



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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

Date: June 24, 2016
Jurisdiction: City of Huntington
Local file no.: 03.01
DLCD file no.: 002-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/24/2016. 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 36 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.: 002-16 {24384}

Received: 6/24/2016

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 Huntington

Local file no.: **03.01**

Date of adoption: 06/21/2016

Date sent: 06/24/2016

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): 04/11/2016

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): Tracy McCue, City Recorder

Phone: 541-869-2202

E-mail: hun1891@netscape.com

Street address: 50 Adams St E, PO Box 369

City: Huntington

Zip: 97907-

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-R	to C	0.2 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): 120 E Washington St, TL 800; 210 W Washington St, TL 1380

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-R	to C	Acres: 0.2
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): 120 E Washington St, TL 800; 210 W Washington St, TL 13800

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

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 No. 2016-05 with Exhibits 1, 2, 3

ORDINANCE NO. 2016-05

AN ORDINANCE AMENDING THE CITY OF HUNTINGTON COMPREHENSIVE PLAN AND ZONING MAP FROM COMMERCIAL RESIDENTIAL (CR) TO COMMERCIAL (C) ZONE CLASSIFICATION FOR TWO PROPERTIES, IDENTIFIED AS TAX LOT 13800 ON TAX MAP 14S4413DA AND TAX LOT 800 ON TAX MAP 14S4518CB

WHEREAS, On March 9, 2016, the Huntington City Council enacted Ordinance 2016-03, which prohibits marijuana-related businesses in the City's Commercial Residential (CR) zone; and

WHEREAS, At the time that the ordinance was enacted, there were two parcels of real property operating marijuana-related businesses in the CR zone, located adjacent to the City's Commercial (C) zone; and

WHEREAS, Those parcels are located at 210 West Washington Street (Map 14S4413DA, Tax Lot 13800) and 120 East Washington Street (Map 14S4518CB, Tax Lot 800), respectively; and

WHEREAS, As a result of the enactment of Ordinance 2016-03, the businesses located on those parcels became nonconforming uses as defined in §153.125 of the Huntington Zoning Code; and

WHEREAS, On its own motion, the Huntington City Council passed Resolution 03-01-2016, initiating the current zoning map amendment and comprehensive plan amendment (rezone) process to determine whether to rezone those two parcels from Commercial Residential to Commercial, which amendment is shown in the Map attached hereto as Exhibit "1"; and

WHEREAS, For the reasons stated in the amended staff report of the City attorney submitted at the public hearing on this matter, the City Council finds that it was in the public interest for the City Council to initiate this process on its own motion; and

WHEREAS, A quasi-judicial public hearing was held before the City Council on May 17, 2016, to consider the rezone; and

WHEREAS, Written notice of the public hearing in this matter was given 20 days before the public hearing to the owners of the subject parcels and to those properties within 100 feet of the exterior boundaries of the subject parcels, as required by §§153.210, 153.211 and 153.212 of the Zoning Code; and

WHEREAS, After the considering the exhibits and testimony offered at the public hearing, the City Council made the findings of fact attached hereto as Exhibit "2".

THE COMMON COUNCIL OF THE CITY OF HUNTINGTON ORDAINS AS FOLLOWS:

SECTION 1. The Huntington Comprehensive Plan Map and Zoning Map are amended by changing the zone from "Commercial Residential (CR)" to "Commercial (C)" for the two parcels of real property designated on Exhibit "1" and as more particularly described in Exhibit "3".

FIRST READING:

This ordinance was presented to the City Council at its regular meeting on the 17th of May, 2016, was read first in full, and then by title only, and a motion was made by Council member Driver and seconded by Council member Deck for passage of said ordinance, and the following vote having been taken:

Voting for the Ordinance:

Council Members: Bronson, Driver, Allender, Deck, and Gerould

SECOND READING (if first reading is not unanimous)

Voting against the Ordinance:

Council Members: Cummings

This ordinance was presented to the City Council at its regular meeting on the 21st of June, 2016, was read first in full, and then by title only, and a motion was made by Council member Deck and seconded by Council member Bronson for passage of said ordinance, and the following vote having been taken:

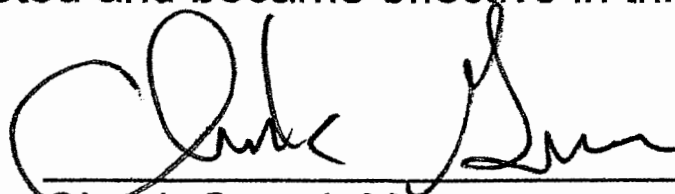
Voting for the Ordinance:

Council Members: Bronson, Cummings, Allender, Deck, & Gerould

Voting against the Ordinance:

Council Members: _____

The Mayor having declared that the measure having received either a majority or unanimous vote for passage, was adopted and became effective in thirty days.



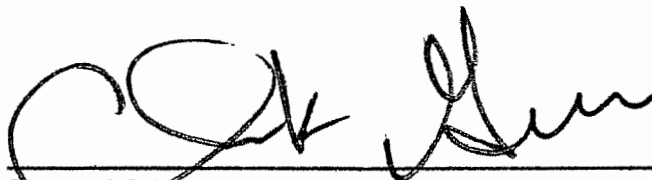
Chuck Guerri, Mayor

ATTEST:



Tracy McCue, City Recorder

Approved by the Mayor this 21 day of June, 20116.



MAYOR

Indexed (Date): _____

CITY OF HUNTINGTON

INCORPORATING REVISIONS

SEE MAP

SEE DRG. IR-1-437

SEE MAP 14 44

SEE MAP 14 44 13AC

SEE MAP 14 44 13DB

SEE MAP 14 44 13DD

R

CITY LIMITS

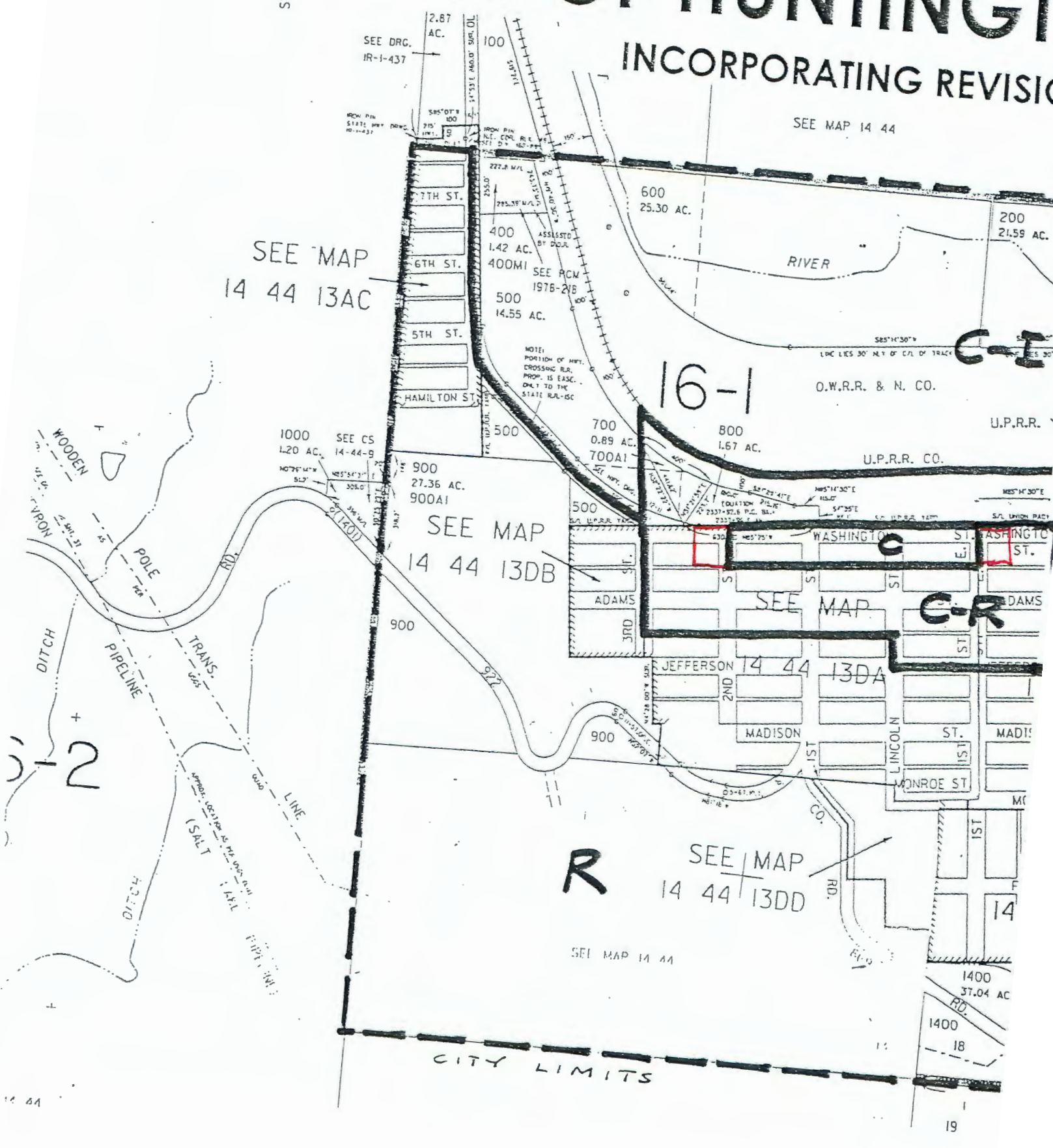


Exhibit 2
Applicable Criteria and
Proposed Findings of Fact

Statewide Planning Goal 1 — Citizen Involvement

Finding: A public hearing notice was mailed to the affected property owners, and all property owners within 100 feet of the exterior boundaries of the subject parcels. This satisfies Citizen Involvement described in Goal 1.

Statewide Planning Goal 2 — Land Use Planning

Finding: The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission has acknowledged the Huntington Comprehensive Plan to be in compliance with the Statewide Planning Goals.

Statewide Planning Goal 5 — Open Spaces, Scenic and Historic Areas, and Natural Resources

Finding: There are no known scenic, historic, or cultural resources on the subject parcels that require preservation and that would be affected by the proposal. Therefore, the proposal is consistent with Goal 9.

Statewide Planning Goal 6 — Air, Water and Land Resources Quality

Finding: The subject parcels are already developed as commercial businesses, with offstreet parking spaces for customers. The surrounding area is already developed with a mix of commercial and residential land uses. Because uses on the subject parcels will continue to be commercial activities, the proposed Plan change will not increase the potential effects on air, water and land resource quality at the location of the subject parcels. Staff finds that the proposal is consistent with Goal 6.

Statewide Planning Goal 9 — Economic Development

Finding: The subject parcels are adjacent to the City's existing Commercial zone and have been used for commercial retail and service businesses for many years. Rezoning the subject parcels from the CR zone to the C zone will allow them to operate without the commercial development limitations imposed upon them as nonconforming uses. Therefore, the proposal is consistent with Goal 9.

Statewide Planning Goal 10- Housing

Finding: The subject parcels have been long established as retail and service businesses. Neither parcel is reasonably likely to be used for residential purposes at any time in the foreseeable future. If the commercial buildings were removed and replaced by dwelling units, the small size of the subject parcels would allow only one dwelling unit to be constructed on each of them. There is a declining population trend in Huntington. In the 1987 Inventory for Periodic Review of the Huntington Comprehensive Plan, the 1985 population was listed as 550, with a population projection of 690 in the year 2000. The highest population after 1985 was 565 in 1995. The population declined substantially after 1995. As of 2013, the population was 434. In light of that large population decline, the proposal to rezone the subject parcels from Commercial Residential to Commercial will not significantly reduce the inventory of available housing within the City. The proposal is consistent with Goal 10.

Statewide Planning Goal 11 — Public Facilities and Services

Finding: All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, electricity, telephone, and solid waste disposal, are currently available. The provision of public facilities and services are adequate for potential commercial uses on the subject parcels. Therefore, the proposal meets the requirements of Goal 11.

Statewide Planning Goal 12 — Transportation

Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that "significantly affect" a surrounding transportation facility (road, intersection, etc.). Where there is a "significant effect" on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a "significant effect" is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that "allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility," or an amendment that would "reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP."

Finding: The rezone of the subject parcels from Commercial Residential to Commercial will have no significant impact on the levels of traffic in Huntington. The marijuana-related businesses located on the subject parcels have caused a significant increase in traffic

because they are the only recreational and medical marijuana sales outlets in a multi-county region, and have drawn traffic from many locations inside and outside Oregon. Because those businesses are grandfathered in, however, the increase in levels of traffic is independent of this proposed rezone. In other words, those businesses will be able to operate regardless of the rezone because of their status as nonconforming uses. Relieving those businesses of the limitations imposed on them as nonconforming uses would theoretically allow them to expand, which could have an impact on traffic. However, their small lot sizes (5,000 square feet and 3,750 square feet) place a limit on any significant expansion of those businesses. Therefore, the rezone itself will not have a significant effect within the meaning of OAR 660-012-0060(1), and the proposal is consistent with Goal 12.

Statewide Planning Goal 13 — Energy Conservation

Finding: The subject parcels are located within the developed urban area. The transportation system in this area is fully established and makes access to the subject parcels direct, efficient, and convenient by motorized and non-motorized forms of transportation. The parcels' location within the existing city limits, along a major travel route, serves to reduce the vehicle miles to travel to reach the subject parcels, which conserves energy. Staff finds that the proposal is consistent with Goal 13.

Statewide Planning Goal 14 — Urbanization

Finding: This proposal does not affect urban growth areas, as the subject parcels have always been within the City of Huntington. The change in land use designation from Commercial Residential to Commercial is consistent with the designation of surrounding properties and existing commercial development on the downtown Washington Street corridor. Staff finds that the proposal is consistent with Goal 14.

EXHIBIT "3" TO
ORDINANCE NO. 2016-05
(Legal Descriptions)

210 West Washington Street Parcel

West 12½ feet of Lot 5, and all of Lot 6, Block 6, Huntington Townsite, in the City of Huntington, County of Baker, and State of Oregon.

TOGETHER WITH any and all improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

SUBJECT TO reservations in federal patents and state deeds, covenants, conditions, restrictions, reservations, irrigation ditches, and easements of all roads, road rights of way, streets and alleys and utility installations all as the same appear of record or are visible thereon.

ASSESSOR'S ACCOUNT NO.: 1601 14S4518CB 800 #9630

120 East Washington Street Parcel

Land in Huntington Townsite, Town of Huntington, Baker County, according to the official plat thereof as follows:

In Block 2: Lot 1; and the Northerly 75 feet of Lot 2.

ASSESSOR'S ACCOUNT NO.: 1601 14S4413DA 13800 #9423