



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



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

Date: June 10, 2016

Jurisdiction: City of Spray

Local file no.: CPA-15-010

DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/02/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



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

FOR DLCD USE

File No 001-15 {23995}

Received: 6/2/2016

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 Spray & Wheeler County

Local file no.: **CPA-15-010**

Date of adoption: 10/07/2015

Date sent: 6/10/2016

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): Yes

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:

08/28/2015

Local contact (name and title): Auralea Woods Wheeler County Planning Director

Phone: (541) 763-2126

E-mail: awoods@co.wheeler.or.us

Street address: 701 Adams St PO Box 327

City: Fossil

Zip: 97830-

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:

N/A

For a change to a comprehensive plan map:

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

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.			
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: 1.78	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: 1.78	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 EFU	to CR	Acres: 1.78
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: 1.78	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 08-24-25-900

List affected state or federal agencies, local governments and special districts:

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.

Ordinance 28

AN ORDINANCE DECLARING THE ANNEXATION OF THE TERRITORY AND URBAN GROWTH BOUNDARY CHANGE REQUEST TO THE CITY OF SPRAY, OREGON.

WHEREAS, The City of Spray considered a request for a UGB expansion and annexation of tax lot 900; and

WHEREAS, It was presented to the City of Spray the reasons for changing the City of Spray UGB and annexation on tax lot 900; and

WHEREAS, The City of Spray has determined there was an error in the previous annexation of tax lot 900 and the need for a UGB expansion.

WHEREAS, On September 17, 2015, the Spray City Council held a public hearing to accept testimony on the proposed UGB expansion annexation; and

WHEREAS, On September 17, 2015, the Spray City Council unanimously recommended that the City of Spray approve the request to expand the UGB and annexation into the City of Spray;

Passed by the Spray City Council this 17th day of September, 2015

Signed by the Mayor this 26th day of October, 2015

CITY OF SPRAY

Attest

**BY: Valerie Howell
Valerie Howell, Mayor**

**Crystal Rey
Crystal Rey, City Recorder**

Wheeler County

Planning Department

PO Box 327; Fossil, OR 97830

541.763.2126 (O) ~ 541.763.2026 (F)

WHEELER COUNTY PLANNING COMMISSION

Recommendation to

WHEELER COUNTY COURT

Quasi-judicial findings:

- Whereas:** The City of Spray applied for a Plan Amendment to expand the city Urban Growth Boundary to include one parcel in its entirety of 3.56+/- acres;
- Whereas:** The Wheeler County Planning Department presented the attached findings on this matter; and
- Whereas:** At a public hearing held on September 17, 2015 in conjunction with the City of Spray Councilors;
- Whereas:** The following Wheeler County Planning Commission members were in attendance;
David Baird, Chairman (via phone)
Terry Ignowski (Acting Chair)
Kendall Derby
Steven Bray
- Whereas:** The members present represented a quorum and a unanimous vote of the Commission approved the recommendation.
- Therefore:** The Wheeler County Planning Commission recommends that the Wheeler County Court approve the application as presented.

Wheeler County Planning Director



Robin Hunt-Thompson

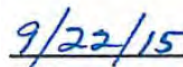


Date

Wheeler County Planning Commission



Terry Ignowski; Acting Chair



Date



Wheeler County

Planning Department

PO Box 327; Fossil, OR 97830

541.763.2126 (O) ~ 541.763.2026 (F)

STAFF REPORT

PA-15-010

APPLICANT: Gary Lockwood
5210 River Rd N.
Keizer, OR 97303

SITUS: 32311 Hwy 19-207
Spray, OR 97874

AGENT: Cheryl Jenison
Real Estate Outback

REQUEST: UGB Expansion and Annexation into City Limits of Spray, OR

TAX MAP/LOT/ID: T08SR24E Section 25; Tax Lot 900; Parcel ID#2927

ACREAGE: Currently stands as 3.56 +/- acres, however there is a partition not yet recorded that will create two parcels; .47 +/- with existing SFD and 2.93 +/- acres. Acreage difference of .16 acres attributed to surveyed vs unsurveyed records. Recent survey of 3.40 +/- acres is correct by survey.

SUMMARY FINDINGS: This case does not fit any set standards and is being processed by instructions from DLCD Regional Representative and Farm and Forest Specialist at DLCD. This lot/parcel has a city limit line drawn through the middle of the single family dwelling. It is zoned EFU and CR with the majority of the parcel being EFU. No identifying records can be located as to how the city limit line was drawn through the house. Applicant has partitioned the dwelling and .47 acres to allow for adequate parking and set-backs leaving an irregular parcel still lying inside and outside the city limits of Spray, OR. Applicant originally applied to the City of Spray for the partition who, unintentionally processed the application telling the owner that he could further divide his property to accommodate multiple building sites. Upon discovery of the error, the application was transferred to the County Planning Department. There being no UGB in place at this location, the process to annex this property into the city must be accompanied by a UGB expansion. Owner has filed a Consent to Annex with the application.



FINDINGS CONT.

- * Surrounding uses vary from hobby farming to residential and commercial residential.
- * The City of Spray Council has approved the request for UGB Expansion and Annexation.
- * Parcel has existing ODOT approach from State Hwy 19-207.

SCHEDULED HEARINGS:

- 8/17/2015 City of Spray, City Council approved to move forward on UGB/Annexation
- 8/18/2015 Notice sent to parties of interest for City Council AND Wheeler Co. Planning Commission meeting
- 8/28/2015 Form 1 sent to DLCD with schedule of hearings and public notice
- *8/30/2015 First public notice in Wheeler County News
- *9/3/2015 First public notice in Times-Journal
- *9/8/2015 Second notice in WCN
- *9/10/2015 Second notice in Times-Journal
- *9/17/2015 Joint meeting of City of Spray City Council & Wheeler Co. Planning Commission
- *10/7/2015 Estimated first hearing of Wheeler County Court

Map shows approximate location of SFD; City Limits; Zoned EFU and CR. Metes and Bounds legal description will be included in final submission.

Wheeler County

Planning Department

PO Box 327; Fossil, OR 97830

541.763.2126 (O) ~ 541.763.2026 (F)

NOTICE OF DECISION

CPA-15-010

FINDINGS OF FACT:

On September 17th, 2015 the Wheeler County Planning Commission held a hearing to accept testimony on the application from Gary E. Lockwood and the City of Spray to expand the Urban Growth Boundary to include the parcel identified as Tax Map and lot T08S R24E Section 25, Tax Lot 900, into the UGB of the City of Spray and to annex said parcel in its entirety into the City Limits of Spray, OR.

Applicant/landowner has submitted a signed and notarized *Consent to Annex* the property upon approval of all entities. This parcel inadvertently affected by a scrivener's error in determining the current boundary of the city limits of Spray, OR thus creating a parcel with portions both in the city limits and zoned Commercial/Residential as well as a portion located outside the UGB and being zoned Exclusive Farm Use; the boundary line essentially dividing the single family dwelling located on the property creating a substandard parcel.

Public hearings having been duly advertised two consecutive weeks and 10 days prior to the hearings held in which both the City of Spray and the Wheeler County Planning Commission approved the UGB expansion and subsequent annexation of the identified parcel into the City Limits of Spray, OR.

This NOD is being submitted to the Wheeler County Court for approval at the next regularly scheduled County Court date of October 7, 2015.



Robin Hunt-Thompson
Wheeler County Planning Director



Date



IN THE COUNTY COURT OF THE STATE OF OREGON
FOR WHEELER COUNTY

IN THE MATTER OF A REQUEST)
FOR A CHANGE TO THE URBAN)
GROWTH BOUNDARY AND FOR)
AN ANNEXATION)

ORDER NO. 2015-40

WHEREAS, The Wheeler County Planning Commission considered a request from the City of Spray for a UGB expansion and annexation; and

WHEREAS, The City of Spray presented to the Wheeler County Planning Commission the reasons for changing the City of Spray UGB and annexation; and

WHEREAS, On September 17, 2015, the Wheeler County Planning Commission held a public hearing to accept testimony on the proposed UGB expansion and annexation; and

WHEREAS, On September 17, 2015, the Wheeler County Planning Commission unanimously recommended that the Wheeler County Court approve the request to expand the UGB and annexation into the City of Spray; **NOW, THEREFORE**,

IT IS ORDERED That the Wheeler County Court hereby affirms the decision of the Wheeler County Planning Commission to approve the request to change the City of Spray's Urban Growth Boundary and annexation as presented.

DATED this 21st day of, October, 2015.

Patrick C. Perry
Patrick C. Perry, Wheeler County Judge

10-21-2015
Date

N. Lynn Morley
N. Lynn Morley, County Commissioner

10/21-2015
Date

Robert L. Ordway
Robert L. Ordway, County Commissioner

October 21, 2015
Date

**Wheeler
County**

Planning Department
PO Box 327; Fossil, OR 97830
541.763.2126 (O) ~ 541.763.2026 (F)

City of Spray
PO Box 83
Spray, OR 97874
(541) 468-2069
cityofspray@sprayoregon.us

PUBLIC MEETING NOTICE

APPLICANT: Gary E. Lockwood
5210 Ricer Rd. N.
Keizer, OR 97303

LANDOWNER: Same

SITUS ADDRESS: 32311 Hwy 19-207

TAX ID: Township 08 South; Range 24 East; Section 25; Tax Lot 900;
Parcel ID 2091 and 2927

AGENT: Cheryl Jenison – Real Estate Outback

Applicant's agent has made application for annexation of the above mentioned property in its entirety into the city limits of the City of Spray. Due to a scrivener's error, said property was split by the city boundary being drawn through the single family dwelling present on the property. Landowner has partitioned the property as allowed by Oregon Revised Statutes, and is requesting the remaining portion of the tax lot be annexed into the city limits as the property, as it exists, is not buildable; is a non-farm parcel composed of Class VI and Class VII soils; and is irrevocably committed to uses other than agriculture.

On September 17th at 6:00 p.m., the City of Spray Council and the Wheeler County Planning Commission will hold a joint meeting at the Spray City Hall; 300 Park Avenue, Spray, OR 97874. The Council and Commission will each hold a public hearing to accept testimony on the proposed UGB Expansion and Annexation of the above named property. All parties of interest are notified that these hearings are being held jointly but are separate in function.

In order for property(ies) to be annexed into the city limits, it must first be identified in the UGB. The City of Spray city limits and UGB are one in the same at this particular location, therefore making it necessary for the UGB to be expanded prior to or in conjunction with the annexation procedure. There being one property involved, by statute, the legislative body of the City of Spray is not required to hold a general election and may, upon approval by all legislative bodies, declare that the territory is annexed by ordinance.

Questions may be directed to either office listed above; Completed application and files will be available for viewing or for purchase at the standard copy rate.



Robin Hunt-Thompson, Wheeler County Planning Director



Crystal Rey, Spray City Recorder



LEGAL NOTICE

On September 17, 2015 @ 6:00 p.m. the City Council of Spray, OR, located in Wheeler County, and the Wheeler County Planning Commission will hold a joint meeting at Spray City Hall, 300 Park Ave. in Spray, OR. City Council of Spray will hold a hearing to accept testimony regarding an application received from Gary Lockwood for a joint application to expand the UGB adjacent to his property identified as T08S R24E Sec. 25, Tax Lot 900, with a combined action to annex the entire parcel into the City Limits of Spray, OR. Following the close of that hearing, the Wheeler County Planning Commission will hold a hearing to accept testimony on the same application as presented by the City Council of Spray. This application involves one property owner who has presented a notarized "Consent to Annex" as prescribed by Statute of the State of Oregon.

The hearings are being held jointly in consideration of all interested parties, however each jurisdiction's hearing is separate in function. Notifications have been sent to property owners, organizations & entities as prescribed by ORS and respective City and County Comprehensive Plans. This notice is being published in accordance with ORS 222.120.

The complete application packet is available for preview or for purchase at standard copy fee at the Wheeler County Planning Department; PO Box 327; Fossil, OR 97830 or City of Spray, PO Box 83; Spray, OR 97874.

PLEASE PUBLISH 2 RUNNING WEEKS; 9/3/2015 & 9/10/2015

SITE INFORMATION

The following maps shall be required for a complete application:

Zoning Map: Show area of proposed re-zoning

Soils Map: If converting Farm or Forest zoned land to non-resource lands, include a soils map. This is available for some lands in Wheeler County from the Planning Department or you can check with the Farm Services Agency office.

Legal Descriptions: For UGB/Annexations, a complete legal description (metes and bounds) must be included with a corresponding map including affected roads. Oregon Department of Revenue will not process annexations without accurate metes and bounds legal description and location of roads.

Site Plan Map for the area to be changed by this application and lands within at least 500' that includes the following:

- * North Arrow
 - * Scale
 - * Boundaries of properties to be rezoned (give dimensions)
 - * All waterways, wetlands, noticeable landforms and drainage of property
 - * Site map showing all existing buildings (including dwellings, barns, granary's, etc.)
 - * All points of ingress/egress existing and proposed
 - * Prominent terrain features (especially those with limiting factors such as slopes greater than 20%)
-

REVIEW PROCESS

Before this application is processed, you must supply all information requested. If you have questions, please contact the Planning Director for assistance. Your application will be reviewed for completeness and following that determination, the legal notice process will begin and the application will be scheduled at the next available Planning Commission meeting. If this application includes decisions that must be made by another body, those processes are in addition to the county Planning process.

At that time, the Planning Commission will make their recommendation to the County Court at their next regularly scheduled meeting at which time they will either approve or deny based on the recommendation from the Planning Commission or they may continue the hearing at their discretion. The decision of the County Court may be appealed to the Land Use Board of Appeals (LUBA) by any party of record who raises their issue during the hearing. The appeal must be submitted to the Planning Director within 15 days of the decision of the County Court; in writing on forms provided by the County Planning Department. All appeals must be based on issues raised during the hearings process within the appropriate timeframe.

In the case of annexation applications, a notarized "Consent to Annex" form, provided by the Planning Department must be submitted either with the application or prior to submission to the Oregon Department of Revenue.

COMPREHENSIVE PLAN AMMENDMENT ATTACHMENT

COMPREHENSIVE PLAN MAP TEXT MAP AND TEXT

ANNEXATION

CURRENT ZONING: Co zone - efu PROPOSED ZONING: CR (ALI)
city zone - CR

FINDINGS OF FACT

The following shall be addressed by the applicant or applicant's agent. Response (findings of fact) to the following questions shall be typed or legibly written on this form or by attaching additional pages as necessary.

1. What is the nature of the proposed change?
So the whole tax lot is in the city
2. What are the reasons this property needs and is suited for a Comprehensive Plan Amendment?
The house on this property is part in city
& part in county - want it all in city
3. What effects might this Comprehensive Plan Amendment have on the adjacent/surrounding properties?
none
4. List any other information to support your request.

ATTACH ADDITIONAL PAGES AS NEEDED TO FULLY EXPLAIN AND SUPPORT YOUR PROPOSAL.

It is the applicant's burden of proof to provide all required documentation necessary to process this application. Until such time that all documents and fees are provided to compose a complete application packet, the application process will not begin.



**WHEELER COUNTY
PLANNING DEPARTMENT**

701 ADAMS STREET
PO BOX 327
FOSSIL, OR 97830
541.763.2126 (O)
541.763.2026 (F)
rthompson@co.wheeler.or.us

FILE NO:	<u>C.PA-15-010</u>
DATES RECEIVED:	<u>8/28/15</u>
DEEMED COMPLETE:	<u>see attachments</u>
FINAL DECISION:	

LAND USE APPLICATION

APPLICANT INFORMATION

Name: Gary E. Lockwood
Address: 5210 River Rd N.
City/St/Zip: Keizer, Or 97303
Phone: 503-363-6330
Email: _____

OWNER INFORMATION (if different)

Name: _____
Address: _____
City/St/Zip: _____
Phone: _____
Email: _____

PROPERTY INFORMATION

Township/Range/Sec/Tax Lot	Acct#	Acres	Zoning
<u>T8S R24E Sec. 25</u>	<u>2927</u>	<u>3.56</u>	<u>efu and</u>
<u>Tax Lot 900</u>			<u>CR-residential</u>
			<u>Commercial</u>

Property Address (or location): 32311 Hwy 19-207 Spray Or 97874
Water Source: city Sewage Disposal: city
Name of access road(s): Hwy 19-207
Fire Protection District: city
Current use of property: residential
Use of surrounding properties: residential on east side - across street
efu farm on west side
Do you own neighboring property(ies): no

DETAILED PROJECT DESCRIPTION (proposed use, structures, reason for change):

reason for annexation to put the whole property into the city so not part of it is in city ; part in county.

LEGAL PARCEL STATUS

Partition, Deed or Patent Information:

Partition # _____ Parcel # _____
Most Recent Pre-1980 Deed #: _____ Date Filed: _____

Current Deed #: 070262 Date Filed: 7-9-07

The deed and a map showing the property described in the deed(s) must accompany this application.

SIGNATURES

Applicant(s): Gary E. Lockwood Date: 8/27/15

Gayle M. Lockwood by Gary E. Lockwood Date: 8/27/15

Property Owners(s): _____ Date: _____

Gary E. Lockwood Date: 8/27/15

Gayle E. Lockwood by Gary E. Lockwood Date: 8/27/15

_____ Date: _____

AGENT AUTHORIZATION

By signing below, I (we), as legal owners(s) of record, give full authority to Cheryl Jensen to act on my (our) behalf as authorized agent to fulfill actions necessary to complete all steps associated with this land use application and/or action including but not limited to appearing at any public hearing that may be necessary for this permit.

I (we) understand that final obligation of necessary fees are the sole responsibility of the landowner and all fees must be paid in full prior to any final decision being granted. This authorization remains in effect for this application process only and will not be transferred to any other land use action commenced with the Wheeler County Planning Department, but may be superseded by a letter from the land owner expressly stating what actions are permitted by the Agent.

Gary E. Lockwood 8/27/15 _____
Landowner(s) Date Authorized Agent Date

Gayle M. Lockwood by 8/27/15 _____
Landowner Date Authorized Agent Date

Gary E. Lockwood

PLEASE NOTE: Before this application will be processed, you must supply all the requested information and forms, along with the required fees. Pursuant to ORS 215.428, this office will review the application for completeness and notify Applicant of any deficiencies within 30 days of submission. By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

ALL LAND USE APPLICATIONS MUST INCLUDE:

* Application Fee – Cash, Check or Credit Card (all credit cards will have an additional fee from the processor)

* Site Plan

* Fire Safety Self-Certification

* Other applicable information indicated below

* _____
* _____
* _____

ALL APPLICATIONS IN THE WILD AND SCENIC RIVER CORRIDOR MUST ALSO INCLUDE PROPER CERTIFICATION FROM OREGON PARKS AND RECREATION DEPARTMENT GRANTING APPROVAL AND CONDITIONS IMPOSED.

(All properties within ¼ mile of the John Day River from Service Creek downstream)

Greg Ciannella, OPRD

1645 NE Forbes Rd. Ste 112

Bend, OR 97701

greg.ciannella@state.or.us

(541) 388-6236 Phone (541) 388-6391 Fax

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Legal Parcel Yes No

Deed/Land Use Action: MP-15-011

Previous Map and Tax Lot: E-24-Tax Lot 900

Past land use actions: Yes No

If yes, file numbers: ↓

Subject to previous conditions? Yes No

If yes list: _____

Assessor's Property Class: N/A

Special Farm/Forest Assessment: Yes No

Zoning: Current EFU/CR Proposed CR

Taxes Current on all parcels: Yes No

ATTACH ADDITIONAL PAGES AS NECESSARY TO SUBMIT A COMPLETED APPLICATION

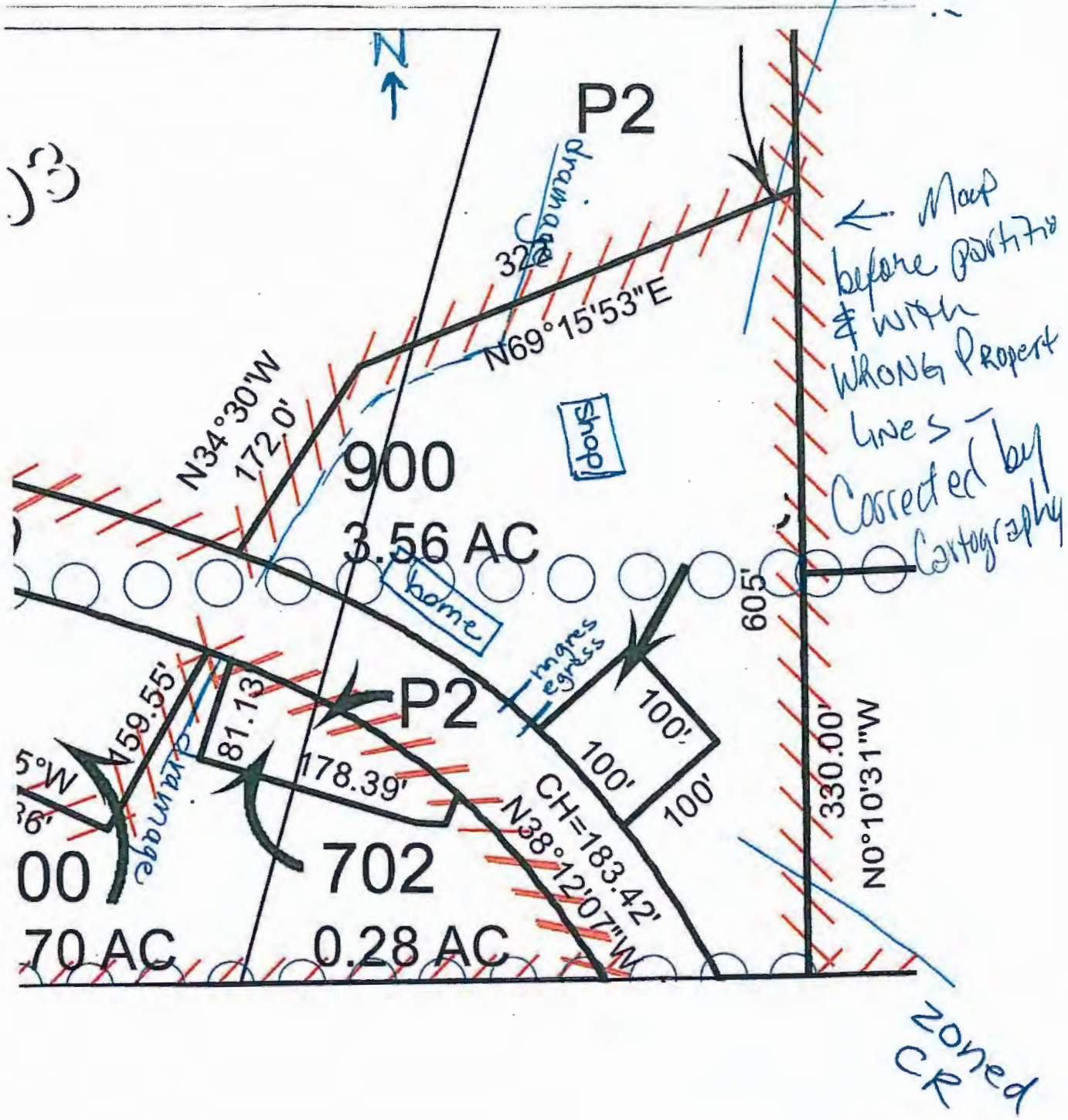
APPLICATION FOR LAND PARTITION
 PARCELS 1 & 2 SW 1/4 SEC 24 OF SECTION 24
 T8S. R24E. W4E
 CITY OF SEASIDE
 CLATSOP COUNTY, OREGON
 10-1-58 100-1



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 OREGON
 JACK WATSON
 2734
 Witness Date 5/19/58

Site Plan

13



Zoned CR
Proposed
if annex

Map
before partition
& with
wrong property
lines -
Corrected by
Cartography

Zoned
CR

Consent to Annexation

In accordance with ORS 222.170 it is hereby represented and stated Gary E. & Gayle M. Lockwood is/are the holders of legal title to the real property described in Exhibit "A".

1. The undersigned irrevocably consent to be annexed to the City of Spray without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City and/or County. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described in Exhibit "A".

2. All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.

Gary E. Lockwood
Gary E. Lockwood Owner

Gayle M. Lockwood by Gary E. Lockwood - POA

STATE OF OREGON)
) ss.
County of ~~Wheeler~~ Marion)

The foregoing instrument was acknowledged before me on August 27, 2015, by Gary E. Lockwood.

Lori E. Buchanan
NOTARY PUBLIC FOR OREGON
My Commission Expires: Jan 20, 2018



**City of Spray
Spray City Council Meeting Minutes
Monday June 15, 2015**

The regular monthly meeting of the Spray City Council was held on Monday, June 15, 2015 beginning at 7:00 p.m. at the Spray City Hall.

Mayor Howell opened the meeting at 7:05 p.m. with the Pledge of Allegiance.

In attendance: Valerie Howell, Mayor; Dan Allen, Council President; Candy Humphreys, Debbie Starkey and Jim Glawe, Council Members; Crystal Rey, City Recorder, and Tom Spier, Maintenance Supervisor.

Guests present: Linda Allen, Linda Glawe, Bill Parker, Nancy Kartak, Trevor Humphreys and Krista Howell.

Public Comment:

Nancy Kartak asked where the benches went that were in front of the museum. Linda Allen said that they had been taken to the dump. They were split and rotten and a hazard to anyone who sat on them. Nancy Kartak asked what the museum did with the old blinds when the new ones went up. Linda Glawe said that they were put up and stored.

Nancy Kartak told the Council that she had a lady come up to her and ask if the jail at the museum was ever opened. Nancy said that she had not seen it opened in awhile. It did not look accessible, as there were objects in front of the jail.

Other:

Minutes:

Candy made a motion to accept the May 18, 2015 meeting minutes with corrections. Jim Glawe seconded. Motion passed with unanimous vote.

Financial:

Dan Allen presented the Council with a General Fund Appropriation Transfer, Resolution 2014-2015 #7. Dan said that he reviewed all the departments in the budget and that General Fund was the only one that is over budget, on the one line item. Recorder in General Fund on LB Form 30, line 1 and Operating Contingency on line 30, Form LB 30 were changed. Valerie Howell read resolution 2014-2015 #7. (see attachment)

Dan Allen made a motion to accept the P/L budget vs. actual of July 1,2014 to June 11,2015, the BEO Checking account from May 19,2015 to June 15, 2015, the A/P Aging dated as of June15,2015 and the BEO Credit Card dated May 20 ,2015 to June 15,2014. Debbie Starkey seconded the motion. Motion passed with unanimous vote.

Dan Allen made a motion to accept Resolution 2014/2015 #7, General Fund Appropriation Transfer. Candy Humphreys seconded the motion. Motion passed with unanimous vote.

Crystal Rey said that on the past due list on the water/sewer acct. # 116 is making an electronic funds transfer to the bank for their sewer bill. Crystal has not been notified when the transfer is being made and will not see a confirmation of payment until the banking statement comes in.

Crystal Rey talked to Tina Conlee at the Bank of Eastern Oregon, to see how she could be notified when a payment was made, so the RVS system was up-to-date on payments. It was suggested to Crystal Rey that she ask the City Council if they would be interested in online banking with net teller. That way, the City could see exactly when a payment was made and enter it into RVS to keep the records of payment correct and current.

Candy Humphreys made a motion to send a letter to the Bank of Eastern Oregon to set up the Net teller online banking, and to have Crystal Rey and Dan Allen authorized access to the online account. Debbie Starkey seconded the motion. Motion passed with unanimous vote.

Maintenance Report:

Tom Spier said that he hasn't heard anything from High Tech., on if they have the pump motor in yet. Tom Spier told High Tech that the bill needed to be in before the end of June 2015. Tom said prior to calling High Tech, Tom called the Columbia Power Cooperation to get prices on motors and pumps.

Tom Spier took the flags down and put them back up. Cleaned the bathrooms and stocked them at the Riverfront Park. Tom responded to a grinder pump failure. It turned out to be a switch. Tom replaced it and has not had any more problems.

Tom Spier would like the authorization from the City Council to enter into the Small Water System training course in Baker, Oregon. It does not cost anything and they're accepting registrations.

Tom Spier asked the City Council if the policy/ resolution the Council had made on offering Wheeler County Fire and Rescue water is still valid? Candy Humphreys said that she feels that it should still be valid. Valerie Howell said that they are suppose to notify the City first. Valerie Howell said that there was not an expiration on the policy, so it is still valid. Valerie Howell told Tom Spier to use his judgment on the City's water supply situation for the offering of water. Candy pointed out that water gotten at EM Facility was paid for as it is metered.

Valerie Howell said that a phone vote was taken, and it needs to be recorded in the minutes and be made official.

Valerie Howell said that she had did a phone vote for Tom Spier to go ahead and order the pumps so they could be received before the end of this fiscal year. The vote was unanimous.

Tom Spier said that the motor that is ordered will work on either pump.

Dan Allen made a motion that Tom Spier goes to the Small Water System training course in Baker, Oregon, and that his travel expense be paid. Candy Humphreys seconded the motion. Motion passed with unanimous vote.

Recorders Report

Crystal Rey said that she talked to Ed Knapp, John Asher and Frank Asher on the waterline extension and they're thought on having the City of Spray pay off the remaining balance in full. All are in favor of having the waterline extension paid off. Crystal Rey said that she wrote a letter to each one asking if they are in favor or not, and to them sign, date and return to the City Hall. The Knapp's are still on vacation, but should have their paper when they return. Crystal Rey said that the pay off would not happen until the next fiscal year, after July 2015.

Crystal Rey said that she had received a closing grant form from the DLCDC. There was one hundred dollars remaining from the one thousand dollar grant that the City of Spray had received. Crystal Rey talked to Larry French the Community Service Administrative Specialist for Oregon DLCDC, and he suggested finding an area to put the one hundred dollars. They would take the reimbursement check, but would rather the City of Spray find something to use the one hundred dollars for. Dan Allen said that the one hundred dollars will go to lawyer fee's.

The Spray Rodeo Queen donated two hundred dollars for camping at the Spray Riverfront Park. Jim Glawe and Crystal Rey thought we could send a thank you letter to her.

Crystal Rey has two applications for the City of Spray Council to approve. One is a Lot Line Adjustment and the other is a Partition Application. One is for Gary Lockwood and the other is for Wes Whelchel.

Candy Humphreys said that she is going to have to declare a conflict of interest on the Partition Application for Gary Lockwood, because she is the chairman of the board with Asher Clinic.

Candy Humphreys made a motion to accept Property Line Adjustment requested by Wes Whelchel on Township eight, Range twenty-four, Section thirty-six, Tax Lot number four hundred and two and four hundred. Dan Allen seconded the motion. Motion passed with unanimous vote.

Dan Allen made a motion to approve the Partition request from Gary Lockwood for tax lot number nine-hundred. Jim Glawe seconded the motion. Motion passed with one abstained.

Crystal Rey had typed up a thank you letter to the Columbia Power Cooperation thanking them for all their hard work they provide for the City of Spray. She asked that all City representatives sign the letter before she mailed it.

Crystal Rey informed the Council that the Spray Volunteer Fire Department received the grant that they had applied to get new equipment for the Fire Department.

Crystal Rey gave Jim Glawe an application to apply for a fifty thousand dollar grant for ODOT, for streets. Jim Glawe needs to look at the City's streets and see which one will need the most work done on it and send in the application before August 1, 2015.

Crystal Rey gave the Council members papers on example prices on what air hand dryers and baby changing stations could cost for the public restrooms. She is also going to get in touch again with CXT Inc. on what they're flush bathrooms cost and if the hand dryers and baby changing tables were an option with them to have installed and prices.

Hammack Property:

Bill Parker read a report from the Hammack property committee meeting that was held at Bill's house on Monday June 8, 2015. Bill Parker said that the survey for the property is still the number one issue. Bill Parker talked about the road dedication for the ingress/egress for the Fire Department road. (see attachments).

New Business

Trevor Humphreys:

Trevor Humphreys had two announcements for the City Council. Saturday June 19, 2015 is the Tiger Festival happening in Mitchell. The Blue Grass Festival in Fossil on July 3,4 and 5, 2015.

Trevor Humphreys is picking up the application for a scenic bikeway in Wheeler County. The process was originally started back in 2011. Trevor Humphreys has picked the process back up and almost has the application completed. The City of Spray had written a letter of support back in 2011, and Trevor Humphreys would appreciate an updated letter of approval from the City of Spray. The City Council agreed to have a letter of support written up for the scenic bikeway in Wheeler County to give to Trevor Humphreys.

Krista Howell had a question regarding the scenic bikeway route. Would it be just signs saying that people are on the scenic bikeway? Or is there going to be any kind of shoulder improvement? Because the road where they want to do the scenic bikeway is horribly narrow.

Trevor Humphreys said that there are already bicyclists who ride these roads. The initial object would be sign placements and maps. The designation, Trevor hopes, later down the road would help with the improvement of the road shoulder improvements.

Krista Howell:

Krista Howell has purchased a mobile home trailer and wants to move it up to a spot on Valerie Howell's property. Krista Howell will be coming to the City for their water and sewer hookups. Krista Howell said that she is not sure of everything that she needs to do or have done from the

City. Krista Howell said that she would also like to talk to the City Council about the price of their sewer hookup fee and what it entails and what it goes towards and the stipulations of the fee.

Valerie Howell said that the first thing that is needed to be done is the application for the mobile home. There is a fifty dollar application fee. Valerie Howell presented the City Council with maps of her property and the separate tax lots and where they would like to put the mobile home. (see attachment) The map also shows where the driveway would go and where the water and sewer lines will go to connect to the City's.

Candy Humphreys said that if the mobile home is going on a separate tax lot, then she thinks the only thing that they'll have to do is fill out the application and pay the fee. Valerie Howell said that the mobile home is already in the City, so she would assume that it meets all the criteria for the City.

Candy Humphreys asked if Krista Howell was in a hurry, or if they can wait until the next meeting in July. Krista Howell said that they are potentially planning on moving the trailer in three weeks. They have a small window of opportunity to move the trailer because the guy who is going to move it is booked up after that. Candy Humphreys said that the only thing is, is that the whole Council has to approve the application that Krista Howell needs to fill out. Does there need to be a special meeting for this?

Valerie Howell said that in the past, it is the Mayor who signs the application. Valerie Howell said that she does not think it should be her to sign the application, considering that she is involved.

Debbie Starkey said that the other thing that Krista Howell was asking about was the sewer hookup fees. Debbie asked if the Council has all the information on the sewer fees and what they pertain to? Krista Howell said that she has done some research from other Cities and what it is for and they have it go into a fund for Urban Growth.

Candy Humphreys made a motion that in-lieu of a potential conflict of interest with the Mayor, Valerie Howell, that when Krista Howell fills out the forms, proper application that the Council President, Dan Allen, has the authority to go ahead and sign. Debbie Starkey seconded the motion. Motion passed with one abstained.

Other:

Nancy Kartak said that she noticed that the information sign was out in front of the Museum. Nancy said that the sign was awarded to the City and that the City is the one who decides on where the sign is put. There are a lot of requirements on posting the sign. Candy Humphreys said that she was the City Recorder who applied for the grant to get the information sign, it was as recognition for at the Museum. The Museum is opened as many days now as it was back then, probably even more now. It meets all the criteria and once it was designated you do not have to do it again.

Nancy Kartak was also concerned with the Museum not following protocol for asking for money to purchase the blinds for the Museum. Instead of submitting their requests for blinds in writing like all the other funds are required to do. Request for funding should be in writing. There were no comparison bids and Nancy believes that the City did not receive anything in writing from the Museum as to where they were going to buy the blinds from. That is something that the Council decides. The Museum cannot come in and tell the Council that they are going to buy them.

Valerie Howell said that the Museum did do comparisons, and she trusts what they tell the Council. Nancy Kartak said that you could not trust them. Nancy Kartak then corrected her wording in saying she did not mean that you could not trust the people. Nancy Kartak meant that incorporated Cities do not use trust for a criteria. Nancy Kartak felt that the City Council does not follow protocol when it comes to the Museum. Nancy Kartak said that her point is that, the protocol for approving that expensive expenditure was not followed.

Linda Glawe said that she had given the City Council a copy of the quote from Home Depot for the blinds for the Museum for approval.

Meeting was adjourned at 9:00 p.m.

X _____

Date _____

Valerie Howell, Mayor

KNAPP EDWIN S & CONNIE B	PO BOX 121	SPRAY	OR	97874
ASHER JOHN FRANKLIN	PO BOX 211	SPRAY	OR	97874
ASHER H JOHN & CAROL	PO BOX 82	SPRAY	OR	97874
BALDWIN FRED DEBRA LARRY & CANDICE	2821 NW LYNCH LANE	REDMOND	OR	97756
ASHER H JOHN & CAROL	PO BOX 82	SPRAY	OR	97874
COUNTY OF WHEELER SHOP	UNDETERMINED	SPRAY	OR	97874
HOWELL FRANK & VALERIE	PO BOX 115	SPRAY	OR	97874
ASHER JOHN FRANK & CHUN M	PO BOX 211	SPRAY	OR	97874
ASHER JOHN FRANK & CHUN M	PO BOX 211	SPRAY	OR	97874
ASHER H JOHN & CAROL	PO BOX 82	SPRAY	OR	97874
SIMMONS DEWAYNE & SHARON	44765 ALDER CREEK ROAD	FOSSIL	OR	97830

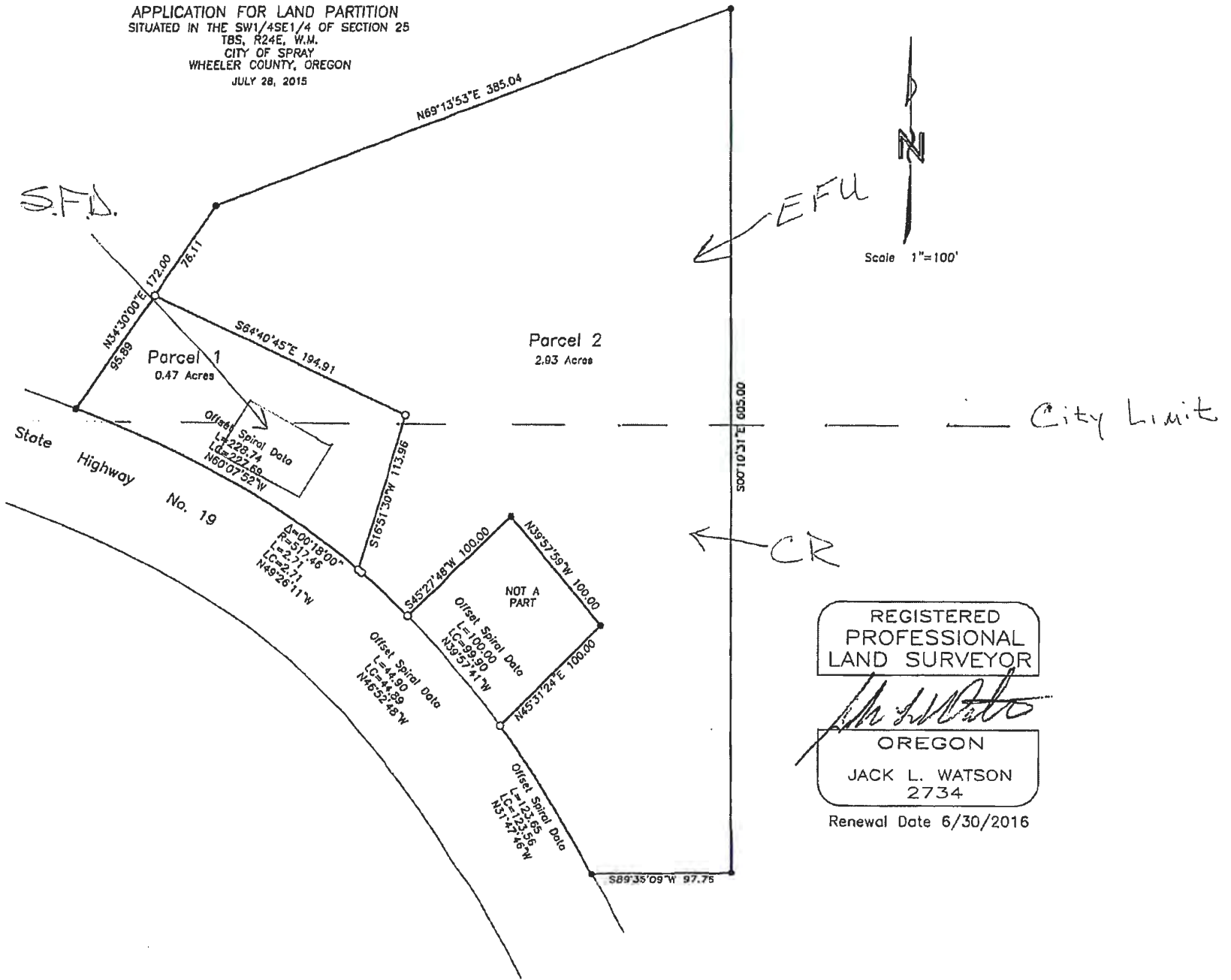
City of Spray

Spray City Council Hearing Meeting
SIGN IN SHEET

DATE: September 17, 2015

- 1.) Richard Thompson 21.) _____
- 2.) Frankie Lee 22.) _____
- 3.) Daniel Allen 23.) _____
- 4.) Greg Howe 24.) _____
- 5.) Kendall Derby 25.) _____
- 6.) Candy Hough 26.) _____
- 7.) Crystal Key 27.) _____
- 8.) Tom Ignowski 28.) _____
- 9.) Crang Johnson 29.) _____
- 10.) Debra Turkey 30.) _____
- 11.) ~~_____~~ 31.) _____
- 12.) Valerie Howell 32.) _____
- 13.) DAVID BAIRD via phone E33 33.) _____
- 14.) _____ 34.) _____
- 15.) _____ 35.) _____
- 16.) _____ 36.) _____
- 17.) _____ 37.) _____
- 18.) _____ 38.) _____
- 19.) _____ 39.) _____
- 20.) _____ 40.) _____

APPLICATION FOR LAND PARTITION
 SITUATED IN THE SW1/4SE1/4 OF SECTION 25
 T8S, R24E, W.M.
 CITY OF SPRAY
 WHEELER COUNTY, OREGON
 JULY 28, 2015



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

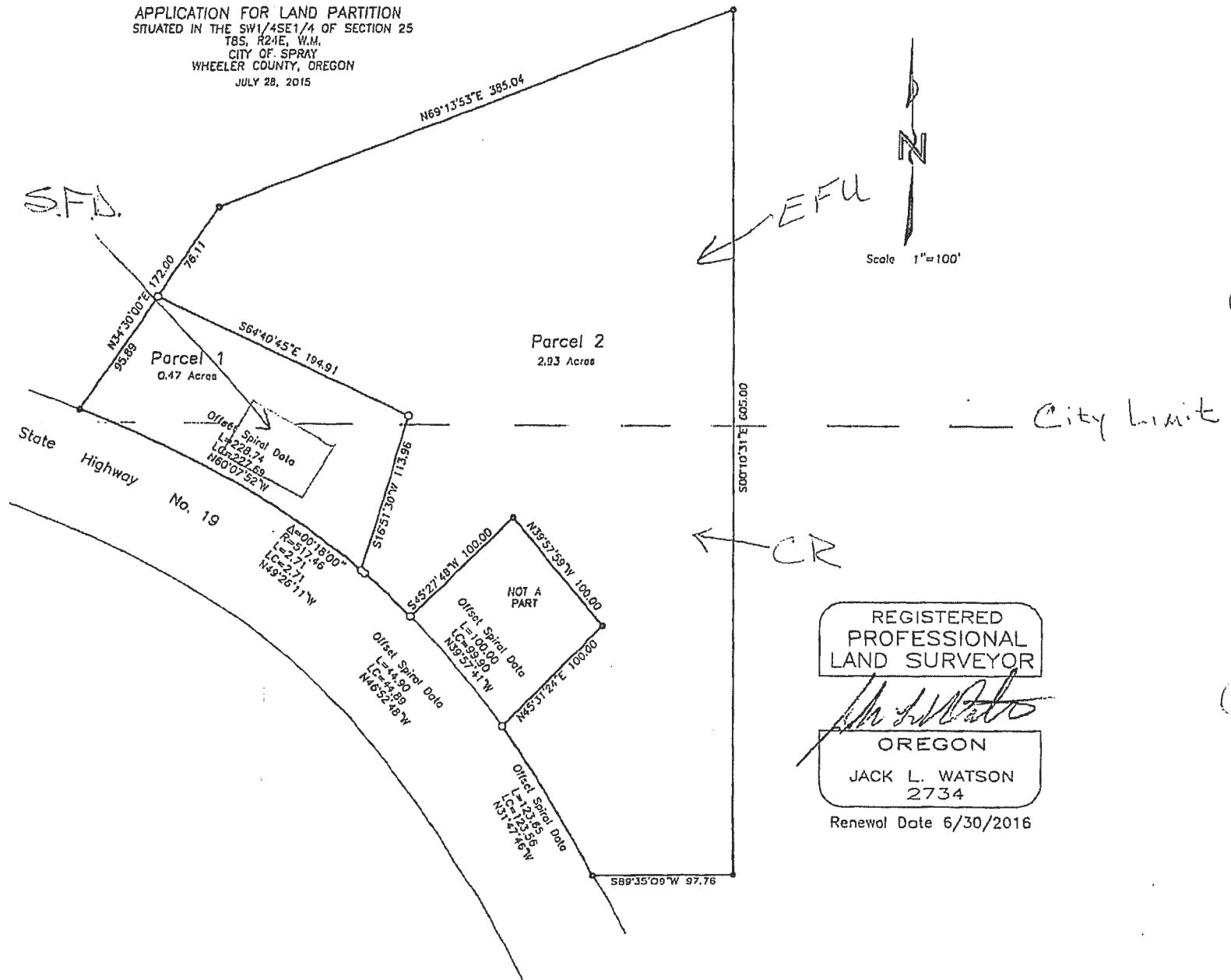
Jack L. Watson

OREGON

JACK L. WATSON
 2734

Renewal Date 6/30/2016

APPLICATION FOR LAND PARTITION
 SITUATED IN THE SW1/4SE1/4 OF SECTION 25
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 LAND SURVEYOR

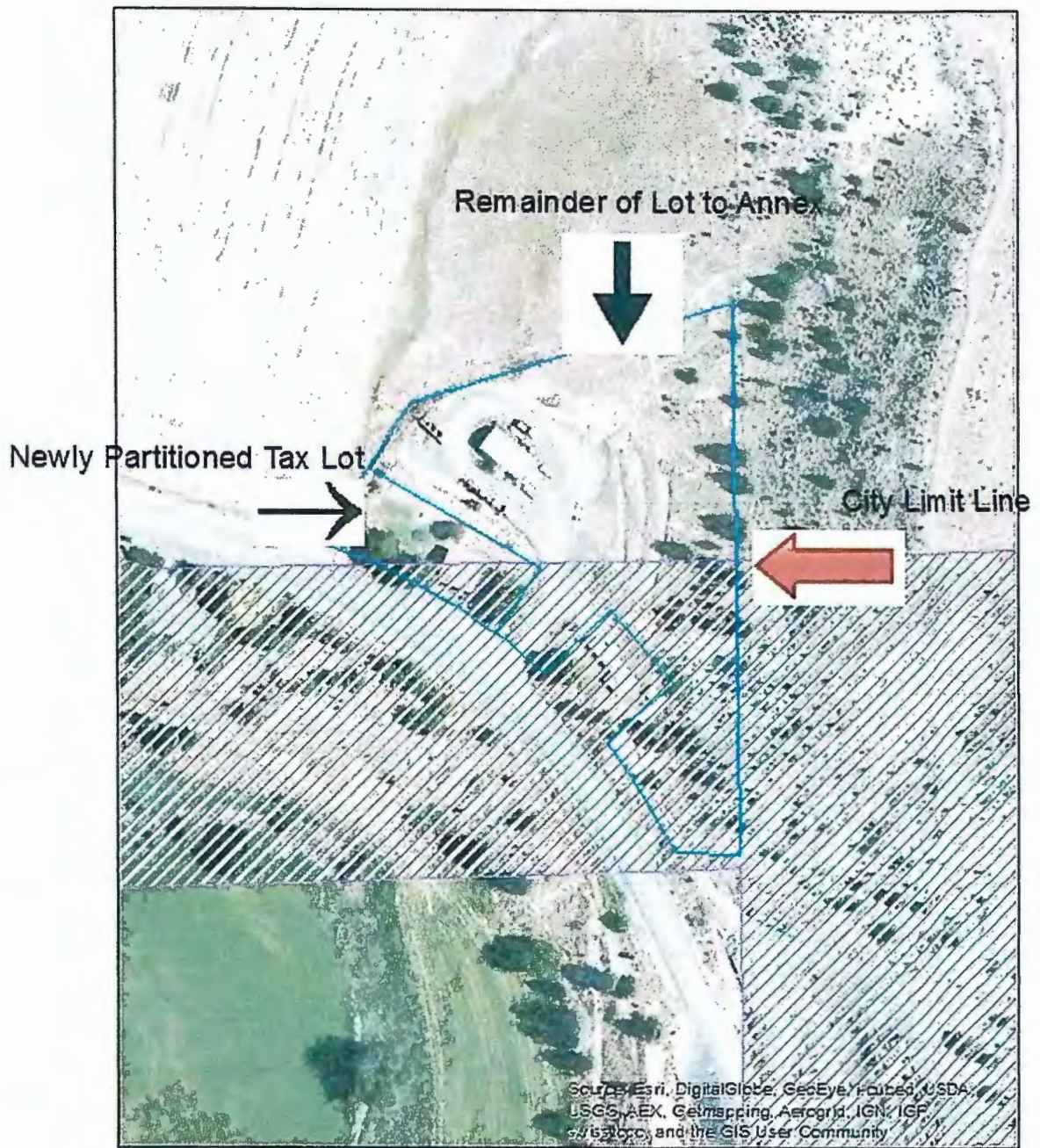
Jack L. Watson

OREGON



JACK L. WATSON
 2734

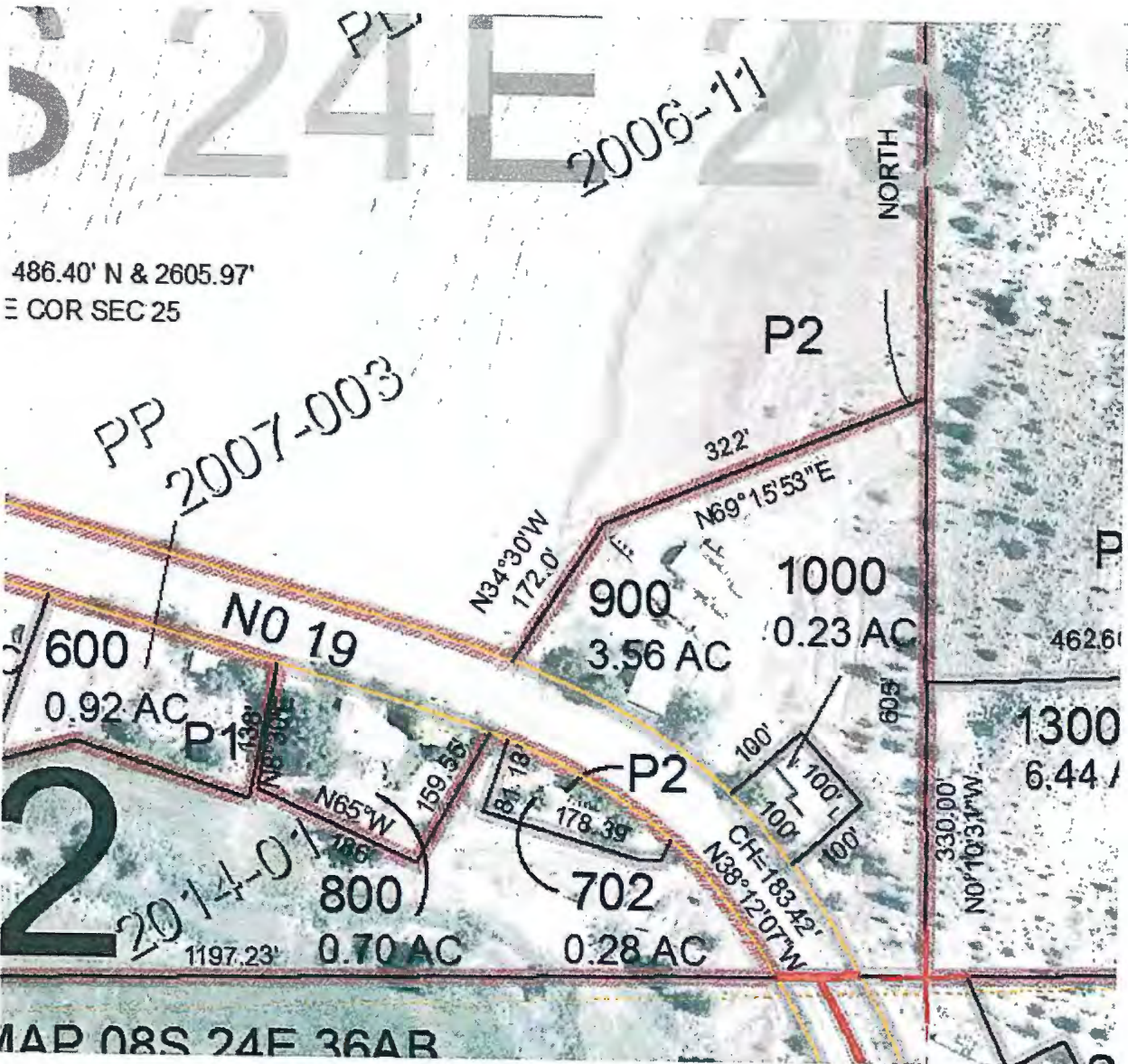
Renewal Date 6/30/2016

T08SR24E Section 25 Tax Lot 900



Legend

-  Citylim35
-  JohnDayRiver



WHEELER COUNTY PLANNING COMMISSION

MINUTES

SEPTEMBER 17, 2015

Meeting Location: City Hall – Spray, OR

Attendees: Terry Ignowski – Planning Commissioner
Kendall Derby – Planning Commissioner
Steve Bray – Planning Commissioner
David Baird – Chair appeared by phone due to personal reasons unable to attend
Robin Hunt-Thompson; P.D.
Cheryl Jenison – Real Estate Outback and Applicant's Agent
Crystal Rey – City of Spray, Recorder
Candy Humphreys – City of Spray Commissioner
Dan Allen – City of Spray Commissioner
Valerie Howell – Mayor, City of Spray
Jim Glawe – City of Spray Commissioner
Debbie Starkey – City of Spray Commissioner

The meeting was called to order by acting Chair, Terry Ignowski as Chair David Baird was in attendance by phone and unable to conduct the meeting.

The hearing was opened in the case of the UGB Expansion and subsequent Annexation on application CPA-15-010, from Gary Lockwood, with Realtor Cheryl Jenison acting as his representative. The City of Spray has presented the application for the UGB Expansion in order to annex the property into the city limits of Spray, OR. This is an application in conjunction with a minor partition in order to correct an error on the current city limit boundary. The source of the error on the city limit boundary is unknown, but the result of the current city boundary line is that it dissected an existing building as well as a small parcel of land which left the dwelling 50% inside the city limits, zoned Commercial Residential and the other 50% outside the city limits and zoned EFU. The partition that was approved is for the benefit of the public in order to authorize a medical clinic in the dwelling but without being able to allow a medical clinic on EFU land, the parcel needed to be brought into the city.

The applicant originally went to the City Council of Spray for the partition, unaware that the partition had to be done at the county level. The applicant was told they would be able to divide the entire lot into smaller city lots, again, unaware that it was in the county jurisdiction. The applicant hired a surveyor, had the partition plat prepared and then forwarded the information to the county. At that time, the decision was passed to the County Planning Department and on advice from DLCD, the decision to re-draw the UGB and annex the entire piece into the city was made. This is a departure from normal procedure due to whether or not this was a scrivener's error or what the mechanism was that created the non-forming boundary line.

The applicant has presented a signed and notarized consent to annex the property in its entirety into the city limits. There is only one property owner involved in this annexation, the City of Spray has approved the request at their meeting on June 15, 2015 meeting. Following discussion with the City of Spray, the County Planning Director agreed to file the appropriate forms with the State, and

commence advertising and notification of all interested parties. The City of Spray formally held a hearing, as advertised on September 17, 2015 and approved the UGB expansion and annexation of the property in question into the city limits of Spray, OR.

Immediately following their hearing, this Commission is holding their hearing on the same application which is presented in this hearing. The Planning Director informed all the commissioners that all public notification, letters to adjacent landowners and public entities has been followed. The only inquiry was from Mr. Baldwin, who owns a small lot on the south side of the city limits but is surrounded by Mr. Lockwood's parcel on three sides. He wanted to simply know what the partition looked like and if it affected his property. After discussion with him, he indicated that he was fine with the partition (a previous application), the UGB expansion and subsequent annexation.

Following a short discussion of the application, reasons for the partition-UGB expansion-annexation, and procedure to follow, Commissioner Baird moved to approve the request, Kendall Derby seconded the motion and the application was approved by unanimous vote. The application and approved order will be presented to the Wheeler County Court at their next session, on October 7, 2015.

Additional discussion was informational regarding a property owner outside of Spray who is trying to block a single family dwelling. The Planning Director briefly summarized the actions taken by herself and the landowner in opposition as follows:

Resident has applied for a single family dwelling on 160 + acres on EFU zoned land. This is a permitted use by statute and applicant has met all the requirements. There has apparently been a "disagreement" between the two landowners, with the applicant making a request to the opposing landowner to stop shooting elk on applicant's property. Opponent has made assertions to the Planning Director that the field is a flood plain; it should be a public park so everyone can enjoy the elk; to the fact that the property belongs to BLM. All of which, as I informed him, are not true. The site has an existing, DEQ approved septic system, which this opponent tried to unsuccessfully block several years ago when it was put in. He has made assertions that he will call every state agency as well as federal to try and stop the house from going in. He has further stated that the proposed "single family dwelling" is not what the landowner intends to build because he is married and has 2 children. I explained to Mr. Ordway that the definition of single family dwelling means it is a house for as many people as there are in a family as opposed to a duplex, which would not be a single family dwelling. He did not understand that and I dropped the conversation on attempting to explain a single family dwelling to him. He presented me pictures of the field having been flooded but I explained to him that the field is NOT in a mapped floodplain according the FEMA maps and those are the maps I am obligated to use.

I further informed Mr. Ordway, that if he wanted to oppose the application, he would have to pay the fee to appeal to the Planning Commission, and that fee is \$250. He said he was going to skip that and appeal to the County Court and I informed in that he cannot skirt around the procedures set forth. He could appeal with his formal complaint and a check for \$250 and if he didn't like the decision of the Planning Commission, he could then appeal with his case and check for \$500 to have it referred to County Court. He said he has connections to the County Court and he intended to use them. I informed him of the time limit to file a complaint, and after that the decision is final and he

stated he would go over my head. I politely informed him that procedure is set in stone and that the timeframe is stated in the final Notice of Decision; he chose to ignore my input.

At the conclusion of this discussion, I informed the commissioners and the City of Spray councilors that the file will be forwarded to the County Court for approval then on to the state.

The meeting was adjourned.

Respectfully submitted,



Robin Hunt-Thompson
Wheeler County Planning Director