



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Director's Office Fax (503) 378-5518

Main Fax: (503) 378-6033

Web Address: <http://www.lcd.state.or.us>

NOTICE OF ADOPTED AMENDMENT

December 16, 2011

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Fossil Plan Amendment
DLCD File Number 001-11



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 29, 2011

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

cc: Teresa Hunt, City of Fossil
Angela Lazarean, DLCD Urban Planner
Grant Young, DLCD Regional Representative
Tom Hogue, DLCD Economic Development Policy Analyst

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

DEC 09 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Fossil**

Local file number: **001-2011**

Date of Adoption: **11/8/2011**

Date Mailed: **12/8/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **8/25/2011**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

To accommodate a Property Line Adjustment, the City redesignated two parcels of .22 ac and .65 acre from Farm to Industrial and from Industrial to Farm, respectively.

Does the Adoption differ from proposal? Please select one

NO

Plan Map Changed from: **F&M-1**

to: **M-1&F**

Zone Map Changed from: **F&M-1**

to: **M-1&F**

Location: **NW Corner of City**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-11 (18950) [16859]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Teresa Hunt, City Recorder** Phone: **(541) 763-2698** Extension:
Address: **P.O. Box 467** Fax Number: - -
City: **Fossil** Zip: **97830-** E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS [197.615](#) and [OAR Chapter 660, Division 18](#)

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011

CITY OF FOSSIL
Ordinance No. 437

AN ORDINANCE AMENDING ORDINANCE 421, THE CITY'S
COMPREHENSIVE PLAN/ZONING MAP, TO CHANGE THE LAND
USE DESIGNATIONS OF TWO SPECIFIC PARCELS OF PROPERTY
WITHIN THE CITY LIMITS AND DECLARING AN EMERGENCY

FINDINGS OF FACT

1. Two individual property owners have approached the City with a property line adjustment request to facilitate the continuation of an existing commercial activity in the City. In order to effectuate the property line adjustment, a Comprehensive Plan/Zoning Map amendment must also be undertaken to allow the expanded use.
2. The properties are described herein as Parcel 1 and Parcel 2, the legal descriptions of which are contained in the Exhibit "A" of this ordinance.
3. The City accepted the application and then notified the Department of Land Conservation and Development with a Post Acknowledgement Plan Amendment (PAPA) notice on August 25, 2011.
4. The City Recorder caused notices to be sent to the affected property owners within the area and on October 11, 2011 the City Council conducted a public hearing to consider the proposed amendments.
5. At the close of the public hearing, the City Council moved unanimously to approve the proposed Comprehensive Plan/Zoning Map amendments.

NOW, THEREFORE, the Common Council of the City of Fossil does ordain the City's Comprehensive Plan/Zoning Map, adopted with Ordinance 421, is hereby amended as follows:

SECTION 1. The land use designation for Parcel 1, containing 0.22 acre, is hereby amended from Farm (F) to Industrial (M-1). The legal description for Parcel 1 is attached in Exhibit "A".

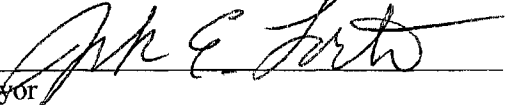
SECTION 2. The land use designation for Parcel 2, containing 0.65 acre, is hereby amended from Industrial (M-1) to Farm (F). The legal description for Parcel 2 is attached in Exhibit "A".
"B"

EMERGENCY CLAUSE

In that the economic well being of the community is a primary concern of the City, an emergency is declared to exist and this Ordinance shall become in full force and effect upon its adoption by the City Council.

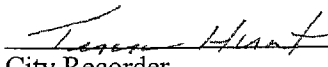
ADOPTED by the Common Council of the City of Fossil this 8th day of November, 2011.

CITY OF FOSSIL



Mayor

ATTEST



City Recorder

EXHIBIT "A"
Parcel 1

LEGAL DESCRIPTION - COUTURE TO SHERRELL

LEGAL DESCRIPTION OF A TRACT OF LAND BEING A PORTION OF A TRACT OF LAND CONVEYED TO GARY REGIS COUTURE AND DEAN CLARK COUTURE, AS EQUAL TENANTS IN COMMON IN DEEDS M-38-414, RECORDS OF WHEELER COUNTY, OREGON, LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 21 EAST, CITY OF FOSSIL, WHEELER COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHERE THE NORTH-SOUTH CENTERLINE OF SAID SECTION 32 INTERSECTS WITH THE EAST RIGHT-OF-WAY LINE OF THE OLD JOHN DAY HIGHWAY, THENCE SOUTH 44°37'19" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 113.06 FEET, MORE OR LESS; THENCE ALONG SAID RIGHT-OF-WAY LINE AROUND A 600.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 87.61 FEET, LONG CHORD BEARS SOUTH 40°26'20" EAST, 87.53 FEET; THENCE SOUTH 36°15'21" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 4.70 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ARMSTRONG S&E" AND THE TRUE POINT OF BEGINNING NO. 1 OF THIS LEGAL DESCRIPTION, FROM SAID POINT THE NORTHWEST CORNER OF LOT 2 OF BLOCK 1 OF KELSAY'S ADDITION TO THE CITY OF FOSSIL BEARS SOUTH 64°43'17" EAST, 1664.70 FEET; THENCE CONTINUING NORTH 43°51'49" EAST A DISTANCE OF 34.98 FEET, MORE OR LESS TO THE SOUTHERLY LINE OF A PARCEL OF LAND CONVEYED TO STEVEN E. SHERRELL AND BRENDA J. SHERRELL, HUSBAND AND WIFE IN DEEDS MF 000222, RECORDS OF WHEELER COUNTY, OREGON; THENCE NORTH 84°16'53" WEST ALONG THE SAID SOUTHERLY LINE OF SAID DEED MF 000222 A DISTANCE OF 47.59 FEET, MORE OR LESS TO SAID EAST RIGHT-OF-WAY LINE OF THE OLD JOHN DAY HIGHWAY; THENCE ALONG SAID RIGHT-OF-WAY LINE AROUND A 600.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 33.15 FEET, LONG CHORD BEARS SOUTH 37°50'43" EAST, 33.14 FEET; THENCE SOUTH 36°15'21" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 4.70 FEET TO THE TRUE POINT OF BEGINNING NO. 1, CONTAINING 0.01 ACRES, MORE OR LESS.

ALSO A TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHERE THE NORTH-SOUTH CENTERLINE OF SAID SECTION 32 INTERSECTS WITH THE EAST RIGHT-OF-WAY LINE OF THE OLD JOHN DAY HIGHWAY, THENCE NORTH 19°43'07" EAST, MORE OR LESS ALONG THE WESTERLY LINE OF A PARCEL OF LAND CONVEYED TO STEVEN E. SHERRELL AND BRENDA J. SHERRELL, HUSBAND AND WIFE IN DEEDS MF 000222, RECORDS OF WHEELER COUNTY, OREGON A DISTANCE OF 37.89 FEET, MORE OR LESS A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ARMSTRONG S&E" AND THE TRUE POINT OF BEGINNING NO. 2 OF THIS LEGAL DESCRIPTION, FROM SAID POINT THE NORTHWEST CORNER OF LOT 2 OF BLOCK 1 OF KELSAY'S ADDITION TO THE CITY OF FOSSIL BEARS SOUTH 61°11'12" EAST, 1862.01 FEET; THENCE CONTINUING NORTH 19°43'07" EAST ALONG THE WESTERLY LINE OF SAID DEEDS MF 000222 A DISTANCE OF 5.59 FEET; THENCE NORTH 51°43'07" EAST ALONG THE WESTERLY LINE OF SAID DEEDS MF 000222 A DISTANCE OF 175.69 FEET, MORE OR LESS TO TO A LINE MARKED BY 5/8" IRON RODS WITH YELLOW PLASTIC CAP MARKED "ARMSTRONG S&E" WHICH BEARS NORTH 76°09'23" WEST; THENCE NORTH 76°09'23" WEST ALONG SAID LINE A DISTANCE OF 97.49 FEET, MORE OR LESS TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ARMSTRONG S&E"; THENCE SOUTH 77°19'34" WEST A DISTANCE OF 44.91 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ARMSTRONG S&E"; THENCE SOUTH 00°35'43" WEST A DISTANCE OF 127.58 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ARMSTRONG S&E" AND THE TRUE POINT OF BEGINNING NO. 2, CONTAINING 0.22 ACRES, MORE OR LESS.

EXHIBIT B

Parcel 2

LEGAL DESCRIPTION - SHERRELL TO COUTURE

LEGAL DESCRIPTION OF A TRACT OF LAND BEING A PORTION OF A TRACT OF LAND CONVEYED TO STEVEN E. SHERRELL AND BRENDA J. SHERRELL, HUSBAND AND WIFE IN DEEDS MF 000222, RECORDS OF WHEELER COUNTY, OREGON, LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 21 EAST, CITY OF FOSSIL, WHEELER COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHERE THE NORTH-SOUTH CENTERLINE OF SAID SECTION 32 INTERSECTS WITH THE EAST RIGHT-OF-WAY LINE OF THE OLD JOHN DAY HIGHWAY, THENCE SOUTH 44°37'19" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 113.06 FEET, MORE OR LESS; THENCE ALONG SAID RIGHT-OF-WAY LINE AROUND A 600.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 87.61 FEET, LONG CHORD BEARS SOUTH 40°26'20" EAST, 87.53 FEET; THENCE SOUTH 36°15'21" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 4.70 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ARMSTRONG S&E", FROM SAID POINT THE NORTHWEST CORNER OF LOT 2 OF BLOCK 1 OF KELSAY'S ADDITION TO THE CITY OF FOSSIL BEARS SOUTH 64°43'17" EAST, 1664.70 FEET; THENCE CONTINUING NORTH 43°51'49" EAST A DISTANCE OF 34.98 FEET, MORE OR LESS TO THE SOUTHERLY LINE OF A PARCEL OF LAND CONVEYED TO STEVEN E. SHERRELL AND BRENDA J. SHERRELL, HUSBAND AND WIFE IN DEEDS MF 000222, RECORDS OF WHEELER COUNTY, OREGON AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 84°16'53" EAST ALONG THE SAID SOUTHERLY LINE OF SAID DEED MF 000222 A DISTANCE OF 94.70 FEET; THENCE NORTH 05°43'07" EAST ALONG THE EAST LINE OF SAID DEED MF 000222 A DISTANCE OF 200.00 FEET; THENCE NORTH 17°16'53" WEST ALONG THE EAST LINE OF SAID DEED MF 000222 A DISTANCE OF 155.00 FEET; THENCE SOUTH 51°43'07" WEST ALONG THE WESTERLY LINE OF SAID DEED MF 000222 A DISTANCE OF 100.31 FEET, MORE OR LESS, TO A LINE MARKED BY 5/8" IRON RODS WITH YELLOW PLASTIC CAP MARKED "ARMSTRONG S&E" WHICH BEARS SOUTH 76°09'23" EAST; THENCE SOUTH 76°09'23" EAST ALONG SAID LINE A DISTANCE OF 26.74 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ARMSTRONG S&E"; THENCE SOUTH 00°43'38" WEST A DISTANCE OF 256.48 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ARMSTRONG S&E"; THENCE SOUTH 43°51'49" WEST A DISTANCE OF 17.44 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.65 ACRES, MORE OR LESS.



TENNESON
ENGINEERING CORPORATION
 CONSULTING ENGINEERS • SURVEYORS • PLANNERS

3313 WEST SECOND STREET, SUITE 100
 THE DALLES, OR 97058

PHONE (541) 296-9177
 FAX (541) 296-6657

LETTER OF TRANSMITTAL

TO: Department of Land Conservation and Development
 635 Capitol Street NE, Suite 150
 Salem, Oregon 97301-2540

DEPT OF
DEC 09 2011
LAND CONSERVATION AND DEVELOPMENT

Date	12/8/11	Work Order #	11470
Attention	Plan Amendment Specialist		
RE:	Notice of Adoption		
	001-2011		
	City of Fossil		

ENCLOSED ARE THE FOLLOWING:

QUANTITY	DESCRIPTION
1	DLCD NOTICE OF ADOPTION—CITY OF FOSSIL #001-2011

THESE ARE TRANSMITTED (as checked below)

- | | | |
|--|--|--|
| <input type="checkbox"/> For approval | <input type="checkbox"/> As requested | <input type="checkbox"/> Filing/Recording |
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> For your review & comment |

CHARGES

Remarks:	SF Blueline	
	SF Mylar	
	Xerox	
	Tube, Mailer, Etc.	
	P & H	
	TOTAL	

PICKED UP BY:
 DELIVERED BY: U.S. Mail
 COPY TO: City Recorder, City of Fossil BY: Daniel R. Meader, Planner

If enclosures are not as noted, please notify us at once.



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12/08/11
Mailed From 97058
US POSTAGE

TENNESON ENGINEERING CORP.

3313 WEST SECOND STREET, SUITE 100
THE DALLES, OR 97058

To:

Attn: Plan Amendment Specialist
Department of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540