



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 Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

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

NOTICE OF ADOPTED AMENDMENT

May 5, 2010



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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Pilot Rock Plan Amendment
DLCD File Number 002-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: 5/18/2010

This amendment was not submitted to DLCD for review prior to adoption because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Jackie Carey, City of Pilot Rock
Gloria Gardiner, DLCD Urban Planning Specialist

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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

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DEPT OF

APR 29 2010

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

Jurisdiction: City of Pilot Rock

Local file number: 10-005

Date of Adoption: 04/20/2010

Date Mailed: 04/26/2010

Was a Notice of Proposed Amendment (Form 1) mailed 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: Annexation

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

We annexed into the City of Pilot Rock .58 acres. This property was in the Urban Growth Boundary and contiguous to the City of Pilot Rock, making it eligible to be annexed into the City. It has been zoned Heavy Industrial.

I apologize for not sending Form 1, I was not aware I needed to for an annexation.

Does the Adoption differ from proposal? No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: City of Pilot Rock

Acres Involved: .58

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

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:

Umatilla County Planning, Umatilla County Assessor's, Oregon Department of Revenue, Oregon Secretary of State, DLCD

Local Contact: Jackie I. Carey

Phone: (541) 443-2811 Extension:

Address: PO Box 130

Fax Number: 541-443-2253

City: Pilot Rock

Zip: 97868

E-mail Address: jcarey@centurytel.net

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.

Return to:

2010 5650020



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66/6

CITY OF PILOT ROCK
P.O. BOX 130
PILOT ROCK, OR 97869
541-443-2811

CITY OF PILOT ROCK

RECEIVED

ORDINANCE NO. 540

APR 22 2010

UMATILLA COUNTY
RECORDS

AN ORDINANCE DECLARING CERTAIN DESCRIBED PROPERTY CONTIGUOUS TO THE CITY OF PILOT ROCK, OREGON TO BE ANNEXED THERETO, RECOGNIZING AND ACCEPTING THE WRITTEN CONSENT OF THE OWNER IN THE AREA PROPOSED TO BE ANNEXED AND DIRECTING THE CITY RECORDER TO TRANSMIT CERTAIN DOCUMENTS TO THE DEPARTMENT OF REVENUE, STATE OF OREGON ASSESSMENT, AND APPRAISAL DIVISION, TO THE COUNTY ASSESSOR: TO THE COUNTY CLERK, AND TO THE SECRETARY OF STATE AND DECLARING AN EMERGENCY.....

THE CITY OF PILOT ROCK ORDAINS AS FOLLOWS:

WHEREAS, there are no provisions within the Charter of the City of Pilot Rock, which expressly prohibits the City Council from dispensing with the submitting of the question of annexation to the registered voters of the City and the City Council has opted to dispense with an election.

WHEREAS, ORS 222.125 expressly permits a City Council to dispense with an election and hearing concerning the annexation of property as hereinafter described.

WHEREAS, the City of Pilot Rock and Umatilla County has agreed via the Pilot Rock Urban Growth Area Joint Management Agreement that annexations shall occur in a manner consistent with the relevant annexation procedures contained in the Oregon Revised Statutes, Oregon Case Laws, and City Ordinances and shall not occur until such sites are contiguous to the City. This property will be zoned M-2 Heavy Industrial.

WHEREAS, the property to be annexed is the property of James and Samuel Byrnes and they have signed the Consent to Annexation herein, by this reference, made a part of this Ordinance.

WHEREAS, the following described property contiguous to the City of Pilot Rock be, and the same is, annexed to the City of Pilot Rock:

A parcel of land lying in the Northeast Quarter of the Southeast Quarter of Section 8 and in the Northwest Quarter of the Southwest Quarter of Section 9, Township 1 South, Range 32 East, W.M., and being more particularly described as follows:

Commencing at the quarter corner common to Sections 8 and 9;

thence South 4 degrees 26 minutes 31 seconds East a distance of 970.36 feet to a point being 17.5 feet normally distant Westerly from the centerline of the main track and 8.50 feet Westerly from the centerline of a spur track of the Oregon-Washington Railroad and Navigation Company, said point also being the True Point of Beginning for this description;

thence South 5 degrees 59 minutes 42 seconds West along a line being 17.5 feet Westerly from said centerline of the main track a distance of 237.09 feet;

thence North 84 degrees 00 minutes 18 seconds West a distance of 43.17 feet to a point on the West line of Section 9;

thence North 84 degrees 00 minutes 18 seconds West a distance of 89.33 feet to a point being North 84 degrees 00 minutes 18 seconds West a distance of 150.00 feet from said railroad centerline;

thence along a 150.00 foot offset line to the West of said railroad centerline, North 5 degrees 59 minutes 42 seconds East a distance of 188.00 feet;

thence South 84 degrees 00 minutes 18 seconds East a distance of 68.40 feet to a point on the East line of Section 8;

thence South 84 degrees 00 minutes 18 seconds East a distance of 51.64 feet to a point being 8.5 feet Westerly from said centerline of a spur track;

thence North 20 degrees 14 minutes 23 seconds East along a line 8.50 feet Westerly from said centerline of a spur track a distance of 50.64 feet to the True Point of Beginning.

All being in the County of Umatilla, Oregon.

Containing 0.58 acres.

NOTE: The basis of bearing for this description is North 0 degrees 21 minutes 23 seconds West, along the west line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, Township 1 South, Range 32 East, W.M.



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Assessor's Map #1S3209 Tax Lot #2300.

That said land is contiguous to the City of Pilot Rock, Umatilla County, State of Oregon and is located within the Urban Growth Boundary and therefore is eligible for annexation.

The said land will be zoned M-2, Heavy Industrial.

WHEREAS, conditions of this Annexation shall be that the property owners shall be responsible for extending sewer lines from the existing City lines to the end of the property line where or when the services are requested. This shall include all labor and materials, as well as any hook-on fees and construction shall meet the specifications required by the City's specification manual.



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NOW THEREFORE, inasmuch as it is necessary for the peace, health and safety of the people of Pilot Rock that this ordinance has Immediate effect, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 21 day of April 2010.

APPROVED

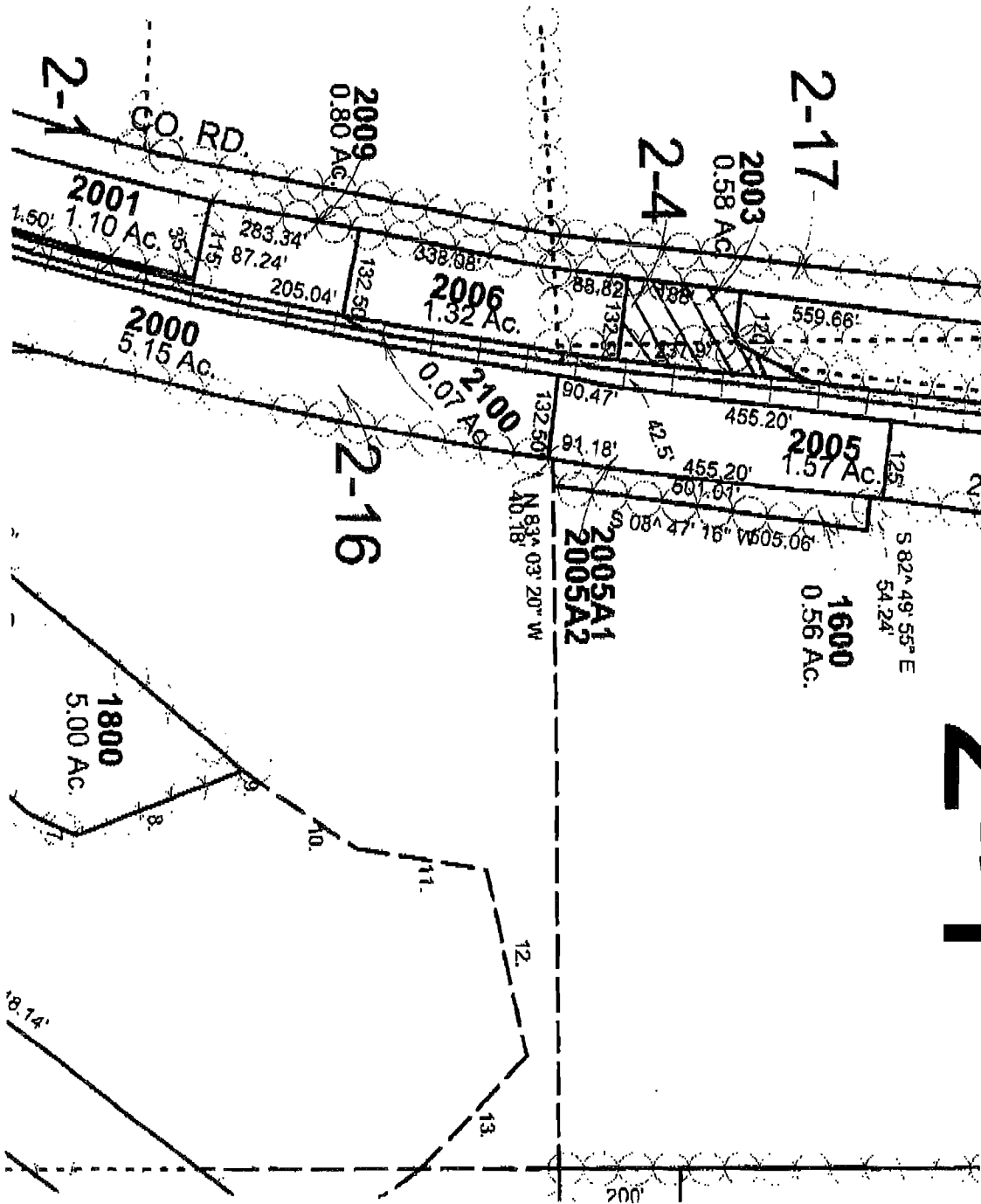
Virginia C. Carnes

ATTEST

Jackie S. Casey



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CONSENT TO ANNEXATION

**TO: THE HONORABLE MAYOR AND COMMON COUNCIL OF THE CITY
OF PILOT ROCK, UMATILLA COUNTY, OREGON:**

James A. Byrnes and Samuel L. Byrnes hereby consent to the Annexation of the below described property to the City of Pilot Rock.

The property is the property of James A. Byrnes and Samuel L. Byrnes described as follows, towit:

A parcel of land lying in the Northeast Quarter of the Southeast Quarter of Section 8 and in the Northwest Quarter of the Southwest Quarter of Section 9, Township 1 South, Range 32 East, W.M., and being more particularly described as follows:

Commencing at the quarter corner common to Sections 8 and 9;

thence South 4 degrees 26 minutes 31 seconds East a distance of 970.36 feet to a point being 17.5 feet normally distant Westerly from the centerline of the main track and 8.50 feet Westerly from the centerline of a spur track of the Oregon-Washington Railroad and Navigation Company, said point also being the True Point of Beginning for this description;

thence South 5 degrees 59 minutes 42 seconds West along a line being 17.5 feet Westerly from said centerline of the main track a distance of 237.09 feet;

thence North 84 degrees 00 minutes 18 seconds West a distance of 43.17 feet to a point on the West line of Section 9;

thence North 84 degrees 00 minutes 18 seconds West a distance of 89.33 feet to a point being North 84 degrees 00 minutes 18 seconds West a distance of 150.00 feet from said railroad centerline;

thence along a 150.00 foot offset line to the West of said railroad centerline, North 5 degrees 59 minutes 42 seconds East a distance of 188.00 feet;

thence South 84 degrees 00 minutes 18 seconds East a distance of 68.40 feet to a point on the East line of Section 8;

thence South 84 degrees 00 minutes 18 seconds East a distance of 51.64 feet to a point being 8.5 feet Westerly from said centerline of a spur track;

thence North 20 degrees 14 minutes 23 seconds East along a line 8.50 feet Westerly from said centerline of a spur track a distance of 50.64 feet to the True Point of Beginning.

All being in the County of Umatilla, Oregon.

Containing 0.58 acres.

NOTE: The basis of bearing for this description is North 0 degrees 21 minutes 23 seconds West, along the west line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, Township 1 South, Range 32 East, W.M.

That said land is contiguous to the City of Pilot Rock, Umatilla County, State of Oregon and is located within the Urban Growth Boundary and therefore is eligible for annexation.

The said land will be zoned M-2, Heavy Industrial.



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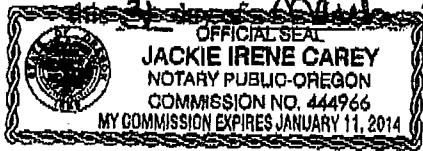
Condition of this Consent to Annexation shall be that the property owners shall be responsible for extending sewer lines from the existing City lines to the end of the property line where or when the services are requested. This shall include all labor and materials, as well as any hook-on fees and construction shall meet the specifications required by the City's specification manual.

IN WITNESS WHEREOF, the petitioners, James A. Byrnes and Samuel L. Byrnes have herein caused this instrument to be executed this 31 day of March 2010.

James A. Byrnes
James A. Byrnes

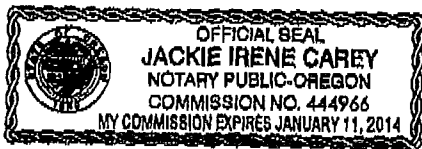
Samuel L. Byrnes
Samuel L. Byrnes

This is to acknowledge that the above James A. Byrnes personally appeared before me on this 31 day of March, 2010.



Jackie Irene Carey
Notary Public of Oregon

This is to acknowledge that the above Samuel L. Byrnes personally appeared before me on this 31 day of March, 2010.



Jackie Irene Carey
Notary Public of Oregon

State of Oregon }
County of Umatilla }

This instrument was received and recorded on

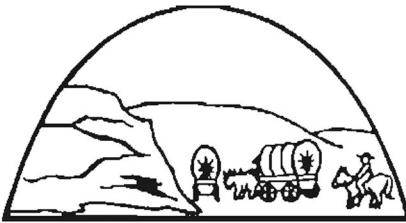
04-22-10 at 3:45

In the record of instrument code type DE-ODN

Instrument Number 2010-5650020
Fee 88.00

Office of County Records

Debra Hemphill
Records Officer



CITY OF PILOT ROCK

P.O. Box 130 - 144 N. Alder Pl. • Pilot Rock, OR 97868
Office: 541-443-2811 • Fax: 541-443-2253

April 26, 2010

LCDC
635 Capitol Street NE
Suite 150
Salem, Oregon 97301

Re: Ordinance No. 540

Enclosed please find the signed copy of Ordinance No. 540 along with Form 2. I did not know I was supposed to send in the Form 1 prior to adoption.

Let me know if there is anything else you need.

Sincerely,

A handwritten signature in cursive script that reads "Jackie I. Carey".

Jackie I. Carey
City Recorder

JC:jc

Jackie I. Carey
City of Pilot Rock
PO Box 130
Pilot Rock, OR 97868



LCDC
635 Capitol Street NE
Suite 150
Salem, Oregon 97301