



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

12/30/2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Wheeler County Plan Amendment
DLCD File Number 002-08

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, January 09, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

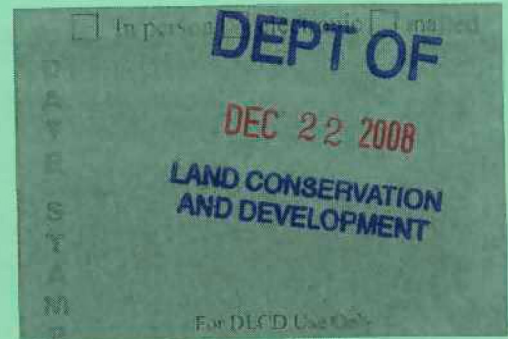
Cc: Theresa Ward, Wheeler County
Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative

<paa> YA

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **Wheeler County**

Local file number: **PA-002-08**

Date of Adoption: **12/17/2008**

Date Mailed: **12/19/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/16/2008

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".
Amend the EFU Zone to General Commercial, C-1 Zone with a Limited Use Combining Zone Overlay

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **EFU**

to: **General Commercial C-1 with Overlay**

Zone Map Changed from: **EFU**

to: **General Commercial C-1 with Overlay**

Location: **T08SR24E-25 Lot 501**

Acres Involved: **3.01+/-**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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. 002-08 (17210)

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

ODOT, DLCD, DEQ, Spray Volunteer District

Local Contact: Teressa Ward/Robin Hunt-Palazo	Phone: (541) 763-2126	Extension:
Address: PO Box 327	Fax Number: 541-763-2026	
City: Fossil	Zip: 97830-	E-mail Address: tward@ncesd.k12.or.us rmhpalazo@gmail.com

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - **ATTENTION: PLAN AMENDMENT SPECIALIST**.

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

IN THE MATTER OF A)
COMPREHENSIVE PLAN)
CHANGE REQUEST)

ORDER 2008-25

Whereas: The Wheeler County Planning Commission considered a request to rezone Tax Map 8S, Range 24E-25, Lot 501 from Exclusive Farm Use (EFU) to General Commercial C-1 Zone with a Combining Overlay; and

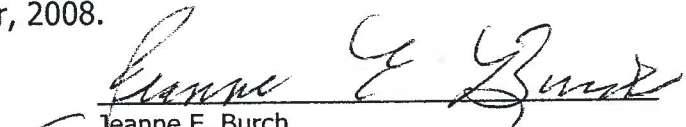
Whereas: The Wheeler County Planning Commission presented a staff report providing findings on this matter; and

Whereas: On December 9, 2008, the Wheeler County Planning Commission held a public hearing to hear testimony for and against the matter; and


Whereas: The Wheeler County Court held a Public Hearing on December 17, 2008, to hear testimony regarding the Planning Commission's unanimous recommendation to the Wheeler County Court to approve the Plan Amendment change request.

NOW THEREFORE: The Wheeler County Court hereby affirms the decision of the Wheeler County Planning Commission to approve the request to change from EFU to General Commercial C-1 Zone with a Combining Overlay, Tax Map T08S, Range 24E-25, Lot 501.


DATED this 17th day of December, 2008.



Jeanne E. Burch
Wheeler County Judge



H. John Asher
Wheeler County Commissioner



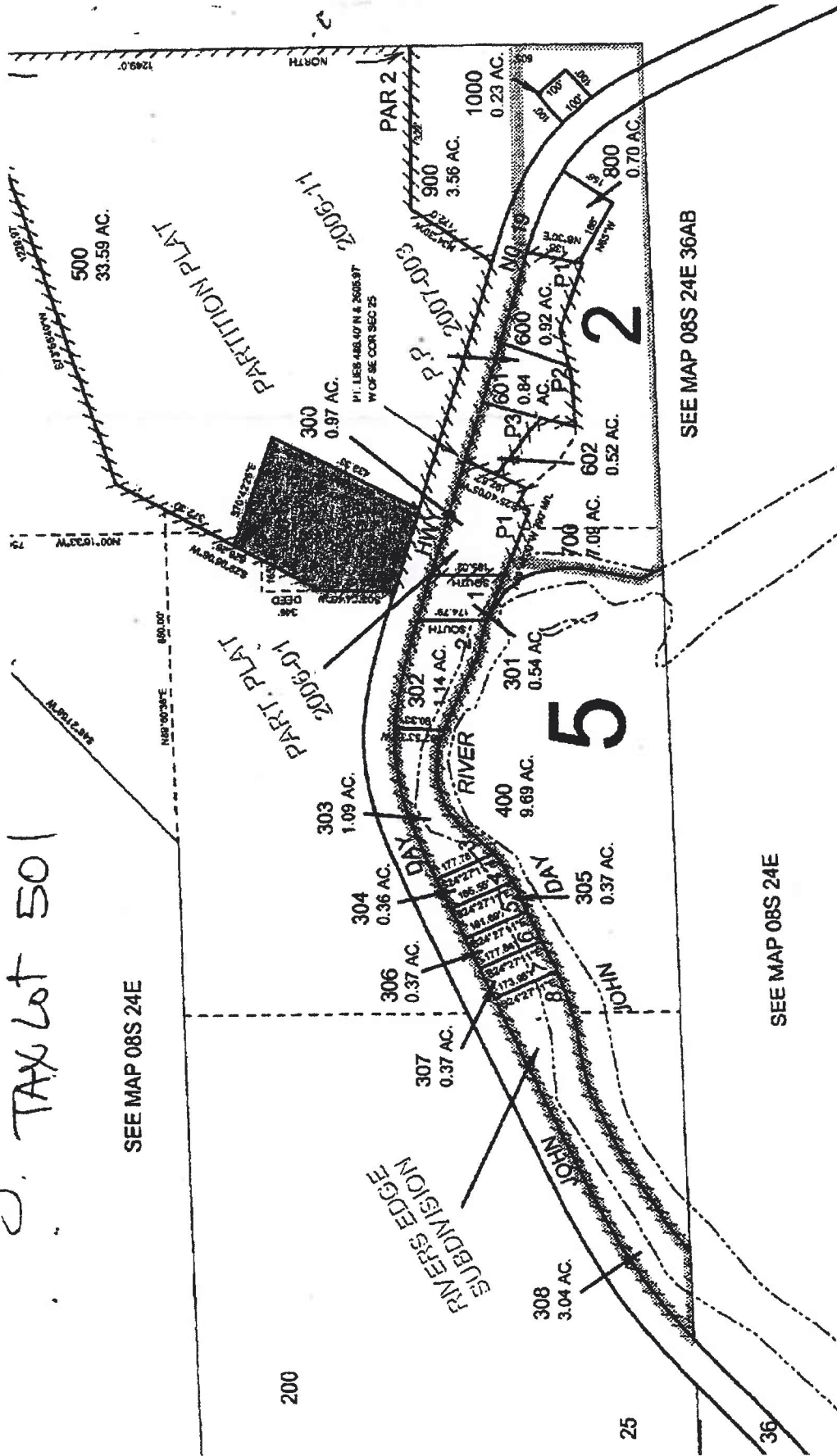
Patrick C. Perry
Wheeler County Commissioner

STATE OF OREGON
County of Wheeler

I, the undersigned County Clerk and Clerk of the County Court of the County and State aforesaid, do certify that the foregoing is a true and complete copy of the original now on file in my office.

DATED December 18, 2008
Wheeler County Clerk
By Ceressa A. Greenfield

Legal T8S R24E - 25
TAX Lot 501



Wheeler County Planning Commission

P.O. Box 327
Fossil, Oregon 97830
541♦763♦2126
Fax 541♦763♦2026

BEFORE THE WHEELER COUNTY PLANNING COMMISSION
AND THE WHEELER COUNTY COURT

NOTICE OF DECISION

On December 9, 2008, the Wheeler County Planning Commission held a public hearing, notice of said hearing being advertised three consecutive weeks.


The Planning Commission approved a Plan Amendment Application, PA-002-08 from Wesley Whelchel for a change of zoning request, for recommendation to the Wheeler County Court.

The said property is located in Township 08S, Range 24E-25 Tax Lot 501 in Wheeler County.

On December 17, 2008, the Wheeler County Court held a public hearing at the Wheeler County Courthouse, 701 Adams Street, Fossil, Oregon and unanimously approved the zone change request PA-002-08.

Copies of the Decision are available at the Wheeler County Courthouse. Any party of record may appeal this decision to the County Court within fifteen (15) days after the decision was mailed to the parties of the proceedings.

Dated this 17th day of December, 2008.



Theresa W. Ward
Wheeler County Planning Director