



Oregon

Theodore R. Kubongoski, 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

6/28/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Sherman County Plan Amendment
DLCD File Number 003-10

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, July 09, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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: Georgia Macnab, Sherman County
Jon Jinings, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> N

FORM 2

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

In person electronic mailed

DATE STAMP

DEPT OF

JUN 21 2010

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Sherman**

Local file number: **2010- 03**

Date of Adoption: **6/16/2010**

Date Mailed: **6/18/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 4/28/2010

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

An application was submitted to Sherman County to rezone an 11.61 acre Exclusive Farm Use Parcel (F-1) to General Residential to allow for a single family dwelling . The Planning Commission reviewed the proposal and after careful consideration and advice from staff recommended approval to the Sherman County court for a R-1 rezone. The Sherman County Court moved unanimously to approve the proposed amendment.

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

Plan Map Changed from: **F-1 11.61 acres** to: **R-1**

Zone Map Changed from: **F-1 11.61 acres** to: **R-1**

Location: **Section 8,T2N, R16E, 08**

Acres Involved: **11.61**

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 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- | | | |
|--|---|-----------------------------|
| 45-days prior to first evidentiary hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, do the statewide planning goals apply? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, did Emergency Circumstances require immediate adoption? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

DLCD File No.

DLCD file No. _____

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

Sherman County, Biggs Service District

Local Contact: **Georgia Macnab**

Phone: (541) 565-3601 Extension:

Address: **PO Box 381**

Fax Number: **541-565-3078**

City: **Moro**

Zip: **97039-**

E-mail Address: **georgiamac@embarqmail.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.

Sherman County
Community Development & Planning
P. O. Box 381
110 Main Street, Unit 2
Moro, Oregon 97039



(541) 565-3601
FAX (541) 565-3078

DATE: June 15, 2010
TO: Sherman County Court
FROM: Georgia L. Macnab
Sherman County Planning Department
RE: Comprehensive Zoning Map Amendment/Zone Change
Pat Beers

On Monday, June 14, 2010 a public hearing was held by the Sherman County Planning Commission to hear a proposal for an Amendment to the Comprehensive Plan Map to rezone 11.61 acres of Exclusive Farm Use property to General Residential. The project is proposed by Pat Beers for the purpose of putting another single family residence on the property for his son. The current residence is occupied by the previous owner and has been given life estate to remain in the house. Two single family dwellings are not permitted in the F-1 zone on a small parcel.

There was also testimony from the NSRFD fire chief Rod Asher regarding fire suppression in the Biggs Service and outlining area. He is concerned about future developments in that area without sufficient water for fire suppression.

The Planning Commission moved and passed a motion to recommend to the County Court approval of the Zone Map Amendment.

See enclosed Staff Report and attachments.

SHERMAN COUNTY

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN/ZONING MAP)
TO REDESIGNATE CERTAIN TAX LOTS IN THE COUNTY FROM) **Ordinance #02-2010**
EXCLUSIVE FARM USE F-1 TO GENERAL RESIDENTIAL R-1)
AND DECLARING AN EMERGENCY)

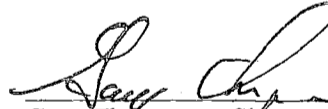
Findings of Fact:

1. Patrick Beers requested a Comprehensive Plan/Zoning Map Amendment to rezone 11.61 acres of property he owns in Sherman County to from F-1 to R-1 to allow for the development of a residence.
2. The property is legally described as Township 2 North, Range 16 East 08, Tax Lot 400, Sherman County, Oregon.
3. The proper notices, including notice to DLCD, notice to adjoining property owners, and notice in the local newspaper were posted by the Sherman County Planning Staff.
4. The Sherman County Planning Commission conducted a public hearing on June 14, 2010 to consider the proposed map re-designation.
5. Patrick Beers spoke as a proponent to the project. No opponents were heard.
6. Testimony was received from the NSRFD Fire Chief Rod Asher regarding the lack of water for fire suppression in the Biggs Area.
7. At the conclusion of the public hearing, the Planning Commission moved unanimously to approve the proposed amendment.

NOW, THEREFORE, the Sherman County Court hereby ordains that:

1. Township 2 North, Range 16 08 East, Tax Lot 400 of which 11.61 acres to be rezoned to R-1.
3. Inasmuch as the health, general welfare, and economic well being of the County is dependent upon allowing this zone change, an emergency is hereby deemed to exist and this ordinance shall become in full force and effect upon its passage by the City Council.

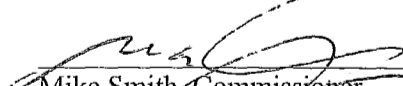
APPROVED by the Sherman County Court this 16 day of June, 2010.



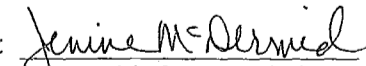
Gary Thompson, Sherman County Judge



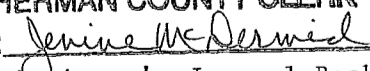
Steve Burnet, Commissioner



Mike Smith, Commissioner

Attest: 
Jenine McDermid, County Clerk

FILED: 12:10pm
June 16, 2010

JENINE McDERMID
SHERMAN COUNTY CLERK
BY: 
Commissioner's Journal Book E
File: 177 Page: 563 Item: 28

Sherman County
Community Development & Planning
P. O. Box 381
110 Main Street, Unit 2
Moro, Oregon 97039



(541) 565-3601
FAX (541) 565-3078

DATE: June 8, 2010
TO: Sherman County Planning Commission
FROM: Georgia L. Macnab
Sherman County Planning
RE: Zone Change, Patrick Beers

MEETING DATE: **Monday, June 14, 2010, 7:00 P.M.** at the **Sherman County Senior Center, Dewey Street, Moro, Oregon.**

PROPOSAL

The purpose of the hearing is to consider a proposal by Pat Beers to rezone 11 acres of Exclusive Farm Use (F-1) to General Residential (R-1) for the purpose of future residential development. The subject site is located in the Exclusive Farm Use Zone at the westerly edge of Biggs Junction. The property is described by the Sherman County Assessors maps as T2N, R16E08, Tax Lot 400, Sherman County, Oregon.

The proposed use is allowed in the SCZO in Article 8. Amendments.

BACKGROUND INFORMATION

The public hearing on this proposal was advertised in The Dalles Chronicle on Tuesday, May 25, 2010 and notices sent out to surrounding property owners on May 2, 2010. Notice was also sent to the Department of Land Conservation (DLCD) on April 28, 2010. DLCD requires notice of the first evidentiary hearing on a proposed amendment at least 45 days in advance of the hearing.

Tax Lot 400 consists of 11 acres and is currently zoned Exclusive Farm Use and does not allow for an additional single family dwelling. One home currently sits on the site and occupied by the recent owner of the property. The applicant recently purchased the property and is allowing the previous owner life estate. Mr. Beers would like to rezone the property to residential to allow for an additional residence on the property. The property is located west of Biggs Junction just outside of the Service District.

The property is accessible by Highway 30 by a private drive. Private well and septic serve the property. Power is served by Pacific Power and Light and fire protection is provided by the North Sherman Rural Fire Protection District.

This is a rocky piece of property with sandy benches and not suitable for farming. The soil type is QNB Quincy Series and occurs along the Columbia River and is of minor extent and not important agriculturally. The capability unit is a class VIIe-1.

Pat Smith from ODOT contacted this office regarding this proposal to inform staff that he will send something in writing regarding the proposal. His concern was for any future development on the site and how it would affect the access point from Hwy 30.

No other comment has been received regarding this proposal as of the writing of this staff report.

PROPOSED MAP AMENDMENTS

The criteria for the completing an amendment is very brief and is contained in the Comprehensive Plan. The burden of proof is upon the applicant and the following two criteria are applicable.

- A. The proposal is in accordance with the Comprehensive Plan goals and policies.

The goals of the County Comprehensive Plan are to encourage the County to continue to grow. The following policies are applicable:

Goal I Housing

To encourage the provision of sound affordable housing units for the citizenry of the county.

ZONING ORDINANCE CRITERIA

The SCZO also contains a limited amount of review criteria, which must be addressed by the County when considering a Zoning Map amendment. The following material presents the criteria and proposed findings.

1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the Plan.

Finding

The proposal to rezone the property is supported by the Comprehensive Plan goal and policies by providing additional land for housing.

2. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.

Finding

The property is currently zoned F-1 has never been utilized for any type of farming activity. Assessor records show that it has been an 11 acre property since 1962 well before the county had a land use plan. Further investigation shows this parcel as being zoned general residential according to the 1979 Sherman County Comprehensive and Zoning map. It is unclear when or how it was switched to F-1. The 1994 SCZO and maps which are used today show the parcel as F-1. Rezoning this small site would not leave the County short of farm ground.

3. The public need is best served by changing the classification of the subject site in question as compared with other available property.

Finding

Rezoning this property to General Residential would provide more housing opportunities to Sherman County if the owner chooses to further develop the site. There is no available housing for people who work in Biggs Junction.

4. The potential impact upon the area resulting from the change has been considered.

Finding

The close proximity to Biggs Junction and the view of the Columbia River makes this a desirable place to live. Existing stores, gas stations and restaurants would benefit from the potential population increase of the development.

Zoning Regulations

SECTION 3.2 GENERAL RESIDENTIAL, R-1 Zone

In an R-1 Zone, the following regulations shall apply;

3. Dimensional Standards – In an R-1 Zone, the following Dimensional Standards shall apply:

(a) Minimum lot size shall conform to the requirements of the County Health Department and the Department of Environmental Quality, but for a residential use the lot size shall not be less than 20,000 square feet; except if either a community water supply or sewer system is available for use, the minimum lot area may be 10,000 square feet; or if a community water supply and sewer system are available for use, the minimum lot area may be 7,000.

(b) Front yard shall be a minimum of 20 feet, and each side yard shall be a minimum of 5 feet except that on corner lots the side yard on the street side shall be a minimum of 15 feet, and the rear yard shall be minimum of 10 feet.

(c) No building shall exceed a height of 35 feet measured from grade.

(d) Buildings shall not cover more than 60 percent of the total lot area.

(e) Front yard shall be a minimum of 20 feet.

(f) Each side yard shall be a minimum of 15 feet.

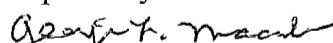
PLANNING PROCESS

The planning commission may take one of the following actions upon conclusion of public testimony: recommend or deny to the county court the zone change with the findings of fact as written; the motion would be to recommend to the County Court approval of the zone change; or recommend denial to the County Court or table or recess the hearing to a set time and place.

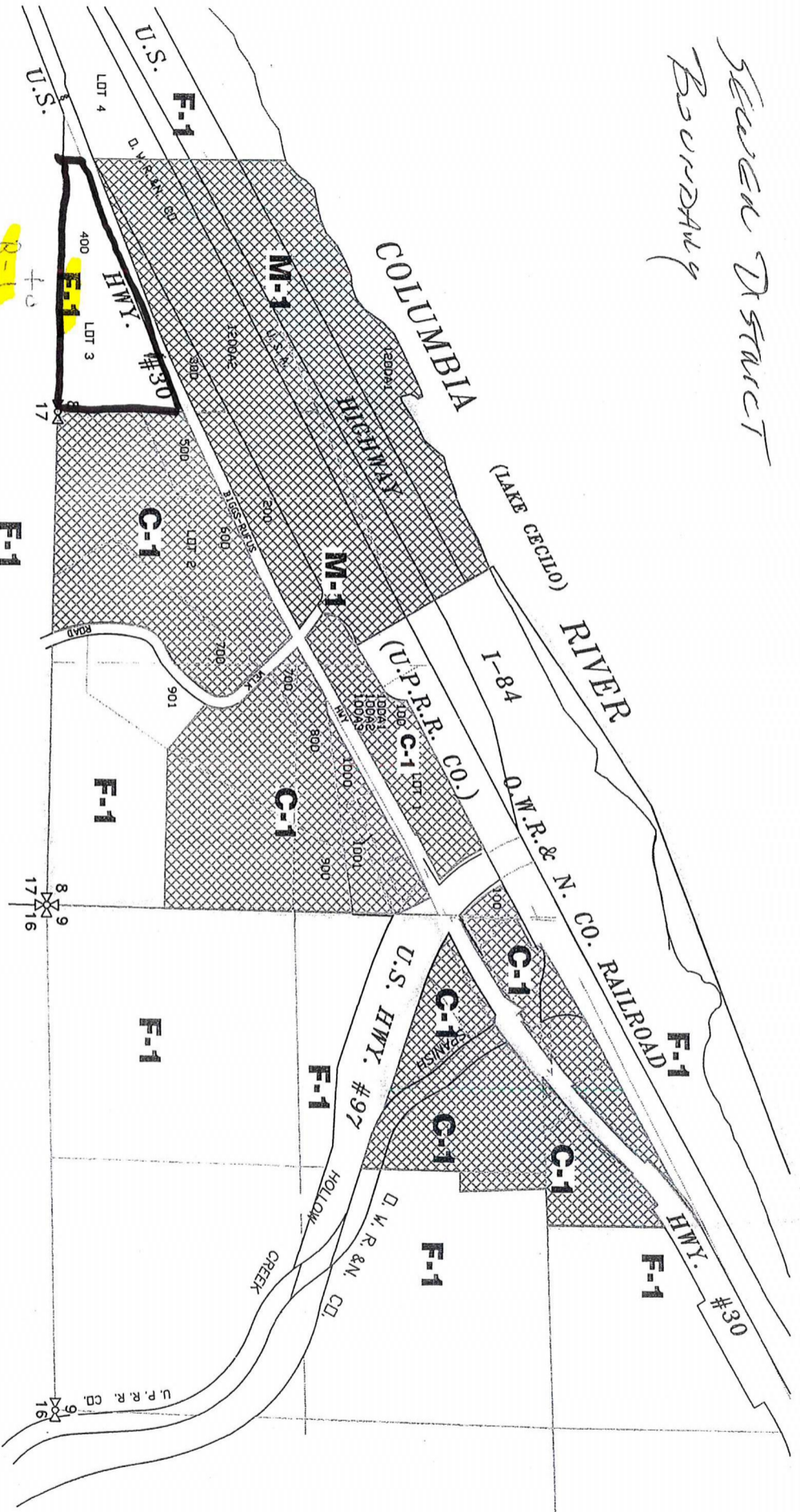
STAFF RECOMMENDATION and COMMENTS

Staff recommends approval of the proposal based on the location of the property and the best use for the property.

Respectfully submitted


Georgia L. Macnab
Sherman County Planning Director

*Seven District
Boundary*



BIGGS JUNCTION
(UNINCORPORATED)
T.2N, R.16E, SECTIONS 8 & 9

**COMPREHENSIVE
PLAN/ZONING MAP**

Bill Green
Clemson

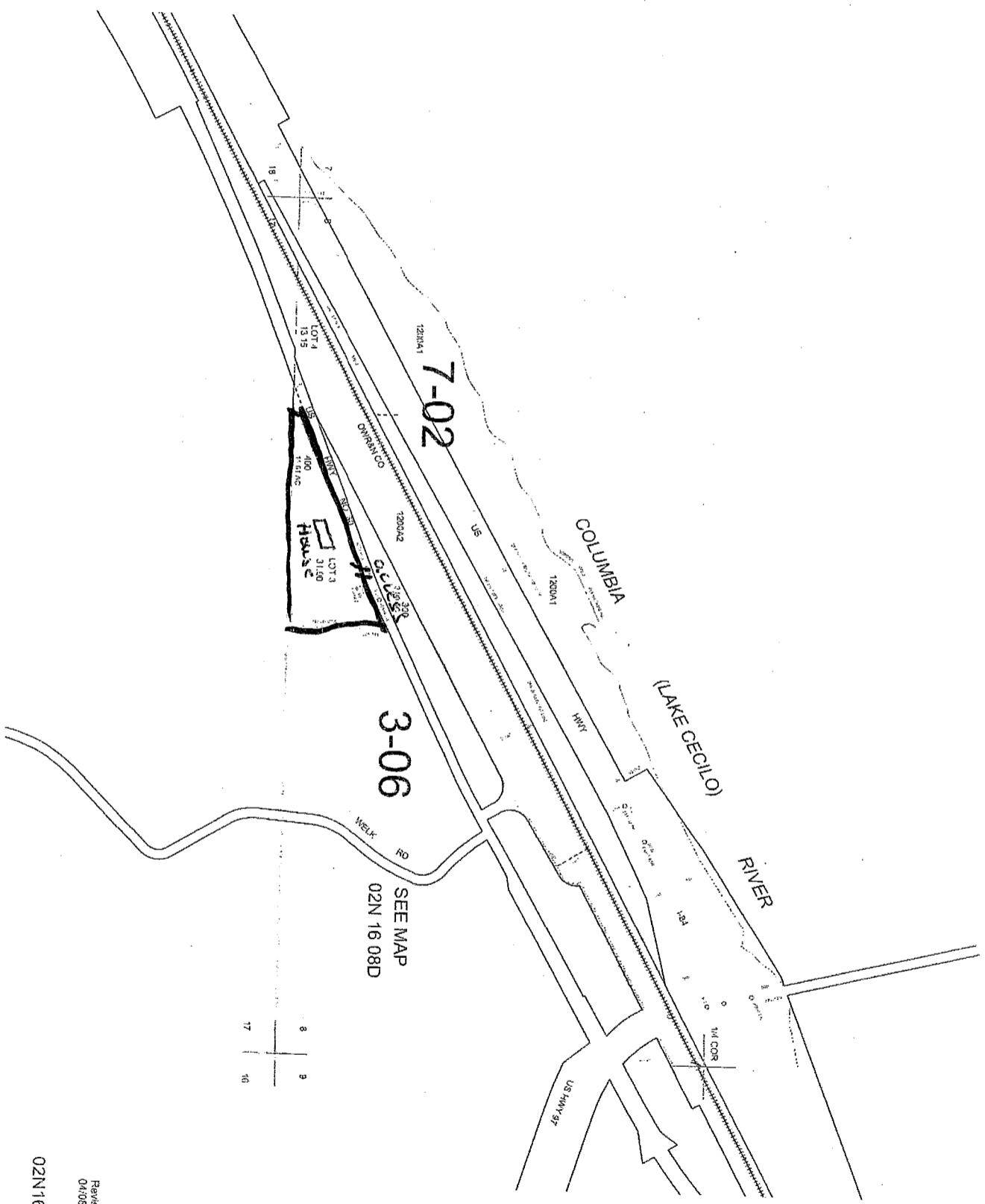
THIS MAP WAS PREPARED FOR
ASSIGNMENT PURPOSES ONLY



SECTION 8 T.2N. R.16E. W.1M.
SHERMAN COUNTY
1" = 400'

02N16E08

- CANCELLED
- 130
 - 160A1
 - 160A2
 - 160A3
 - 160A4
 - 160A5
 - 160A6
 - 160A7
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 - 160A20



SEE MAP
02N 16 08D



Revised SL
04/08/2008
02N16E08

Sherman County
Community Development & Planning
P.O. Box 381
Moro, OR 97029

Attn: Plan Map Specialist
Dept of Land Conservation & Development
635 Capital Street NE, Suite 150
Salem, OR 97301-2540



PORTLAND, OR 97211
FRI 18 JUN 2016