

FILED WASCO COUNTY
THE CLERK

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO, OREGON

IN THE MATTER OF A POST-ACKNOWLEDGEMENT)
ZONE CHANGE FROM "C-1" COMMERCIAL TO) ORDINANCE AMENDMENT
"R-2" RESIDENTIAL)

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for transaction of public business and a majority of the Court being present; and

IT APPEARING TO THE COURT: That the Wasco County Planning Commission met and conducted a public hearing on April 3, 1989, to consider a zone change initiated by the County Court from "C-1" Commercial to "R-2" Residential for property described as Township 2 North, Range 13 East W.M., Section 30, Tax Lots 200, 300, 400, 500 and 600.

IT FURTHER APPEARING TO THE COURT: That the Planning Commission recommended approval of the subject request based upon Planning Staff findings and testimony and evidence presented at the hearing.

IT FURTHER APPEARING TO THE COURT: That on May 3, 1989, in the County Courtroom of the County Courthouse in The Dalles, Oregon, this Court conducted a public hearing on the subject application at which time the Court received testimony of parties.

Based upon the entire record of all testimony and evidence received, the Wasco County Court hereby makes the following findings:

1. Proper notice was given and the hearing was held in accordance with procedural rules for quasi-judicial zone change applications and in conformity with said requirements as set forth in the Wasco County Land Use and Development Ordinance;
2. All members of the County Court were present and were qualified to sit as decision-makers after full disclosure was made and the matter of qualifications was discussed by Court;
3. In making its decision, the Court recognizes the procedural and legal requirements of Wasco County Comprehensive Plan and Land Use and Development Ordinance and weighed fully each requirement in arriving at its decision;
4. Recognizes that the proposed zone change to "R-2" Residential does not conflict with the Future Growth Area Comprehensive plan map designation of the subject site;
5. Adopts the recommendation of the Wasco County Planning Commission (Attachment "A");
6. Adopts the Planning and Development Staff report (Attachment "B").

NOW, THEREFORE: based upon the attached findings of fact, the County Court for Wasco County hereby ordains as follows: The Wasco County Zoning Map is amended to adopt the "R-2" Residential designation for property described as Township 2 North, Range 13 East W.M., Section 30, Tax Lots 200, 300, 400, 500, and 600 (See Map attached and labeled "Attachment C").

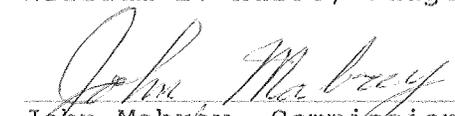
Regularly passed and adopted by unanimous vote of all members of the County Court of the County of Wasco, State of Oregon.

DATED this 3rd day of May, 1989.

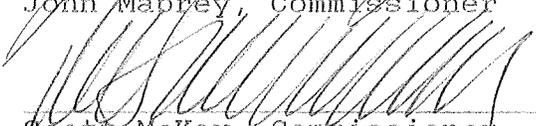
WASCO COUNTY COURT



William L. Hulse, Judge

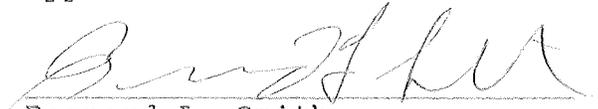


John Mabrey, Commissioner



Scott McKay, Commissioner

Approved as to form:



Bernard L. Smith
Wasco Co. District Attorney

WASCO COUNTY PLANNING COMMISSION

IN THE MATTER of the request for a zone)
change by the County Court from "C-1") RECOMMENDATION
Commercial to "R-2" Residential.)

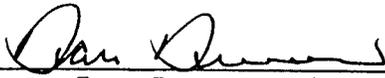
On Monday, April 3, 1989, the Wasco County Planning Commission duly met and conducted a public hearing upon the application of The Wasco County Court for a Zone Change to change the designation from "C-1" Commercial to "R-2" Residential for property described as Township 2 North, Range 13 East W.M. Section 30, Tax Lots 200, 300, 400, 500 and 600.

The following voting members of the Commission were present: John Kerege, Irl Davis, Bill Reeves, Maureen Musser, Pat Davis, Maureen Mack and Joe Sullivan.

The hearing was opened and testimony was received from all interested parties, including a Staff Report from the Planning and Development Office.

Upon closure of the hearing, the Commission, based upon testimony received and the Staff Report, voted unanimously to recommend to the County Court that the request be granted.

Submitted for the Commission,


By: Dan Durow, Director
Wasco Co. Planning and Development Office

ATTACHMENT A

789-0133 (13)

TO: Wasco County Planning Commission

FROM: Wasco County Planning & Development Office

SUBJECT: Request for a Zone Change

APPLICANT: Wasco County Court

REQUEST: To consider an amendment to the Wasco County zoning map. The current zone is "C-1" Commercial, and the request is to change the designation to "R-2" Residential.

LOCATION: East of and adjacent to Sevenmile Hill Road, near the intersection of Chenoweth Creek Road, on property described as Township 2 North, Range 12 East, Section 30, Tax Lots 200, 300, 400, 500, and 600.

PROPERTY OWNERS: Clyde and Vivian Jerue, Nora Erikson, Donald and Maxine Johnson, Wes Pullen, and Glen and Susan Matney.

REGULATIONS: Wasco County Comprehensive Plan and Wasco County Land Use and Development Ordinance.

AUTHORITY: Wasco County Land Use and Development Ordinance, Section 2.060 C.

EXHIBITS: A. Notice mailed to adjacent property owners and interested parties.
B. County Court resolution initiating the zone change request.

NOTIFICATION: In addition to owners of property within three hundred (300) feet of the subject parcels, the following individuals/agencies were notified of the subject request: Wasco County Court, Assessor, District Attorney, Land Use Counsel, Roadmaster, Sanitarian, Watermaster, and Western Citizen Advisory Group; Wasco Rural FPD; Chenoweth School Dist. #9; Columbia River Gorge Commission; Port of The Dalles; and City of The Dalles.

COMMENT: Oral comment has been received from Vivian Jerue, and she had no objection.

FINDINGS:

A. Background Information

1. The Comprehensive Plan designation of the subject property and for the surrounding area is Future Growth Area.
2. Lot Sizes: Four of the lots are .43 acres and the fifth is .44 acres
3. Access: Sevenmile Hill Road
4. Land Use: All five lots are currently developed with single-family dwellings.
5. Surrounding Land Use: To the east is Foley Lakes Mobile Home Park. The land to the north is under the same ownership as the mobile home park, but is currently undeveloped. To the west is Badger Creek, which is in a deep ravine, with Murray's Addition beyond. To the south along Chenoweth Creek Road, the area is developed with residences.
6. Sewage Disposal: On-site subsurface systems.
7. Water: Foley Lakes mobile home park system.
8. Taxes: Suburban residential.

B. Applicable Comprehensive Plan Provisions and Analysis

1. The subject property is designated Future Growth Area on the Comprehensive Plan map. The purpose of this designation is:

To recognize areas designated by the City of The Dalles Comprehensive Plan as future urbanizable lands and an exception to the Statewide Land Use Planning Goals is taken.

The requested zone change is consistent with this Plan designation. Murray's Addition and the residential land to the south of Chenoweth Creek Road is currently zoned "R-2."

C. Applicable Ordinance Provisions and Analysis

1. The request is for a zone change from "C-1" Commercial to "R-2" Residential. The reason for this request is that the properties are developed in single-family residential use, and this is not a permitted use in the C-1 zone, making the dwellings non-conforming uses. The Land Use and Development Ordinance (LUDO) does not allow alterations of non-conforming structures, so additions or other major modifications are not permitted under the current zoning. Since five properties are thus affected, the Wasco County Court has, by resolution, initiated the zone change process thereby negating the requirement that each individual land owner apply for the change at such time as they wish to modify their dwelling.
2. Section 9.020 of LUDO establishes criteria for review of zone change requests. It must be established that the original zoning was the product of a mistake or that:
 - (a) The rezoning will conform with the Comprehensive Plan; and,
 - (b) The site is suitable to the proposed zone; and
 - (c) There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.

The original zoning was indeed a product of a mistake. All the land around the subject properties on the eastside of Sevenmile Hill Road is under one ownership, most of which contains a mobile home park. The C-1 zone is a commercial housing designation, so it is appropriate for the mobile home park, but the subject properties were inadvertently designated likewise, according to the Director of Planning and Development.

CONCLUSIONS:

1. The request is for a zone change from "C-1" Commercial to "R-2" Residential.
2. The subject properties are all developed with single-family residential use.
3. The current zone does not permit single-family residential use, making all the dwellings non-conforming.
4. The current zoning designation was applied incorrectly and mistakenly.
5. The request complies with the Wasco County and the City of The Dalles Comprehensive Plans.
6. The request complies with the provisions of Section 9.020 of the Land & Development Ordinance.

STAFF RECOMMENDATION:

Based on the above findings of fact, staff recommends to the Planning Commission that they forward to the Wasco County Court a recommendation that the request for a zone change be approved, so that the zone for property described as Township 2 North, Range 13 East W.M., Section 30, Tax Lots 200, 300, 400, 500 and 600 will be "R-2" Residential.

PLANNING AND DEVELOPMENT OFFICE

WASCO COUNTY

1721 W. 10th STREET

THE DALLES, OREGON 97058

DANIEL C. DUROW, Director

PHONE: (503) 298-5169

NOTICE OF PUBLIC HEARING

Place: Wasco County Courthouse, Circuit Courtroom

Date: April 3, 1989

Meeting Time: 7:00 p.m.

The Wasco County Zoning Board of Adjustment will hold a public hearing on the following item on the date and at the time indicated above. The Board of Adjustment invites views and comments at the meeting, or by letter or petition, on this proposal.

- (a) Location: East of an adjacent to Sevenmile Hill Road near the intersection of Chenoweth Creek Road.
- (b) Legal Description: Township 2 North, Range 13 East, Section 30 , Tax Lots 200, 300, 400, 500 and 600.
- (c) Property Owner: Several
- (d) Applicant: Wasco County Court
- (e) Present Zoning: "C-1" Commercial
- (f) Ordinance Section: 9.020 of the Wasco County Land Use and Development Ord.
- (g) Request and Purpose: Zone change from "C-1" Commercial to "R-2" Residential.


By: Dan Durow
Director of Planning and Development

Notice to mortgagee, lienholder, vendor or seller: Oregon Revised Statutes 215 require that if you receive this notice, it must promptly be forwarded to the purchaser.

EXHIBIT A

WASCO COUNTY

NOTICE OF PUBLIC HEARING TO CONSIDER
A COMPREHENSIVE PLAN AMENDMENT

STATE OF OREGON)
) ss
County of Wasco)

NOTICE IS HEREBY GIVEN: That at the hour of 2:00 p.m. on May 3, 1989, a Public Hearing will be held in the County Courtroom, Room 302, of the Wasco County Courthouse, in The Dalles, Oregon, to consider the request of The Wasco County Court for a Zone Change to change the map designation from "C-1" Commercial to "R-2" Residential. The subject property is located east of and adjacent to Sevenmile Hill Road just north of its intersection with Chenoweth Creek Road, and is described as Township 2 North, Range 13 East W.M., Section 30, Tax Lots 200, 300, 400, 500 and 600.

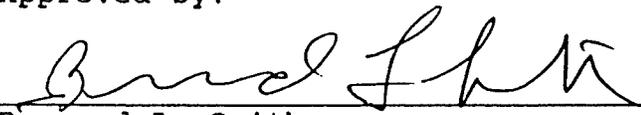
This Notice will be posted at the Wasco County Courthouse and at two (2) other public places in Wasco County.

By ORDER of the Wasco County Court.



Karen LeBreton, Wasco County Clerk

Approved by:



Bernard L. Smith
Wasco County District Attorney

[Publication Date: April 12, 1989]

FILED WASCO
THE DALE

IN THE COUNTY COURT OF THE STATE OF OREGON APR 17 1 52 PM '89

IN AND FOR THE COUNTY OF WASCO

KAREN E. BRETTON
COUNTY CLERK

IN THE MATTER OF A POST-ACKNOWLEDGEMENT)
ZONE CHANGE FROM "C-1" COMMERCIAL TO) RESOLUTION
"R-2" RESIDENTIAL)

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for transaction of public business and a majority of the Court being present; and

IT APPEARING TO THE COURT: That an apparent mistake has been discovered on the Wasco County zoning map for property described as Township 2 North, Range 13 East W.M., Section 30, Tax Lots 200, 300, 400, 500, and 600. The lots are designated "C-1" Commercial.

IT FURTHER APPEARING TO THE COURT: That the subject properties are currently developed and in residential use, which is not a permitted use in the "C-1" zone.

IT FURTHER APPEARING TO THE COURT: That in order to permit alterations to or rebuilding of existing residential uses, the properties need to be zoned with a residential designation.

IT FURTHER APPEARING TO THE COURT: That the subject lots are designated Future Growth Area on the Comprehensive Plan map, which is compatible with a residential zoning designation.

IT FURTHER APPEARING TO THE COURT: That Section 9.010.A of the Wasco County Land Use and Development Ordinance enables the County Court to initiate an application for a zone change.

NOW, THEREFORE, it is hereby resolved that a request for a zone change from "C-1" Commercial to "R-2" Residential shall be processed, in compliance with the provisions and requirements of the Wasco County Land Use and Development Ordinance, for property described as Township 2 North, Range 13 East W.M., Section 30, Tax Lots 200, 300, 400, 500, and 600.

Regularly passed and adopted by unanimous vote of all members of the County Court of the County of Wasco, State of Oregon.

DATED this 15 day of March, 1989.

WASCO COUNTY COURT



William L. Hulse, Judge

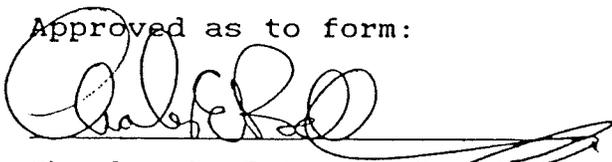


John Mabrey, Commissioner

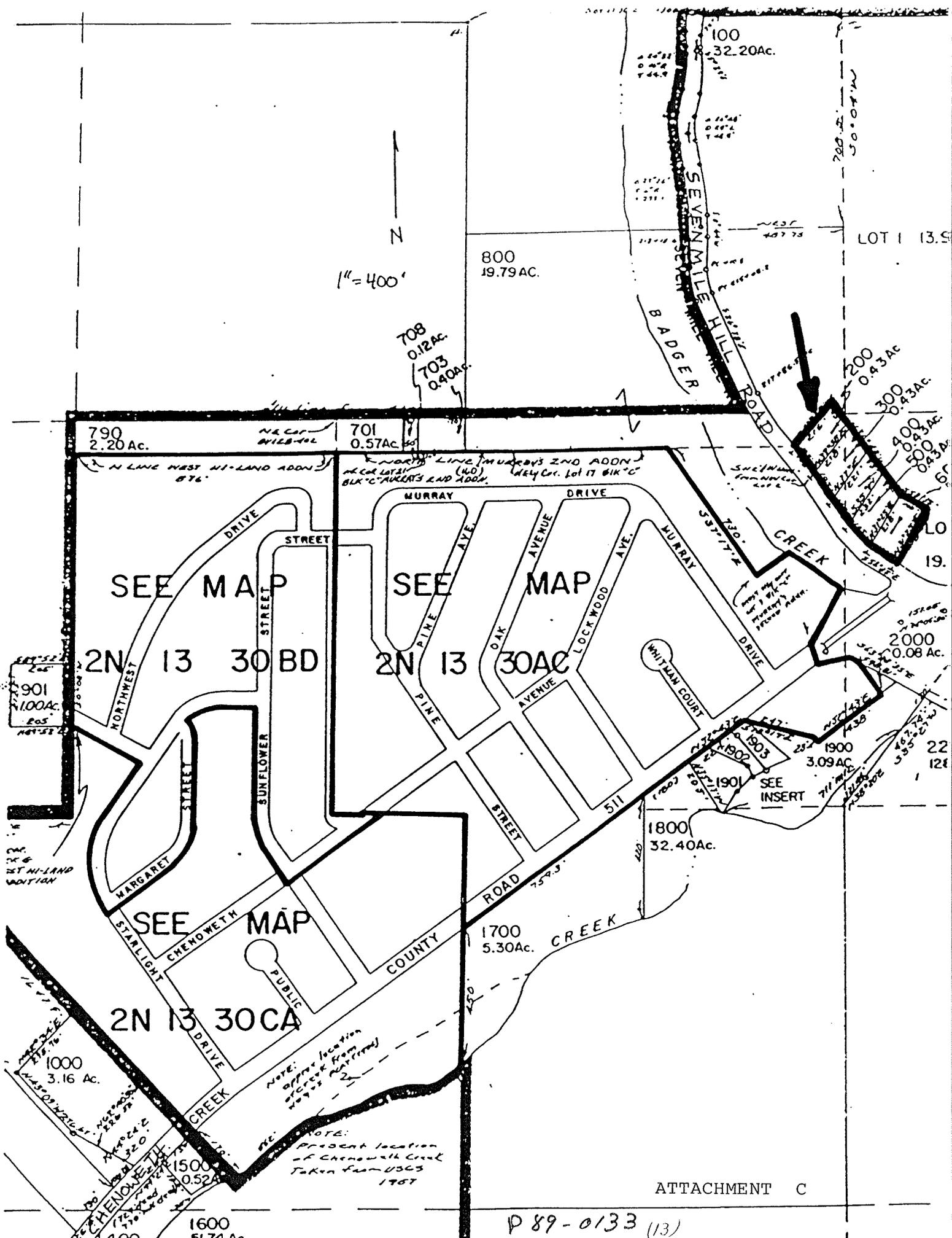


Scott McKay, Commissioner

Approved as to form:



Charles E. Belknap, Deputy
Wasco Co. District Attorney



N
1" = 400'

SEE MAP

SEE MAP

SEE MAP

NOTE:
approx location
of creek from
plat firm
1957

NOTE:
Present location
of Chenoweth Creek
Taken from USGS
1957

ATTACHMENT C

P 89-0133 (13)

790
2.20 Ac.

701
0.57 Ac.

800
19.79 Ac.

100
32.20 Ac.

708
0.12 Ac.

703
0.40 Ac.

LOT 1 13.5

2N 13

30 BD

2N 13

30 AC

2N 13

30 CA

1800
32.40 Ac.

1700
5.30 Ac.

1000
3.16 Ac.

1600
51.74 Ac.

2000
0.08 Ac.

1900
3.09 Ac.

1901

1902

1903

22

128

SEE INSERT

711

712

713

714

715

716

717

718

719

720

721

722

723

724

725

726

727

728

729

730

731

732

733

734

735

736

737

738

739

740

741

742

743

744

745

746

747

748

749

750

751

752

753

754

755

756

757

758

759

760

761

762

763

764

765

766

767

768

769

770

771

772

773

774

775

776

777

778

779

780

781

782

783

784

785

786

787

788

789

790

791

792

793

794

795

796

797

798

799

800

801

802

803

804

805

806

807

808

809

810

811

812

813

814

815

816

817

818

819

820

821

822

823

824

825

826

827

828

829

830

831

832

833

834

835

836

837

838

839

840

841

842

843

844

845

846

847

848

849

850

851

852

853

854

855

856

857

858

859

860

861

862

863

864

865

866

867

868

869

870

871

872

873

874

875

876

877

878

879

880

881

882

883

884

885

886

887

888

889

890

891

892

893

894

895

896

897

898

899

900

901

902

903

904

905

906

907

908

909

910

911

912

913

914

915

916

917

918

919

920

921

922

923

924

925

926

927

928

929

930

931

932

933

934

935

936

937

938

939

940

941

942

943

944

945

946

947

948

949

950

951

952

953

954

955

956

957

958

959

960

961

962

963

964

965

966

967

968

969

970

971

972

973

974

975

976

977

978

979

980