



# 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: (503) 378-5518

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

### NOTICE OF ADOPTED AMENDMENT



January 30, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Pendleton Plan Amendment  
DLCD File Number 003-05

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: February 7, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Darren Nichols, DLCD Regional Representative  
Michael W. Muller, City of Pendleton

<paa> ya





FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

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

JAN 25 2006

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF PENDLETON Local File No.: 2005-02 (If no number, use none)

Date of Adoption: 01-17-06 (Must be filled in) Date Mailed: (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 10-14-05 & 10-25-05

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other: (Please Specify Type of Action)

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

ZONE CHANGE FROM R-3 (HIGH DENSITY RESIDENTIAL) TO R-2 (MEDIUM DENSITY RESIDENTIAL) FOR A 2 ACRE PARCEL ON THE EAST SIDE OF SW 3RD STREET EXTENSION

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."

<SAME>

Plan Map Changed from: HIGH DENSITY RESIDENTIAL to MEDIUM DENSITY RESIDENTIAL

Zone Map Changed from: R-3 to R-2

Location: EAST SIDE OF SW 3RD STREET EXT Acres Involved: 2.0 ACRES

Specify Density: Previous: 11-35 D.U./ACRE New: 5-18 D.U./ACRE

Applicable Statewide Planning Goals: 9 & 10

Was an Exception Adopted? Yes: No: X

DLCD File No.: 003-05 (14749)

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: UMATILLA COUNTY

Local Contact: MICHAEL W. MULLER Area Code + Phone Number: (541) 966-0261

Address: 500 SW DORION AVENUE City: PENDLETON

Zip Code+4: 97801-2090 Email Address: mmuller@ci.pendleton.or.us

### 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 "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice 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.

**CITY OF PENDLETON**

**REQUEST FOR CITY COUNCIL ACTION**

<b>Date Submitted:</b> December 16, 2005	<b>Type of Action Requested:</b> <input type="checkbox"/> Resolution No.	<b>Subject:</b> Rezone 2 acres of Property on east side of SE 3 <sup>rd</sup> Street from R-3 to R-2 (File No. ZC05-02)
<b>Date Action Requested:</b> First Reading: January 3, 2006	<input checked="" type="checkbox"/> Ordinance No. 3728	
Second Reading: January 17, 2006	<input type="checkbox"/> Formal Action/Motion	
	<input type="checkbox"/> Other	

**TO:** Mayor and City Council

**FROM:** Michael W. Muller, Planning Director

**RECOMMENDATION:**

1. On January 3, 2006: First reading of proposed Ordinance No. 3728 to set the hearing date for the second reading for public comment, Council discussion and decision.
2. On January 17, 2006: Second reading of Ordinance No. 3728 for public hearing to accept public comment, Council discussion and action.

**DISCUSSION:**

This matter was presented in public hearing before the Planning Commission at the December 15, 2005 regular meeting. Following the closure of the public hearing, by a unanimous vote, the Commission forwards a favorable recommendation to the City Council regarding a request for a Comprehensive Plan Map change and rezoning of a 2.0 acre parcel of property located on the east side of SE 3<sup>rd</sup> Street and west side of County Road 991 identified as Tax Lot 301, Map 2N 32 14B, Umatilla County, from R-3 (High Density Residential) to R-2 (Medium Density Residential) zone; Robert M. & Colleen C. Burns, applicants (File No. ZC05-02).

The subject two parcel of property (Parcel 1, Partition Plat 2004-18) totaling 2.0 acres is located adjacent to properties zoned C-3 (Service Commercial), EFU (Exclusive Farm Use) and R-3 (High Density Residential) and is currently undeveloped. The nearest development is Mt. View RV Park on Tax Lot 200, Assessor Map 2N3214B, zoned C-3. The R-3 High Density Residential zoned area abuts the west side of the subject parcel and is currently undeveloped. Where multiple zones exist in this area to support a variety of dwelling densities, it would make sense to allow additional residential development at a medium density as well.

The property owner has indicated that they plan to develop a single family residence on this property, if they are successful in the rezone request. The majority of the current R-3 High Density Residential zone has slopes ranging from 12-20% which allow for terracing and for multi-family development. The subject parcel is the only minimally sloped parcel in the area and provides the most reasonable building site for a single family dwelling. Therefore, the only option that the property owner feels is viable for the placement of a single family residence is to rezone the property to R-2 (Medium Density Residential) zone.

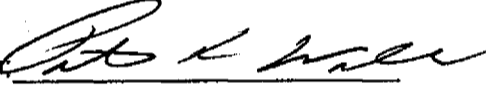
**FISCAL IMPACT:**

None known.

**ALTERNATIVES:**

None recommended.

Prepared by:  Reviewed by:   
Michael W. Muller, City Planner Larry Lehman, City Manager

Reviewed by:   
Peter Wells, City Attorney

**ORDINANCE NO. 3728**

**AN ORDINANCE AMENDING ORDINANCES NO. 3442 AND 3250 (THE 1990 COMPREHENSIVE PLAN, AND THE OFFICIAL ZONING MAP) BY REZONING A CERTAIN DESCRIBED AREA R-3, HIGH DENSITY RESIDENTIAL, TO R-2, MEDIUM DENSITY RESIDENTIAL, AND ADOPTING FINDINGS OF FACT.**

WHEREAS, the Pendleton Planning Commission received a request from Robert M. And Colleen C Burns to rezone a two acre parcel of property located on the east side of SE 3<sup>rd</sup> Street and the west side of County Road 991, described below:

Parcel 1, Partition Plat 2004-18, City of Pendleton, Umatilla County, State of Oregon

All lands subject to this rezoning are shown on Exhibit "A"; and,

WHEREAS, the Pendleton Planning Commission conducted a public hearing on this request on December 15, 2005, and recommended the adoption of findings of fact and conclusions of law attached hereto as Exhibit "B"; and,

WHEREAS, the City Council held a public hearing on this request and accepts the recommendation of the Planning Commission to adopt the findings of fact and approve the request; and,

WHEREAS, the Oregon Department of Land Conservation and Development has been given a 45 day notice before the first evidentiary hearing in which to review and comment on the request.

**NOW THEREFORE, CITY OF PENDLETON ORDAINS AS FOLLOWS:**

SECTION 1. The official zoning map (established by Ordinance #3250) is amended to change the zoning of the property described herein from R-3, High Density Residential, to R-2, Medium Density Residential.

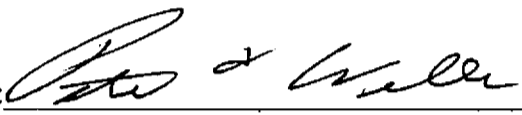
SECTION 2. The official Land Use Map (Map I) of the Comprehensive Plan (established by Ordinance #3442) is amended to change the land use designation of the property described herein from Light Industrial to Central Commercial.

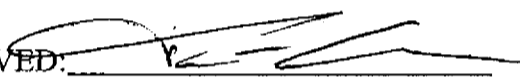
SECTION 3. The City Council adopts the Findings of Fact and Conclusions of Law as recommended by the Planning Commission (Exhibit "B") and grants said comprehensive plan map change and rezone.

PASSED by the City Council and approved by the Mayor on January \_\_, 2006

APPROVED: \_\_\_\_\_  
Mayor

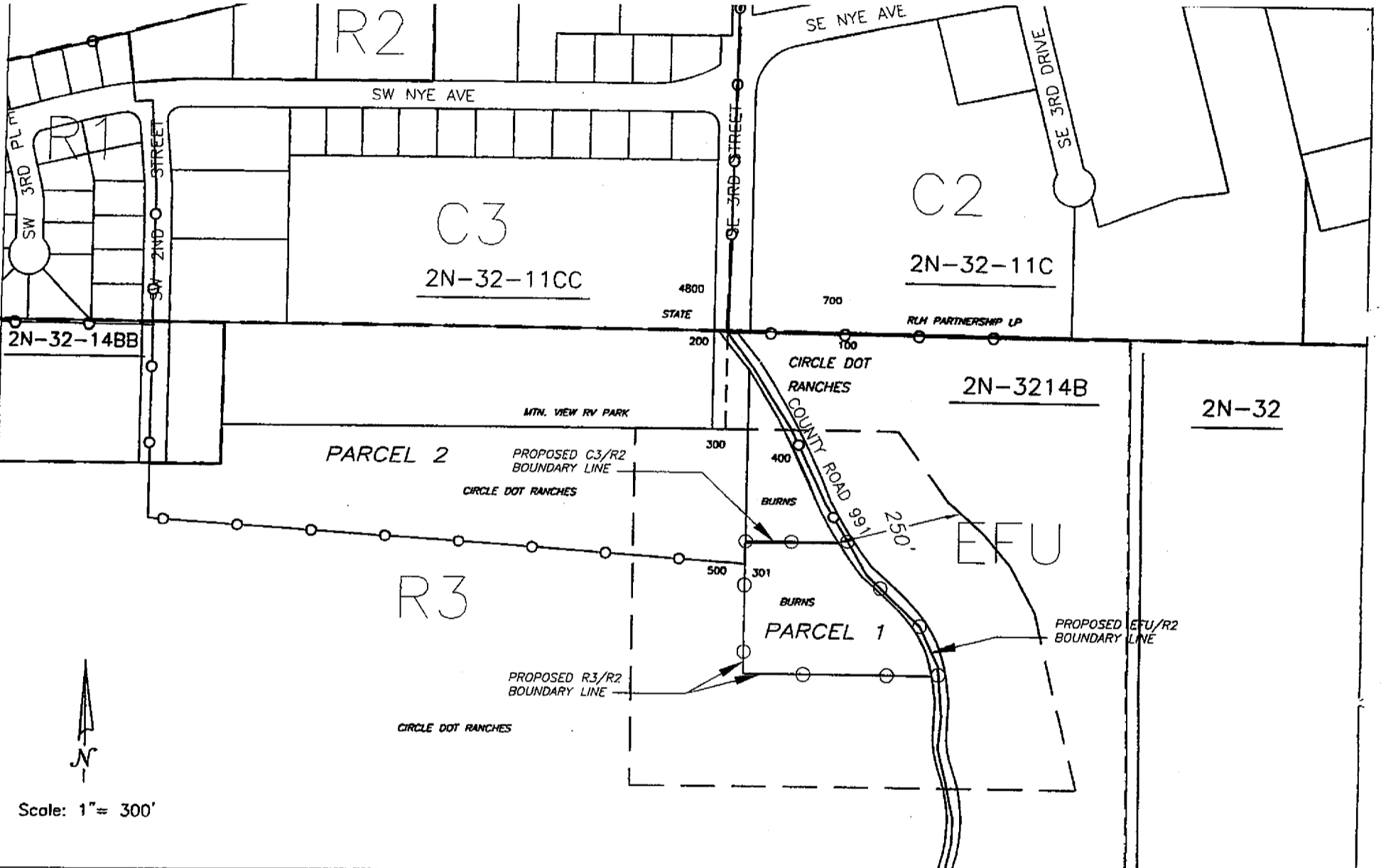
ATTEST: \_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:   
City Attorney

LEGAL DESCRIPTION APPROVED:   
Engineering Dept.

J:\DATA\PLANNING\ZONECHNG\ZC05-02(BURNS)\Ordinance.wpd





Scale: 1" = 300'

PROPERTIES WITHIN 250'  
OF PROPOSED ZONE CHANGE

UMATILLA COUNTY  
ASSESSORS MAP BOUNDARY

ZONING BOUNDARY

CITY OF PENDLETON-PLANNING DEPARTMENT

EXHIBIT "A"  
PROPOSED ZONE CHANGE R-3 to R-2  
FOR ROBERT AND COLLEEN BURNS  
FILE No. ZC05-02

SCALE AS SHOWN 10/17/05 JAM  
DRAWING: ZC05-02(BURNS).DWG

**Ordinance 3728**  
**FINDINGS OF FACT and CONCLUSIONS OF LAW**

**RELEVANT CRITERIA:**

1. Zoning Ordinance No. 3250, Section 147, 148 and 149 states the following:

**SECTION 147. AUTHORIZATION TO INITIATE AMENDMENTS.** An amendment to the text of this Ordinance or to a zoning map may be initiated by the City Council, the Planning Commission or by application of the property owner for an amendment by filing an application with the City Manager using forms prescribed pursuant to Section 157 of this Ordinance.

**SECTION 148. COMPLIANCE WITH COMPREHENSIVE PLAN.** An amendment to the text of this Ordinance or to a zoning map shall comply with the provisions of the City of Pendleton Comprehensive Plan text and Comprehensive Land Use Map. Any deviation from this section shall be preceded by an amendment to the Comprehensive Plan Text or to the Comprehensive Land Use Map.

**SECTION 149. PUBLIC HEARING ON AMENDMENTS.** The Planning Commission shall conduct a public hearing on the proposed amendment according to the procedures of Section 161 of this Ordinance at its earliest practicable meeting after it is proposed and shall, within forty (40) days after the hearing, recommend to the City Council approval, disapproval or modification of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment and render a final decision within one hundred twenty (120) days after application submittal unless longer review is agreed upon by the City and applicant. Public hearings on amendments encompassing lands of a mobile home park shall be conducted after notification of park tenants at least twenty (20) but no more than forty (40) days prior to the hearing.

**FINDINGS OF FACT:**

1. The subject parcel of property (Parcel 1, Partition Plat No. 2004-18) totaling 2 acres is located adjacent properties zoned C-3 Service Commercial, EFU Exclusive Farm Use and R-3 High Density Residential, and is currently undeveloped. The nearest development is Mountain View RV Park on Tax lot 200, Assessor Map 2N3214B, zoned C-3. The R-3 High Density Residential zoned area abuts the west side of the subject parcel and is currently undeveloped. Where multiple zones exist in this area to support a variety of dwelling densities, it would make sense to allow additional residential development at a medium density as well.
2. The property owner has indicated that he plans to develop a single family residence on this property, if he is successful in the rezone request. The majority of the current R-3 High Density Residential Zone has slopes ranging from 12 to 20% which allow for terracing and multiple story multi-family development. The subject parcel is the only minimally sloped parcel in the area and provides most reasonable building site for a single family dwelling. Therefore, the only option that the property owner feels is viable is to rezone the property to the R-2 zone to allow the placement of a single family residence.
3. If this request is recommended for approval by the Planning Commission, the City Council will be presented with an ordinance amendment that would be considered in public hearing for enactment that would redesignate and rezone the subject property on the Comprehensive Plan Map and the Zoning Map from R-3 (High Density Residential) to R-2 (Medium Density Residential).
4. The Department of Land Conservation and Development (DLCD) has been provided notice of this proposal. This notice is provided pursuant to ORS 197.610 and OAR Chapter 660, Division 18, and must be sent at least 45 days prior to the initial evidentiary hearing date to allow the DLCD staff the opportunity to file an objection and/or attend the hearing if they have a concern. The final hearing date before the City Council will be scheduled for the January 17, 2006 meeting.
5. On December 16, 1980, the City Council adopted a standard condition to be placed upon all land use requests to protect the city taxpayer from any costs of potential appeals to the decisions. This condition shall be applied in this case as well.

**CONCLUSIONS:** The proposed redesignation and rezone is valid for the following reasons, as well as those that are presented above:

1. The proposal recognizes the need for applying the appropriate zoning that is compatible with and matches the land use of the properties in the vicinity.
2. The R-2 zoning would represent a logical increase in the variety of residential zoning available in the area.

**DECISION:** The City redesignates and rezones the subject parcel from R-3 (High Density Residential) to R-2 (Medium Density Residential), subject to the following condition:

1. The applicants have the burden of proof regarding all requests affecting this subject property, and the applicants recognize that it is the sole obligation of the applicants to substantiate this request.

If any administrative review, suit or action is instituted in connection with any appeal of this decision, the applicant(s) shall be required to: (1) reimburse the city of all costs incurred in defending this action, including, but not limited to, attorneys fees, staff costs, and materials and other related cost; (2) notify the city that the applicant(s) do not desire to undertake such costs and will drop the request; or (3) defend the city's actions on behalf of the city.

The applicants shall notify the City Manager within five days from the city's receipt of any notice of appeal by delivering a written statement to the City Manager advising the City Manager whether the applicants will reimburse the City for all costs as described above; desires to drop the request; or intends to defend the City's actions on behalf of the City.

In the absence of written communication from the applicants within the allotted five days, the City may, at its option, presume the applicants desire to drop the request and the City shall have no obligation to defend the appeal.

In appeals involving questions of City wide significance, the City may participate in the proceedings described herein at its own expense. Nothing in this condition affects the applicant's right to retain independent counsel in making its own legal appearance on appeal.

If any proceeding, including recession, is instituted by the applicants, in which the City is a party, in connection with any controversy arising out of this request, the applicants will indemnify and hold the City harmless from any costs of the action, including a reasonable amount to be fixed by the court as attorney fees in such suit or action, both at trial and on appeal.

**CITY OF PENDLETON PLANNING COMMISSION  
PUBLIC MEETING AGENDA**

December 15, 2005  
City Hall Council Chambers  
500 SW Dorion Ave., 2nd Floor  
7:00 P.M.

- 1. CALL TO ORDER**
- 2. COMMUNITY DISCUSSION** (A time for the public to discuss with the Commission any matter not on the agenda)
- 3. SCHEDULED MATTERS: PUBLIC HEARINGS**
  - a. Consideration of a recommendation to the City Council regarding a Comprehensive Plan Map change and rezoning of a 2 acre parcel of property located on the east side of SE 3<sup>rd</sup> Street extension and west side of County Road No. 991 identified as Tax Lot 301, Map 2N 32 14B, Umatilla County from R-3 (High Density Residential) to R-2 (Medium Density Residential) zone: Robert M. and Colleen Burns, applicants (File No. ZC05-02)

**Proponents and opponents will be given an opportunity to present oral or written testimony before the close of the public hearings. Failure to raise an issue in person or in writing or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.**

- 4. UNFINISHED BUSINESS**
  - a. None
- 5. NEW BUSINESS**
  - a. None
- 6. REPORT OF THE PLANNING DIRECTOR**
  - a. None
- 7. MINUTES**
  - a. Minutes of the November 3, 2005, Planning Commission meeting.
- 8. ADJOURN**

Material submitted by the applicants is available ten days in advance of the meeting. Staff recommendations are available seven days in advance of the meeting at the Planning Department, City Hall.

If you would like to obtain additional information regarding any of the matters to be discussed or if you have questions, please contact the City Planning Director, City of Pendleton, 500 SW Dorion Avenue, Pendleton, Oregon 97801-2090. Telephone 966-0204, TDD 966-0230, or fax 966-0251.

If special accommodations for hearing, visual, or manual impairment are needed to allow an individual to participate, or if an interpreter is needed, please contact the City Planning Director by the Tuesday before the meeting.



**CITY OF PENDLETON  
PLANNING COMMISSION MINUTES  
City Hall Council Chambers  
December 15, 2005**

The regularly scheduled meeting of the Planning Commission was held on December 15, 2005, in the City Hall Council Chambers with members Ken Lebsock, Scott Fairley, John Boston, Dan Leighty and Kent Walker present. Vince Crawford and Eva Temple were absent. Staff member City Planner Mike Muller was also present. The meeting was called to order by Vice-Chairman Ken Lebsock at 7:04 p.m.

**Election of the Planning Commission Chairman and Vice-Chairman for the coming year:**

Mr. Lebsock nominated Mr. Crawford for the Chairman position. Mr. Leighty seconded the motion and it was approved unanimously.

Dr. Walker nominated Mr. Lebsock for the Vice-Chairman position. Mr. Fairly seconded the motion and it was approved unanimously.

**COMMUNITY DISCUSSION:**

There was none.

**PUBLIC HEARING A:** Consideration of a recommendation to the City Council regarding a Comprehensive Plan Map change and rezoning of a 2 acre parcel of property located on the east side of SE 3<sup>rd</sup> Street extension and west side of County Road No. 991, identified as Tax Lot 301, Map 2N 32 14B, Umatilla County, from R-3 (High Density Residential) to R-2 (Medium Density Residential) zone; Robert M. and Colleen Burns, applicants (File No. ZC05-02).

Vice-Chairman Lebsock asked if any Commission members had any conflict of interest or ex-parte contact, including site visits. There were none.

Mr. Muller presented the staff report, a summary of the printed material distributed to the Commission and available to the public seven days prior to this hearing.

Vice-Chairman Lebsock asked if there were any questions. There were none.

Richard A. Ullian, 1852 SW Athens Avenue, Pendleton, Oregon, after being sworn, addressed the Commission. He is helping the applicants to move this request through the process. He pointed out that the triangular piece of property north of the subject property, the 2 acres, is actually zoned C-3. This is where Bob and Colleen's office is presently located. The part that is zone R-3 is part of a much larger area of R-3 zoned land in that neighborhood. There is about 69 acres of R-3 zoned land which is probably one of the largest designated areas for high-density, multiple family in the entire city. The reduction of that total area by 2 acres is insignificant based on the total that is remaining. They calculated that of the 69 acres excluding the 2 acres of the Burns property would yield at the density of 35 dwelling units per acres, a yield total of 2,415 dwelling units. This is a lot of density in one area. Under R-3, this 2 acres would be allowed 70 dwelling units, and with the reduction down to R-2, there would only be a net loss of 34 dwelling units. Under R-2 they would still be allowed 36 dwelling units. They aren't completely eliminating all possibilities if for some reason they should fail in getting their residence constructed. They are not eliminating all possibilities of having multiple-family developed on the 2 acres. They certainly have that opportunity on the remaining 69 acres. He has looked at this area and wondered why such a large area is on the urban fringe. It's not within the urban center. It's not close to necessarily shopping opportunities, parks and open space areas, major arterials or transportation accommodations that could handle this kind of density. They support the recommendation of the City Planner and urged them to make a favorable recommendation to the City Council to rezone this area from R-3 down to R-2.

Vice-Chairman Lebsock asked if there were any questions. There were none.

Vice-Chairman Lebsock asked if there was anyone else who wished to speak in favor of this conditional use permit. There was no one.

Vice-Chairman Lebsock asked if there was anyone present who wished to speak that is either opposed or neutral to the Commission granting the replacement of these signs. There was no one.

Mr. Leighty made a motion to forward a favorable recommendation to City Council to enact an ordinance that would accomplish to redesignate and rezone the subject parcels from R-3 to R-2 subject to the following findings and decision.

**PLANNING COMMISSION  
FINDINGS AND DECISION**

**December 15, 2005**

**SUBJECT:** Consideration of a recommendation to the City Council regarding a Comprehensive Plan Map change and rezoning of a 2 acre parcel of property located on the east side of SE 3<sup>rd</sup> Street extension and the west side of County Road No. 991 identified as Tax Lots 301, Map 2N 32 14B, Umatilla County from R-3 (High Density Residential) to R-2 (Medium Density Residential) zone; Robert M. & Colleen Burns, applicant (File No. ZC05-02).

**REVIEWED BY:** Michael W. Muller, City Planner

**RELEVANT CRITERIA:**

1. Zoning Ordinance No. 3250, Section 147, 148 and 149 states the following:

**SECTION 147. AUTHORIZATION TO INITIATE AMENDMENTS.** An amendment to the text of this Ordinance or to a zoning map may be initiated by the City Council, the Planning Commission or by application of the property owner for an amendment by filing an application with the City Manager using forms prescribed pursuant to Section 157 of this Ordinance.

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**SECTION 149. PUBLIC HEARING ON AMENDMENTS.** The Planning Commission shall conduct a public hearing on the proposed amendment according to the procedures of Section 161 of this Ordinance at its earliest practicable meeting after it is proposed and shall, within forty (40) days after the hearing, recommend to the City Council approval, disapproval or modification of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment and render a final decision within one hundred twenty (120) days after application submittal unless longer review is agreed upon by the City and applicant. Public hearings on amendments encompassing lands of a mobile home park shall be conducted after notification of park tenants at least twenty (20) but no more than forty (40) days prior to the hearing.

**FINDINGS OF FACT:**

1. The subject parcel of property (Parcel 1, Partition Plat No. 2004-18) totaling 2 acres is located adjacent properties zoned C-3 Service Commercial, EFU Exclusive Farm Use and R-3 High Density Residential, and is currently undeveloped. The nearest development is Mountain View RV Park on Tax lot 200, Assessor Map 2N3214B, zoned C-3. The R-3 High Density Residential zoned area abuts the west side of the subject parcel and is currently undeveloped. Where multiple zones exist in this area to support a variety of dwelling densities, it would make sense to allow additional residential development at a medium density as well.
2. The property owner has indicated that he plans to develop a single family residence on this property, if he is successful in the rezone request. The majority of the current R-3 High Density Residential Zone has slopes ranging from 12 to 20% which allow for terracing and multiple story multi-family development. The subject parcel is the only minimally sloped parcel in the area and provides most reasonable building site for a single family dwelling. Therefore, the only option that the property owner feels is viable is to rezone the property to the R-2 zone to allow the placement of a single family residence.
3. If this request is recommended for approval by the Planning Commission, the City Council will be presented with an ordinance amendment that would be considered in public hearing for enactment that would redesignate and rezone the subject property on the Comprehensive Plan Map and the Zoning Map from R-3 (High Density Residential) to R-2 (Medium Density Residential).
4. The Department of Land Conservation and Development (DLCD) has been provided notice of this proposal. This notice is provided pursuant to ORS 197.610 and OAR Chapter 660, Division 18, and must be sent at least 45 days prior to the initial evidentiary hearing date to allow the DLCD staff the opportunity to file an objection and/or attend the hearing if they have a concern. The final hearing date before the City Council will be scheduled for the January 17, 2006 meeting.
5. On December 16, 1980, the City Council adopted a standard condition to be placed upon all land use requests to protect the city taxpayer from any costs of potential appeals to the decisions. This condition shall be applied in this case as well.

**CONCLUSIONS:** The proposed redesignation and rezone is valid for the following reasons, as well as those that are presented

above:

1. The proposal recognizes the need for applying the appropriate zoning that is compatible with and matches the land use of the properties in the vicinity.
2. The R-2 zoning would represent a logical increase in the variety of residential zoning available in the area.

**RECOMMENDATION:** The Planning Commission forwards a favorable recommendation to the City Council to enact an ordinance that would accomplish to redesignate and rezone the subject parcels from R-3 (High Density Residential) to R-2 (Medium Density Residential), subject to the following condition:

1. The applicant(s) have the burden of proof regarding all requests affecting this subject property, and the applicant(s) recognize that it is the sole obligation of the applicant(s) to substantiate this request.

If any administrative review, suit or action is instituted in connection with any appeal of this decision, the applicant(s) shall be required to: (1) reimburse the city of all costs incurred in defending this action, including, but not limited to, attorneys fees, staff costs, and materials and other related cost; (2) notify the city that the applicant(s) do not desire to undertake such costs and will drop the request; or (3) defend the city's actions on behalf of the city.

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If any proceeding, including recession, is instituted by the applicant(s), in which the City is a party, in connection with any controversy arising out of this request, the applicant(s) will indemnify and hold the City harmless from any costs of the action, including a reasonable amount to be fixed by the court as attorney fees in such suit or action, both at trial and on appeal.

Dr. Walker seconded the motion and it was approved unanimously.

**REPORT OF THE PLANNING DIRECTOR:**

Mr. Muller reported that the Planning Department has received an application from Mr. Galloway for a subdivision to process. This will probably be heard at the second meeting in January. This is the property just north of Grecian Heights, below the ESD and up toward the City cemetery. There is another conditional use request by Meadow Outdoor Advertising for a billboard sign at Lippert scheduled for the January 5, 2006, meeting.

**MINUTES:**

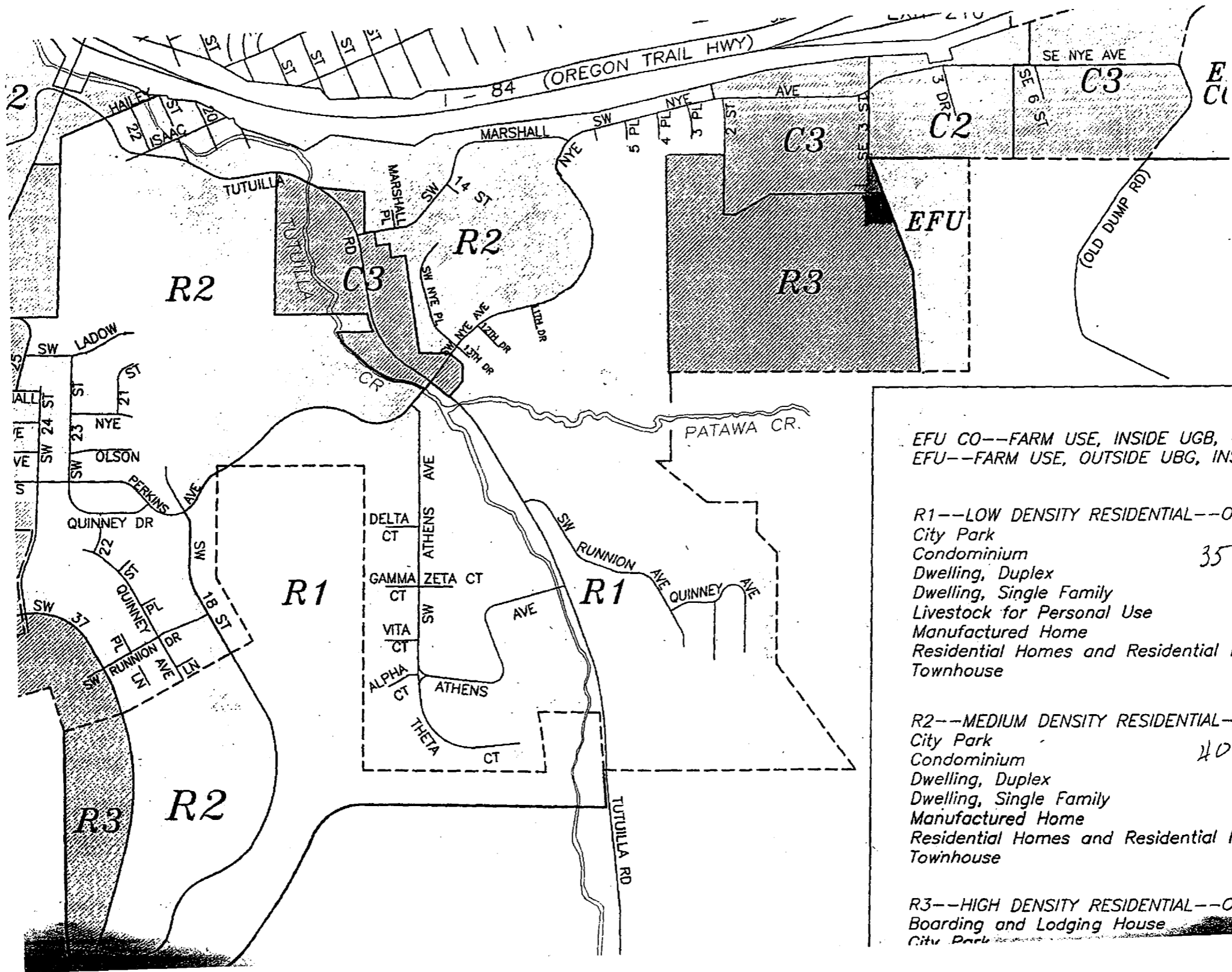
Mr. Fairley made a motion to approve the minutes of the November 3, 2005, Planning Commission meeting. Mr. Boston seconded the motion, and it was approved unanimously.

There being no further business, the meeting adjourned at 7:35 p.m.

\_\_\_\_\_  
Vince Crawford/Commission Chairman

\_\_\_\_\_  
Date approved





**CITY OF PENDLETON PLANNING COMMISSION  
PUBLIC HEARING NOTICE**

**December 15, 2005**

NOTICE IS HEREBY GIVEN that the Pendleton Planning Commission will conduct a hearing at 7:00 p.m., December 15, 2005, at the City Hall Council Chambers, 500 S. W. Dorion Avenue, 2nd Floor, to consider:

Consideration of a recommendation to the City Council regarding a Comprehensive Plan Map change and rezoning of a 2 acre parcel of property located on the east side of SE 3<sup>rd</sup> Street extension and the west side of County Road No. 991 identified as Tax Lot 301, Map 2N 32 14B, Umatilla County from R-3 (High Density Residential) to R-2 (Medium Density Residential) zone; Robert M. and Colleen Burns, applicants (File No. ZC05-02).

The applicable criteria by which the Planning Commission will consider this application for a Comprehensive Plan Map and Zoning Map amendment is pursuant to ARTICLE XXI, AMENDMENTS, Sections 149 thru 150 Procedures and Regulations Regarding Amendments and Synthesis, The Public Plan section of the Pendleton Comprehensive Plan document (CP-89), Policy #3, Public Plan - 2. Copies of the application, all documents and evidence relied upon by the Planning Commission and the applicable criteria are available for inspection at no cost and copies will be provided at the same rate charged by the city for copies of any other documents.

Proponents and opponents will be given an opportunity to present oral or written testimony before the close of the public hearings. Failure to raise an issue in person or in writing or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Material submitted by the applicants is available ten days before the meeting. Staff recommendations are available seven days before the meeting at the Planning Department, City Hall.

If you would like to obtain additional information regarding any of the matters to be discussed or if you have questions, please contact the City Planner, City of Pendleton, 500 SW Dorion Avenue, Pendleton, Oregon 97801-2090. Telephone 966-0204, TDD 966-0230, or fax 966-0251.

If special accommodations for hearing, visual, or manual impairment are needed to allow an individual to participate, or if an interpreter is needed, please contact the City Planning Director by the Tuesday before the meeting.

Respectfully submitted,

Mike Muller,  
City Planner

**Publish: December 3, 2005**

**EO-1593**  
**CITY OF PENDLETON PLANNING**  
**COMMISSION**  
**PUBLIC HEARING NOTICE**

December 15, 2005

NOTICE IS HEREBY GIVEN that the Pendleton Planning Commission will conduct a hearing at 7:00 p.m., December 15, 2005, at the City Hall Council Chambers, 500 S.W. Dorion Avenue, 2nd Floor, to consider:

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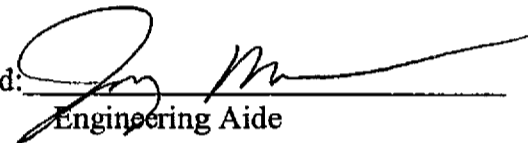
Respectfully submitted,  
Mike Muller,  
City Planner  
December 3, 2005

*12/2/05  
okay to run*

## AFFIDAVIT OF MAILING

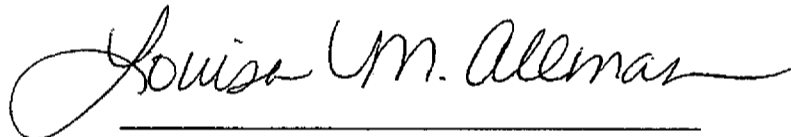
I hereby certify that on December 2, 2005, I mailed 5 notices of public hearing to property owners within 250 feet of the following property subject to a proposed land use action:

Consideration of a recommendation to the City Council for a Comprehensive Plan Map change and rezoning of 2 acre parcel of property located on the east side of SE 3<sup>rd</sup> Street extension and the west side of County Road No. 991 identified as Tax Lot 301, Map 2N 32 14B, Umatilla County from R-3 (High Density Residential) to R-2 (Medium Density Residential) zone; Robert M. & Colleen Burns, applicant (File No. ZC05-02)[See attached map].

Signed:   
Engineering Aide

State of Oregon     )  
                                  )  
County of Umatilla    )

On December 2, 2005, personally appeared Joy Marcum, who acknowledged this instrument to be her voluntary act and deed.

  
\_\_\_\_\_  
Notary Public for Oregon



DOWNLOAD ZC05-02(BURNS)

AT8.4 102409 R 16-01 2N3214-B0-00200 10-14-05  
MOUNTAIN VIEW RV PARK LLC  
%AARON HOEFT  
2404 STATELINE RD  
WALLA WALLA WA 99362  
LOCATION: 1375 SE 3RD PEND

AT8.4 155458 R 16-01 2N3214-B0-00300 UNZONED FARM POTENTIAL ADD TAX 10-14-05  
CIRCLE DOT RANCHES LLC  
94 3RD ST  
LA GRANDE OR 97850

AT8.4 102411 R 16-01 2N3214-B0-00500 UNZONED FARM POTENTIAL ADD TAX 10-14-05  
CIRCLE DOT RANCHES LLC  
94 3RD ST  
LA GRANDE OR 97850

AT8.4 159354 R 16-01 2N3214-B0-00301 UNZONED FARM POTENTIAL ADD TAX 10-14-05  
BURNS ROBERT M & COLLEEN  
PO BOX 116  
PENDLETON OR 97801

AT8.4 152607 R 16-01 2N3214-B0-00400 10-14-05  
BURNS COLLEEN C  
PO BOX 116  
PENDLETON OR 97801

AT8.4 157425 R 16-01 2N3214-B0-00100 EFU FARM POTENTIAL ADD TAX 10-14-05  
BURNS ROBERT M & COLLEEN  
PO BOX 116  
PENDLETON OR 97801

AT8.4 136572 R 16-01 2N3211-CC-04800 NON - ASSESSABLE 10-14-05  
STATE OF OREGON  
DEPT OF TRANS  
117 TRANSPORTATION BLDG  
SALEM OR 97310

AT8.4 112271 R 16-01 2N3211-C0-00700 10-14-05  
RLH PARTNERSHIP LP  
% KRISTA O'BRIEN  
WEST 201 NORTH RIVER DR  
SPOKANE WA 99201

ADDRESS ZC05-02 (BURNS)

MOUNTAIN VIEW RV PARK LLC  
%AARON HOEFT  
2404 STATELINE RD  
WALLA WALLA WA 99362

CIRCLE DOT RANCHES LLC  
94 3RD ST  
LA GRANDE OR 97850

BURNS ROBERT M & COLLEEN  
PO BOX 116  
PENDLETON OR 97801

STATE OF OREGON  
DEPT OF TRANS  
117 TRANSPORTATION BLDG  
SALEM OR 97310

RLH PARTNERSHIP L P  
% KRISTA O'BRIEN  
WEST 201 NORTH RIVER DR  
SPOKANE WA 99201

November 1, 2005

City of Pendleton  
ATTN: Michael W. Muller  
500 SW Dorion Avenue  
Pendleton OR 97801

RE: Planning Commission Hearing Date (File No. ZC05-02)

Dear Mr. Muller:

I am writing with regard to the Planning Commission hearing date for our request to rezone. It was originally set for December 1, 2005. Bob and I are out of town on that date and appreciate that you were able to reschedule to December 15, 2005.

Thank you for your assistance in accommodating us with regard to this matter.

Sincerely,



Colleen Burns  
1380 SE Third Street  
PO Box 116  
Pendleton OR 97801



# CITY OF PENDLETON

## NOTICE OF PUBLIC HEARING TO AFFECTED PROPERTY OWNERS

December 2, 2005

Planning & Building Department  
500 S.W. Dorion Avenue  
Pendleton, Oregon 97801-2090  
Telephone  
Planning (541) 966-0261  
Building (541) 966-0266  
FAX (541) 966-0251  
TDD (541) 966-0230

**NOTICE IS HEREBY GIVEN that the Pendleton Planning Commission will conduct a public hearing beginning at 7:00 p.m., December 15, 2005, at the City Hall Council Chambers, 500 S. W. Dorion Avenue, 2nd Floor, to consider the following:**

Consideration of a recommendation to the City Council for a Comprehensive Plan Map change and rezoning of 2 acre parcel of property located on the east side of SE 3<sup>rd</sup> Street extension and the west side of County Road No. 991 identified as Tax Lot 301, Map 2N 32 14B, Umatilla County from R-3 (High Density Residential) to R-2 (Medium Density Residential) zone; Robert M. & Colleen Burns, applicant (File No. ZC05-02)[See attached map].


The applicable criteria by which the Planning Commission will consider this applications for a Comprehensive Plan Map and Zoning Map amendment is pursuant to ARTICLE XXI, AMENDMENTS, Sections 149 thru 150 Procedures and Regulations Regarding Amendments and Synthesis, The Public Plan section of the Pendleton Comprehensive Plan document (CP-89), Policy #3, Public Plan - 2. Copies of the application, all documents and evidence relied upon by the City Council and the applicable criteria are available for inspection at no cost and copies will be provided at the same rate charged by the city for copies of any other documents.

Proponents and opponents will be given an opportunity to present oral or written testimony before the closing of the public hearings. Failure to raise an issue in person or in writing or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Material submitted by the applicants is available ten days in advance of the meeting. Staff recommendations are available seven days in advance of the meeting at the Planning Department, City Hall.

If special accommodations for hearing, visual, or manual impairment are needed to allow an individual to participate, or if an interpreter is needed, please contact the City Planning Director by the Tuesday before the meeting.

Respectfully submitted,

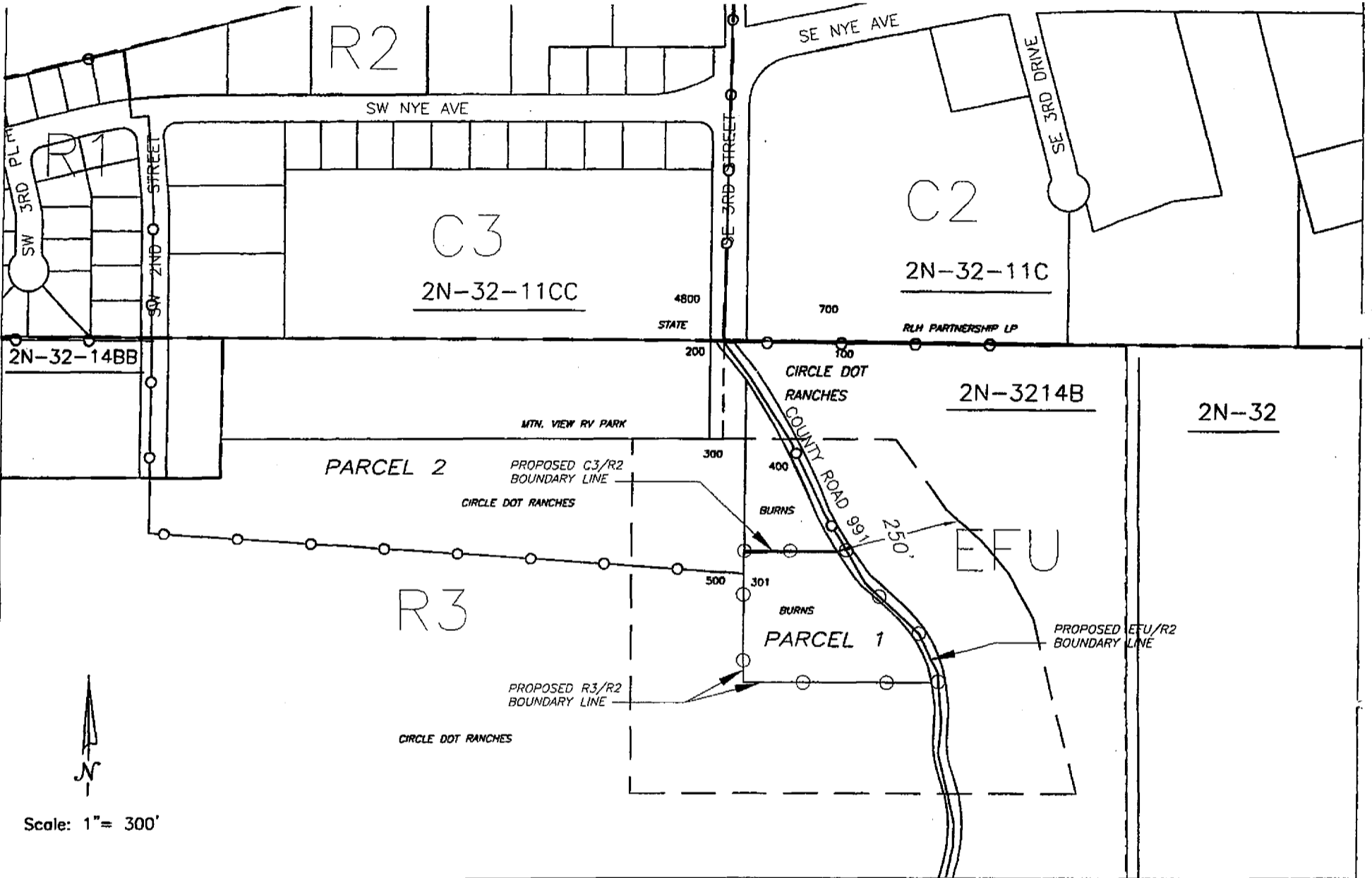
  
Michael W. Muller  
City Planner

J:\DATA\PLANNING\ZONECHNG\ZC05-02(BURNS)\ZC05-02.NOT.DOC






.... Home of the World Famous Pendleton Round-Up ....





Scale: 1" = 300'

-  PROPERTIES WITHIN 250' OF PROPOSED ZONE CHANGE
-  UMATILLA COUNTY ASSESSORS MAP BOUNDARY
-  ZONING BOUNDARY

CITY OF PENDLETON--PLANNING DEPARTMENT  
 EXHIBIT "A"  
 PROPOSED ZONE CHANGE R-3 to R-2  
 FOR ROBERT AND COLLEEN BURNS  
 FILE No. ZC05-02  
 SCALE AS SHOWN 10/17/05 JAM  
 DRAWING: ZC05-02(BURNS).DWG



# CITY OF PENDLETON

## MEMORANDUM

Planning & Building Department  
500 S.W. Dorion Avenue  
Pendleton, Oregon 97801-2090  
Telephone  
Planning (541) 966-0261  
Building (541) 966-0266  
FAX (541) 966-0251  
TDD (541) 966-0230

**TO:** See Below  
**FROM:** Michael W. Muller, City Planner  
**SUBJECT:** Site Plan Completeness Review - Proposed Zone Change from R-3 to R-2; File No. ZC05-02.  
**DATE:** November 17, 2005

The Pendleton Planning Department has received a request from Robert & Colleen Burns, Owners, for a Comprehensive Plan Map change and rezoning of a 2 acre parcel of property (Parcel 1, Partition Plat No. 2004-18) located on the east side of SE 3<sup>rd</sup> Street extension and the west side of (County Road No. 991) identified as Tax Lot 301, Map 2N 32 14B, Umatilla County) from R-3 (High Density Residential) to R-2 (Medium Density Residential) zone; ). The subject property is inside the city limits, and within the urban growth boundary (File No. ZC05-02). Attached for your review is a copy of the notice map that illustrates the limits of the proposed zone change.

Pursuant to Section 157, of Zoning Ordinance No. 3250, and before a determination of "completeness" is made regarding this application, a copy of this minor partition proposal is distributed to the appropriate city departments and other affected public agencies & utilities for review and comment in order for planning staff to prepare a staff report, together with an administrative decision with findings and conditions of approval.

If I have not received your comments in writing by November 30, 2005, I will assume you have no comment, concerns and/or questions.

### Attachment

To: Larry Lehman, City Manager  
Peter Wells, City Attorney  
Stuart Roberts, Police Chief  
Jim Court, Fire Marshal  
Bob Patterson, Public Works Director  
Tim Simons, City Engineer  
John Lindstrom, Building Official  
Tamara Mabbot, Umatilla County Planning Director  
Tracy Diehl, Umatilla County Cartographer  
Hal Phillips, Umatilla County Public Works Director  
David Krumbein, Umatilla County Surveyor  
Dan Harris, Cascade Gas  
Larry Hurst, Pacific Power & Light  
Herb Sumner, Qwest Communications  
Chuck Overstreet, Charter Communications

cc: Robert & Colleen Burns, Applicants  
Richard Ullian

J:\DATA\PLANNING\ZONECHNG\ZC05-02\BURNS\ZC05-02.MEM.DOC

... Home of the World Famous Pendleton Round-Up ...





# CITY OF PENDLETON

October 25, 2005

*Planning & Building Department*  
500 S.W. Dorion Avenue  
Pendleton, Oregon 97801-2090  
Telephone  
Planning (541) 966-0261  
Building (541) 966-0266  
FAX (541) 966-0251  
TDD (541) 966-0230

Robert M. & Colleen C. Burns  
~~1380 SE Third Street~~ PO Box 116  
Pendleton, OR 97801

**RE: REQUEST FOR REZONE FROM R-3 TO R-2 FOR 2.0 ACRE PARCEL ON EAST SIDE OF SW 3<sup>RD</sup> STREET EXTENSION, (FILE NO. ZC05-02)**

Dear Mr. & Mrs. Burns:

This information is forwarded to you, pursuant to our phone conversation today. I have enclosed the amended notice to DLCD identifying the Planning Commission hearing date as December 15, 2005 and the City Council hearing date as January 17, 2006. I have also revised the application form to reflect the property location as being east of SW 3<sup>rd</sup> street extended. Additionally I have enclosed a revised draft of the Findings and Decision Document for Planning Commission which identifies the proposed City Council hearing date.

Therefore, this land use matter has been scheduled for public hearing before the Pendleton Planning Commission, at the regularly scheduled meeting of the Commission to be held on December 15, 2005, beginning at 7:00 p.m. at the City Hall Council Chambers, 2nd Floor, 500 SW Dorion Avenue in Pendleton.

Since the burden of proof is on the applicant to support a land use application before the Commission, your attendance and participation, or that of your representative at that meeting is respectfully requested.

Sincerely,

Michael W. Muller  
City Planner

Cc: Richard Ullian

J:\DATA\PLANNING\ZONECHNG\ZC05-02(BURNS)\ZC05-02.LTR2.DOC

... Home of the World Famous Pendleton Round-Up ...



**FORM 1**

(AMENDED 10-25-05)

**DLCD NOTICE OF PROPOSED AMENDMENT**

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing  
per ORS 197.610, OAR Chapter 660 - Division 18  
and Senate Bill 543 and effective on June 30, 1999.  
(See reverse side for submittal requirements)

Jurisdiction: CITY OF PENDLETON Local File No.: 2C 05-02  
(If no number, Use none)

Date of First Evidentiary Hearing: 12-15-05 Date of Final Hearing: 01-17-06  
(Must be filled in) (Must be filled in)

Date this proposal was sent or mailed: 10-25-05  
(Date mailed or sent to DLCD)

Has this proposal previously been submitted to DLCD? Yes:  No:  Date: 10-14-25

- Comprehensive plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use regulation Amendment
- Zoning Map Amendment
- New Land Use regulation
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

Briefly Summarize the proposal. Do not use technical terms. Do not write "See Attached."

ZONE CHANGE FROM R-3 (HIGH DENSITY RESIDENTIAL) TO R-2  
(MEDIUM DENSITY RESIDENTIAL FOR A 2 ACRE PARCEL ON THE  
EAST SIDE OF SW 3RD STREET EXTENSION. - SEE ATTACHED  
EXHIBIT MAP

Plan Map Changed from: RESIDENTIAL HIGH DENSITY to RESIDENTIAL, MEDIUM DENSITY

Zone Map Changed from: R-3 to R-2

Location: EAST SIDE OF SW 3RD STREET EXTENSION Acres Involved: 2.0 ACRES

Specified Change in Density: Current: 11-35 D.U.'s/ACRE Proposed: 5-18 D.U.'s/ACRE

Applicable Statewide Planning Goals: 9 & 10

Is an Exception Proposed? Yes:  No:

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

Local Contact: MICHAEL W. MULLER Area Code + Phone Number: (541) 966-0261

Address: 500 SW DORION AVENUE City: PENDLETON

Zip Code + 4: 97001-2090 Email Address: mmuller@ci.pendleton.or.us

DLCD No: \_\_\_\_\_

**FORM 1**

**D L C D NOTICE OF PROPOSED AMENDMENT**

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing  
per ORS 197.610, OAR Chapter 660 - Division 18  
and Senate Bill 543 and effective on June 30, 1999.  
(See reverse side for submittal requirements)

Jurisdiction: CITY OF PENDLETON Local File No.: ZC05-02  
(If no number, Use none)

Date of First Evidentiary Hearing: 12-01-05 Date of Final Hearing: 01-02-06  
(Must be filled in) (Must be filled in)

Date this proposal was sent or mailed: 10-14-05  
(Date mailed or sent to DLCD)

Has this proposal previously been submitted to DLCD? Yes:  No:  Date: \_\_\_\_\_

- Comprehensive plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use regulation Amendment
- Zoning Map Amendment
- New Land Use regulation
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

Briefly Summarize the proposal. Do not use technical terms. Do not write "See Attached."

ZONE CHANGE FROM R-3 (HIGH DENSITY RESIDENTIAL) TO R-2 (MEDIUM DENSITY RESIDENTIAL) FOR A 2 ACRE PARCEL ON THE EAST SIDE OF SW 3RD STREET (COUNTY ROAD 991) - SEE ATTACHED EXHIBIT MAP

Plan Map Changed from: RESIDENTIAL, HIGH DENSITY RESIDENTIAL, MEDIUM DENSITY

Zone Map Changed from: R-3 to R-2

Location: EAST SIDE OF SW 3RD ST (CO. RD. 991) Acres Involved: 2.0 ACRES

Specified Change in Density: Current: COMMERCIAL Proposed: 5-18 D.U.S./ACRE

Applicable Statewide Planning Goals: 9 & 10

Is an Exception Proposed? Yes:  No:

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

Local Contact: MICHAEL W. MULLER Area Code + Phone Number: 541/966-0261

Address: 500 SW DORION AVENUE City: PENDLETON

Zip Code + 4: 97801-2090 Email Address: mmuller@ci.pendleton.or.us

DCLD No: \_\_\_\_\_



# CITY OF PENDLETON

October 12, 2005

*Planning & Building Department*  
500 S.W. Dorion Avenue  
Pendleton, Oregon 97801-2090  
Telephone  
Planning (541) 966-0261  
Building (541) 966-0266  
FAX (541) 966-0251  
TDD (541) 966-0230

Robert M. & Colleen C. Burns  
1380 SE Third Street  
Pendleton, OR 97801

**RE: REQUEST FOR REZONE FROM R-3 TO R-2 FOR 2.0 ACRE PARCEL ON WEST SIDE OF SW 3<sup>RD</sup> STREET (COUNTY ROAD 991), (FILE NO. ZC05-02)**

Dear Mr. & Mrs. Burns:

This is to acknowledge receipt of the requisite filing fee of \$300.00 and your request for a Comprehensive Plan Map change and rezoning of a 2.0 acre parcel of property located on the west side of SW 3<sup>rd</sup> Street (County Road 991) identified as Tax Lot 301, Map 2N 32 14 B, Umatilla County) from R-3 (High Density Residential) to R-2 (Medium Density Residential) zone, Robert M. & Colleen C. Burns, applicants. (File No. ZC05-02).

The undersigned has reviewed your application and the submittal material in support of your application, and determined the same to be complete. Therefore, this land use matter has been scheduled for public hearing before the Pendleton Planning Commission, at the regularly scheduled meeting of the Commission to be held on December 1, 2005, beginning at 7:00 p.m. at the City Hall Council Chambers, 2nd Floor, 500 SW Dorion Avenue in Pendleton.

Since the burden of proof is on the applicant to support a land use application before the Commission, your attendance and participation, or that of your representative at that meeting is respectfully requested.

Sincerely,

Michael W. Muller  
City Planner

J:\DATA\PLANNING\ZONECHNG\ZC05-02(BURNS)\ZC05-02.LTR.DOC

.... Home of the World Famous Pendleton Round-Up ....



**PENDLETON**  
 Department  
 66-0204

**APPLICATION FORM**

Date: 10/11/05

No: 05-02

**TYPE OF APPLICATION**

X	AMENDMENT (TEXT OR MAP) \$300.00	ANNEXATION (Less than 25 acres = \$160.00) (Greater than 25 acres = \$220.00)	APPEAL FEE: \$200.00
	BOUNDARY LINE ADJUSTMENT FEE: \$25.00	CONDITIONAL USE FEE: \$200.00	CREATION OF PUBLIC STREET (ROW) FEE: \$300.00
	MINOR PARTITION \$100.00	PUD OR MXD FEE: \$500.00	REPLAT FEE: \$100.00 (With Hearing = \$200.00)
	SUBDIVISION/PARTITION FEE \$200.00	TEMPORARY USE FEE: \$300.00	
	VARIANCE (ORD.3250) FEE \$200.00	MINOR VARIANCE FEE: \$100.00	

**II. OWNER - PROPERTY INFORMATION:**

Telephone: 278-0303

Legal Owner: Robert M. & Colleen C. Burns Address: PO Box 116  
1380 SE Third St., Pendleton

Contract Purchaser (if applicable): \_\_\_\_\_ Address: \_\_\_\_\_

Street Address of Property: (vacant & undeveloped)

Legal Description: Parcel 1, Partition Plat No. 2004-18 of Section: 14 T 2N R 32 EWM

Code No: \_\_\_\_\_ Page No: \_\_\_\_\_ Tax Lot: 301 Lot Size: (width) 2.00 Acre by (depth) \_\_\_\_\_

Block \_\_\_\_\_ Lot(s) \_\_\_\_\_ Addition \_\_\_\_\_ Acres (or sq. ft.) \_\_\_\_\_

Present Use of Property: Vacant & undeveloped Zone: R-3

**III. INTENTION OF REQUEST: (Explain in detail reason for application: if amendment, state proposed change in text or map. Attach additional sheets if necessary.)**

Request for a zone change from R-3 to R-2 for the purpose of allowing the construction of a single family dwelling thereon.

**IV. SITE DATA--On a separate sheet, show:**

- (1) Site location and dimensions of lot;
- (2) Location of existing and/or proposed building(s);
- (3) Property and adjacent properties zone designation;
- (4) Location and name of adjacent streets.

cc: Richard A. Ullian  
1857 SW Athens Ave  
Pendleton OR 97801

**V. SITE PHOTOGRAPHS (Optional) Attach.**

**VI. CERTIFICATION--I hereby certify that all the information herein is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the City of Pendleton and Statutes of Oregon despite any errors on the part of the issuing authority in checking this application.**

(Signature of Owner or Contract Purchaser): Robert M. Burns Colleen C. Burns

Authority Accepting This Application: \_\_\_\_\_

