



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

9/16/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Rufus Plan Amendment
DLCD File Number 002-09

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: Tuesday, September 29, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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: Georgia L. Macnab, City of Rufus
Gloria Gardiner, DLCD Urban Planning Specialist
Jon Jinings, DLCD Regional Representative

<paa> YA

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

In person electronic mailed

DEPT OF

SEP 09 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: City of Rufus

Local file number: 2009- 03

Date of Adoption: 8/12/2009

Date Mailed: 9/8/2009

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 5/21/2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

An application was submitted by Mike Nilson requesting a Comprehensive Plan/Zoning Map amendment to rezone 13 acres of property they own in the City of Rufus from Residential Agriculture to R-10 to allow for the development of a subdivision. The city council moved unanimously to approve the proposed amendment.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: R-A 13 acres

to: R-10

Zone Map Changed from: R-A 13 acres

to: R-10

Location: Section 6, T2N, R17E, 6AB

Acres Involved: 13

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
[checkboxes]

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

City of Rufus

Local Contact: **Georgia Macnab**

Phone: **(541) 565-3601** Extension:

Address: **PO Box 381**

Fax Number: **541-565-3078**

City: **Moro**

Zip: **97039-**

E-mail Address: **georgiamac@embarqmail.com**

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 Complete Copies (documents and maps) 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. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also 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** - ATTENTION: PLAN AMENDMENT SPECIALIST.

Sherman County
Community Development & Planning
P. O. Box 381
110 Main Street, Unit 2
Moro, Oregon 97039



(541) 565-3601
FAX (541) 565-3078

Sept. 8, 2009

Mara Ulloa
Plan Amendment Specialist
Dept of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

RE: Adopted Amendment, City of Rufus

Dear Ms. Ulloa,

Enclosed is a Notice of Adoption to the City of Rufus Comprehensive Map. Also included is a narrative and maps relating to that adoption.

Please contact me at the number above if you have any questions regarding this proposal.

Sincerely,

A handwritten signature in cursive script that reads "Georgia L. Macnab".

Georgia L. Macnab
Sherman County Planning Director



City of Rufus
Ordinance # 09-11
An Ordinance Amending the Comprehensive Plan/Zoning Map to
Redesignate Certain Tax Lots in the City as Residential 10 and Declaring
An Emergency

Findings of Fact:


1. Mike Nilson requested a Comprehensive Plan/Zoning Map Amendment to rezone 13 acres of property they own in the City of Rufus from Residential Agricultural (RA) to R-10 to allow for the development of a subdivision.
2. The property is legally described as Section 6, Township 2 North, Range 17 East, Tax Lots 1900 & 2100, Sherman County, Oregon.
3. The proper notices, including notice to DLCD, notice to adjoining property owners, and notice in the local newspaper were posted by the Sherman County Planning Staff.
4. The Rufus City Council conducted a public hearing on July 8, 2009 to consider the proposed map redesignation.
5. Mike Nilson spoke as a proponent to the project. No opponents were heard.
6. At the conclusion of the public hearing, the City Council moved unanimously to approve the proposed amendment.

NOW, THEREFORE, the City of Rufus hereby ordains that:

1. Section 6, Township 2 North, Range 17 East, Tax Lot 1900 of which 10.5 acres be rezoned to R-10 and Tax Lot 2100 of which 2.25 acres be rezoned to R-10.
3. Inasmuch as the health, general welfare, and economic well being of the County is dependent upon getting this facility up and in operation as quickly as possible, an emergency is hereby deemed to exist and this ordinance shall become in full force and effect upon its passage by the City Council.

APPROVED by the Rufus City Council and Signed by the Mayor this 13 day of July, 2009.

Attest:


Carmen Diaz, City Administrator

City of Rufus


Cliff Jett, Mayor

CS 2005-122

RV PARK

SCHMIDT

1900
10.50 AC.



Currently
RA

Proposed
R-10

PARTITION

3-01

200
0.27 AC.

APPROX. LOCATION

GIRKLING

LOT 2
39.82

SEE CS 108

4

RD.

COOPERVILLE
PARCEL 1

CANYON

This area is to be used for recreational purposes only to assist in the development of the area. No other uses are permitted. This area is to be used for recreational purposes only to assist in the development of the area. No other uses are permitted.

RD.

(OLD GERKIN CANYON RD.)



2100
2.25 AC.

Current
R-A 2

Proposed
R-10

(GERKIN RD.)

RD.

HOLLOW

PLAT

CHINA
1999-07
10-666

1901
1.41 AC.

PARCEL 2

PARCEL 1

PARCEL 1

06 COR.

16 COR.

SCHMIDT

N

N



DATE: June 30, 2009
TO: Rufus City Council
FROM: Georgia L. Macnab
Sherman County Planning
RE: Zone Change, Mike Nilson

MEETING DATE: **Wednesday, July 8, 2009, 7:00 P.M.** at the **Rufus City Hall, 304 West 2nd Street, Suite 100, Rufus, Oregon.**

PROPOSAL

The purpose of the hearing is to consider a proposal by Mike Nilson, to rezone 13 acres of Residential/Agricultural Land (RA) to R-10. The subject site is located on the following properties as described by the Sherman County Assessors Maps: T2N, R17E, 6AB, Tax Lots 1900 & 2100, Rufus, Oregon.

The City of Rufus Zoning Ordinance, allows for rezoning under Article 7., Section 7.8. The applicant seeks to amend the Comprehensive Plan / Zoning Map for property he owns in the City to allow for the development of new housing and a future subdivision.

BACKGROUND INFORMATION

The public hearing on this proposal was advertised in The Dalles Chronicle on Friday, June 26, 2009 and notices sent out to surrounding property owners the same day. Notice was also sent to the Department of Land Conservation (DLCD) on May 21, 2009. DLCD requires notice of the first evidentiary hearing on a proposed amendment at least 45 days in advance of the hearing.

Tax Lot 1900 is 10.5 acres and is currently zoned as Residential-Ag and only allows as a conditional use permit for a single non-farm dwelling on an individual lot with minimum 10,000 square feet. To clarify further every time a lot is sold for a potential home the owner or developer will have to come to the city council for a Conditional Use Permit. Rezoning this property would allow for single family dwellings with the minimum 10,000 square feet.

Tax Lot 2100 is 2.25 acres and zoned RA. Mr. Nilson would like to rezone this tax lot to R-10.

The properties are accessible by Girking Rd. and China Hollow Rd. Both Properties are located hillside on the southern edge of town and the ground gently slopes down to the residential part of town. The terrain is grass covered and undeveloped. The properties are capable of being served by City services including water and sewer. The city is served by Pacific Power and Light and fire protection is provided by the Rufus Fire Department. See attached narrative from the applicant.

No other comment has been received regarding this proposal as of the writing of this staff report.

PROPOSED MAP AMENDMENTS

There have been few changes in the Comprehensive Plan / Zoning Map over the years as there has been relatively little economic or residential development in the City.

The criteria for the completing an amendment is very brief and is contained in the Comprehensive Plan. The burden of proof is upon the applicant and the following two criteria are applicable.

- A. The proposal is in accordance with the Comprehensive Plan goals and policies.
- B. The public need is best served by changing the Plan Use on the property under consideration.

The goals of the City's Comprehensive Plan are to encourage the City to continue to grow. The following policies are applicable:

Goal V Social Characteristics

A. To Improve the Economy of Rufus and the State

1. The plan policies development shall be encouraged to improve opportunities including providing desirable living conditions in the area are not diminished by such development.
2. That those employment opportunities shall be encouraged which are compatible with the existing and anticipated uses of land as shown in the plan.
3. The impacts of major development project proposal shall be consistent with or enhance a social environmental economic quality and rural character of the community.
4. That a coordinated effort between regional agencies and the county to stimulate economic development at a level the city of Rufus desires.
5. That decisions related to the employment opportunity such taken in count (1) alternative sites for proposed uses and (2) alternative uses for possible sites.
6. The environmental affect to air, water and land resource quality shall be considered in addition to the social economic factors when making economic planning decisions.

Goal VII Housing

A. To provide for housing needs of the existing and future residents of Rufus.

1. That the City shall make provision for mobile home parks of high standard, with regard to parking, landscaping and sanitation, in all planned residential areas.

2. That a range of housing prices and variety of housing types and locations shall be encouraged.
3. That areas where residential development exists shall be protected from incompatible land uses.

ZONING ORDINANCE CRITERIA

The City Zoning Ordinance in Section 7.8 also contains a limited amount of review criteria, which must be address by the City when considering a Zoning Map amendment. The following material presents the criteria and proposed findings.

1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the Plan.

Finding

The proposal to rezone the properties supports the Comprehensive Plan goal and policies by providing for more available land for housing. The current housing stock is very limited in the city and surrounding area. The city and the county are in need of work force housing due to the recent wind farm developments that has created a significant number of jobs to the county.

2. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.

Finding

The property currently zoned RA is not in any kind of agricultural production or used as pasture ground for grazing. The property would be better served if it was readily available for housing or a subdivision. The location provides a beautiful view of the Columbia River and surrounding area.

3. The public need is best served by changing the classification of the subject site in question as compared with other available property.

Finding

There has not been any development for quite some time in the city due to the lack of available lands for housing. There is another potential housing development adjacent to this property and the two developments should complement each other.

4. The potential impact upon the area resulting from the change has been considered.

Finding

The impact upon the city and the county would be a positive impact and make the city a desirable place to live. Existing stores, gas stations and restaurants would benefit from the potential population increase of the development.

PLANNING PROCESS

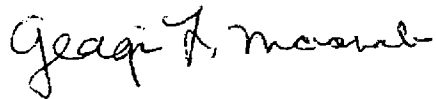
The city council may take one of the following actions upon conclusion of public testimony: approve with or without conditions; or deny, table or recess the hearing to a set time and place. The decision is not final until it is reduced to writing and signed by the Mayor. Once the decision has been signed by the Mayor there is an appeal process to the Oregon State Land Use

Board of Appeals which is available to anyone who appeared or participated in the proceedings and who meets the appeals process criteria. The filing period for an appeal to the Land Use Board of Appeals is 21 days from the date of the final decision.

STAFF RECOMMENDATION and COMMENTS

Staff recommends approval of the proposal. This is the first step the developer needs to take in order to develop this property. The property needs to be taken out of the RA zone to eliminate the need for approving nonfarm dwellings. The applicant understands that the development process will require the provisions of water, sewer, public streets and other infrastructure as required by the city's subdivision ordinance.

Respectfully submitted



Georgia L. Macnab
Sherman County Planning Director



Attn: Mara Ulba

Dept of Land Conservation & Development

235 Capital Street NE, Suite 150

Salem, OR 97301-2540