



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

02/05/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Wasco Plan Amendment
DLCD File Number 001-12

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: Tuesday, February 19, 2013

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: Cassie Strege, City of Wasco
Gordon Howard, DLCD Urban Planning Specialist
Karen Swirsky, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

JAN 30 2013

LAND CONSERVATION AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **20-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 Wasco**

Local file number: **001-13**

Date of Adoption: **1/15/2013**

Date Mailed: **1/28/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/1/2012

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".

The City received an application for a redesignation of property currently planned and zoned Residential(R-2). The applicants were seeking an industrial (M-1) designation to allow development of a mini storage facility. A public hearing was conducted on 12/18/2012, with the City Council voting unanimously to approve the request to amend the Comprehensive Plan/Zoning Map Amendment to change the zoning designation from Residential to Industrial, contingent upon a legal easement being obtained.

Does the Adoption differ from proposal? Please select one

no

Plan Map Changed from: **R-2**

to: **M-1**

Zone Map Changed from: **R-2**

to: **M-1**

Location: **South central edge of City**

Acres Involved: **1**

Specify Density: Previous: **5du/ac**

New: **n/a**

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...

35-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. 001-12 (19580) [17347]

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

Local Contact: **Cassie Strege**

Phone: (541) 442-5515 Extension:

Address: **PO Box 26**

Fax Number: **541-442-5001**

City: **Wasco**

Zip: **97065-**

E-mail Address: **wascocity@embarqmail.com**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 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.

City of Wasco

PO Box 26 1017 Clark Street Wasco OR 97065

Phone 541-442-5515 Fax 541-442-5001

wascocity@embarqmail.com

January 28, 2013

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



RE: Notice of Adoption of Comprehensive Plan Map and Zoning Map Amendment

To Whom It May Concern;

Please be advised that the Wasco City Council conducted a Land Use Hearing at Wasco City Hall on December 18, 2012 to consider a request for a Comprehensive Plan and Zoning Map Amendment for the purpose of changing a 1.38 parcel of land located in the City of Wasco from a Residential Zone designation to an Industrial Zone Designation.

At the close of the hearing the Wasco City Council approved this request, per unanimous vote, contingent upon the applicant obtaining legal easement.

Enclosed for your review, are the following items:

- One - completed DLCD Form 2, Notice of Adoption
- One - copy of initial Application submitted by property owners
- One - corresponding map of City of Wasco
- One - copy of December 18, 2012 City Council minutes of Land Use Hearing
- One - copy of ORD. NO. 001-13, AN ORDINANCE AMENDING THE CITY OF WASCO COMPREHENSIVE PLAN/ZONING MAP FOR A CERTAIN PROPERTY IN THE SOUTH CENTRAL PORTION OF THE CITY AND DECLARING AN EMERGENCY

If you need additional information, or have any questions, please feel free to contact me at Wasco City Hall at 541-442-5515.

Sincerely,

Cassie Strege
Wasco City Clerk



CITY OF WASCO

P. O. Box 26 Phone 442-5515
Wasco, Oregon 97065

APPLICATION

To: The Wasco City Council

Date: Aug 30, 2012

Van Gilder Heritage LLC, PO Box 172, Wasco OR
Applicant/Property Owner Address

Phone 541 442-5219

Check one: Zoning Ordinance Amendment Zoning Map Amendment
(or more) Comprehensive Plan Map Amendment
Variance Conditional Use Partition

Zone (Check One): A-1 R-1 R-2 C-1 M-1

Legal Description: 01N 1709BD #700 1.38 acres
200' X 300'

Cherry orchard on south alley behind Harrison St
(Attach description, if necessary) houses on north

Street Address: see map
(Approximate location if vacant land)

Brief description of proposal: put a fenced mini-storage
unit on undeveloped 200 X 300 lot between cherry
orchard and alley behind Harrison St houses.
(approx. 100' X 20' - 40')

Show proposal by sketching a plot plan and attaching to application.
Please include lot dimensions, location of all buildings and set backs.

Linda Cornie, Sue Smith, Bryan Van Gild
Signature of Applicant

FOR CITY USE ONLY:

Request granted Conditions placed on request, if any: Contingent
upon a legal easement being obtained.

Request denied

Date: 12/18/2012

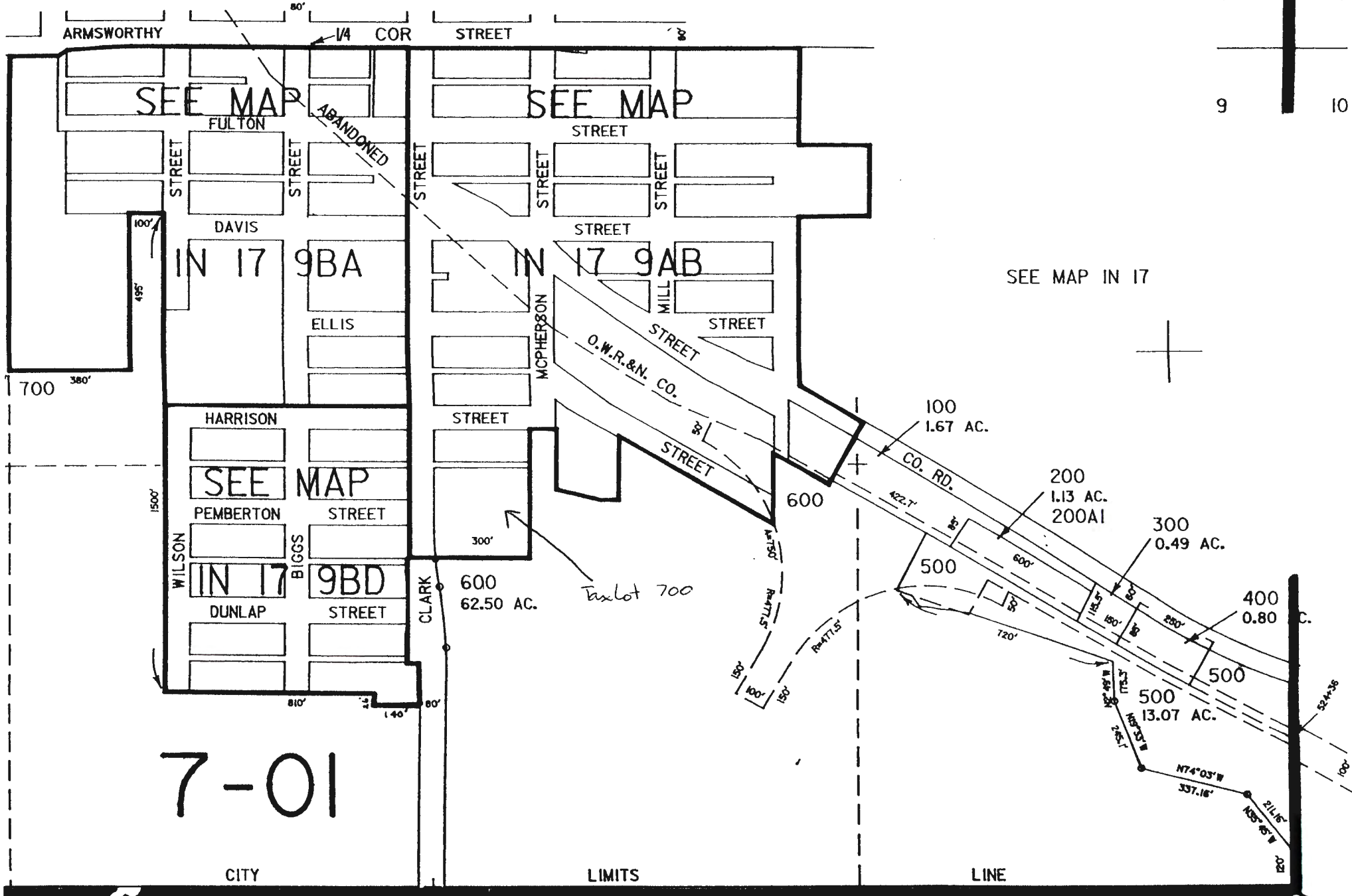
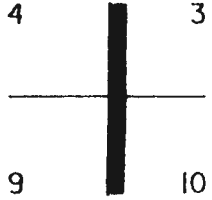
Signed: Cassie Stuge
City Clerk/Recorder

SECTION 9 T.1N. R.17E. W.M.
SHERMAN COUNTY

IN 17 9
& INDEX
WASCO

SEE MAP IN 17 4CD

SEE MAP IN 17 4DC



DECEMBER 18, 2012 MINUTES
WASCO CITY COUNCIL MEETING & PUBLIC HEARING

PRESENT: City Council – Mayor Karen Kellogg, Ken DeGrange, Carol Olmstead, Fred Reser, Dale Schuh, Eileen Wainwright; City Staff – Clerk Cassie Strege, Maint. Tech. Greg Gosson, Attorney Will Carey, Planner Dan Meader; Visitors – Linda Cornie, Bryan Van Gilder, Sue Smith, Travis Lawrence, Michelle Lawrence, Tom Lepinski, Scotty Miller, Jon Richelderfer

The meeting was called to order at 7:00p.m. with Mayor Kellogg leading the flag salute. A quorum was present; no news media were in attendance.

Mayor Kellogg announced that the first order of business for the Council would be to: **Conduct the Public Hearing to Consider a Request for a Comprehensive Plan and Zoning Map Amendment Submitted by Linda Cornie, Sue Smith and Bryan Van Gilder for the Purpose of Changing a 1.38 Acre Parcel of Land Located in the South East Section of the City of Wasco from a Residential (R-2) Zone Designation to an Industrial (M-1) Zone in Order to Allow the Installation of a Mini-storage Unit on the Property.** (Due to “technical difficulties”, there was a ten minute delay in opening the hearing while the faulty tape recorder was being worked on. *Special Note: Although the recorder appeared to be working at the time of the hearing, the Clerk has since discovered that the recording is partially undecipherable).*

The hearing was opened by Mayor Kellogg at 7:10p.m., with the proceedings turned over to Attorney Carey who explained the rules for conducting a quasi-judicial hearing. In this case, the City Council would be acting as the decision-makers, therefore qualification of the Council members would be the first step to take. This would be followed by: the City staff report (if one was prepared); recognition of the applicants and other proponents; recognition any opponents; and lastly rebuttal. The decision-makers may then ask any questions of the applicants or of anyone present, with the hearing then closed. Once the hearing was closed, no more comments would be heard from the applicants or anyone in the audience – and the Council would make their determination.

The Attorney instructed the Mayor to “qualify” the decision makers by asking them to disclose any pre-hearing discussions they may have had with the applicants, whether they had any financial interest in the proposal, or if they had any personal relationship with the applicant.

Cnc. DeGrange advised that he had had contact with Bryan Van Gilder about a separate issue, with Attorney Carey asking if Cnc. DeGrange felt that he could remain impartial concerning the proposal to be discussed during this hearing. Cnc. DeGrange answered in the affirmative.

No other issues were disclosed from the remaining Council members, therefore, the Attorney directed the Mayor to call for any challenges – with none heard. The Mayor deemed the Council/decision makers qualified.

City Planner, Dan Meader was called upon to present the staff report. He advised that since the report had been sent to the Council earlier, he wouldn't read it aloud at this time, however, he would answer any questions the Council may have concerning the

report. No questions or comments were heard at this time.

Meador stated that the purpose of the hearing was to consider the request for a Comprehensive Plan and Zoning Map Amendment. If the Council approved the land use /zone change, then the applicants would need to return to apply for a conditional use permit.

Meador advised that staff was not opposed to the request however, the issue of access, or the lack thereof, was problematic in being able to grant the request. As it stood, the Van Gilder's did have legal access to their property from old Hwy. 97, but did not have practical access. There was a road extending from McPherson Street, and running parallel to the Van Gilder's property – and while this road allowed for easy access to the Van Gilder property, it was not a public thoroughfare, but was a private driveway owned by the Peters' family.

Meador stressed that the issue of access must be resolved -- with the best solution to have a 50' right-of-way dedicated to the City as an extension of McPherson St. – or at the least, for a legal easement to be granted. Since the Van Gilder's were not the owners of the property (where the private road lay), they did not have the authority to grant an easement – this would need to come from the Peters family.

Meador concluded by stating that, aside from considering the issue of access, the Council must also consider whether or not the requested zone change from Residential to Industrial would ensure the best use for this property.

Mayor Kellogg called upon the applicants, with Sue Smith advising that she would be speaking on behalf of Van Gilder Heritage. She stated that the family had discussed what would be the best use for this property, and with the two new sub-divisions in the City still having plenty of lots, they didn't feel that another housing development made sense. Since there were no mini-storage units in Wasco, they instead felt that this would be a good use of the property. They looked at storage units in other areas, had a survey of their property done, and contacted neighbors nearby – they heard no opposition.

Smith addressed the road that extended from McPherson St., stating that the Power sub-station already used this road... so she wondered if an easement had been given to them? Smith advised that she would be willing to check with Forest Peters about an easement, however, Forest had already told them (Van Gilder's) that she was agreeable to allowing use of this road.

Meador referred to the letter that had been issued to the Van Gilder's from Forest Peters granting permission for them to use this road, advising that he had viewed it before the hearing. Meador stated that it would not be considered a legally binding document – and that it would be in the best interest of the Van Gilders to pursue a legal easement.

Smith stated that, at this time, she wanted to hear from the City Council to get an idea if they (Van Gilders) should move forward with their plans for a mini-storage unit. They had already invested time and money, and had had the survey done, but they did not want to go further if the Council would not approve.

Proponents were called for – with none heard at this time. Opponents were called for – with none heard.

Cnc. Schuh asked how far the Peters' property extended – did it extend to the cherry trees? General consensus that the Peters' property lay well beyond.

Attorney Carey advised that, in considering a land use hearing, one of the issues that a

City must make certain of is that legal access is held by the developer. This would not necessarily need to be a dedicated street at the time of development. Attorney Carey added that, a legal easement would be acceptable, with any adjoining property owners wishing to use the road included on the easement as well.

The City Planner mildly disagreed, stating that a zone change *would* require that legal access first be acquired prior to development commencing. The Council could approve the zone change request, contingent upon the applicant acquiring a legal easement – and with the understanding that no further development, or pursuit of a Conditional Use Permit could take place by the Applicant until this was done. Meader added that, in this case, the applicants did have legal access from old Hwy 97, but did not have practical access.

Bryan Van Gilder referred to the mention of access from old Hwy 97, stating that this access was not an option his family would want to take – it would be too costly. He felt that using the road off of McPherson St. would be the only option.

Meader explained that in considering a zone change request, it must be shown that access to the property is available. This is shown by stating that the property has legal access from old Hwy 97 – *however*, also stating that this particular access does **not** provide practical access.

Smith referred to the road off of McPherson St., advising that as it stood, the people who lived on Harrison St. did not have legal access to the alley behind their houses – yet they were using this road, as well as the power company.

Meader advised that the easement could be granted to **the public**, which is separate from “the City”. By granting easement to the public, this would include the Van Gilders’ as well as others already using the road. Meader again stressed that a legal easement would be a protection net for the Van Gilders.

With no further comments, or questions from the Council, the hearing was closed at 7:40p.m. A poll of the Council was taken, with all stating their approval of the request, contingent upon a legal easement being obtained.

Meader advised that this hearing was being held to consider a request for a zone change only. If approved, the applicants would need to submit a request for a Conditional Use Permit, and once again appear before the Council. Meader advised that the Council could approve the Comprehensive Plan and Zoning Map Amendment based on the fact that there was legal access to the property, but not practical access – however, approval must further state that a legal easement must be obtained from the Peters’ family.

The following action took place: motion, DeGrange/Wainwright to approve the request to amend the Comprehensive Plan and Zoning Map to change the zoning designation from Residential to Industrial, contingent upon a legal easement being obtained. Voting was unanimous – motion carried.

Consent Calendar: Cnc. DeGrange gave an update on the construction of the new water load out and reminded the Council that MCP had agreed originally to pay the expenses to have this load out moved from in front of the elevator. Cnc. DeGrange recommended that the City bill MCP for materials (approximately \$700), and waive the cost of labor/ equipment. Discussion ensued, with the following action taking place: motion, DeGrange/

Page 4 (12-18-12 minutes)

Wainwright to bill MCP for the cost of materials for the load out. Voting was unanimous – motion carried. Motion, Schuh/DeGrange to accept the consent calendar. Voting was unanimous – motion carried.

Visitors: Karl Richelderfer advised that he would like to build a pole barn on his property at 616 Fulton St., using the foot print of the demolished garage, and presented pictures of the old garage. The City Planner viewed the pictures and asked if the set backs would be met, with Richelderfer stating that he planned on building the pole barn in the exact same footprint. The Planner asked if the garage had been torn down more than a year ago, and if so, the size of the garage was irrelevant – a site plan, with dimensions and set backs included would need to be submitted to the City Clerk. If the site plan was approved, a building permit could then be pursued by Mr. Richelderfer.

Tom Lepinski gave a report on the recently purchased tractor and wagon, advising that they had been used to give rides on Halloween and for the Holiday Celebration.

OTHER: Cnc. DeGrange asked to discuss the Public Contracting Rules with the Attorney in order to confirm the \$ limit that could be spent before reaching the level where the City would have to go out for bids. The Attorney advised that this could be found in the Public Contracting Rules that the City had adopted, or in the Attorney Generals Model Rules. He would also check into this, and get back to the Clerk.

REVIEW CITY NUISANCE ORDINANCE: Motion, DeGrange/Reser to table this discussion, and to instead set up a special meeting or workshop so give the City Council more time to review it. Voting was unanimous – motion carried.

CITY STAFF REPORTS: The Clerk advised that the SCA grant application had been denied – however, the City was invited to apply again in the next round.

The Maint. Tech. referred to the water load out, advising that since electricity was being considered for the new load out (which had not been available in the old load out), would the Council approve the estimated cost of \$1,300, and should this cost be billed to MCP, or would the City pay for it? Discussion ensued with the following action taking place: motion, DeGrange/Wainwright that the City would expend the estimated \$1,300 payable to Coburn and Pacific Power. Voting was unanimous – motion carried.

NEW BUSINESS: Cnc. Olmstead voiced her concern over the maintenance of the old Wasco School, specifically the roof that continued to leak. She felt it would be beneficial to have the school placed on the National Registry so that repairs and upkeep would be continued. Attorney Carey recommended checking thoroughly into the requirements of being placed on the National Registry, and talking with others to see what the majority of people wanted to do for the building. Olmstead was directed to check further into this.

ADJOURN: The meeting adjourned at 8:25p.m.

City Clerk

City of Wasco
Ordinance No. 001-13

**AN ORDINANCE AMENDING THE CITY OF WASCO
COMPREHENSIVE PLAN/ZONING MAP FOR A CERTAIN
PROPERTY IN THE SOUTH CENTRAL PORTION OF THE CITY
AND DECLARING AN EMERGENCY**

FINDINGS OF FACT

The applicants, Van Gilder Heritage, LLC, requested a Comprehensive Plan/Zoning Map amendment to designate property they own in the south central portion of the City. The property is described by the Sherman County Assessor's Records as Tax Lot 700 of Assessor's Map 1N-17-9BD. The property is currently planned and zoned Residential (R-2). The applicants are seeking a map amendment to designate the property as Industrial (M-1).

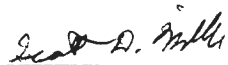
1. The city accepted the application and notified the Department of Land Conservation and Development with a Notice of Proposed Amendment.
2. In addition, the City Recorder caused notices to be sent to affected property owners and notices published in the local newspaper.
3. The City Council conducted a public hearing on December 18, 2012, there being a quorum present.

4. A staff report was prepared, presented, and adopted in the record. The applicants spoke of the desire to re-designate the property so that they might construct a mini-storage facility. At the close of the public hearing, the City Council moved unanimously to approve the proposed amendment and directed staff to prepare the necessary ordinances.

Now, therefore, the City of Wasco hereby does ordain:

1. The above referenced property, Tax Lot 700 of Sherman County Assessor's Map 1N-17-9BD, is hereby designated as Industrial (M-1) on the City's Comprehensive Plan/Zoning Map.
2. In as much as the health, safety, and economic well-being of the City is dependent upon the adoption of the amendment to the Comprehensive Plan/Zoning Map, an emergency is deemed to exist, and this Ordinance shall be in full and effect upon its approval by the Mayor.

APPROVED by the Common Council and signed by the Mayor of this 15th day of January, 2013.



Scott Miller, Mayor

ATTEST:



Cassie Strege, City Recorder

ity of Wasco
O Box 26
17 Clark Street
Wasco OR 97065



OR 97065
JAN 29 2013
USPS

first class

DEPT OF
JAN 29 2013
LAND CONSERVATION
AND DEVELOPMENT

Dept.of Land Conservation and Develop.
Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem OR 97301

