



Oregon

Theodore R. Kubongoski, 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

5/20/2010

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 001-10

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: Wednesday, June 02, 2010

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE
DEPT OF
STATE
MAY 14 2010
LAND CONSERVATION AND DEVELOPMENT
For Office Use Only

Jurisdiction: **Ontario**

Local file number: **2010-02-03Z**

Date of Adoption: **4-19-10**

Date Mailed: **4-20-10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **2-26-10**

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".

Rezone 9 acre parcel from E-5 to E-2 allowing reduction in lot size from 5 acre to 2acre.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **E-5**

to: **E-2**

Zone Map Changed from: **E-5**

to: **E-2**

Location: **1031 NW Washington Ave**

Acres Involved: **9**

Specify Density: Previous: **NA**

New: **NA**

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 checked="" 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 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?

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. 001-10 (18146) [16133]

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

City of Ontario

Local Contact: **David Richey, Plan Admin** Phone: (541) 881-3222 Extension:
Address: **City Hall, 444 SW 4th St,** Fax Number: **541-881-3251**
City: **Ontario** Zip: **97914** E-mail Address: **david.richey@ontariooregon.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS [197.615](#) and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
 2. When submitting, please print this **Form 2** on light **green paper if available**.
 3. **Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:**
 4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
 5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
 6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**
7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see [ORS 197.615](#)).
 8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see [ORS 197.830 to 197.845](#)).
 9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see [ORS 197.615](#)).
 10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

City of Ontario Planning and Zoning
444 SW 4th Street, Ontario, OR 97914
Permit Center Annex: 458 SW 3rd Street
Voice (541) 881-3221 / Fax (541) 881-3251
david.richey@ontariooregon.org



**ONTARIO CITY COUNCIL
NOTICE OF DECISION**

DATE OF NOTICE: May 5, 2010

PLANNING FILE: 2010-02-03 Z

DATE OF CITY COUNCIL SECOND AND FINAL ORDINANCE READING: May 3, 2010

APPLICANT/REPR: Ralph Poole

PROPERTY OWNER: Poole Brothers Enterprises, Inc
PO Box 309
Ontario, Oregon 97914

Dear Participant or Affected Agency:

City of Ontario records indicate that you were either a participant, or an Agency with an interest, in the land use hearing related to the above referenced matter and are therefore entitled to notice of this decision.

The Ontario City Council received the recommendation of the Planning Commission from its regular May 3, 2010 meeting on the following manner: **Planning File 2010-02-03 Z**. The Planning Commission recommended and the City Council took the following actions: a) The adoption of an ordinance, 2643-2010, to amend the City of Ontario land use map for a nine (9) acre parcel at 1031 NW Washington Ave, Tax lots 3600 and 3700 Assessors Map #17S 47E 33 from E-5, Employment 5 to E-2, Employment-2.

OBJECTIONS FILED AT THE PUBLIC HEARING: None

Note: The Comprehensive Plan/zone change amendment is an appealable decision before the Oregon Land Use Board of Appeals (LUBA) by those who presented written or spoken opposition at the appropriate formal public hearing. An appeal of a land use amendment shall go directly to LCDC. Such appeal must be initiated by filing a "Notice of Intent" to appeal the decision within twenty-one (21) days following the date this Notice of Decision was issued. The Notice of Intent to appeal must be filed with LUBA by contacting its office at 550 Capitol Street NE, Suite 235, Salem, OR 97301-2552; Telephone #(503) 373-1265. The beginning date for the 21-day appeal period is the date of this "Notice of Decision".

If you have any questions regarding this Notice of Decision or wish to request a copy of materials supporting this City decision please use the contact information at the top of this page.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Richey", is written over the printed name "David Richey".

David Richey
City of Ontario Planning and Zoning Administrator

. After recording, return to:
City Recorder
City of Ontario
444 SW 4th Street
Ontario OR 97914

INSTRUMENT NO. 2010-2774
Page 1 of 2 Pages

FILED
11:12 A.M.

MAY 06 2010

DEBORAH R. DELONG, County Clerk
By *Sheryl Childs* Deputy

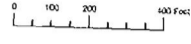
ORDINANCE # 2643-2010

AN ORDINANCE REZONING APPROXIMATELY NINE (9) ACRES OF PROPERTY FROM EMPLOYMENT 5 (E5) TO EMPLOYMENT 2 (E2). THE PROPERTY IS GENERALLY KNOWN AS TAX LOTS 3600 AND 3700, ASSESSORS MAP 17S 47E-33C, LOCATED AT 1030 NW WASHINGTON AVENUE, ONTARIO.

FINDINGS OF FACT:

- Whereas:** The proposal is reasonably consistent with the 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:** All appropriate local notices have been given for this proposal and the public hearings it requires; and
- Whereas:** The subject site is within the City of Ontario Corporate limits; and
- Whereas:** The subject site is bordered by urban growth area lands labeled for future Employment 5 uses; and
- Whereas:** The property owner has formally requested that the subject site be rezoned to a kindred classification permitting more parcels but a lesser number of allowed uses; and
- Whereas:** City emergency services are available to this site in a manner similar to other land in the City; and
- Whereas:** The property is 9 acres in size and is known as Tax Lots 3600 and 3700, Assessor's Map #17S 47E 33C; and
- Whereas:** Pursuant to the formal application, the Ontario Planning Commission held a properly noticed public hearing on April 12, 2010, approved findings of fact, and made a recommendation to City Council; and

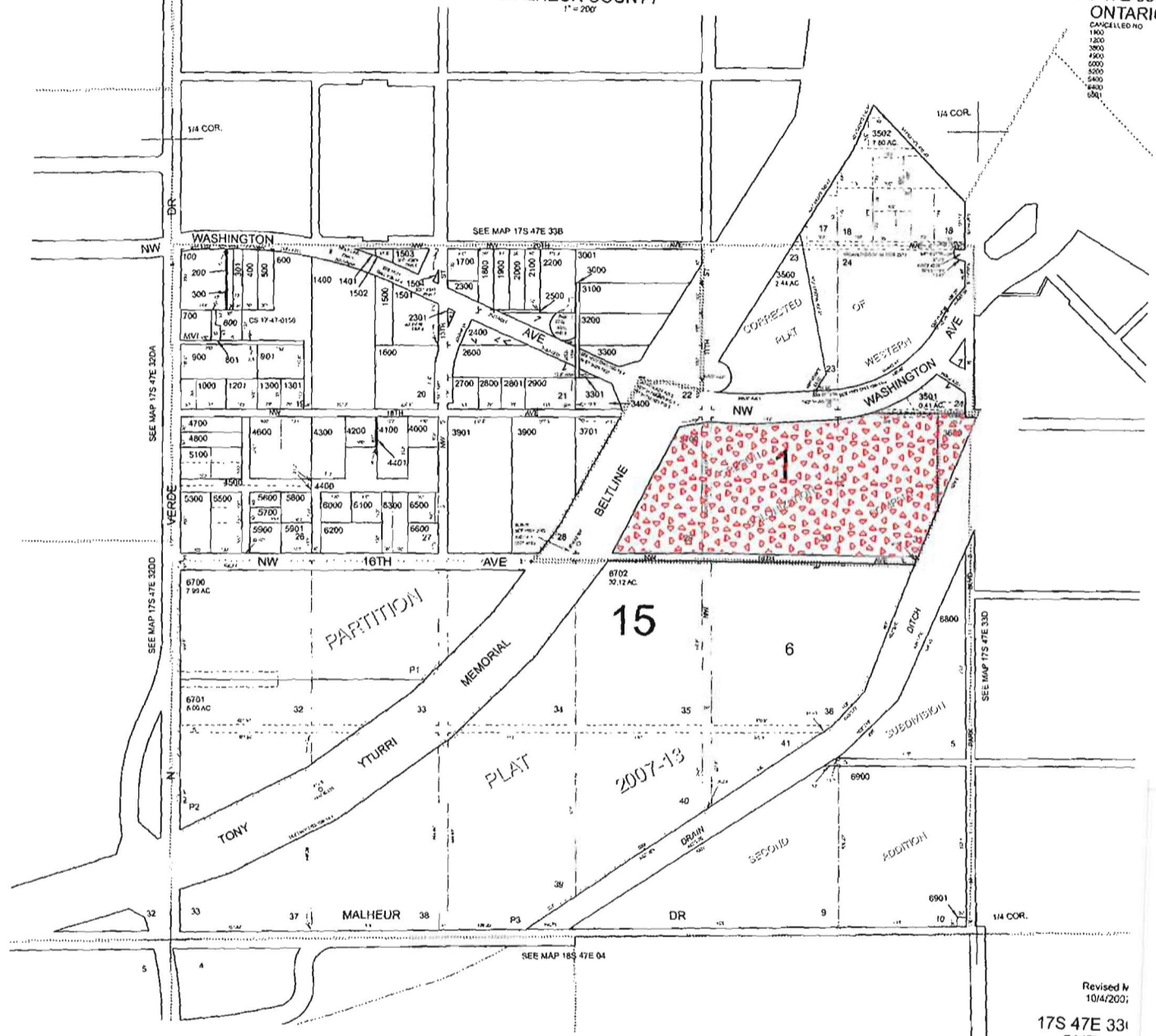
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SW1/4 SECTION 33 T.17S. R.47E. W.M.
MALHEUR COUNTY
1" = 200'

17S 47E 33
ONTARIO

CANCELLED NO
1800
1850
1900
1950
2000
2050
2100
2150

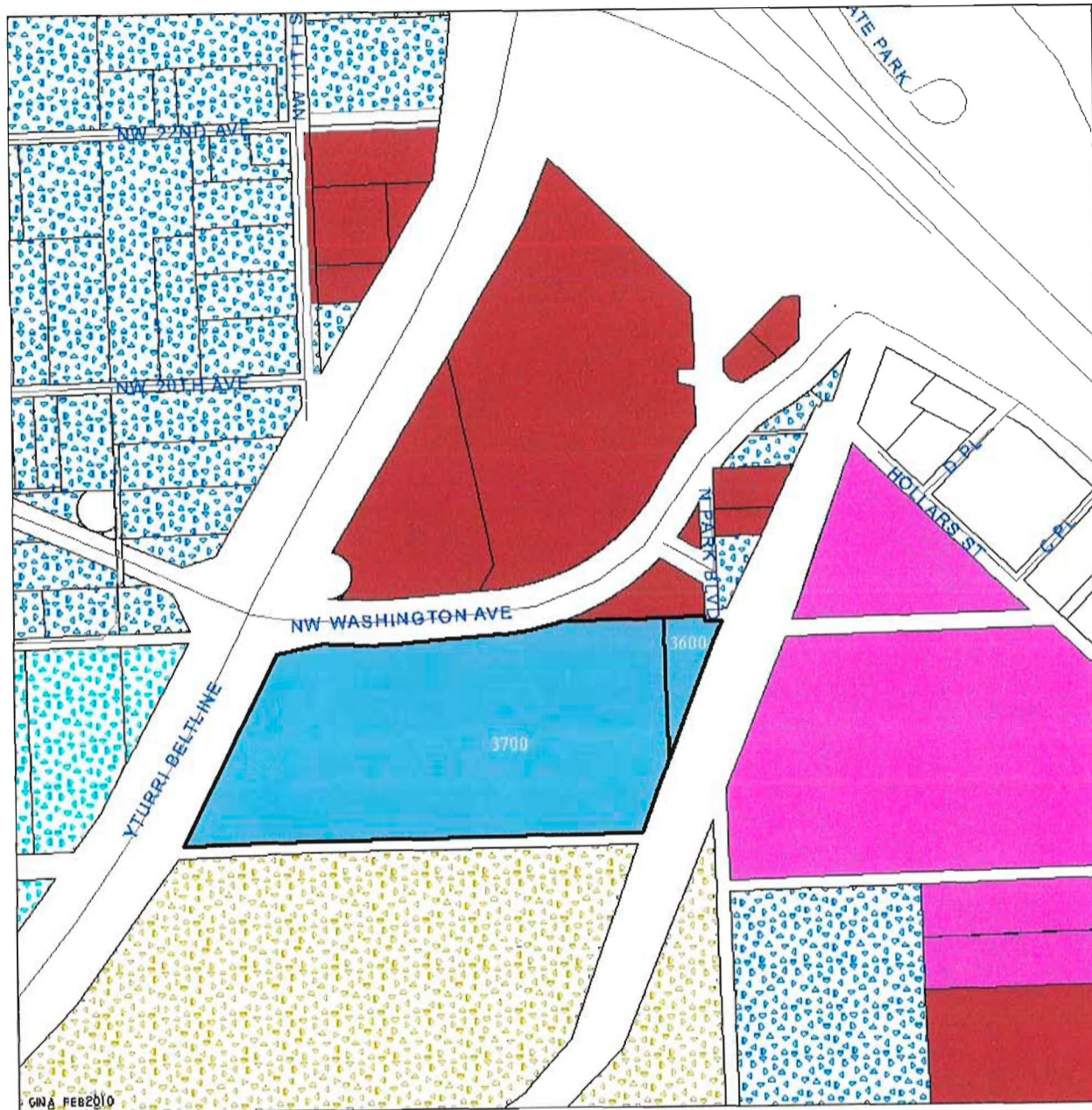


SEE MAP 17S 47E 33D

SEE MAP 17S 47E 30D

SEE MAP 18S 47E 04

Revised W
10/4/2001
17S 47E 33
ONTARIO

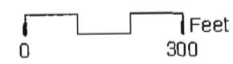


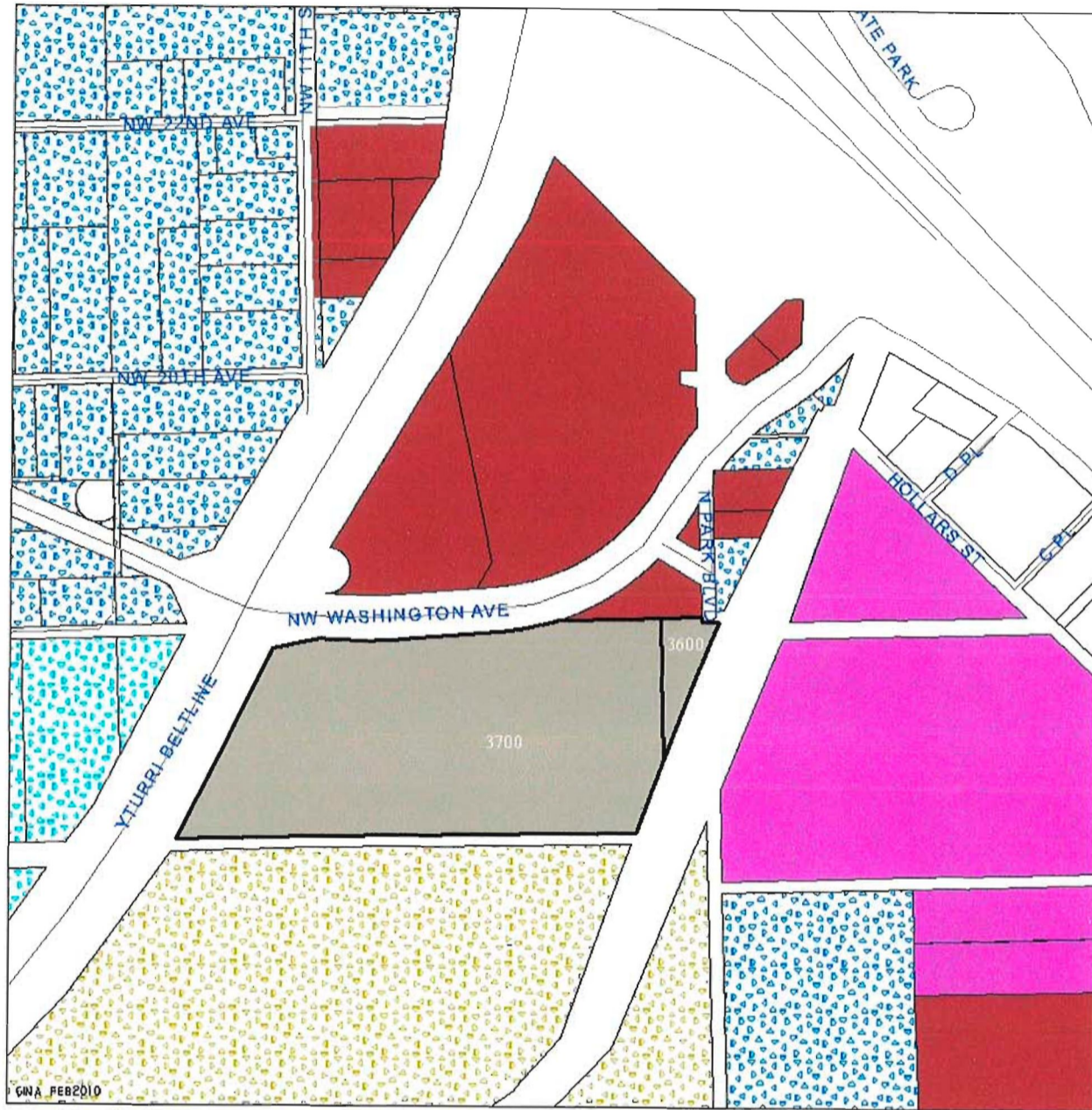
GNA FEB2010

BEFORE ZONE CHANGE

Legend

- E5 - Employment Zone 5Acres
- I1 - Light Industrial
- RM10 - High Density Residential
- E2-UGA - Employment Zone 2Acres UGA
- E5-UGA - Employment Zone 5Acres UGA
- I1-UGA - Light Industrial UGA





Legend

- E2 - Employment Zone 2Acres
- I1 - Light Industrial
- RM10 - High Density Residential
- E2-UGA - Employment Zone 2Acres UGA
- E5-UGA - Employment Zone 5Acres UGA
- I1-UGA - Light Industrial UGA

AFTER ZONE CHANGE



City of Ontario-Planning Dept
444 SW 4TH Street
Ontario, OR 97914
(541) 881-3224

Attention: Plan Amendment Specialist
Dept. of Land Conservation + Development
635 Capital St. NE, Suite 15D
Salem, OR. 97301-2540

