



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

4/19/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Pendleton 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: Friday, April 30, 2010

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 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: Evan MacKenzie, City of Pendleton
Gloria Gardiner, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA/email



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

APR 12 2010

**LAND CONSERVATION
AND DEVELOPMENT**
For Office Use Only

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

Jurisdiction: **City of Pendleton**

Local file number: **ZOA09-04 / Ord. 3798**

Date of Adoption: **April 6, 2010**

Date Mailed: **April 9, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/25/2009

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".

Rezone of approximately 7.1 acres from R2 Medium Density Residential to R3 High Density Residential. Comprehensive Plan map and Zoning Map changed from R2 Medium Density Residential to R3 High Density Residential.

Does the Adoption differ from proposal? Please select one

The Notice of Proposed Amendment contained an estimate of eight acres; once surveyed, the total area was found to be 7.1 acres.

Plan Map Changed from: **R2 Medium Density Residential** to: **R3 High Density Residential**

Zone Map Changed from: **R2 Medium Density Residential** to: **R3 High Density Residential**

Location: **South of Tutuilla Creek Road; east of City of Pendleton cemetery** Acres Involved: **7.1**

Specify Density: Previous: **5-18 DU/Acre**

New: **11-35 DU/acre**

Applicable statewide planning goals:

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

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. 003-09 (17968) [16081]

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

Local Contact: Evan MacKenzie

Phone: (541) 966-0261 Extension:

Address: 500 SW Dorion Avenue

Fax Number: 541-966-251

City: Pendleton

Zip: 97801

E-mail Address: evan.mackenzie@ci.pendleton.or.us

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.



CITY OF PENDLETON

Planning & Building Department

500 S.W. Dorion Avenue
Pendleton, Oregon 97801-2090
Telephone

Planning (541) 966-0204

Building (541) 966-0205

FAX (541) 966-0251

TDD (541) 966-0230

April 9, 2010

To: Interested Parties

Re: ZOA09-04, a legislative amendment to the City of Pendleton Comprehensive Plan map and Zoning map, to amend the Comprehensive Plan Map from R2 Medium Density Residential to R3 High density Residential on approximately 7.1 acres of City-owned property directly east of Olney Cemetery. The application also amends the Zoning Map from R2 Medium Density Residential to R3 High density Residential on the same property. **The action was approved by the City Council as Ordinance No. 3798 on April 6, 2010.**

This is to inform you of the action taken by the Pendleton City Council. According to the record, you participated either orally at a hearing or by providing written testimony in the proceedings of the above referenced matter.

The Planning Commission heard the request on January 22, and continued the hearing to February 5. The Commission voted four to three to adopt the findings and conclusions contained in the January 14 staff report to the Planning Commission as their own and recommend approval of the request to the City Council.

The City Council considered the action on March 16, 2010, at which point testimony was heard from parties supporting and opposing the request. The hearing was continued to April 6, 2010 for rebuttal of testimony in opposition. At the City Council regular meeting of April 6, 2010, by a vote of five in favor and three opposed, the Council adopted Ordinance No. 3798, approving the request. This request rezoned a portion of Tax Lot 900 on Assessor Map 2N-32-15, containing approximately 7.1 acres.

The complete record of this action is available for public viewing in the City of Pendleton Planning Department at Pendleton City Hall (address and contact information above) between 8:00 a.m. and 5:00 p.m. on weekdays. Copies of all materials are available at reasonable cost.

If no appeal is filed with Land Use Board of Appeals (LUBA) within twenty-one (21) days of the date of this letter, the decision of the City Council will become final. The Notice of Intent to Appeal and the required fees must be filed with LUBA within 21 days after the land use decision becomes final, pursuant to ORS 197.830 to 197.845. If the deadline is missed, LUBA will dismiss the appeal.

Sincerely,

Evan MacKenzie, City Planner

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



ORDINANCE NO. 3798

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN; AND, COMPREHENSIVE PLAN/ZONING MAP OF THE CITY OF PENDLETON TO REZONE CERTAIN LANDS FROM R2 MEDIUM DENSITY RESIDENTIAL TO R3 HIGH DENSITY RESIDENTIAL.

WHEREAS; the City of Pendleton City Council has an adopted goal to “Assist and facilitate residential development;” and

WHEREAS; Local business leaders have identified a shortage of local housing as a barrier to their ability to attract and retain quality employees, which impacts their ability to do business; and

WHEREAS; City staff are participating in a “Workforce Housing Committee” which has identified a need for new housing and is working to identify lands for potential development of new housing; and

WHEREAS; a parcel of City-owned land was identified as surplus land that could support housing of a type and density sufficient to have a positive impact the local supply; and

WHEREAS; City staff has conducted analysis of Statewide Planning Goal 10 (Housing) and made findings and conclusions sufficient to justify a rezone of the subject property from R2 Medium Density Residential to R3 High Density Residential; and

WHEREAS; City staff conducted analysis of Statewide Planning Goal 11 (Public Facilities) and made findings and conclusions sufficient to show that the City is able to provide services to meet the needs of any development that might occur on the subject property; and

WHEREAS; City staff conducted analysis of Statewide Planning Goal 12 (Transportation) and made findings and conclusions sufficient to show that the transportation impacts created by the maximum possible development intensity will not result in failure of affected transportation facilities within the 20-year planning horizon contained in the Transportation System Plan; and

WHEREAS; photographic evidence has demonstrated that the purported Oregon Trail wagon ruts on the site are in fact a former access to a residential structure that was removed sometime between 1973 and 1986; and

WHEREAS; notice of this land use action has been provided to adjacent property owners, affected agencies and the general public as set forth in State Law and the City of Pendleton Zoning Code; and

WHEREAS; the City of Pendleton Planning Commission held hearings on January 21 and February 4, 2010, and recommended approval of the request based on the findings and conclusions contained in the staff report and testimony presented at the hearings; and

WHEREAS; Testimony was received at the February 4, 2010 Planning Commission showing that the area proposed for rezone was never part of the Olney cemetery, and that development on the site will not impact existing or future burial sites; and

WHEREAS; public hearings were held before the City of Pendleton City Council on March 2 and March 16, 2010, and all written and oral testimony concerning the matter was received and addressed at those hearings;

NOW, THEREFORE, THE CITY OF PENDLETON ESTABLISHES AND ORDAINS AS FOLLOWS:

1. The subject property is the only area affected by this Ordinance; the boundaries of the subject property are set forth in the attached map as "Exhibit A" and legal description as "Exhibit B" attached hereto and included by this reference.
2. The City of Pendleton Comprehensive Plan Map (Ordinance #3442, as amended) is hereby amended as set forth in "Exhibit E" attached hereto and included by this reference.
3. The City of Pendleton Zoning Ordinance Map (Ordinance #3250, as amended) is hereby amended as set forth in "Exhibit F" attached hereto and included by this reference.

PASSED by the City Council and approved by the Mayor ~~March~~ ^{April} 6, 2010.

APPROVED: Phillip W. Houk
Phillip W. Houk
Mayor

ATTEST: Andrea Denton
Andrea Denton, City Recorder



Approved as to Form:
Peter H. Wells
Peter H. Wells, City Attorney



CITY OF PENDLETON

Planning & Building Department
500 S.W. Dorion Avenue
Pendleton, Oregon 97801-2090



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