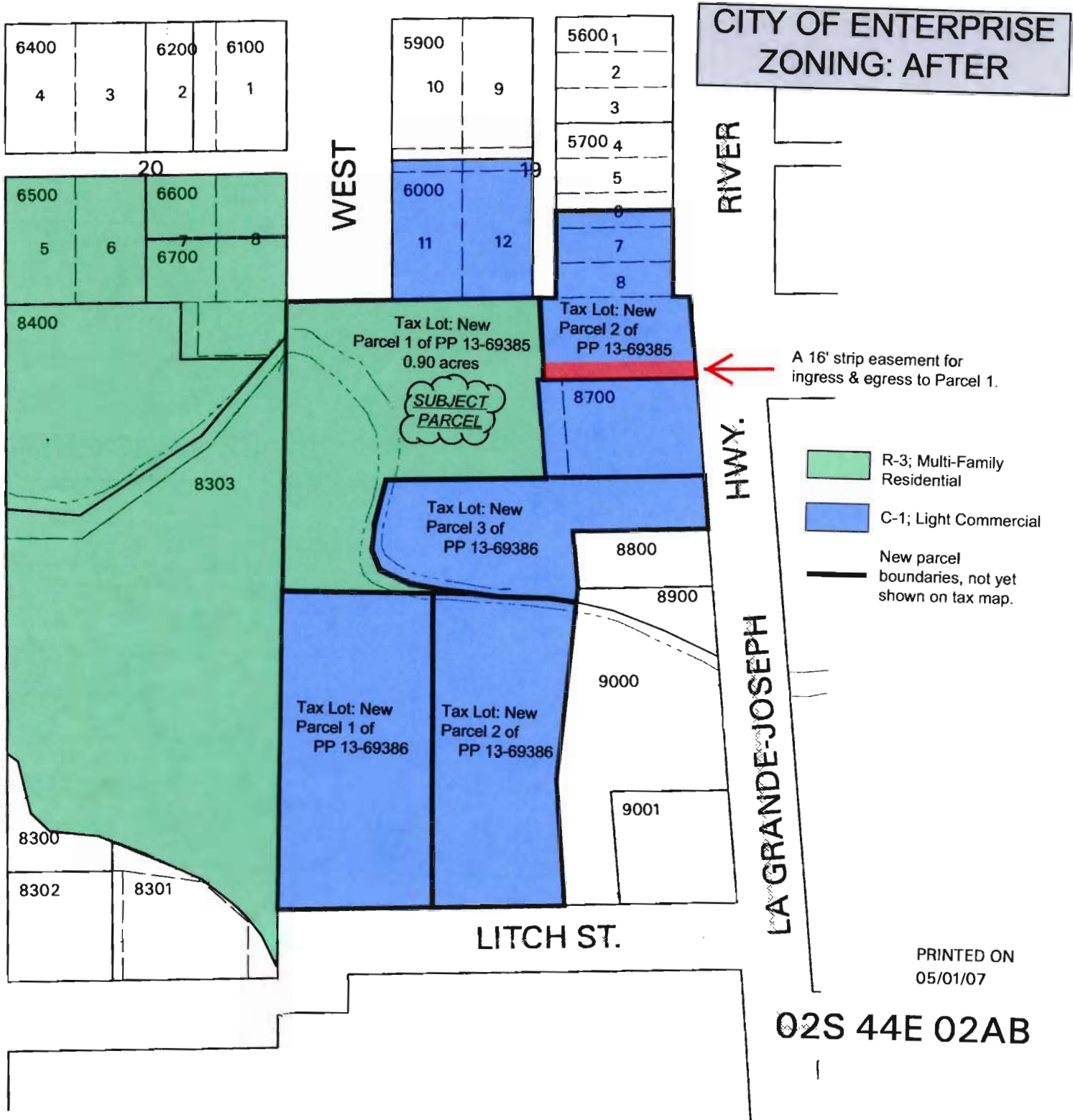


Margie Shaw, Mayor

ATTEST:



Michele R. Young, City Admin./Recorder



STAFF REPORT

Application Files: Bane – 2013-11-11
Applicant: James & Elizabeth Bane
Proposal: Zoning Map Amendment: from Commercial (C-1) to Medium/Heavy
Density Residential/Multi Family Dwelling Zone (R-3)
Location: 2S, 44E, Section 02AD, Tax Lots 8701, Enterprise, Wallowa County,
Oregon.

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FINDINGS OF FACT

1. PROPOSAL DESCRIPTION

Bret and Elizabeth Bane, Bane Investments LLC is requesting the City of Enterprise’s consideration to rezone the subject property from General Commercial (C-1) to Medium/Heavy Density Residential (R-3). The subject property is one single parcel with an existing dwelling on it.

The applicant has had a difficult time selling this parcel due to it location. Appraisers have refused to appraise the property as a residential property which has created a hardship.

2. SCHEDULE OF EVENTS

November 12, 2013	The application was submitted.
November 22, 2013	The application was deemed complete and 35 Day Notice emailed to DLCD.
December 18, 2013	Public Notices mailed to properties within 250 feet of tax lots in question
December 22, 2013	Public Notice will be published in the <i>Wallowa County Chieftain</i> , a newspaper of general circulation advertising the January 3, 2012, Planning Commission Hearing and the January 9, 2012 City Council Hearing.
December 25, 2013	The Staff Report made available to the public.
January 7, 2014	Planning Commission Public Hearing - recommendation to approve
January 13, 2014	City Council Public Hearing - Staff directed to put together Findings and Conclusions and Ordinance for adoption at February 10, 2014 meeting.

February 10, 2014	City Council adopted Findings Document and Ordinance No. 572 approving re-zone request.
February 24, 2014	Mayor signed Ordinance
March 3, 2014	Adoption of change emailed to DLCD

3. ARTICLE 11 – AMENDMENTS

This request is subject to the Review Criteria provided in the Land Use Ordinance and objectives of the Land Use Plan.

<p><u>Goal 1</u> – This Goal addresses Citizen Involvement; Citizens will be allowed to participate throughout the Public Hearing Process. They will receive Notice of the request, they will have the opportunity to participate and raise issues during any one or all three Public Hearings, and they have an opportunity Appeal the decision.</p> <p><u>Goal 2</u> – The applicant currently owns and operates an Eye Clinic of which he will be moving out of. A need for handicap accessibility is needed which he currently does not have. The city has continued to see growth in professional commercial complex needs, especially in the medical industry. While the city has not reached the estimated population growth of 2,750 by 2015, the population has remained stable. This eye clinic has been in the City of Enterprise for many years and the public need for it’s continuance in Enterprise is strong. It would have a negative impact to lose this in our city.</p> <p><u>Goals 3, 4, 5, 6, 7, 8 and 9</u> – None of the Comprehensive Plan Policies for these Goals are applicable to this request.</p>
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Goal 10 – This parcel has street access from the west and south and alley access from the north. 10.1 through 10.3 and 10.5 do not apply; 10.4 is met as the parcel has a sidewalk on the side facing the highway which is to the south.

Goal 11 – The applicant has stated that he plans on doing some green improvements for energy conservation in the construction of his clinic.

Goal 12 – This city recently participated in a Goal 9 study for Enterprise along with all of the other cities in the county regarding the Economy which reports the need for additional commercial space. The city's economic development goal is to provide desirable commercial, retail and government service center to Wallowa County.

Goal 13 – This Goal includes elements to encourage walking and/or bicycling. The property is within walking distance to grocery and retail. The property is adjacent to the highway which include bike lanes connecting to bicycle facilities throughout the City.

Goal 14 – This application meets the needs for commercial needs as define in Factor 1 and 3

All applicable Land Development Code standards appear to be met.

- B. The property affected by the Zone Designation Change is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning;

Finding: The subject property meets required lot size for a residential lot. No new development on the parcel is being proposed at the time of the hearings.

- C. The property affected by the proposed Zone Designation Change can adequately serve the uses that may be permitted therein; and such Change is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060);

Finding: There are City services, utilities, street access, etc available that are adequate to serve the existing use. There will not be a significant affect on a transportation facility as the subject property is relatively small in scale and the traffic impacts between the high density zoning and medium density zoning are minor.

This use will not require a Transportation system plan study.

- D. The proposed Zone Designation Change will have no adverse effect on the appropriate use and development of abutting properties.

Finding: The proposed use is compatible with the area. The property to the South is residential and commercial, the property to the West is currently zoned Multi-Family (R-3), the property to the North is Commercial; and the property to the east is Commercial. The parcel abutting this one to the south and west are currently single-family dwellings; to the north and east are commercial.

4. – COMPREHENSIVE PLAN DESIGNATION CHANGE

This request is subject to the Review Criteria provided in the Land Use Ordinance

A proposed Comprehensive Plan Designation Change shall meet the following criteria:

- A. The proposed change is in compliance with the Statewide Planning Goals

Finding: The Statewide Planning Goals are nearly identical to the City of Enterprise Comprehensive Plan Goals discussed above, but are more general. The City of Enterprise developed the Comprehensive Plan to follow the same layout as the Statewide Planning Goals, with each Chapter being a separate goal (e.g. Goal 1, Goal 2, etc.). Within each Goal, the Comprehensive Plan includes policies to ensure compliance with the Goal. By finding a project in compliance with the City’s Comprehensive Plan, the project would also be in compliance with the Statewide Planning Goals. In this case, based on the Findings in Section 3 above, the proposal is in compliance with the Comprehensive Plan, and thus the Statewide Planning Goals as well.

- B. The proposed change is in conformance with all policies of the City of Enterprise Comprehensive Plan; and,

Finding: Based on the Findings in Section 3 above, the proposal is in compliance with the Comprehensive Plan.

- C. The proposed change is supported by specific studies or other factual information which documents the public need for the change.

Finding: The history of this parcel has shown it is better zoned residential than commercial. The owners of this property have suffered a hardship from it being zoned commercial; appraisers have refused to appraise it as a residential property within the Commercial Zone.

5. PUBLIC AND AGENCY COMMENTS

- A. At the Planning Commission hearing, testimony was heard from one citizen in favor of the rezone.

CONCLUSIONS

1. Based on the preliminary review of this request, it appears to comply with all applicable provisions of the cities Land Use Ordinance.
2. Based on the preliminary review of this request, it appears to comply with all applicable Goals and Policies of the Land Use Plan.
3. The Enterprise Planning Commission held a Public Hearing on January 7, 2014 and unanimously made a motion to recommend to the City Council that this application be approved based on the above Findings.

Comprehensive Plan Map and Zoning Map Change
File Numbers: Bane 2013-11-12
City Council: Findings and Conclusion
February 10- 2014
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Report Prepared by Michele Young, City Administrator/Recorder