

MALHEUR COUNTY, OR 2018-4561
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I, Gayle V. Trotter, County Clerk for Malheur County,
Oregon certify that the instrument identified herein was
recorded in the Clerk records.
Gayle V. Trotter - County Clerk

6/1

**ORDINANCE NUMBER 217
BEFORE THE MALHEUR COUNTY COURT**

An Ordinance Amending the Malheur County Comprehensive Plan and Zoning Maps By Expanding the Nyssa Urban Growth Boundary (UGB) and Changing the Designation of Certain Properties From County Exclusive Farm Use (EFU/C-A1) and County Heavy Industrial (C-I2) To Nyssa Urban Growth Area - Industrial (UGA-I); Re-zoning Certain Properties in the Nyssa UGB by Removing the Economic Opportunity Area (EO) Overlay Zone on 49.91 acres; and Declaring an Emergency

WHEREAS, the City of Nyssa (City) proposes to expand its urban growth boundary (UGB) to include approximately 281.183 contiguous acres in Malheur County generally described as follows (the property):

Ref# 9641 Map T19S47E17 tax lot 100 213.413 (of 290.35) acres zoned County EFU
Ref# 9761 Map T19S47E20 tax lot 201 67.77 acres zoned County Heavy Industrial;
and

WHEREAS, the property, as currently zoned, is shown on Exhibit "A" attached hereto;
and

WHEREAS, the property to be added to the Nyssa UGB is legally described on Exhibit "B" attached hereto; and

WHEREAS, the property is to be included in the Nyssa UGB to meet identified industrial land needs; in particular the proposed Treasure Valley Reload Center (TVRC) which is a rail dependent industrial land need; and

WHEREAS, once in the Nyssa UGB, the property will be rezoned to Nyssa UGA-Industrial (UGA-I) and all uses and development of the above referenced property shall comply with city of Nyssa plans, ordinances and zoning texts; which the county adopts herein by reference; and

WHEREAS, in particular the 281.2 acres will be reserved exclusively for the rail dependent uses and agricultural processing, warehouse and distribution and support industrial uses that benefit from location in a full service industrial park next to the planned TVRC; commercial and residential uses will be prohibited; and

WHEREAS, with the consent of the landowners (see Exhibit 8 attached hereto), the City also proposes to remove the Economic Opportunity Area (EO) Overlay Zone from the following generally described property that is sited within the Nyssa UGB and shown on Exhibit "A" attached hereto:

Ref# 9871	Map 19S4729B	Tax Lot 3300	10.32 acres
Ref# 9689	Map 19S4730D	Tax Lot 100	39.09 acres

WHEREAS, removal of the EO Overlay Zone will restore the above property to Nyssa UGA Residential, and

WHEREAS, the City has demonstrated that the proposed amendments to its UGB meet all applicable local and state laws and administrative rules; and

WHEREAS, the County's Transportation System Plan (TSP) does not need to be updated as a result of this urban growth area expansion. The document and findings supporting this conclusion are found in Exhibit "7" attached hereto; and

WHEREAS, the Nyssa City Planning Commission, Nyssa City Council, Malheur County Planning Commission and Malheur County Court considered the proposed UGB expansion in a joint hearing on September 25, 2018, wherein both planning commissions recommended approval of the expansion of Nyssa's UGB; and

WHEREAS, the Nyssa City Council and Malheur County Court considered the proposed UGB expansion and rezones through a joint hearing on December 11, 2018; and

WHEREAS, the Malheur County Court adopts the City's findings and concludes the public will benefit from the amendments to the City's UGB; and

WHEREAS, in order to meet development needs, it is necessary for this ordinance to be effective immediately upon adoption.

NOW, THEREFORE, THE MALHEUR COUNTY COURT ORDAIN AS FOLLOWS:

Section 1. ADOPTION. Malheur County adopts the findings, conclusions, studies, data, maps, exhibits, appendices and information in the following documents attached hereto and incorporated herein by reference:

- Exhibit B. Legal description of property added to Nyssa UGB
- Exhibit C. County Zoning Map - final zone changes

- MAP 1: Map of Nyssa UGB Expansion
- Exhibit 1. Staff Report
- Exhibit 2. Public Notice
- Exhibit 3. Proposed Comprehensive Plan Text and Policy Amendments
- Exhibit 4. Revised Nyssa Economic Opportunities Analysis
- Exhibit 5. Revised Nyssa Public Facilities Plan
- Exhibit 6. Proposed Nyssa Zoning Ordinance Amendments
- Exhibit 7. Transportation Impact Study (TIS)
- Exhibit 8. Letters from Economic Opportunity Overlay Property Owners
- Exhibit 9. Letters of Interest in TVRC Industrial Park
- Exhibit 10. Letters of Support for TVRC Industrial Park
- Exhibit 11. Correspondence Oregon Department of Aviation
- Exhibit 12. Letter of Support 1000 Friends of Oregon

Section 2. AMENDMENT TO COMPREHENSIVE PLAN AND ZONING MAP. The Malheur County Comprehensive Plan and Zoning Maps are amended to add/expand property to the Nyssa Urban Growth Boundary and to change the zoning designation of certain properties as follows;

- | | | | |
|---------------|--------------|---------------|---|
| Map T19S47E17 | Tax Lot 100 | 213.413 acres | County EFU to Nyssa UGA Industrial |
| Map T19S47E20 | Tax Lot 201 | 67.77 acres | County Heavy Industrial to Nyssa UGA -Industrial |
| Map 19S4729B | Tax Lot 3300 | 10.32 acres | Remove EO Overlay Zone/ Maintain Nyssa UGA residential zone |
| Map 19S4730D | Tax Lot 100 | 39.09 acres | Remove EO Overlay Zone/Maintain Nyssa UGA residential zone |

Section 3. LEGAL DESCRIPTION OF PROPERTY ADDED TO NYSSA UGB: The legal description of the property to be added to the Nyssa UGB is described on Exhibit "B", which is attached hereto and incorporated herein by reference.

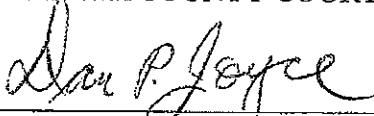
Section 4. ZONING MAP. The Malheur County zoning map shall be amended to depict the above zone changes/designations as set out on Exhibit "C", which is attached hereto and incorporated herein by reference.

Section 5. SEVERABILITY. If any portion of this ordinance, including all exhibits, is for any reason held invalid by any court of competent jurisdiction, such a portion shall be deemed as a separate, distinct and independent portion and such holding shall not affect the validity of the remaining portion of this ordinance.

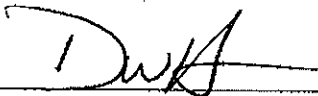
Section 6. EMERGENCY. This ordinance, being immediately necessary for the preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage.

ADOPTED this 11th day of December 2018.

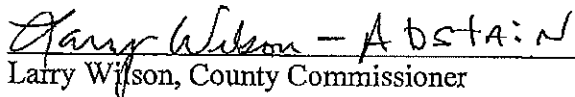
MALHEUR COUNTY COURT:



Dan P. Joyce, County Judge



Don Hodge, County Commissioner



Larry Wilson, County Commissioner

ATTEST:



Kim Ross, Recording Secretary