

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.

[Page 1 of 3 - ORDINANCE AMENDMENT]

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

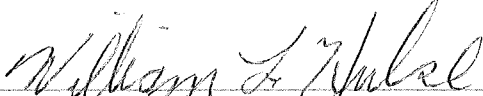
1. Proper notice was given and the hearing was held in accordance with procedural rules for quasi-judicial zone change applications and in conformity with said requirements as set forth in the Wasco County Land Use and Development Ordinance;
2. All members of the County Court were present and were qualified 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

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 )

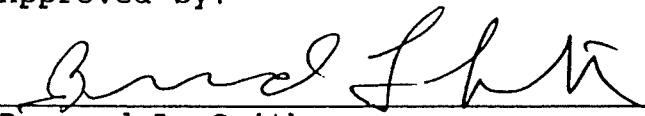
NOTICE IS HEREBY GIVEN: That at the hour of 2:00 p.m. on May 3, 1989, a Public Hearing will be held in the County Courtroom, Room 302, of the Wasco County Courthouse, in The Dalles, Oregon, to consider the request of The Wasco County Court for a Zone Change to change the map designation from "C-1" Commercial 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.

  
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Karen LeBreton, Wasco County Clerk

Approved by:

  
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Bernard L. Smith  
Wasco County District Attorney

[Publication Date: April 12, 1989]

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

IN AND FOR THE COUNTY OF WASCO

KAREN E. BRETON  
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.


**EXHIBIT B**

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.

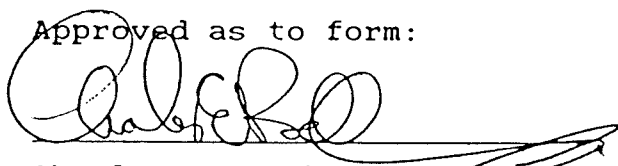
WASCO COUNTY COURT

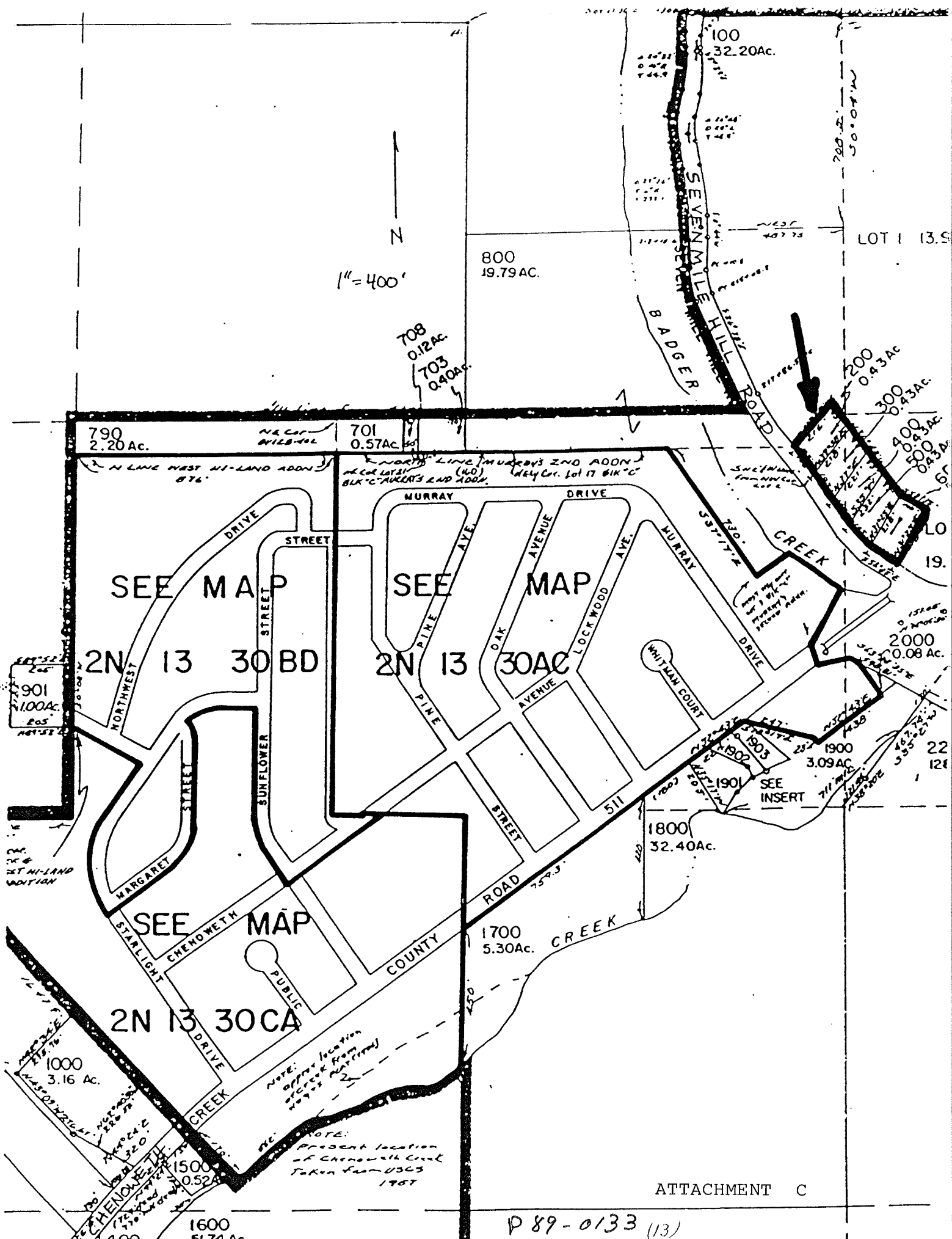
  
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William L. Hulse, Judge

  
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John Mabrey, Commissioner

  
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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.

LOT 1 13.5

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