

APR 2 3 35 PM '97

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

BARBARA BLOODSWORTH
MORROW COUNTY CLERK
BY *Shelby McCall* DEPUTY

AN ORDINANCE AMENDING THE MORROW COUNTY)
ZONING MAP TO ZONE CERTAIN LANDS IN THE)
BOARDMAN AREA FARM RESIDENTIAL - TWO ACRE,)
SAID LANDS WHICH WERE PREVIOUSLY NOT)
INCLUDED IN THE COUNTY ZONING MAPS BUT WERE)
ADDRESSED IN THE ACKNOWLEDGED COMPREHENSIVE)
PLAN AS EXCEPTION AREAS ZONED FARM RESIDENTIAL.)

ORDINANCE NUMBER MC-C-3-97

The County of Morrow does ordain as follows;

WHEREAS, the Morrow County Planning Commission recognized that certain lands located outside the City of Boardman Urban Growth Boundary were inadvertently not included in the County Zoning Map but that said lands were included in the Comprehensive Plan and identified as exception areas zoned Farm Residential; and

WHEREAS, the Morrow County Planning Commission identified the unzoned parcels to include all parcels located between Kunze Road (North), Paul Smith Road (East), the West Extension Irrigation District Canal (South) and an easement located on the west boundary of properties in Section 20 of current Assessor's map 4N 25 20B; and

WHEREAS, the Morrow County Planning Commission recognized the need to formally review the map discrepancy and provide an opportunity for public comment prior to making a map correction; and

WHEREAS, the Morrow County Planning Commission held public hearings on January 6, 1997 at Lexington, Oregon and February 24, 1997 at Irrigon, Oregon;

WHEREAS, the Morrow County Planning Commission voted unanimously to amend the zoning map to zone the subject land Farm Residential - two acre, consistent with the attached Findings of Fact; and

WHEREAS, the Morrow County Court reviewed the recommendation for approval by the Morrow County Planning Commission and voted unanimously to uphold the decision of the Planning Commission; and

WHEREAS, the Morrow County Court held a public hearing on March 5, 1997 at Heppner, Oregon.

NOW THEREFORE, THE COUNTY COURT OF MORROW COUNTY ORDAINS AS FOLLOWS:

SECTION 1. TITLE OF ORDINANCE.

This ordinance shall be known, and may be cited as, "the 1997 West Boardman Area FR-2 Zoning Ordinance"

SECTION 2. TEXT AMENDMENT.

Reference Exhibit A

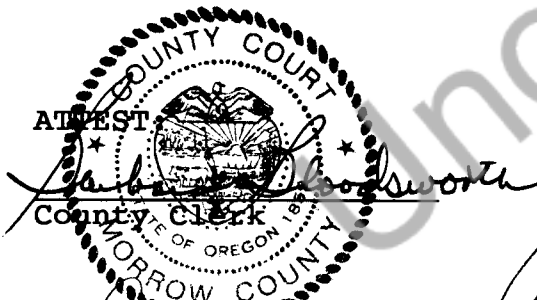
SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 90 days after the date of its adoption by the Morrow County Court.

DATE OF FIRST READING: March 12, 1997

DATE OF SECOND READING: April 2, 1997

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 2nd DAY OF April 1997.



Louis A. Carlson, Judge

Raymond J. French, Commissioner

John E. Wenzholz, Commissioner

APPROVED AS TO FORM:

Valerie S. Alsherty
County Counsel

Exhibit A

FINAL
Findings of Fact

Subject: Planning Commission request to clarify zoning of "unzoned" property in West Boardman Area - 4N 25 20B

Property: (Unzoned parcels located between Kunze Road (North), Paul Smith Road (East), the West Extension Irrigation District Canal (South) and an easement located on the west boundary of properties in Section 20.

Applicant: Morrow County

Background: The subject property was inadvertently not included in the zoning or Comprehensive Plan maps for Morrow County. Since acknowledgement of the Plan in 1986, the property has been treated as residential. In 1994, the County Planning Commission held hearings regarding property similarly situated, not zoned. That property was zoned FR-2 (Farm Residential, two acres). Because of an oversight, the subject property was not included in that process and thus the County Planning Commission has requested we pursue the appropriate process and zone the subject land.

FINDINGS OF FACT:

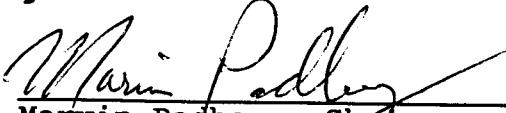
1. The request includes 14 (tax lots) parcels, a total of 92.17 acres. One tax lot is a road easement. The subject area includes the entire west half of the northwest quarter of Section 20, and, two contiguous parcels located along the south boundary of said parcels and north of the West Extension Irrigation District irrigation canal. Specifically, the tax lots include tax lot 1200, 1000, 1100, 900, 800, 1300, 1400, 700, 1700, 1600, 1800, 1900, and 709 of Assessor's Map 4N 25 20B. Also included are tax lots 712 and 708 of Assessor's Map 4N 25 20. (See attached Map.)
2. Access to the parcels is via Paul Smith Road and private access easements.
3. Six of the parcels currently contain dwellings. One tax lot is .47 acres in size and is an access easement.
4. Property similarly situated (i.e. excluded from County Zoning and Plan maps) was zoned FR-2 in 1994. See Ordinance MC-C-9-94.
5. The area contains high water. Certain of the parcels were not suitable for standard septic systems due to high water.
6. According to one property owner, certain parcels were sold with a stipulation that they remain at least five acres in size. This is written on the Title of parcels owned

originally by Gary Young.

7. The property has been assessed by the County Assessor as residential, therefore farm deferral is not automatic. The 31.75 acre parcel is on farm deferral.
8. The City of Boardman Urban Growth Boundary (UGB) is Paul Smith Road, the east boundary of subject property. The County Comprehensive Plan Map shows the UGB to include all of Section 20, Paul Smith Road is not actually located on the section line, rather east. The detail maps drawn for the Comprehensive Plan (sheet #3) shows the City UGB boundary to be on the section line, between sections 19 and 20 and 18 and 17. Therein lies the reason the subject property was not zoned; it was omitted from the detail sheets. Since the Comprehensive Plan shows the property to be inside the UGB, it is effectively classified as "urbanizable" and not farm ground.
9. Property located to the North is zoned FR-2. FR-2 rather than RR-1 was applied due primarily to limitations on septic system capacity.
10. Property was excluded from the LCDC Acknowledgement Notice, (See page 35 of January 30, 1986 Notice). The maps presented in the Acknowledgement proceedings were the same as the adopted Comprehensive Plan and Zoning Maps.
11. If the land was zoned EFU, the undeveloped parcels may qualify for a "lot-of-record" dwelling if they have been owned by present owner since 1985. This would allow only one dwelling total for tax lots 1600, 708 and 712 since the ownership is contiguous. For parcels not owned since 1985, a dwelling may be permitted as a "non-farm dwelling." Since soil type is a class IV irrigated, class VII not-irrigated, parcels with water rights may have difficulty meeting all criteria for a "non-farm dwelling." For both types of permits, a Conditional Use Permit application is required.

Property Owners Notified: December 27, 1996
Planning Commission Hearing Dates: First Hearing January 6, 1997
Second Hearing February 24, 1997
County Court Final Hearing: March 5, 1997

ACTION OF THE PLANNING COMMISSION:
Approval, based on Findings of Fact.

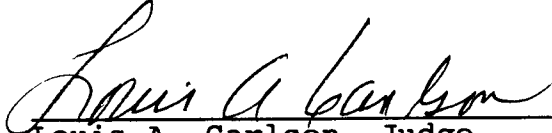


Marvin Padberg, Chair
Morrow County Planning Commission

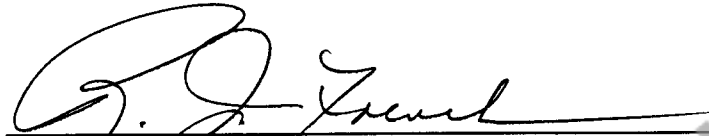
2-28-97
Date

ACTION OF THE COUNTY COURT: Confirm Planning Commission Findings to declare the "unzoned" area in West Boardman located on Assessor's Map 4N 25 20B as Farm Residential - two acre (FR 2).

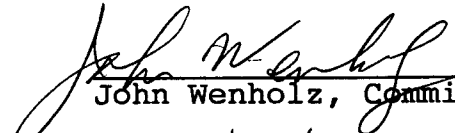
MORROW COUNTY COURT



Louis A. Carlson, Judge



Raymond French, Commissioner

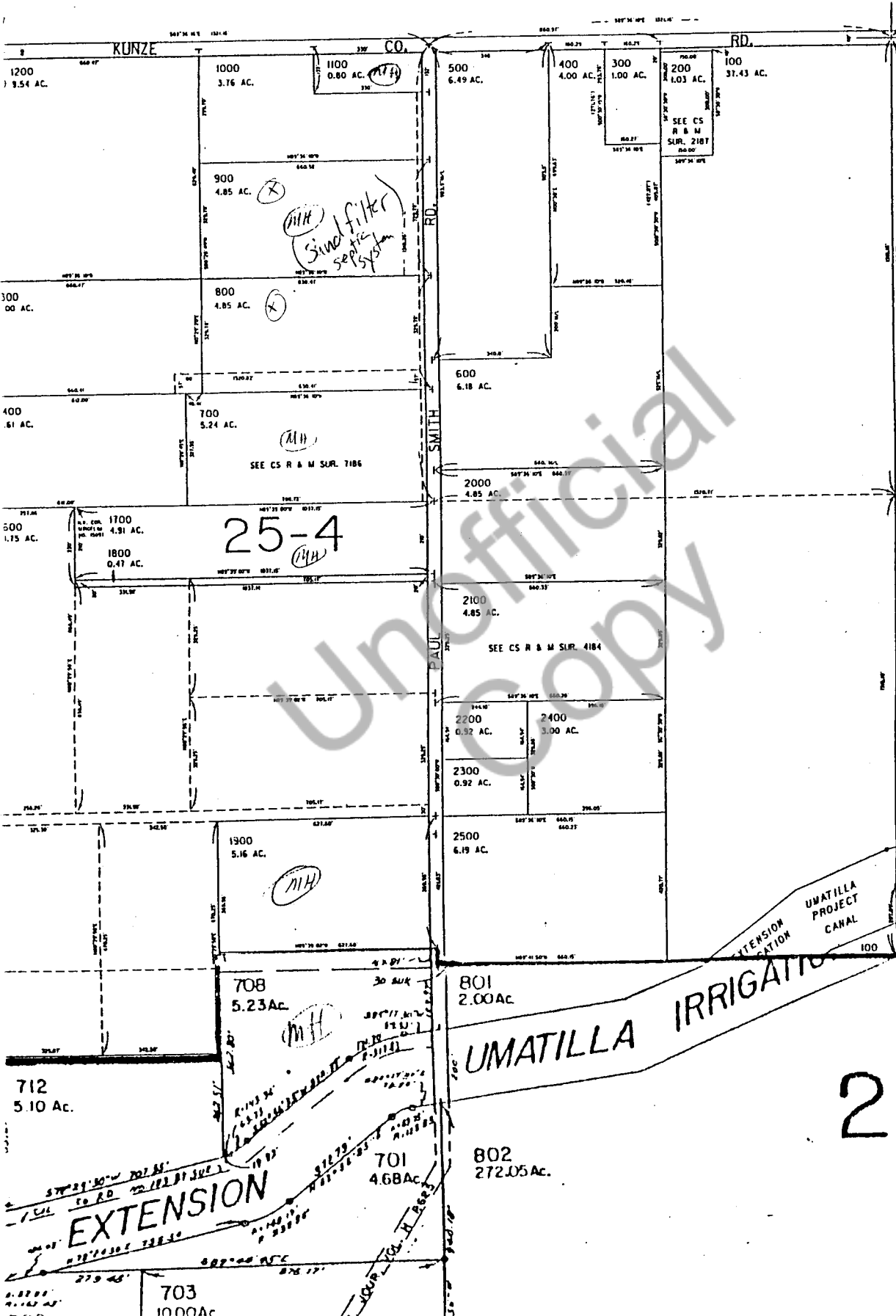


John Wenholz, Commissioner

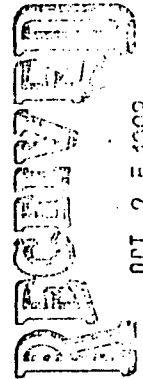
3/5/97

Date

Unofficial Copy



MORROW



OCT 2 5 1933

MORROW CO. ASSESSOR'S OFFICE

SEE CS BRANCH ENG. 8/78

SEE MAP 4N 25 20A

PROPERTY OWNERS
IN UN ZONED AREA

- 700 - YOUNG, GARY & HELEN
 - 800 - RHODIG, LOLA
ZUNIGA, JUAN & ESTHER
 - 900 - RHODIG, LOLA
YOUNG, GARY & HELEN (C)
 - 1000 - WORKMAN, FLOYD & ALICE
MOORE, JAMES & MAGNIA
 - 1100 - WORKMAN, FLOYD & MAX
MOORE, JAMES & VIRGINIA
 - 1200 - RHODIG, LOLA
HARMAN, JAY & PEGGY
 - 1300 - YOUNG, GARY & HELEN
DEAN, OTIS & MARY
 - 1400 - YOUNG, GARY & HELEN
 - 1500 - COPENHAVER, CLIFFORD
& DIANA
 - 1600 - FARM CREDIT BANK OF S.
BRAAT, ARNOLD & MARY
 - 1700 - COPENHAVER, CLIFFORD
& DIANA
 - 1800 - COPENHAVER, CLIFFORD
& DIANA
 - 1900 - LAKE, REX & HEIDI
- LN 25 20
- 708 - FARM CREDIT BANK OF S.
BRAAT, ARNOLD & MARY (C)
 - 712 - (SAME AS 708)

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NOTICE OF ADOPTION

COPY

This form must be mailed to DLCD not later than 5 working days after adoption
ORS 197.615 and OAR Chapter 660, Division 18

See reverse side for submittal requirements

Jurisdiction MORROW COUNTY Local File # _____

Date of Adoption March 5, 1997 Date Mailed March 7, 1997

Date the Proposed Notice was mailed to DLCD November 26, 1996

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment

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

To adopt a zone designation of Farm Residential Two Acre (FR-2)
for an area located between Kunze Road (North), Paul Smith Road
(East), the West Extension Irrigation District Canal (South) and
an easement located on section the west boundary of properties in Sec. 20.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."

Same

Plan Map Change From Unzoned to FR-2

Zone Map Change From Unzoned to FR-2

Location: 4N 25 20B, TL 800, 900, 1000, 1100,
1200, 700, 1300, 1400, 1700, 1600, Acres Involved: 92.17
1800, 1900 & 709

Specify Density: Previous Density Unzoned New Density 2 Acres

Applicable Goals: None Was an Exception adopted? Yes No

DLCD File # _____

DLCD Appeal Deadline _____