



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/23/2012

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

FROM: Plan Amendment Program Specialist

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

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, February 03, 2012

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

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Michele Young, City of Enterprise
Angela Lazarean, DLCD Urban Planner
Grant Young, DLCD Regional Representative

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FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

JAN 17 2012

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 Enterpries

Local file number: Bailey 2011-11-3

Date of Adoption: 01//09/12

Date Mailed: 01/13/11

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/14/11

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".

Adopted by Ordinance NO. 563 to re-zone property from R-3 to C-1

Does the Adoption differ from proposal? Please select one

No, however there was a typo error on notice to DLCD stating it was an R-2 when it should have said R-3, both zones are classified as Medium/High Density.

Plan Map Changed from: Medium/High Density to: General Commercial

Zone Map Changed from: R-3 to: C-1

Location: 1S 44E Section 35CD, tax lots 3000 & 3100 Acres Involved: .40

Specify Density: Previous: 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 (19048) [16900]

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

City of Enterprise

Local Contact: Michele R. Young

Phone: (541) 426 4196 Extension:

Address: 108 NE 1st St.

Fax Number: 5414263395

City: Enterprise

Zip: 97828

E-mail Address: cityent@eoni.com

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.

ORDINANCE NO. 563

AN ORDINANCE AMENDING THE COMBINED LAND USE PLAN MAP AND ZONING MAP TO EFFECT A RE-ZONE OF TAX LOTS 3000 & 3100 , MAP 1S 44 35CD 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 3000 and 3100, Map 1S 45 35CD 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 Recorder is directed to make appropriate notation on said Land Use Plan Map of said map amendment.

Section 2. **Effective Date.**

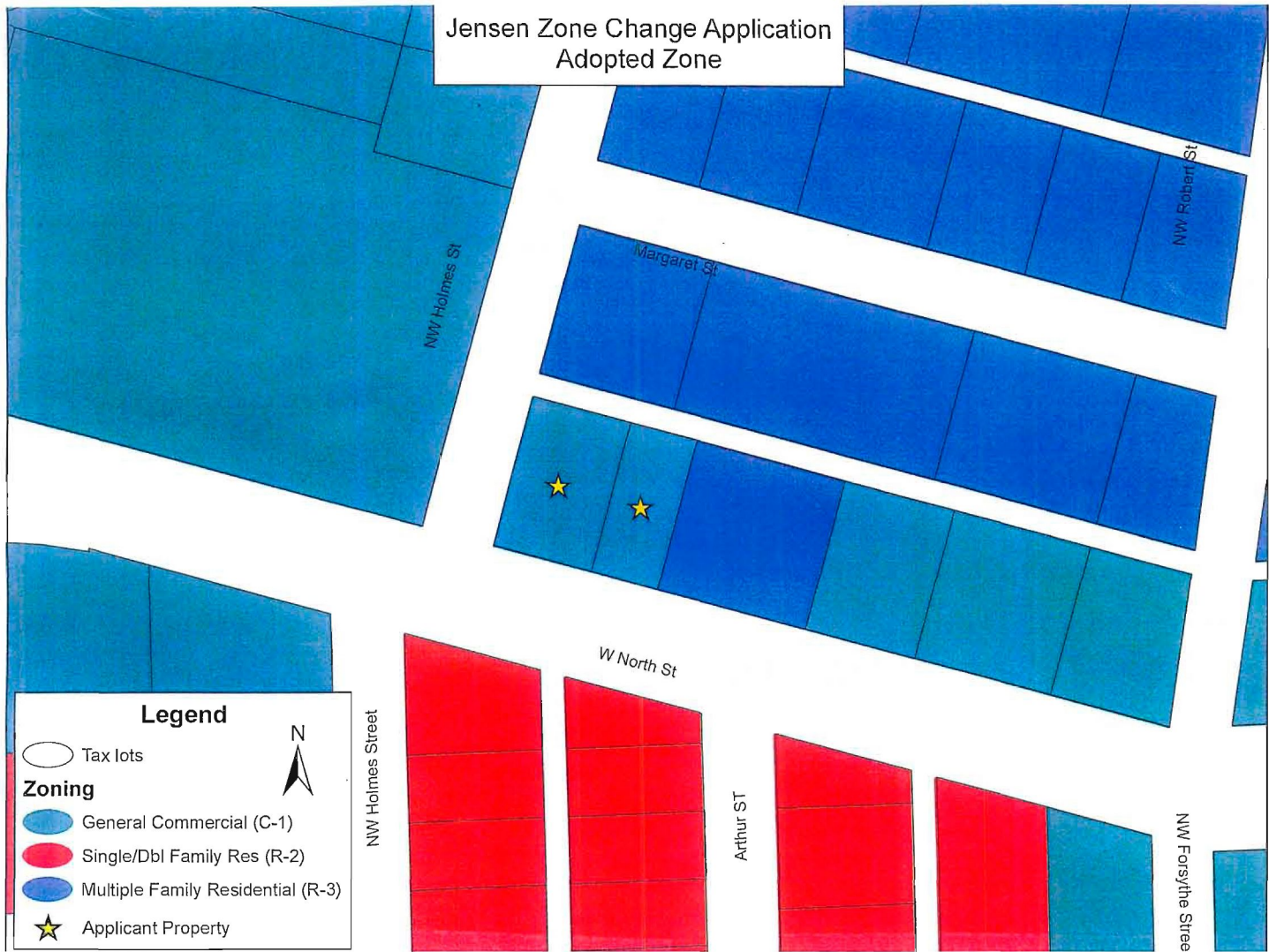
This ordinance shall be effective thirty days after the date of its enactment.

Passed and adopted by a vote of 7 ayes and 0 nays, this 9th day of January, 2012.


Steven D. Lear, Mayor

ATTEST:


Michele R. Young, City Admin./Recorder



CITY OF ENTERPRISE
CITY COUNCIL ACTION FORM

Council Meeting Date: January 9, 2012

PRESENTER: Michele Young

COUNCIL ACTION: **PUBLIC HEARING FOR ZONE CHANGE**

1. CHAIR: Open the Public Hearing and ask that the Rules of Order for this Public Hearing to be read in their entirety.
2. CHAIR: Request Staff Report.
3. CHAIR: Invite Public Testimony in Favor, in Opposition, Neutral to, and then Rebuttal Testimony.
4. CHAIR: Entertain Motion

SUGGESTED MOTION: I move that the Findings of Fact and Conclusions set forth in the Staff Report be (adopted/amended) and that the Zone Change be adopted by Ordinance. No. 563
5. CHAIR: Invite Council Discussion
6. CHAIR: Close the Public Hearing and Ask for the Vote.

EXPLANATION:

Mr. James T. Bailey is requesting the City of Enterprise's consideration to rezone the subject property from Medium/High Density Residential (R-3) to General Commercial (C-1). The subject property is approximately 17,250 sq. feet in size and is undeveloped.

The application has been heard at a Public Hearing by the Enterprise Planning Commission on Tuesday, January 3, 2012. The motion by the Planning Commission was unanimous to recommend to the City Council approval of this application.

COUNCIL ACTION (Office Use Only)

Motion Passed Motion Failed
 Action Tabled: _____

Vote: Unanimous – 7 votes in favor

Recessed: _____

**CITY OF
ENTERPRISE**

CITY COUNCIL MEETING

Monday, January 09, 2012

STAFF REPORT

Application Files: Bailey – 2011-11-3

Applicant: James Bailey

Proposal: Zoning Map Amendment: from Medium/Heavy Density Residential/Multi Family Dwelling Zone (R-3) to Commercial (C-1)
Comprehensive Plan Map Amendment: from Medium/Heavy Density Residential to General Commercial

Location: 1S, 44E, Section 35CD, Tax Lots 3000, 3100, Enterprise, Wallowa County, Oregon.

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FINDINGS OF FACT

1. PROPOSAL DESCRIPTION

Mr. James T. Bailey is requesting the City of Enterprise's consideration to rezone the subject property from Medium/Heavy Density Residential (R-3) to General Commercial (C-1). The subject property is approximately two parcels, same ownership; 17,250 square feet in size and is undeveloped.

The parcels have had dwellings on them in years past but were removed by the current owners, Harold and Wanda Jensen years ago. The parcels face Hwy. 82 and have commercial zoning to the west and residential to the east. However the block that this property is on has commercial zoning on it to the east as well.

The Applicant has a proposed development with this request which meets the criteria in the C-1 Zone outright. His proposal is to build an Eye Clinic. He feels this property is beneficial as a commercial use with the close proximity to Safeway Pharmacy.

2. SCHEDULE OF EVENTS

November 3, 2011	The application was submitted.
November 14, 2011	The application was deemed complete and 45 Day Notice mailed to DLCD, with anticipated delivery on or before November 17, 2011.
December 13, 2011	Public Notices mailed to properties within 250 feet of tax lots in question
December 22, 2011	Public Notice will be published in the <i>Wallowa County Chieftain</i> , a newspaper of general circulation advertising the January 3, 2012, Planning Commission Hearing and the January 9, 2012 City Council Hearing.
December 28, 2011	The Staff Report made available to the public.
January 3, 2012	Planning Commission Public Hearing held.
January 9, 2012	City Council Public Hearing - Adoption of Findings; Reading of Ordinance and Adoption of Ordinance
January 13, 2012	Notice of Adoption, mailing of ordinance and Findings mailed to DLCD, anticipated delivery date January 13, 2012.
February 9, 2012	Ordinance becomes effective
February 13, 2012	Expiration of thirty (30) day appeal period

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 Appeal the decision.

Goal 2 – The applicant currently owns and operates an Eye Clinic of which he will be moving out of. A need for handicap accessibility is needed which he currently does not have. The city has continued to see growth in professional commercial complex needs, especially in the medical industry. While the city has not reached the estimated population growth of 2,750 by 2015, the population has remained stable. This eye clinic has been in the City of Enterprise for many years and the public need for it's continuance in Enterprise is strong. It would have a negative impact to lose this in our city.

Goals 3, 4, 5, 6, 7, 8 and 9 – None of the Comprehensive Plan Policies for these Goals are applicable to this request.

Goal 10 – This parcel has street access from the west and south and alley access from the north. 10.1 through 10.3 and 10.5 do not apply; 10.4 is met as the parcel has a sidewalk on the side facing the highway which is to the south.

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

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

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

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

All applicable Land Development Code standards appear to be met.

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

Finding: The subject property is 17,250 sq. feet in size, which would supports a professional complex. The applicant will be submitting a development proposal a 2000 sq ft, building with off street parking and other design standards. The lot size is more than adequate to support the proposed use.

- 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 full build-out of the subject properties. There will not be a significant affect on a transportation facility as the subject property is relatively small in scale and the traffic impacts between the high density zoning and medium density zoning are minor.

This use will not require a Transportation system plan study.

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

Finding: The proposed use is compatible with the area. The property to the South is residential and commercial, the property to the West is commercial, the property to the North is residential; and the property to the east is a single-family residence, zoned medium density residential and then it changes back to commercial.

4. **ARTICLE – COMPREHENSIVE PLAN DESIGNATION CHANGE**

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

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

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

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

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

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

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

Finding: The history of this parcel has shown it is better zoned commercial than residential by the history of use and inquiries. The parcel was a real estate office at one time as a home occupation. Since the buildings have been removed and there has been no interest for residential use but a lot of interest for commercial use based on information from local realtors and inquiries at city hall.

5. **PUBLIC AND AGENCY COMMENTS**

- A. A letter of concern to this request was received from Mail Hagan, 207 NW Holmes Street, raising concerns regarding the condition of additional traffic entering Holmes Street. No objection to the use.
- B. No comments have been submitted by City Department or other Agencies.

*Comprehensive Plan Map and Zoning Map Change
File Numbers: Bailey 2011-11-3
City Council Staff Report
January 09, 2012
Page (5)*

CONCLUSIONS

1. Based on the preliminary review of this request, it appears to comply with all applicable provisions of the cities Land Use Ordinance.
2. Based on the preliminary review of this request, it appears to comply with all applicable Goals and Policies of the Land Use Plan.
3. The Enterprise Planning Commission held a Public Hearing On January 3, 2012 and unanimously made a motion to recommend to the City Council that this application be approved based on the above Findings.

Report Prepared by Michele Young, City Administrator

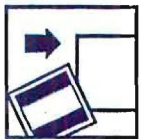
HOW TO USE:



- 1. COMPLETE ADDRESS LABEL AREA**
Type or print required return address and addressee information in customer block (white area) or on label (if provided).



- 2. PAYMENT METHOD**
Affix postage or meter strip to area indicated in upper right hand corner.



- 3. ATTACH LABEL (if provided)**
Remove label backing and adhere over customer address block area (white area).

City of Enterprise
108 NE 1st
Enterprise, OR
97828



Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

DEPT OF

JAN 17 2012

**LAND CONSERVATION
AND DEVELOPMENT**

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