



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

9/24/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Ontario Plan Amendment
DLCD File Number 003-09

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: Monday, October 05, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: David Richey, City of Ontario
Gloria Gardiner, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative

<paa> YA

Notice of Adoption

In person electronic mailed

DEPT OF

SEP 17 2009

LAND CONSERVATION AND DEVELOPMENT

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: **City of Ontario** Local file number: **2009-04-04 ANX**
 Date of Adoption: **September 8, 2009 2nd & final reading** Date Mailed: **September 9, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **May 11, 2009**

- | | |
|--|---|
| <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: TSP Amendment |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
ANNEXATION REQUIRES REZONE CONSISTANT WITH COMP. PLAN

Does the Adoption differ from proposal? **No**. If so, it would be in the form of selection of specific options.

Plan Map Changed from:	to:
Zone Map Changed from: UGA IND.	to: I-2, HEAVY IND.
Location: 1515 SE 2ND ST.	Acres Involved: 2.34 AC
Specify Density: Previous: INDUSTRIAL	New: No change

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- | | | |
|--|---|-----------------------------|
| 45-days prior to first evidentiary hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, do the statewide planning goals apply? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, did Emergency Circumstances require immediate adoption? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

DLCD file No. 003-09 (17581) [15717]

Please list all affected State or Federal Agencies, Local Governments or Special Districts: **ODOT**

Local Contact: David Richey Planning Official (P/T)	Phone: (541) 881-3222	Extension:
Address: City Hall, 444 SW 4th St.	Fax Number: 541-881-3251	
City: Ontario, OR	Zip: 97914	E-mail Address: <u>david.richey@ontariooregon.org</u>

After Recording, Return to:
City Recorder
City of Ontario
144 SW 4th Street
Ontario OR 97914

ORDINANCE #2632-2009

**FINAL ORDER AND FINDINGS OF FACT IN THE MATTER OF PLANNING FILE 2009-04-04
AZ, THE ANNEXATION OF 2.34 ACRES OF PROPERTY INTO THE CITY OF ONTARIO AND
TO REZONE SAID PROPERTY FROM UGA-INDUSTRIAL TO THE CITY I-2 HEAVY
INDUSTRIAL. THE PROPERTY IS GENERALLY KNOWN AS TAX LOT 1500, ASSESSORS
MAP 18S 47E-10, LOCATED AT 1515 SE 2ND STREET, ONTARIO**

- WHEREAS:** The proposal complies with applicable provisions of the Ontario Comprehensive Plan, Title 10 and its zone and administrative sections 10A and 10B, and;
- WHEREAS:** Notice has been sent to the Department of Land Conservation and Development a minimum of 45 days prior to this formal procedure to annex and in particular, rezone the subject property in accord with State Administrative Rules, and;
- WHEREAS:** The subject site is within the City of Ontario Urban Growth Area and thus approved under the rules and regulations of the State of Oregon for annexation to the City, and;
- WHEREAS:** The subject Urban Growth Area is classified as industrial and the proposed zone is I-2 Heavy Industrial which is consistent with the UGA classification, and;
- WHEREAS:** The property owner has formally requested that the subject site be annexed, the primary purpose of the annexation is to connect to a recently installed City sewer line, and;
- WHEREAS:** The subject site is immediately adjacent to the City boundary, and;
- WHEREAS:** City emergency services are available to this site in a manner similar to other land in the City, and;
- WHEREAS:** All appropriate local notices have been given for this proposal and the public hearings it requires, and;
- WHEREAS:** The property is 2.34 acres in size and is known as Tax Lot 1500, Assessor's Map #18S 47E 10, and;
- WHEREAS:** Pursuant to the formal application, the Ontario Planning Commission held a properly noticed public hearing on August 10, 2009 and made a recommendation to City Council, and;
- WHEREAS:** The City Council held a properly noticed public hearing on August 17, 2009, and reviewed all evidence and testimony submitted at the City of Ontario hearings.

ATTACHMENTS: Consent to Annex; Zoning Map; Vicinity Map; Aerial Photo.

CONCLUSIONS OF LAW:

The burden of proof is upon the applicant in proving the proposal fully complies with applicable Code criteria, Oregon State Statutes and Oregon Administrative Rules.

The City Council finds that, the Staff Report and exhibits attached hereto, and evidence and testimony presented at the hearings, address relevant comprehensive plan policies, standards of the Municipal Code, Statewide Planning Goals, Oregon Revised Statute and Oregon Administrative Rules sufficiently to support the burden of proof needed to approve the proposed decision.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

Based upon the Comprehensive Plan, the procedures and regulations provided in Title 10, of the Zoning Ordinance, and the above listed Findings, the Ontario City Council approves and adopts Ordinance 2632-2009 annexing and rezoning the 2.34 acre property identified as Tax Lot 1500, Assessor's Map #18S 47E 10 (specific description attached) owned by Mr. Steven Wood, to I-2, Heavy Industrial.

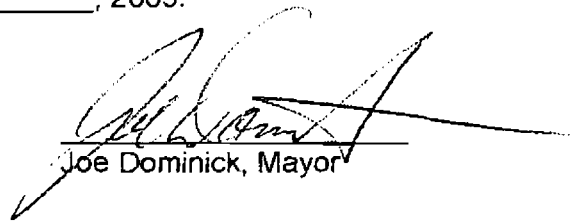
PASSED AND ADOPTED by the Common Council of the City of Ontario this 8th day of September, 2009 by the following vote:

AYES: Sullivan, Fugate, Mills, Dominick, Gaskill, Verini, Crume

NAYS: None

ABSENT: None

APPROVED by the Mayor this 8th day of Sep, 2009.



Joe Dominick, Mayor

ATTEST:



Toni Barnett, City Recorder

CONSENT TO ANNEX

City of Ontario Planning and Zoning Application Form
 444 SW 4th Street, Ontario, OR 97914
 Permit Center Annex: 458 SW 3rd Street
 Voice (541) 881-3224 / (541) 881-3222
 Fax (541) 881-3251



CONSENT TO ANNEXATION

FILE # 2009-04-04 ANX

Date Received 4/22/09

Fee: \$330.00 + 2 cents per square foot

Accepted as Complete 4/22/09

Know all men by these presents, that we, the undersigned, being owners, contract purchasers, mortgagees, or security holders upon a portion of land described below and which is proposed to be annexed to the City of Ontario, do hereby give our irrevocable consent that such land be annexed to the City of Ontario, and that our consent may be filed with the City Council of Ontario Oregon and that no election shall be held in said territory or notices posted therein. This consent is given pursuant to ORS Section 222.170.

Name Steven Ray Wood
 Name _____
 Name _____
 Name _____
 Name _____
 Name _____

Signature [Handwritten Signature]
 Signature _____
 Signature _____
 Signature _____
 Signature _____
 Signature _____

The above signatures on the original consents were filed in the office of the City Recorder in accordance with State Statute. The above parties are all the property owners within the territory to be annexed.

City Recorder

Property information:

Address 1515 SE 2nd Street
 Tax Map # 1854710C Tax Lot #(s) 1500
 Tax Map # _____ Tax Lot #(s) _____
 Lot size 2.34 acres Zoning USA - Ind
 Existing use Meat Processing
 Proposed City zone I-2 Heavy Ind

Please provide a legal description on a separate sheet.

OFFICE USE ONLY

120 day time limit	Accepted as complete <u>4/22/09</u>	Final decision by _____
DLCD 45-day notice required	Y/N <u>X</u> Date mailed _____	Date of first hearing _____
Notice of PC Hearing	Date mailed _____	Posted on site _____
Notice to media	Publication date _____	Emailed _____
Hearing dates	PC _____	CC _____
Notice of Decision	Date mailed _____	Appeal deadline _____
Legal description to DOR	_____	
Associated applications	_____	

SITE INFORMATION

STRUCTURES: Are any of the following structures present on the site? (If so, please specify number)

	Total	Occupied	Vacant	Persons
Single Family Structures	_____	_____	_____	_____
Multifamily structures	_____	_____	_____	_____
Mobile homes	_____	_____	_____	_____
Total population of annexed area	0		Date of population count	_____
Barn or other agricultural structure(s)	_____			
Industrial Building(s)	_____			
Commercial Building(s)	Yes			
Accessory building(s)	Yes			
Other	_____			

SERVICES

Water	City of Ontario _____	Well _____	None _____
Sanitary Sewer	City of Ontario _____	Septic _____	None _____
Fire	City of Ontario _____	Ontario RFD _____	
Streets	City of Ontario _____	Malheur County _____	

Does the property have frontage along or access to City of Ontario streets? Yes

Does the property have frontage along or access to Malheur County streets? Yes

Does the property have frontage along or access to ODOT roads/highways? Yes

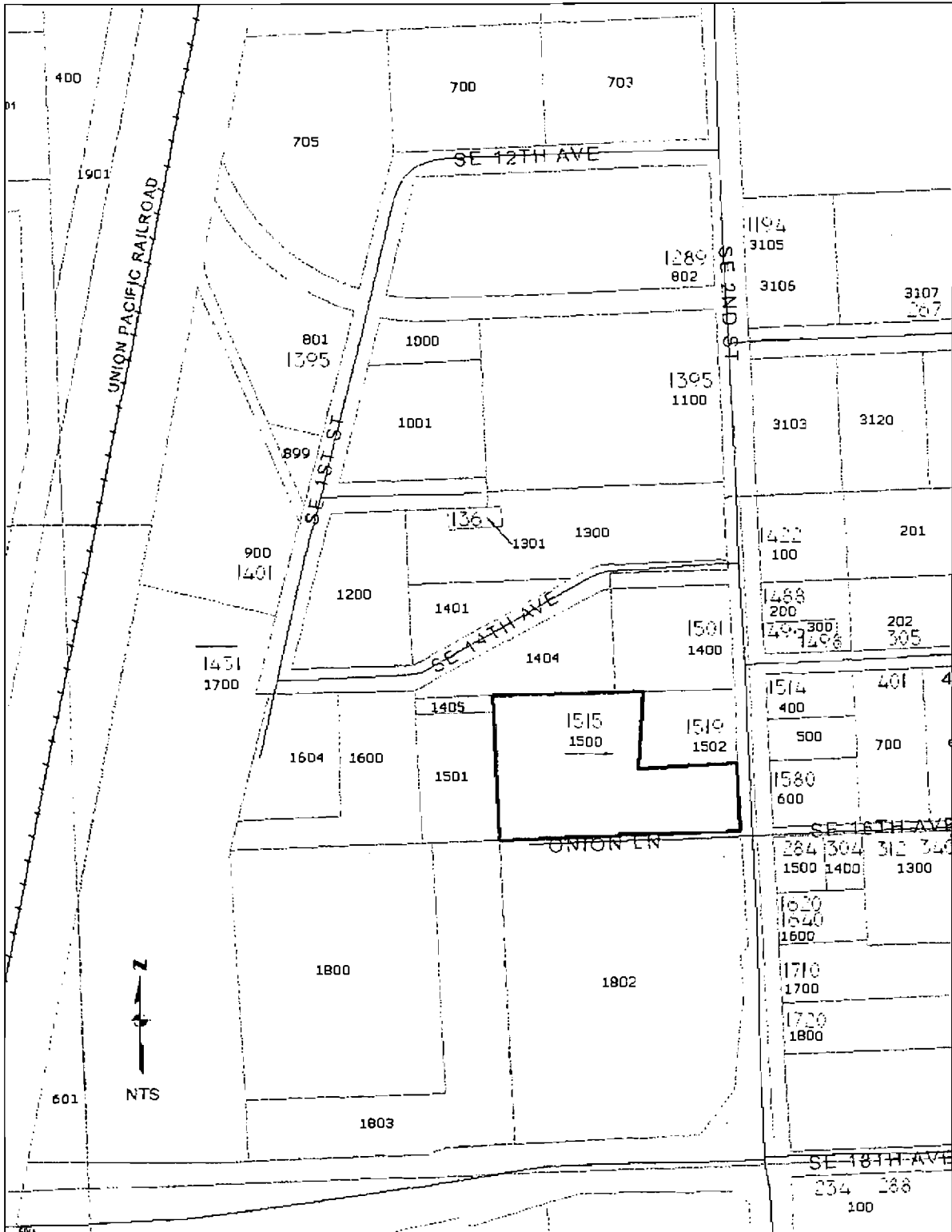
LIVESTOCK

Please list the number and type of all livestock currently present on the property None

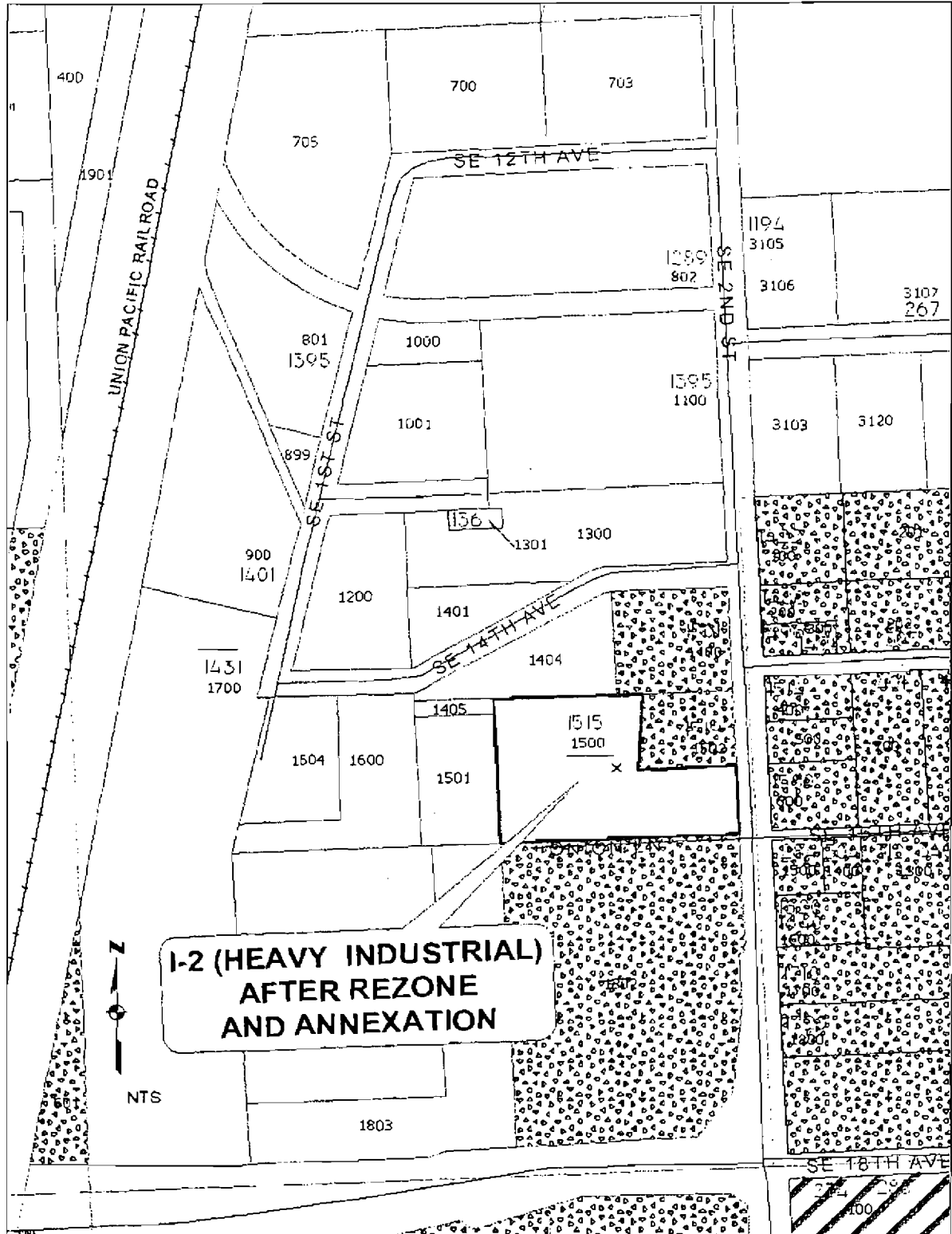
BUSINESSES

Are any businesses operating on the property? Yes

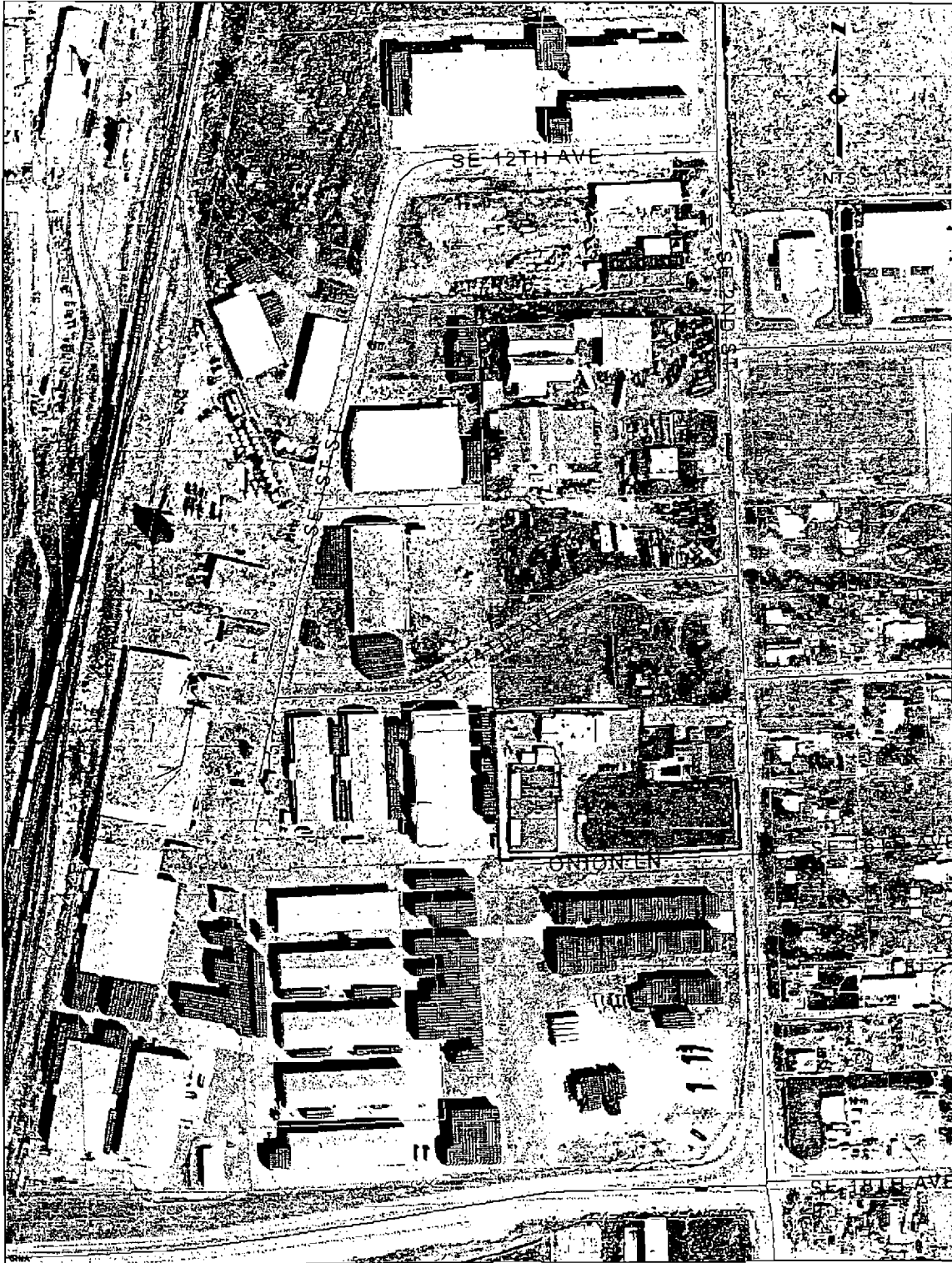
VICINITY MAP

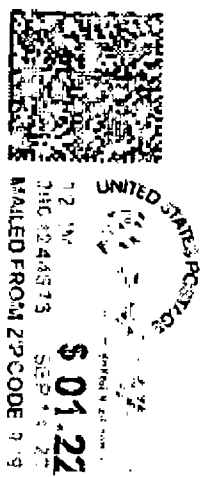
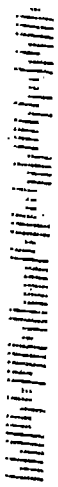


ZONING MAP



AERIAL PHOTO





ATTN: Plan Amendment Specialist
D.C.D.
635 Capitol Street NE, Suite 150
Salem ND 58301-2541