



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

3/30/2010

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 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: Tuesday, April 13, 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: Georgia L. Macnab, City of Rufus
Gloria Gardiner, DLCD Urban Planning Specialist
Jon Jinings, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<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**



Jurisdiction: **City of Rufus**

Local file number: **2009- 07**

Date of Adoption: **3/17/2010**

Date Mailed: **3/23/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **11/30/2009**

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 to the City of Rufus to rezone a .49 acre commercial zoned (C-1) single lot to R-5 to allow for a single family dwelling in an existing building. The city reviewed the proposal and after careful consideration and advice from staff decided to approve it for an R-10 rezone. The city council moved unanimously to approve the proposed amendment with the change of rezoning for an R-10 instead of the requested R-5 .

Does the Adoption differ from proposal? **Yes**, Please explain below:

The application was for an R-5 redesignation instead of the approved R-10 rezone.

Plan Map Changed from: **C-1 .49 acres**

to: **R-10**

Zone Map Changed from: **C-1 .49 acres**

to: **R-10**

Location: **Section 6,T3N, R17E, 31DA**

Acres Involved: **.49**

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:

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.

CITY OF RUFUS

Ordinance #2010- 1

An Ordinance Amending the Comprehensive Plan/Zoning Map to
Redesignate a Certain Tax Lot in the City as Residential-10 and Declaring
An Emergency

FINDINGS OF FACT:

1. Luella Baunach requested a Comprehensive Plan/Zoning Map Amendment to rezone .49 acres of property she owns in the City of Rufus from Commercial to R-10 to allow for the development of a residence.
2. The property is legally described as Township 3 North, Range 17 East, 31DA Tax Lot 500, Rufus, 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 January 13, 2010, there being a quorum present, to consider the proposed map redesignation. The Staff Report was presented and is hereby incorporated into the hearing record.
5. During the course of the hearing, the Council found a "continuance" was necessary and moved to continue the hearing until February 10, 2010 to allow the applicant to provide additional information.
6. Don Silvers, Janice Strand and Luella Baunach spoke as proponents for the amendment. No opponents appeared at either hearing date.
7. At the conclusion of the public hearing, the City Council deliberated and discussed the advisability of the R-5 zoning in comparison to a R-10 Zoning Designation. The R-10 requires a larger minimum lot size which would provide a lighter density in the area. The Council moved unanimously to approve the proposed amendment to redesignate the lot as R-10.

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

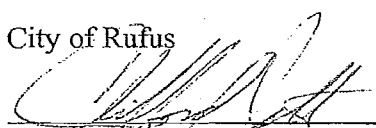
1. Tax Lot 500 of Sherman County Assessors Map 3N17E31DA is hereby rezoned R-10.
3. Inasmuch as the health, general welfare, and economic well being of the County is dependent upon getting this facility up and in operation as quickly as possible, an emergency is hereby deemed to exist and this ordinance 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 17th day of March, 2010.

Attest:


Carmen Diaz, City Administrator

City of Rufus


Cliff Jett, Mayor



DATE: January 6, 2010
TO: Rufus City Council
FROM: Georgia L. Macnab
Sherman County Planning
RE: Zone Change, Luella Baunach

MEETING DATE: **Wednesday, January 13, 2010, 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 Luella Baunach, to rezone .49 acres of Commercial Land (C-1) to Residential (R-5). The subject site is located on the following properties as described by the Sherman County Assessors Maps: T3N, R17E, 31DA, Tax Lot 500, 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 she owns in the City to allow for a single family dwelling in an existing building.

BACKGROUND INFORMATION

The public hearing on this proposal was advertised in The Dalles Chronicle on Wednesday December 30, 2009 and notices sent out to surrounding property owners the same day. Notice was also sent to the Department of Land Conservation (DLCD) on November 11, 2009. DLCD requires notice of the first evidentiary hearing on a proposed amendment at least 45 days in advance of the hearing.

Tax Lot 500 is .49 acres and is currently zoned Commercial and does not allow for a single family dwelling. Ms. Baunach would like to rezone the property to residential to allow for the existing building to be converted to a residence. The property is located on the east end of Rufus bordering the city limits and is in fact the last lot within the city limits. Another private residence sits directly east of the property on county zoned land.

The property is accessible by 1st street which turns into Highway 30 at the edge of town by a private drive. City water and sanitation serve the property. The building in the past has been used as a restaurant and more recently used as an office building. Ms. Baunach has been approached by a potential buyer for the property who would like to turn the building into a residence. The property sits upon a small knoll and is surrounded by trees. The viability of this property for commercial development is severely limited because of the location on a dead end road. The

property directly behind the site is zoned residential. The city is served by Pacific Power and Light and fire protection is provided by the Rufus Fire Department.

Virginia Howard contacted this office on January 5, 2010 regarding this proposal. She wanted clarification of the project and stated that she did not have a problem with it.

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 until the past year (2009). Prior to that 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 property is supported by the Comprehensive Plan goal and policies by providing additional land for housing.

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 C-1 has not been utilized as commercial property for quite some time. It is located such that it can make an easy transition from a commercial building to a residence. The property would be better served if it was readily available for a single family dwelling. Rezoning this small site would not leave the City short of Commercial property's.

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

Finding

Until recently there has not been any development for quite some time in the city due to the lack of available lands for housing. There are now several other property's available for housing developments. That said this property provides an affordable option for the potential buyer.

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.

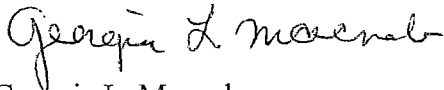
PLANNING PROCESS

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 based on the location of the property and the best use for the property.

Respectfully submitted



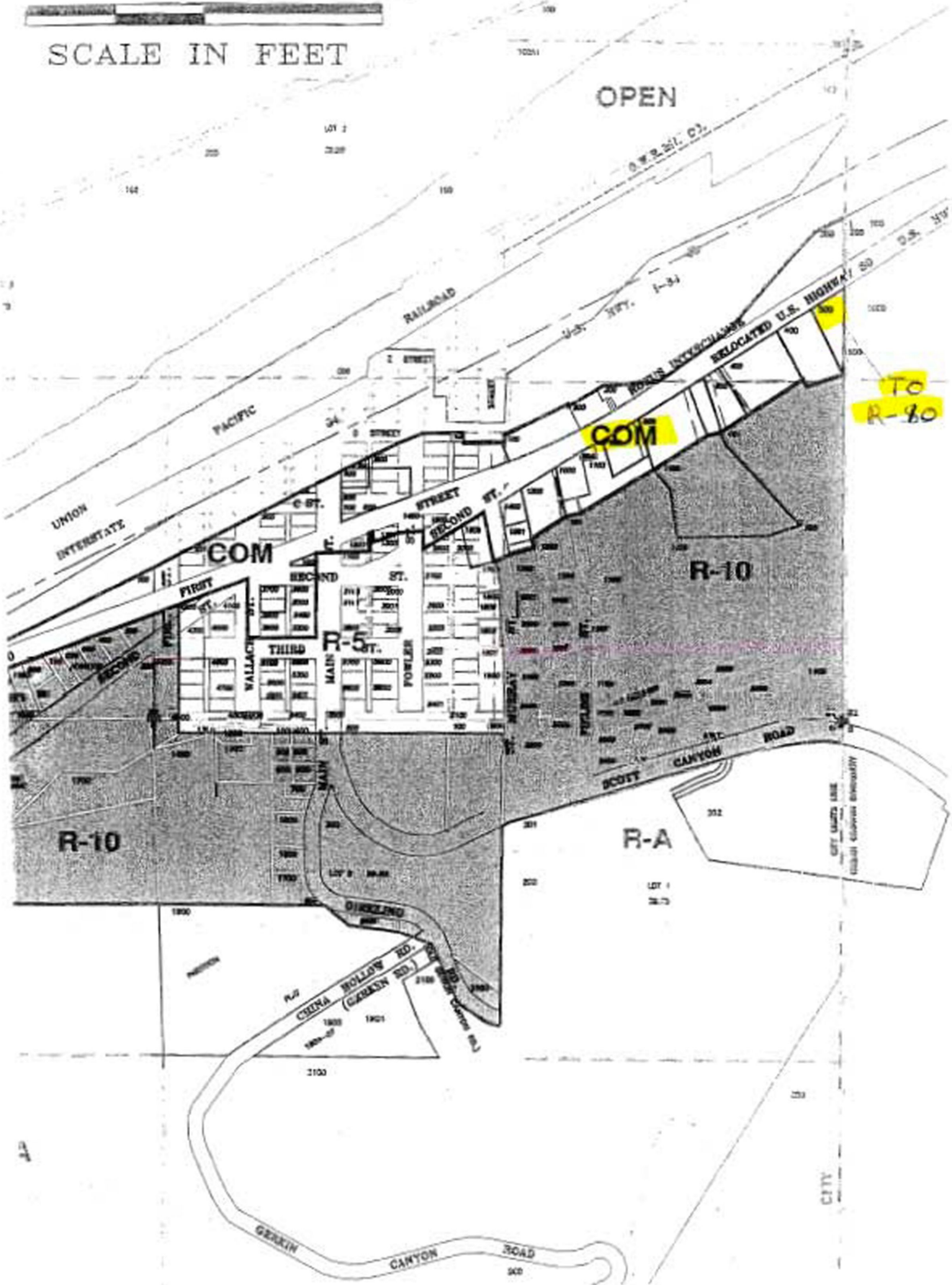
Georgia L. Macnab
Sherman County Planning Director

704 East First

The maps and diagrams in this packet are presented in conjunction with, and in response to the application for Re-Zoning submitted by LuElla Baunach. Attached are the measurements of the property *Boundary Lines*, the measurements from the *Building to the property Boundary Lines*, as well as the dimensions of the *Building* inside and out. Included is a *Sherman County Tax Assessor's map* (Tax Lot #500), that provides the shape of the property, and an overall orientation of the property to adjoining properties and surrounding area. Also provided is an *Interior Floorplan* of the building as it exists. The purpose for Re-Zoning this property is to provide the owner with the opportunity to sell the property to a pre-approved buyer. The said buyer has intentions to renovate the empty building into a two bedroom, one and half bath home. The property is on .49 acres, and has residential properties on two adjacent properties. The building could be inhabited while the remodeling is underway. There is currently a shower, a kitchen, and two bathrooms, as well as a bedroom in one office. The building has been empty for one year, and the owner would prefer to sell the property than leave it empty, Re-Zoning would facilitate that. A *Proposed Plan* for the building is included in this packet.

SCALE IN FEET

OPEN



To
R-80

COM

COM

R-10

R-10

R-A

CITY

Bannock

OWR&N CO

3-01

US HWY 1-84

200
0.06 AC

300
1.37 AC

SEE MAP 03N 17E 31

RELOCATED US HWY 30

500
2.16 AC

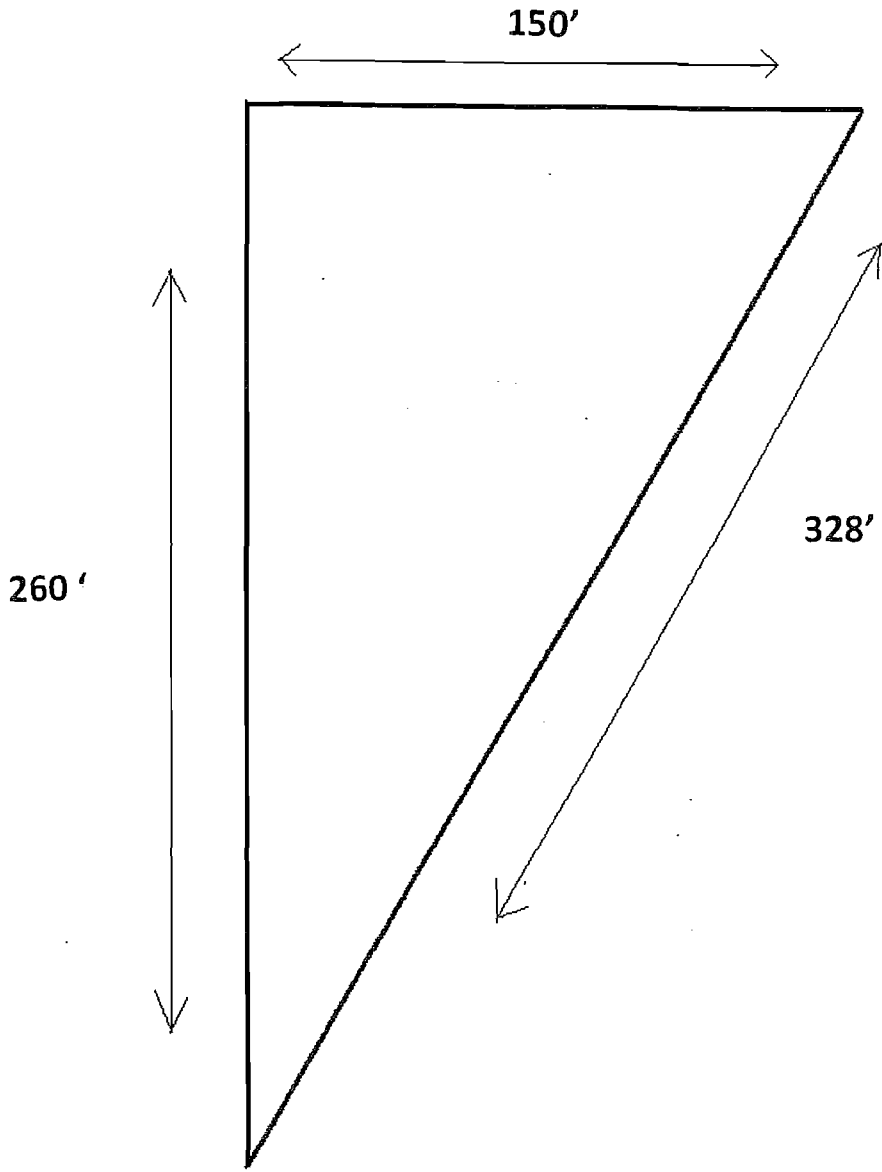
400
1.74 AC

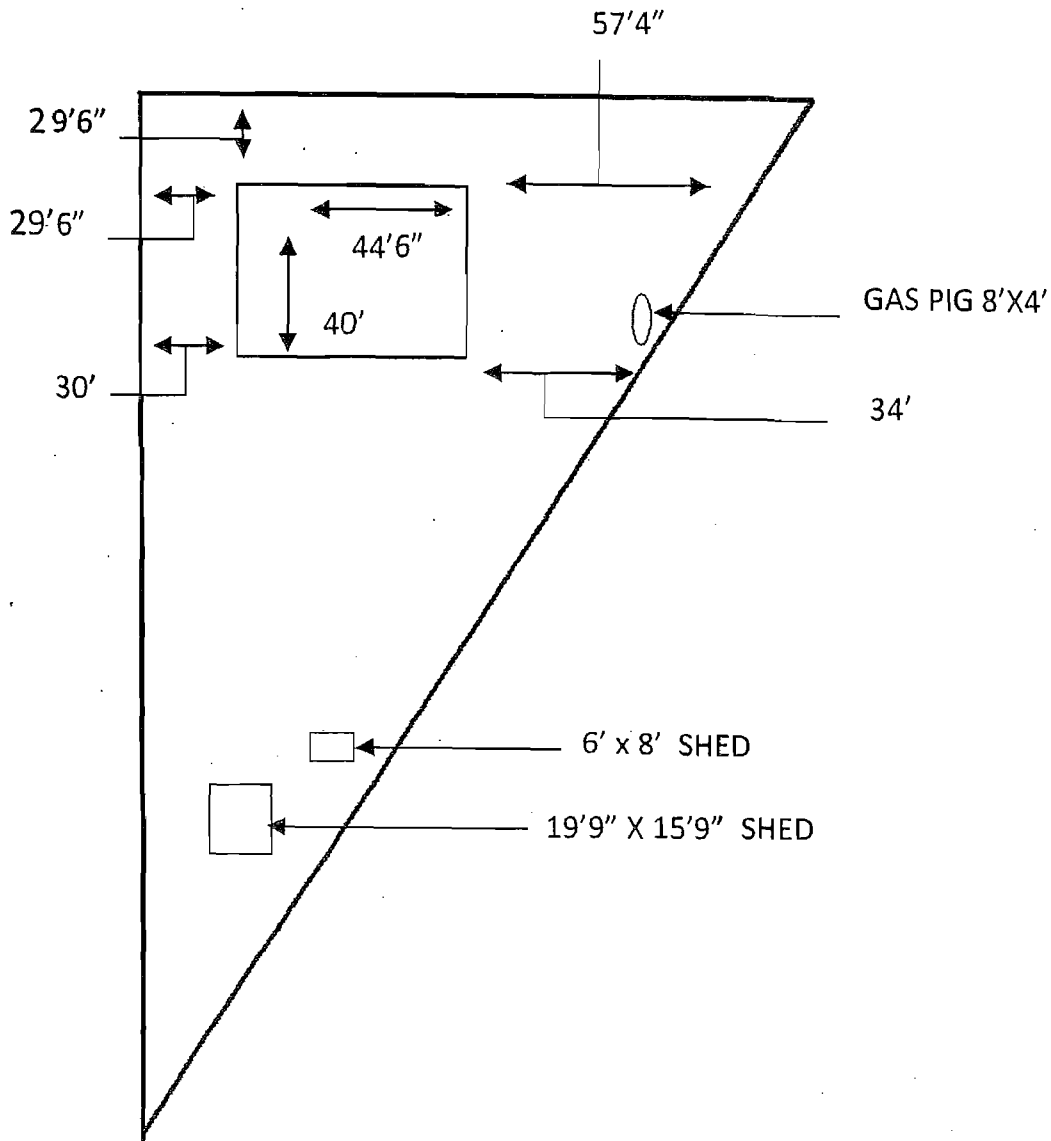
REBUS INTERCHANGE

SEE MAP 03N 17E 31DD

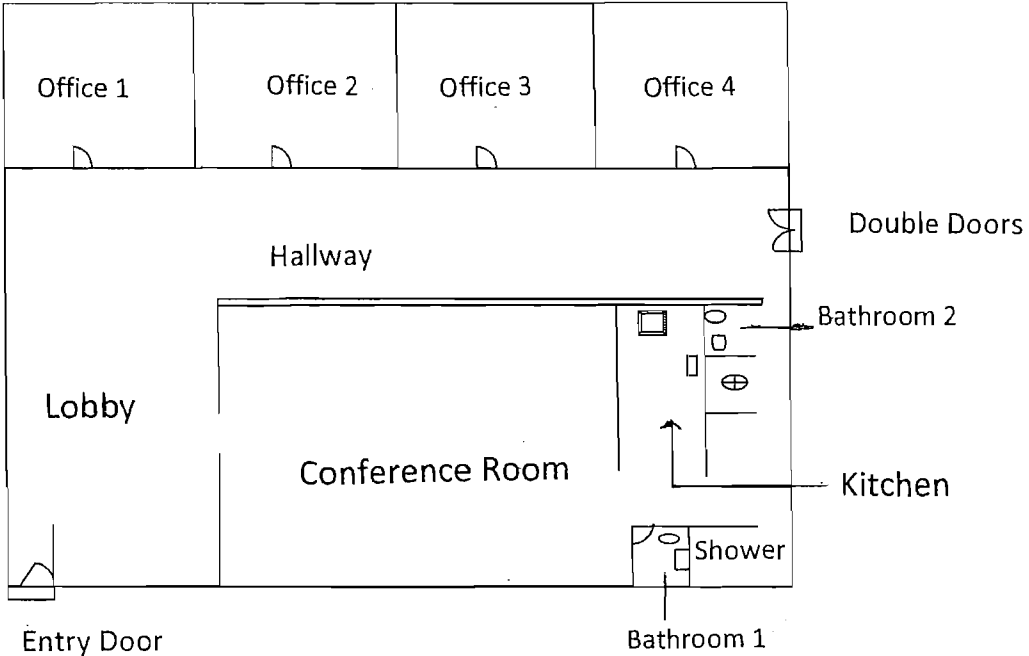
SEE MAP 03N 17E 31DD

17E CO

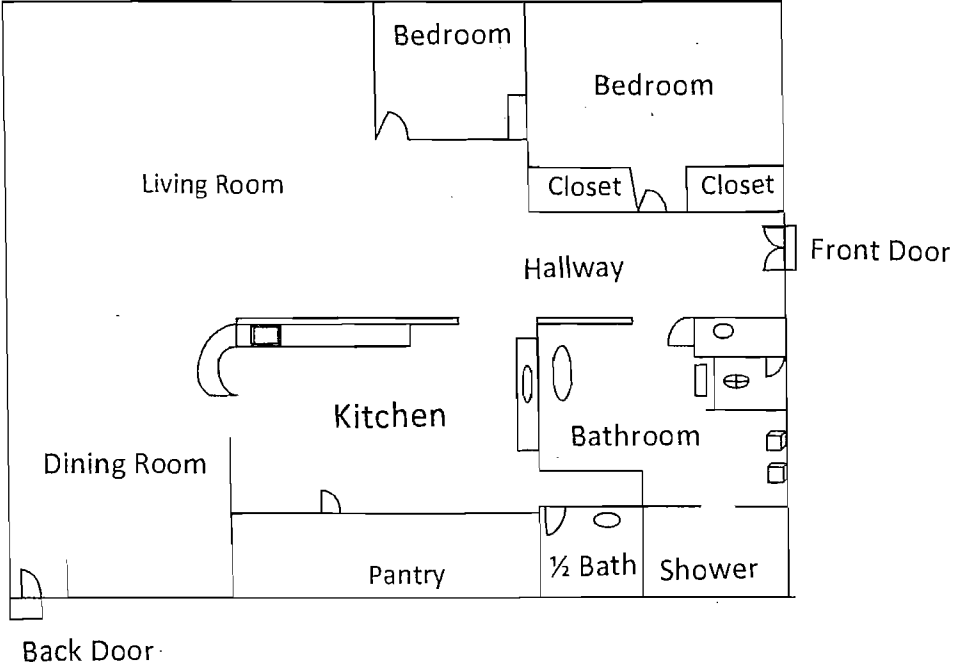




Existing Floor Plan



Proposed Floor Plan



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



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

March 23, 2010

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

RE: Notice of Adoption, City of Rufus

Dear Ms. Ulloa,

Enclosed is a Notice of Adoption to the City of Rufus Comprehensive Map. Also included is the amendment, staff report and maps relating to the Amendment.

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

Sincerely,

A handwritten signature in blue ink that reads "Georgia L. Macnab".

Georgia L. Macnab
Sherman County Planning Director

Sherman County
Community Development & Planning
P.O. Box 361
Medford, OR 97505

Angela Hawk
Plan Amendment Specialist
Dept of Land Conservation
635 Capital Street, N.E. Suite 150
Salem, OR 97301-3510

