



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 21, 2016
Jurisdiction: City of Enterprise
Local file no.: 2016-04-05
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/20/2016. 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 43 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

DLCD FORM 2



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

FOR DLCD USE

JUN 20 2016

File No.:

LAND CONSERVATION
AND DEVELOPMENT

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.: 2016-04-05

Date of adoption: 06/13/2016

Date sent: 6/15/2016

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): 02/19/2016

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:

Local contact (name and title): Michele Young

Phone: 541-426-4196

E-mail: cityent@eoni.com

Street address: 108 N.E. 1st Street

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 R-3	to C-1	3.88 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): 01S4435CA, Tax Lot 400

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 R-3	to C-1	Acres: 3.88
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):

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.

See Attached



Established 1889

WALLOWA COUNTY, OREGON

541-426-4196 City Hall
541-426-3395 Fax



COPY



108 NE 1st
Enterprise, OR 97828

ORDINANCE NO. 583

AN ORDINANCE AMENDING THE COMBINED LAND USE PLAN MAP AND ZONING MAP TO EFFECT A RE-ZONE OF TAX LOT 400 , MAP 01S44E35CA FROM R-3 to C-1

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 400, Map 01S44E35CA from a zoning classification of R-3 to C-1 and that the Land Use Plan Classification be changed from Medium/High Density Residential to General Commercial.

The City Administrator/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 4 ayes and 0 nays, this 13th day of June, 2016

Steve Lear, Mayor

ATTEST:

Michele R. Young, City Admin./Recorder

FINDINGS AND CONCLUSION

Application Files: 2016-04-05
Applicant: Wallowa Valley Center for Wellness
Proposal: Zoning Map Amendment: from Multi-Family Residential (R-3) to Commercial (C-1)
Location: Map #01S4435CA; Tax Lot #400.

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FINDINGS OF FACT

1. PROPOSAL DESCRIPTION

Wallowa Valley Center For Wellness ("WVCW") has purchased Tax Lot #400 on Tax Map 01S44E35CA, which consists of approximately 3.86 acres adjacent to and south of Medical Parkway, across from Winding Waters Clinic and the Wallowa Memorial Hospital. Currently, this property is zoned R-3 Multi-Family Residential and WVCW would like to change the zoning to C-1 Commercial to allow construction of facilities to be used by health care providers for the treatment of clients and for the preventative health care services and to house WVCW business offices.

Because WVCW is the mental health service provider for Wallowa County, having its facilities near the Hospital, Winding Waters Clinic, the Wallowa Valley Senior Center, and the Park Street Apartments, would result in better and more efficient care for its clients. In addition, WVCW would like to provide facilities for preventative care providers, such as Building Healthy Families, which it believes would lead to improved mental and physical health outcomes.

2. SCHEDULE OF EVENTS

The application was submitted: -1-28-16
The application was deemed complete on 02-05-2016 and a 35 Day Notice emailed to DLCD: 02/19,2016
Public Notices mailed to properties within 250 feet of tax lots in question: 2-22-16
Public Notice published in the *Wallowa County Chieftain*, a newspaper of general circulation advertising the 3-23-2016.
The Staff Report made available to the public 02-18-2016
Planning Commission Hearing held on 04-05-2016
Planning Commission Public Hearing continued to address issues raised by letter received from the Fair Housing Counsel of Oregon and the Housing Land Advocates.
Planning Commission Public Hearing: 04-26-2016
City Council Public hearing held on 04-11-2016
City Council Public Hearing continued to hear recommendation from Planning Commission addressing issues raised by letter received from the Fair Housing Counsel of Oregon and the Housing Land Advocates to 05-09-2016. Staff was directed to put together Findings and Conclusions and Ordinance for adoption at the June 13, 2016 meeting.

Planning Commission reviewed Findings Document and Ordinance and recommended approval on June 7, 2016
City Council adopted Findings Document and Ordinance No. 583 approving the re-zone request on June 13, 2016.
Mayor signed Ordinance on June 13, 2016
Adoption of change emailed to DLCD on June 15, 2016

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.

Goal 1 – 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 to Appeal the decision.

Goal 2 – Requires that land use decisions are to be made in accordance with a comprehensive plan, and that plans are based on factual information. Applicant currently operates WVCW, a mental health service provider. The current parcel is zoned residential and is surrounded by property being used for medical purposes. The City has seen continued growth in the professional commercial complex needs, especially in the medical industry. The population of the City has remained stable and has not reached estimates projected by previous plans. There is a continued need for the services provided by WVCW and locating them nearer other medical facilities ensures easier access to care for residents.

Goals 3, 4, 5, 6, 7, and 8 – None of the Comprehensive Plan Policies for these Goals are applicable to this request.

Goal 9—Call for diversification and improvement of the economy through inventory of commercial and industrial lands. Such Light Commercial use would be consistent with surrounding properties. The Property is surrounded on three sides by C-1 Light Commercial, with only two R-3 Multi-Family Residential properties lying within 250 feet. One such R-3 property is the baseball fields stretching to the south. The other is the Park Street Apartments, an eleven unit senior and disabled home project owned by Chrisman Development, whose tenants would likely benefit from the very services Wallowa Valley Center For Wellness envision.

The 2010 federal census placed the population of Enterprise at 1,940. And the United States Census Bureau estimates that the population had declined to 1,886 by 2014, the latest date for which it has estimates. Based on prior Land Use Plans and amendments, in 1982, a city with a population of 2,015 found it had enough commercial and residential land inventory to grow into a town of 3,000. And in 1993, a city with an even smaller population of 1,940 added 10 acres of commercial land and almost 69 acres of residential land to its Urban Growth Boundary and found, with these additions, it had enough commercial and residential land inventory to grow into a town of 2,750. And by 1997, virtually all of the land in these Urban Growth Boundary expansions was incorporated into the city limits. With the City’s stable population, it is apparent the existing request to add 3.86 acres to Commercially Zoned property would continue to improve and diversify the local economy.

This city had previously participated in a Goal 9 study for Enterprise along with 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 10 – This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. See the response to Goal 9 above.

Based on an initial 1982 Land Use Plan, the population estimate for the year 2000 was 2,750 to 3,000 people. In 1982 the City found that "The Land Use Plan is developed to provide for necessary services and growth to accommodate a projected population of 3,000 by the year 2000." The growth never materialized, however over the past 34 years, the City has continued to add residential and commercial property to its inventory. The 1993 Plan Amendment showed a population decrease and based on multiple factors, the 1993 Amendment found that, "The Land Use Plan is developed to provide for necessary services and growth to accommodate projected population of 2,750 people by the year 2015." The population did increase, but only slightly. The City also continued to add land to its inventory annexing virtually all the property included in the 1993 Urban Growth Boundary expansion by October 1997.

The surrounding properties have also been developed in a way that has increased the price per acre of the proposed land and has made it too expensive to develop for residential purposes. The Wallowa County Health Care District (WCHCD) built a \$23 million facility just north of the Property and relocated Wallowa Memorial Hospital there in 2007. The Wallowa County Health Care District (WCHCD) built a \$23 million facility just north of the Property and relocated Wallowa Memorial Hospital there in 2007. Then WCHCD constructed a \$5.6 million facility for Wallowa Valley Senior Living, located next to the Parkway Health and Wellness Center. These expensive developments, financed with grants and bonds, have pushed land values in this area high enough that not even highly specialized senior living facilities, much less normal high density housing such as apartments or mobile homes, can bear the costs of the land. The high costs of this land is reflected in the \$305,000 WVCW paid for this 3.86 acre Property (\$78,015.54 per acre), as compared to between \$12,000 and \$26,000 per acre for lots in R-2 and R-3 zones currently for sale.

In summary, in 1993, the City with an even smaller population of 1,940 added 10 acres of commercial land and almost 69 acres of residential land to its Urban Growth Boundary and found, with these additions, that it had enough commercial and residential land inventory to grow into a town of 2,750. And by 1997, virtually all of the land in these Urban Growth Boundary expansions was incorporated into the city limits. Consequently, regarding residential property, since any development since 1982 would have necessarily increased the housing supply, it is highly likely that there is at least enough land to carry Enterprise from its current estimated population of 1,886 to a population of 2,750 – growth that, by the experience of the last 30 or 40 years, will not likely be obtained even by 2036.

Goal 11 – Calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. Access to facilities would most likely be from Medical Parkway, which, given recent improvements, would likely have ample capacity to handle any increased traffic due to the location of this new facility. It meets the community needs to place this facility in the proposed location as it is central to other medical facilities in the area and allows for easier access by many clients who have mobility limitations. The City has the facilities and capacities to meet the needs of the new facilities to serve the community.

Goal 12 – Address transportation needs. WVCW will be located on the Medical Parkway and easily accessible for the public in general and the transportation disadvantaged.

Goal 13 – Declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles." Applicant will comply with this goal through the development of a plan based on sound economic principles integrating forms of energy conservation.

Goal 14 – See Goals 9 and 10 above.

Goals 15 through 19 - do not apply.

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 commercial lot, and proposed facility.

- 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 is surrounded on three sides by C-1 Light Commercial, with only two R-3 Multi-Family Residential properties lying within 250 feet. One such R-3 property is the baseball fields stretching to the South. The other is the Park Street Apartments, an eleven unit senior and disabled home project owned by Chrisman Development, whose tenants would likely benefit from the very services Wallowa Valley Center For Wellness envision.

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 and the development of the surrounding area has shown it is better zoned commercial than residential.

5. PUBLIC AND AGENCY COMMENTS

- A. At the Planning Commission hearing, no testimony was given opposing the rezone.
B. The City of Enterprise received a letter dated April 5, 2016 questioning the compliance to Goal 10 obligations.

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 meeting on June 7, 2016 and unanimously made a motion to recommend to the City Council that this application be approved based on the above Findings.
4. The Enterprise City Council held a meeting on June 13, 2016 and unanimously made a motion to approve the Findings and Conclusion document and Adopt Ordinance No. 583

April 26, 2016

The Enterprise City Council met in a special meeting, continued from the April 5, 2016 meeting. Those present were Chairman John Lawrence; Commissioners Jason Lyman, Dave Ebbert, David Hayslip, Jim Sackett; Staff Michele Young and Ronnie Neil; City Attorney Wyatt Baum.

Guests: Richard Hobbs, Chantay Jett, Cory Otten

Chairman Lawrence continued the public meeting from the April 5, 2016 for the Wallowa Valley Center for Wellness Re-Zone application

Planning Commission and Staff introduced themselves.

Chairman Lawrence stated that now is the time set for a Legislative Public Hearing on an Application from Wallowa Valley Center for Wellness for a Zone Map and Comprehensive Map Amendment. This meeting is a continuance from the April 5, 2016 meeting.

- Does any Planning Commissioner wish to disqualify him or herself for any personal or financial interest in this matter? *All Commissioners responded no.*
- Does any Planning Commissioner wish to report any significant ex-parte or pre-hearing contacts? *All Commissioners responded no.*
- Has any Planning Commissioner done a site visit of this property?
All Commissioners responded yes.

Chairman Lawrence stated that this is a Legislative Public hearing under Oregon Land Use Law. Testimony and evidence must be directed toward the legal criteria in the City's Land Use Ordinance or Land Use Plan. The staff report will include a description of the criteria which the City staff believes should apply.

Failure to raise an issue, and present accompanying evidence, sufficient to allow the City and other parties to evaluate and respond to that issue may preclude appeal of that issue to the Land Use Board of Appeals."

Staff and applicant requested that this hearing be continued from April 5, 2016 in order to provide staff and applicant time to respond to a letter received from the Fair Housing Council dated April 5, 2016. At this time, applicant is ready to provide evidence for request to rezone.

Chairman Lawrence asked Staff to give their report.

Michele Young stated the proposal is to change Tax Lot #400, located at 01S4435CA located on Medical Parkway across from Wallowa Memorial Hospital from R-3 to C-1. Michele reported on the existing development, site characteristics and site history:

This property is a vacant property in the R-3 Multi-Family Residential zone. To the North is the Wallowa Memorial Hospital, zoned C-1 Light Commercial. A portion of the property to the

April 26, 2016

East lies the Wallowa County Fairgrounds arena zoned C-1 Light Commercial. The remaining portion to the East is occupied by the Park Street Apartments zoned R-3 Multi-Family Residential. The baseball fields are directly South and also zoned R-3 Multi-Family Residential. The Oregon State Department of Transportation owns the property to the West where the State Shops are located. Also to the West is a residential property, as well as a mechanic shop for a trucking business, both zoned C-1 Light Commercial.

Michele stated that the zone criteria for R-3 is located in Section 3.030 and C-1 in Section 3.050 of the City Land Use Ordinance.

Michele reported that the first evidentiary hearing was held on April 5, 2016 and continued to this evening. The City Council also held a Public Hearing on April 11, 2016 and continued their hearing to May, 2016.

STAFF RECOMMENDATION

It is staff's recommendation that this be re-zoned as requested. The property is surrounded by Commercial Uses on three sides and a ball-field park to the South. The development that has occurred in this section of town has progressively turned to Medical Care. The planning of a through street to develop this area commercially was adopted in the city's Transportation System Plan, adopted on February 8, 1999, as a priority to provide access between Golf Course Road and Hwy. 3. The road; now known as Medical Parkway, was completed in 2007 when the Wallowa Memorial Hospital was constructed and has since had additional development of a Health Clinic and Nursing Home Facility. The area proposed for re-zone can have a residential care facility built on it without a re-zone. To have this area re-zoned makes much more sense due to the history of the area being commercial. There has not been any re-zoning to this area in the past.

The Fair Housing Council of Oregon submitted a letter on April 5, 2016 jointly with the Housing Land Advocates giving concerns regarding Goal 10 obligations.

It is Staff's opinion that the City of Enterprise has adequate numbers of vacant medium/high density zoned property (R-2 & R-3) on the West and Southwest side of Enterprise. The population has not exceeded a population of 2000 for 20 years and the estimated population in the last adopted Land Use Plan dated 4/28/1997 gives a population objective of 2700+ by the year 2015.

Staff feels the proposed re-zone will provide an opportunity for the Wallowa County Center for Wellness to be better located for the clients they serve and benefit the community by continuing to help with the housing needs of their clients.

Since the Land Use Plan was adopted, there has been a substantial amount of high density housing (apartments) made available to the lower to middle income level i.e. Gotter Hotel, EM&M Building.

Since the Plan has been adopted the City has also seen additional housing development in small subdivisions which were partially completed. We have one major subdivision that did not materialize which has left a large portion of property on the west part of Enterprise undeveloped, zoned R-2. We have an area in the Southwest corner of Enterprise that has mostly remained undeveloped, zoned R-3. Staff feels the re-zoning to C-1 is more appropriate. Michele reported no additional written evidence has been submitted from the public.

Chairman Lawrence asked the applicant to present their evidence in to record.

April 26, 2016

Richard Hobbs thanked the City for the continuance. Mr. Hobbs stated there was a letter received on April 5th from two non-profit agencies that raised Goal 10 issues on this particular application. I wanted time to prepare information that would address their concerns. He introduced evidence into the record, a paper he wrote and handed out to all members of Commission, Staff and City Attorney. He also introduced the LUP (Land Use Plan) dated 1982, Amendment to the Land Use plan dated 2-28-93 and the last adopted Plan dated April 28, 1997. He introduced a map identifying all undeveloped lots using Google and calculated the acreage of vacant zoned lands within the city.

Mr. Hobbs spoke a little about what the Wellness Center does, because they do a lot in your city. They take care of mentally ill clients and provide housing for mentally ill. They run the Riverhouse, Joseph House, and Gotter House. He will have Chantay describe more of what they do.

Richard wanted to discuss technical issues. The Fair Housing Council of Oregon and Housing Land Advocates stated that they were concerned about taking 3.86 acres out of the R-3 zone property which would cause problems with R-3 inventory property and would tend to raise the costs of property in remaining R-3 zone and cause higher development costs, rents, etc.

To address that issue, because the last inventory was in 1993 a very thorough Goal 10 analysis was done. The last Goal 10 analysis was done in 1993. although very thorough, it is outdated. Richard stated he decided to his own analysis.

In 1982 the Land Use Plan noted population was 2,015 and determined growth over the prior decade and determine we could reach 3,000 by year 2000. They analyzed property, what types we needed in 1982 and a declaration was made that we had enough inventory to reach 3000 in 2000. In 1993 the population had actually decreased to 1,940 and then we reviewed the land projections and then predicted that growth would be 1,940 to 2,750 by year 2015.

The city looked at property and inventory and concluded that the 1982 projections were not correct and they had decreased. The city incorporated land from the west in the Urban Growth Boundary to handle the growth and also brought in from the northeast part of the city based on the demand for larger lots

In the course of the next several years, all of the land that had been in the urban growth had been annexed by 1997 by the city and determined we still had enough land to meet the population projections. There has been a growth of zero to our current date since 2010.

Richard made the point that since the 1982 population analysis were done, the city in fact has not met the population estimates and if everything has pretty much remained the same We do not know what our population will be in 20 years because it has been so long since our Land Use Plan has been updated, but we should have enough land. There has been more development of housing than destruction of housing.

April 26, 2016

In 1993 it was determined 10 acres would be adequate for R-3 growth for 20 years with a population of 2,750. Today, according to his research, there is actually 20 acres of land zoned R-3. Richard stated that based on his research, taking 3.86 is not sufficient enough to have any impact relative to costs and inventory. There is land within 1000' that is zoned R-2 and there could be some re-zoned to R-3. He stated that there is plenty of places to create R-3.

There is very little R-1, a large amount of R-2 and enough R-3. Richard noted that there are acres of land zoned in the A-1 zone (Airport) which can also be used conditionally for residential use. He stated that currently we have 72 acres remaining of Commercially zoned acres.

Michele stated that since she has been here, there is very little land within the urban growth boundary that isn't already annexed in the city. We have a large supply of available lands and we have some residential development in the works for the future.

Richard stated that he visited with Jennifer Bragar, who is the President of the Housing Land Advocates yesterday. They have federal grants to protect low-income housing for small towns in Oregon. One of the things he brought up to her is that if they would advocate for funding for us to update our Plan. She stated she would work on that.

Chantay Jett stated they serve anyone who needs services from anyone that is having family discord, severe mental illness, substance abuse, serve school age children and their families and the DD program. They also have a variety of programs such as Assertive Community Treatment Team, etc. They have about 10 different programs and serve a variety of populations. They are integrating with primary healthcare. Behavioral health is being intergraded with primary care to serve the whole person. They have over 67 employees, 5 different locations in the county such as Wallowa Riverhouse, Joseph House, they subcontract with Pioneer Guest Home by providing mental health care, the Gotter Building, and the drop-in center next the Bane Electric. Chantay stated that federal and state mandates for integration is causing their program to continue to employ. It has been a challenge to be in that many different locations so they are wanting to build a building that serves the community, all integrated services. They have partnered with Winding Waters Clinic, Mountain View Medical, Hospital, Building Healthy family, etc. It means it would house headquarters employees, a dentist, counselors, etc. They want to add a teaching kitchen for the Hospital CHIP program and community meeting rooms. It makes the most sense to locate this facility near the hospital so that they can easily get their clients to healthcare. They will have a large meeting room for the public to use that will be considered flexible space.

They will be working very differently in the future. They currently have a medical treatment room in their annex. Their most acute clients are more willing to get medical needs attended to in their space as they feel more comfortable. They are hoping this new building is just a bigger version of what they do now and are asking for the City's support.

April 26 2016

Richard Hobbs stated that another argument that he would like to make is that he believes this particular parcel has irrevocably been committed to uses that are not R-3 uses. Across the street they built a \$26m hospital, next to that they built a \$5.4m clinic and north of that they built a \$5.6 senior living center and property has gone through the roof. There is a piece of property that was put on the market for \$199,000 for 2.5 acres. They paid \$90,000 for the piece they are wanting to re-zone. If you go to the South side of town, R3 sells for \$26,000 per acre. This land would never get developed at this price. Even if we kept it at R-3 it would never be developed because of the value of the land. Michele thanked Richard for making that point.

Chairman closed the Hearing record.

Chairman Lawrence stated that the applicant has the right to have our decision delayed in order to prepare and present written arguments for our consideration; such arguments would have to be received within seven days. Applicant did not want any further delay.

This is the time for the Planning Commission to discuss the application and if ready, make a formal decision to make recommendation to the City Council. If approved by the City Council, staff will prepare a Findings of Fact document and Ordinance for review and recommendation for approval at the June 7, 2016.

Chairman Lawrence asked for Commission discussion. Commissioner Lyman asked Michele if she talked to the housing folks, Michele stated no, Richard spoke to them Michele stated that she did follow up with DLCD. Commissioner Hayslip asked if we have to notify the Housing folks. Michele stated that she will be sending them copies of the minutes. Michele stated that she felt it was important that the Commission have discussion on the Goal 10 issue. Do you feel that Mr. Hobbs presented to you adequate information to back up their application

Commissioner Sackett stated even if his numbers are off a little we are still in very good shape. That our inventory is very high. He has heard how we are going to get bigger and we haven't, it almost seems like a no brainer.

Commissioner Lawrence stated that he attending a meeting in Baker City that was with Portland State folks who do population forecasts. He thought the total estimated growth through 2036, taking into consideration baby boomers, babies, etc. was 90. It was stated that growth will not come from birth but from people moving in. Commissioner Lawrence felt we were well within a safety zone for R-3 housing.

Commissioner Lyman stated the Center of Wellness is catering to the demographic that Goal 10 is concerned with and there is alignment there in his opinion of what their mission is and the Goal 10 mission.

April 26, 2016

Commissioner Ebbert made a motion to recommend approval to the City Council, the motion was seconded by Commissioner Hayslip to re-zone this parcel to C-1 as submitted. Motion passed unanimously.

Michele stated that there will be a hearing at the City Council meeting and if they approve, we will come back to you on June 7, 2016 and the City Council on June 13, 2016 for adoption of the Findings and approval of the Ordinance. There is an appeal period.

City Attorney Baum stated that he appreciated the comment from Mr. Hobbs on how expensive the area has become and it solidified the issue.

OTHER BUSINESS

Commissioner Lyman made a motion and Commissioner Ebbert seconded the motion to recommend to the City Council that Cory Otten be appointed to the Planning Commission. Motion passed unanimously.

Being no further business the meeting was adjourned.

Respectfully submitted,

Michele R. Young
City Administrator/Recorder

May 9, 2016

The Enterprise City Council met in regular session on Monday, May 9, 2016 at 7:30 p.m. those present were Mayor Steve Lear; Councilors Dave Elliott, Stacey Karvoski, Larry Christman; City Attorney Wyatt Baum; Staff Michele Young, Denine Rautenstrauch.

Absent: Councilor Bill Coffin and Jenni Word

Guests: Doug Crow; Richard Hobbs

Press: Kathleen Ellyn of the Chieftain

CONSENT AGENDA

Councilor Elliott made and Councilor Karvoski seconded the motion to approve the April 11, 2016 minutes. Motion passed unanimously. No additions to the agenda.

DEPARTMENT REPORTS

Public Works – Ronnie Neil was not present at the meeting but he submitted a request for a decision to cut down the Spruce Tree in Warde Park.

Councilor Christman made a motion to cut down the tree as requested, Councilor Karvoski seconded the motion. Councilor Karvoski then asked for discussion purposes why we were cutting down the tree.

Michele stated that what she understood from Ronnie is that the tree's root system was going to start causing problems on the brick and if we were going replace the brick sidewalk, this tree would be causing problems with that as well. As with other Spruce Trees in town, it will also become a hazard tree in our downtown.

Mayor Lear wanted to have a very clear understanding of why we are removing the tree.

Councilor Elliott stated that if we leave the Spruce tree alone, the top will probably break off.

Mayor Lear stated that Ronnie said the trees were not safe and felt we should have an expert look at the trees. Councilor Christman stated we have been talking about this tree for a year, it needs to come down.

After a lot of discussion about whether the tree was safe, diseased or a hazard it was decided to not cut it down.

Councilor Christman and Karvoski withdrew their motion

Councilor Elliott moved to have a professional arborist evaluate the tree and report back to the City Council. We need to know if it fits in the plan of the park. Councilor Karvoski seconded the motion which passed unanimously.

Library - Denine reported on the Library project stating that it was moving right a long and on schedule.

Administration - Michele presented the draft Employee Handbook. Asked Councilors to review it over the next month and submit any questions or proposed changes to her. It is in the final draft stage, and once all comments are in she will submit those to our Labor Attorney for

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review. Michele stated that once everyone is good with the Manual and the Attorney gives the go ahead we will submit it to the Unions and review it with the employees.

Michele and Councilor Karvoski reported on the fire suppression meeting they attended at the Cloverleaf last week. It was put on by the Forestry Department and put us through an exercise if there was a big fire near Joseph that required evacuations. It helped in developing good communication and how to channel the communication.

COMMITTEE REPORTS

Executive Committee – Mayor Lear stated that the Executive Committee met regarding filling the vacancy of Councilor Miller. They recommended to the Council that we not appoint anyone at this time and allow the voters to make that decision. There were 3 applicants. Councilor Karvoski asked Mayor Lear about combining some of our Council Committees, example would be Public Works and Parks as Parks is part of Public Works. Mayor Lear stated that would be a good idea, he will look into it.

OLD BUSINESS:

Thorpes Lane: Michele stated she received a final recommendation from our Engineer's regarding ownership of Thorpe Lane. Michele presented the Council with maps that shows the city does not have any ownership rights beyond 350' from Montclair on the west side of Montclair. This section was dedicated to the Public. The remaining area to the west is all privately owned by adjoining landowners.

Favorite Finds: Michele reported that Carla Fisher has continued to show improvement and is working to improve her parcel. Michele stated she will continue to talk with Carla to see that it is being cleaned up but feels there is no need to take action. Councilor Elliott preferred that we work with her like Michele was doing. Councilor Karvoski asked who was monitoring it, she felt our ordinance should be enforced. Michele stated that she is monitoring it and feels she is complying. No action taken.

NEW BUSINESS:

Michele presented the Council with a recommendation from the Planning Commission that Cory Otten be appointed to the Planning Commission for a three year term. Councilor Karvoski made and Councilor Christman seconded the motion which passed unanimously.

Main Street Motors – Doug Crow presented the Council with an Opportunity Fund Grant request in the amount of \$2,500. Main Street Motors and the Elks Lodge puts on the Show and Shine, their budget does not generate enough funds to carry the event. They have additional sound system improvements and they do advertising in 4-5 counties and western lifestyles. Councilor Karvoski made and Councilor Christman seconded the motion to fund them \$2,500, motion passed unanimously.

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Councilor Elliott stated this is more fitting for the opportunity fund but recommended that they apply in the future to CETRA.

There was confusion about his Event Permit and it turned out what Michele received was from Joseph's Car Show. Michele assumed it was this event since Andy Crow brought it in, the Joseph event has never submitted an Event Permit to us and does not need to. Doug will submit an application for the next meeting.

PUBLIC HEARING – Wallowa Valley Center for Wellness

Mayor Lear stated that now is the time set for a Legislative Public Hearing on an Application from Wallowa Valley Center for Wellness for a Zone Map and Comprehensive Map Amendment. This meeting is a continuance from the April 11, 2016 meeting.

- Does any City Councilor wish to disqualify him or herself for any personal or financial interest in this matter? *All Councilors responded no.*
- Does any City Councilor wish to report any significant ex-parte or pre-hearing contacts? *All Councilors responded no.*
- Has any City Councilor done a site visit of this property? *All Commissioners responded yes.*

Mayor Lear stated that this is a Legislative Public hearing under Oregon Land Use Law. Testimony and evidence must be directed toward the legal criteria in the City's Land Use Ordinance or Land Use Plan. The staff report will include a description of the criteria which the City staff believes should apply. Failure to raise an issue, and present accompanying evidence, sufficient to allow the City and other parties to evaluate and respond to that issue may preclude appeal of that issue to the Land Use Board of Appeals."

Staff and applicant requested that this hearing be continued from April 11, 2016 in order to provide staff and applicant time to respond to a letter received from the Fair Housing Council dated April 5, 2016. At this time, applicant is ready to provide evidence for request to rezone.

Mayor Lear asked Staff to give their report.

Michele Young stated the proposal is to change Tax Lot #400, located at 01S4435CA located on Medical Parkway across from Wallowa Memorial Hospital from R-3 to C-1. Michele reported on the existing development, site characteristics and site history:

This property is a vacant property in the R-3 Multi-Family Residential zone. To the North is the Wallowa Memorial Hospital, zoned C-1 Light Commercial. A portion of the property to the East lies the Wallowa County Fairgrounds arena zoned C-1 Light Commercial. The remaining portion to the East is occupied by the Park Street Apartments zoned R-3 Multi-Family Residential. The baseball fields are directly South and also zoned R-3 Multi-Family Residential. The Oregon State Department of Transportation owns the property to the West where the State Shops are located. Also to the West is a residential property, as well as a mechanic shop for a trucking business, both zoned C-1 Light Commercial.

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Michele stated that the zone criteria for R-3 is located in Section 3.030 and C-1 in Section 3.050 of the City Land Use Ordinance.

Michele reported that the first evidentiary hearing was held on April 5, 2016 by the Planning Commission. The City Council also held a Public Hearing on April 11, 2106 and continued their hearing to May 9, 2016. The Planning Commission, at their April 26, 2016 Hearing made recommendation to the City Council that the Re-Zone be approved as submitted. It was felt that the applicant provided sufficient information to back up the re-zoning of this property from C-1 to R-3. Michele provided the Council the minutes from the Planning Commission meeting.

Richard Hobbs – submitted an updated report in support of his application.

The Wallowa County Center for Wellness wants to create a development, a synergy to the medical area. There are better opportunities in this area and they have grant monies to build the facility. It is more appropriate as commercial when the Hospital invested \$23 mil in a new Hospital, a clinic at \$5.4 mil and senior housing at \$5.6 mil. The land prices in the area are huge, about \$75,000 per acre for their parcel. There is R-3 available for 1/3 of that price in other R-3 zones.

The fair housing council submitted a letter regarding the proposal of re-zoning this R-3 parcel to C-1, it would make it difficult to develop throughout the city if they can do that. He reviewed the 1982 Land Use Ordinance and Plan and how the cities land had been inventoried. Amendments to future plans and the population has actually decreased.

Mr. Hobbs stated that the land in 1982 as available is still available now.

Mr. Hobbs reviewed his vacant lands map with the Council. In 1997 it was determined we needed 10 acres of R-3, we currently have 20 acres. There was 74 acres needed for commercial, we currently have 72-73 acres.

Mayor Lear asked if there were any public present to make testimony on this application, there was none. Mayor Lear closed the public hearing for any further testimony. Mayor Lear asked for Council discussion.

Councilor Elliott feels this is an excellent use of this property.

Councilor Karvoski made and Councilor Christman seconded the motion to approve the Re-Zone as presented. Motion passed unanimously.

City Attorney Wyatt Baum stated that now the Council needs to direct Staff to write a Findings of Fact document and an Ordinance to adopt the Re-Zone. Wyatt asked Mr. Hobbs if he could provide the data for the Findings. Wyatt stated that this document justifies the approval.

Councilor Elliott made and Councilor Christman seconded the motion to direct the City Attorney to draft findings and ordinance, Motion passed unanimously.

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NUISANCE ORDINANCE

Wyatt stated that Michele had asked him to review the cities nuisance ordinance. Wyatt was concerned about the ability to enforce. Some of the ordinances the city has are left the unchanged. Wyatt reviewed a draft ordinance he put together and recommended the council review this and make sure they are comfortable enforcing.

Councilor Elliott felt it was very well done, it is one of those nasty parts of what we do. After discussion on enforcement of nuisances the council will take the time to review the proposal.

Being no further business, the meeting was adjourn.

Steve Lear, Mayor

ATTEST:

Michele R. Young, City Admin./Recorder

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2. PAYMENT METHOD

Affix postage or meter strip to area indicated in upper right hand corner.



3. ATTACH LABEL (if provided)

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City of Enterprise
108 NE 1st
Enterprise, OR
97828

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