



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

October 26, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Eagle Point Plan Amendment  
DLCD File Number 001-06



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: November 13, 2006**

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative  
Bunny Lincoln, City of Eagle Point

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# FORM 2

DEPT OF

OCT 23 2006

LAND CONSERVATION AND DEVELOPMENT

## DLCD NOTICE OF ADOPTION

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18

(See second page for submittal requirements)

Jurisdiction: EARLE POINT

Local File No.: 05/06-20: Zett  
(If no number, use none)

Date of Adoption: 10.10.06  
(Must be filled in)

Date Mailed: 10.20.06  
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: MAY 26, 2006

- |  |   |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input checked="" type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> New Land Use Regulation           | <input type="checkbox"/> Other:                           |

(Please Specify Type of Action)

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

ZONING CHANGED FROM (SINGLE FAMILY) R-1-8 TO R-3 (MULTI-FAMILY)

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

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: R-1-8 to: R-3

Location: 751 S. SHASTA Acres Involved: 1.08

Specify Density: Previous: S:1 New: 12:1

Applicable Statewide Planning Goals: URBANIZATION

Was an Exception Adopted? Yes:  No:

Does Adopted Amendment affect the areas in unincorporated Washington County where the

Zoning Code applies? Yes  No

DLCD File No.: 001-06 (15266)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact:

Area Code + Phone Number:

Address:

City:

Zip Code+4:

Email Address:

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## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption≅ is sent to DLCD.
6. In addition to sending the ANotice of Adoption≅ to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Mara.Ulloa@state.or.us](mailto:Mara.Ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO. 2006-05**

**AN ORDINANCE AMENDING THE ZONING MAP AND ADOPTING SPECIFIC ZONING CLASSIFICATIONS FOR PROPERTY LOCATED IN THE CITY OF EAGLE POINT, OREGON.**

**WHEREAS**, application has be made to the City of Eagle Point for the rezoning of certain property under its jurisdiction from R-1-8 (Single -Family Residential) to R3 (Medium Density Multi- Family Residential), with payment of required planning fees; and

**WHEREAS**, said application has been declared complete by the City; and

**WHEREAS**, all legally required notifications and advertisements have been made, with accompanying certifications; and

**WHEREAS**, the Planning Commission held public hearings , August 15th and September 19th, 2006, in connection with said application and has forwarded its recommendation(s) for approval to the City Council (as shown by attached "Memo to Council"); and

**WHEREAS**, the City Council held a public hearing, October 10th, 2006; and

**WHEREAS**, both hearings provided a forum for public testimony on the proposed rezone; and

**WHEREAS**, such rezonings are subject to the provisions of the **Eagle Point Zoning Ordinance, Article IX - Amendments, Section 9.070 (C) - Ordinance**, which requires that rezones be effected by ordinance, including the adoption of related Findings of Fact, now, therefore,

**THE CITY OF EAGLE POINT ORDAINS AS FOLLOWS:**

**Section 1 - Findings of Fact.** The Council hereby adopts the **Findings of Fact** contained within the whole record, or as amended, with regard to the rezone:

**Section 2. - Approval Conditions.** The following approval conditions are attached to the subject rezone:

**FUTURE DEVELOPMENT -**

1. Any future development of this property shall comply with all relevant City rules and regulations. This shall include, but not be limited to, submittal of all required applications and payment of fees for same.

a. It shall be noted for the record that any future proposed development of this property shall be subject to applicable flood zone regulations.

2. Prior to final plat signoff, the developer shall enter into a **Waiver of Remonstrance/Deferred Improvement Agreement** for pro-rata participation in future upgrades to that portion of S. Shasta abutting the parent lot (751 S. Shasta Ave.).

3 (2)

These conditions shall be binding upon and inure to the benefit of the heirs, successors and assigns of the applicants. These conditions are not personal, but are for the benefit of all the land herein described, and shall be binding upon the developer and all successive owners of all or part of said property.

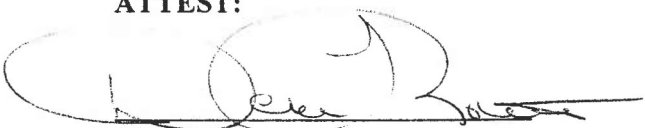
**Section 3 - Legal Description and Zoning Designation.** The real property described as Tax Lot #1000, JACO Assessor's Map 361W03D 751 S. Shasta Ave., Eagle Point Oregon is hereby zoned R-3, in conformance with the Eagle Point Comprehensive Plan Land Use Map.

**Section 4. Effective Date.** The Ordinance amendment shall become effective thirty (30) days after formal adoption by the City Council.

PASSED by the Council and signed by me in open session in authentication of its passage this 22nd day of August, 2006.

  
Presiding Officer

ATTEST:

  
Recorder

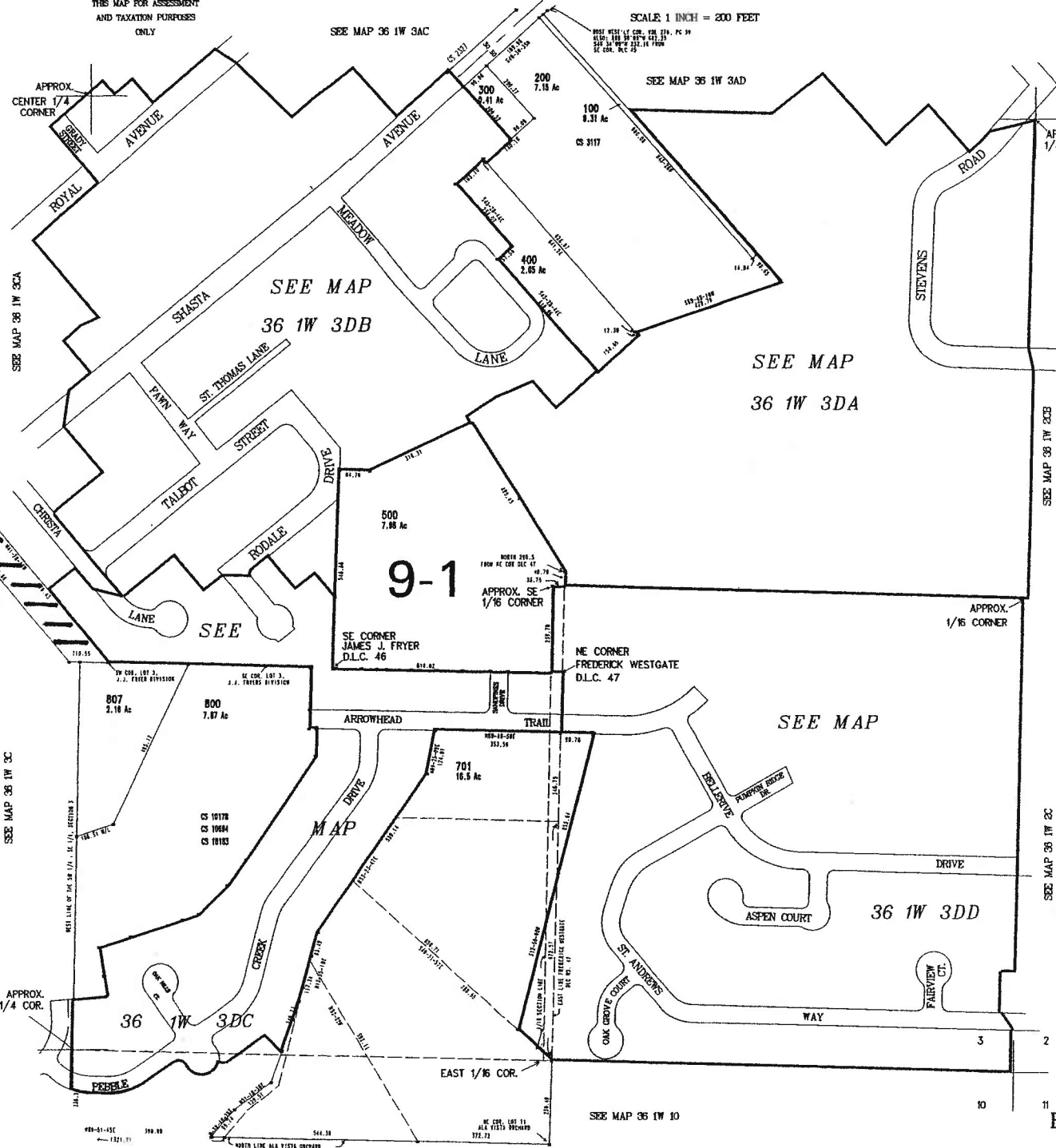
SE 1/4 SEC3 T36S R1W. W.M.  
JACKSON COUNTY

36 1W 3D  
EAGLE POINT

IMPORTANT  
THIS MAP FOR ASSESSMENT  
AND TAXATION PURPOSES  
ONLY

SCALE 1 INCH = 200 FEET

*Subject  
Property*



CANCELLED TAX  
LOT NUMBERS  
001, 004-005 REMAPPED TO  
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002-003, 007-008 REMAPPED  
TO 00000  
006-007 REMAPPED TO 000000  
009 REMAPPED TO 000000  
010-013 REMAPPED TO 000000  
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36 1W 3D  
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REV JULY 22, 2005