



# Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Director's Office Fax (503) 378-5518

Main Fax: (503) 378-6033

Web Address: <http://www.lcd.state.or.us>



## NOTICE OF ADOPTED AMENDMENT

August 15, 2011

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Ontario Plan Amendment  
DLCD File Number 002-11

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, August 26, 2011**

This amendment was submitted to DLCD for review 45 days prior to adoption and the jurisdiction determined that emergency circumstances required expedited review. 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: David Richey, City of Ontario  
Angela Lazarean, DLCD Urban Planning Specialist  
Grant Young, DLCD Regional Representative  
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA

FORM 2

# DLCD

## Notice of Adoption

In person  electronic  mailed

DATE STAMP

**DEPT OF**

**AUG 8 2011**

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

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 Ontario**  
**(Annexation & Zoning)**

Local file number: **2011-04-07 AZ(Petry)**

Date of Adoption: **July 18, 2011, 2nd & final reading**

Date Mailed: **July 20, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **April 20, 2011**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: TSP Amendment

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
 ANNEXATION REQUIRES REZONE CONSISTANT WITH COMP. PLAN

Does the Adoption differ from proposal? **No**. If so, it would be in the form of selection of specific options.

Plan Map Changed from:

to:

Zone Map Changed from: **UGA Comm**

to: **C-2H, General Heavy Commercial**

Location: ~~SW 5th Ave~~ **920 SE 5th Ave.**

Acres Involved: **5 AC**

Specify Density: Previous: **UGA, variable**

New: **City, variable**

Applicable statewide planning goals:

- |                          |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                                     |                          |                          |                                     |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                 | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                           | <b>11</b>                           | <b>12</b>                | <b>13</b>                | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" 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. \_\_\_\_\_

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

Local Contact: **David Richey Planning Official (P/T)**

Phone: **(541) 881-3222**

Extension:

Address: **City Hall, 444 SW 4th St.**

Fax Number: **541-881-3251**

City: **Ontario, OR**

Zip: **97914**

E-mail Address: [david.richey@ontariooregon.org](mailto:david.richey@ontariooregon.org)

After recording, return to:

City Recorder  
City of Ontario  
444 SW 4<sup>th</sup> Street  
Ontario OR 97914

MALHEUR COUNTY, OR 2011-2334  
MR ORDINANCE 07/21/2011 09:35 AM  
Cnt=1 Pgs=5 Total: \$62.00



00004585201100023340050050

I, Deborah R. DeLong, County Clerk for Malheur County,  
Oregon certify that the instrument identified herein was  
recorded in the Clerk records

Deborah R. DeLong - County Clerk

A handwritten signature in black ink, appearing to read 'Deborah R. DeLong'.

#### ORDINANCE #2660-2011

FINAL ORDER AND FINDINGS OF FACT IN THE MATTER OF PLANNING FILE 2011-04-07 AZ, THE ANNEXATION OF 5 ACRES OF PROPERTY INTO THE CITY OF ONTARIO INCLUDING THE ADJACENT HALF RIGHT-OF-WAY OF SE 5<sup>TH</sup> AVENUE AND TO REZONE SAID PROPERTY FROM UGA-COMMERCIAL TO THE CITY C-2H GENERAL HEAVY COMMERCIAL. THE PROPERTY IS GENERALLY KNOWN AS TAX LOT 200, ASSESSORS MAP 18S 47E-10AC, LOCATED AT 920 SE 5<sup>TH</sup> AVENUE, ONTARIO, **AND DECLARING AN EMERGENCY**

#### FINDINGS OF FACT:

- Whereas:** The proposal complies with 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:** The subject site is within the City of Ontario Urban Growth Area and thus approved under the rules and regulations of the State of Oregon for annexation to the City; and,
- Whereas:** The subject Urban Growth Area is classified as Commercial and the proposed zone is C-2H General Heavy Commercial which by name is consistent with the UGA classification, however it has land uses that are predominately light industrial in character;
- Whereas:** The property owner has formally requested that the subject site be annexed, the primary purpose of the annexation is to market the property for land uses that are allowed under the C-2H zone with the understanding that all land development requirements shall be met at the time of, or prior to construction; and,
- Whereas:** The subject site is immediately adjacent to the City boundary; and,
- Whereas:** Owners Gary Poltash and Akiko Maeda have signed the Consent to Annexation form;

**Whereas:** City emergency services are available to this site in a manner similar to other land in the City; and,

**Whereas:** All appropriate local notices have been given for this proposal and the public hearings it requires; and,

**Whereas:** The property is 5 acres in size and is known as Tax Lot 200, Assessor's Map #18S 47E 10AC; and,

**Whereas:** Pursuant to the formal application, the Ontario Planning Commission held a properly noticed public hearing on June 13, 2011 and made a recommendation to City Council; and,

**Whereas:** The City Council held a properly noticed public hearing on July 18, 2011, and reviewed all evidence and testimony submitted at the City of Ontario hearings.

**NOW THEREFORE, THE CITY COUNCIL OF ONTARIO ORDAINS AS FOLLOWS:**

Based upon the Comprehensive Plan, the procedures and regulations provided in Title 10, of the Comprehensive Plan and Zoning Ordinance, and the above listed Findings, the Ontario City Council hereby approves and adopts Ordinance #2660-2011 annexing and rezoning the 5 acre property identified as Tax Lot 200, Assessor's Map #18S 47E 10AC shown on map as Attachment "A" and specifically described in Attachment "B", and rezones said land to C-2H, General Heavy Commercial.

Further, both first and second readings and suspension of the 30 day effective date of this ordinance shall be completed in a single motion.

PASSED AND ADOPTED by the Common Council of the City of Ontario this 18 day of July, 2011 by the following vote:

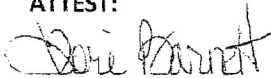
AYES: Fugate, Jones, Sullivan, Dominick, Crume, Verini

NAYS: None

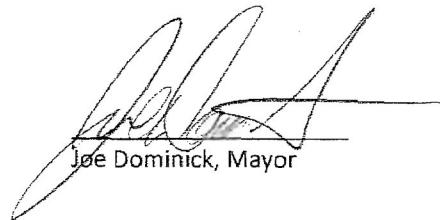
ABSENT: Fox

APPROVED by the Mayor this 18 day of July, 2011.

**ATTEST:**

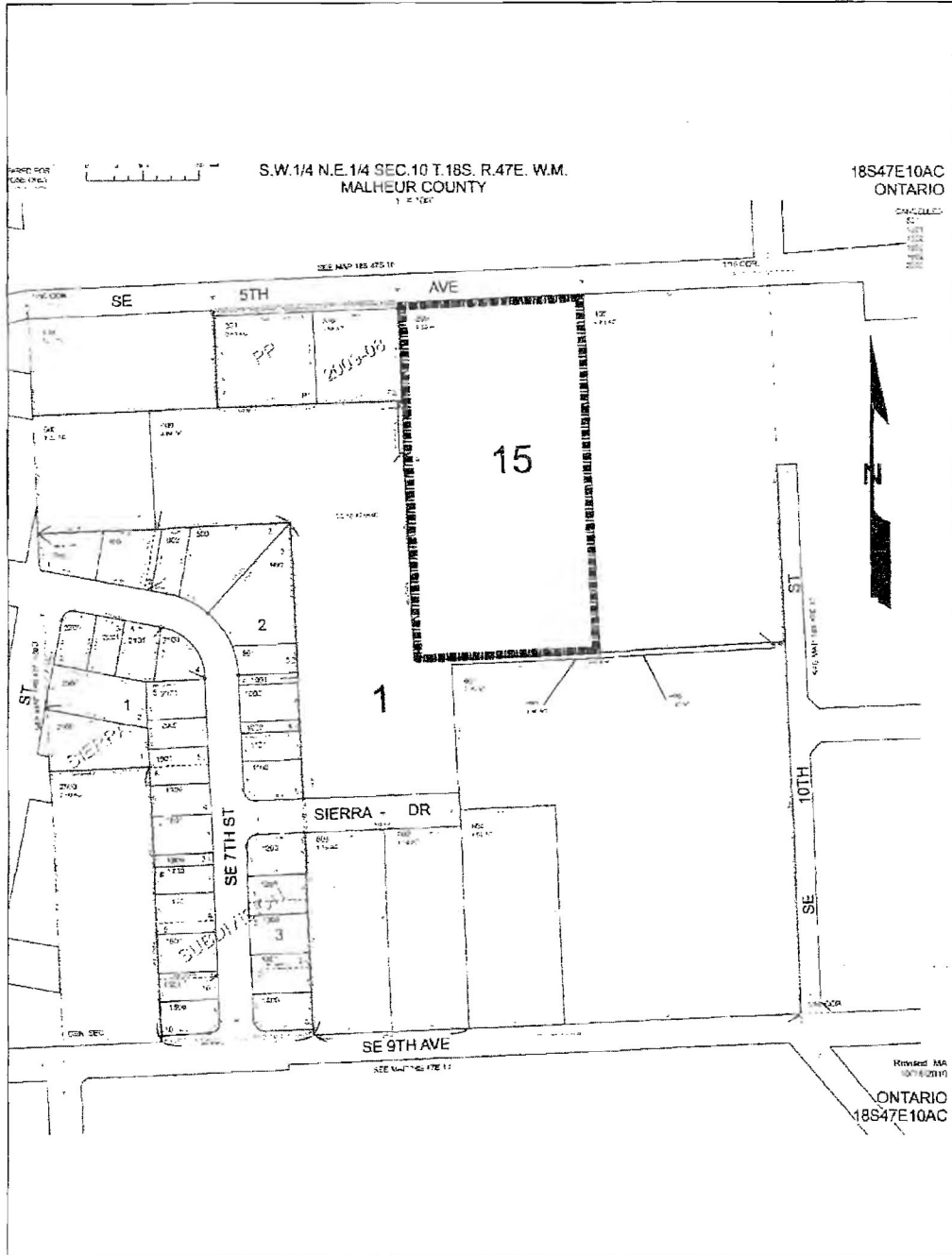


Tori Barnett, MMC, City Recorder



Joe Dominick, Mayor

ASSESSOR'S MAP



**Annexation Description**  
Jeff Petry / Gary Poltash / Akikio Maeda

Land in Malheur County, Oregon, as follows:

In Twp. 18S., R. 47 E., W.M.,:

Sec. 10: W1/2NE1/4SW1/4NE1/4,

ALSO that portion of the SW1/4NE1/4 described as follows:

Beginning at the Southeast corner of the W1/2NE1/4SW1/4NE1/4;

thence South 10 Feet;

thence N 89°59'14" W, parallel with the South boundary of said W1/2NE1/4SW1/4NE1/4,  
approximately 264 feet to a point 594 feet West of the East boundary of said SW1/4NE1/4;

thence North 10 Feet;

thence S 89°59'14" E, coincident with the South boundary, approximately 264 feet to the Point  
of Beginning.

TOGETHERWITH that portion of the SW1/4NE1/4 described as follows:

Commencing at the Northwest corner of said SW1/4NE1/4;

thence S 0°15'40" E, 406.71 feet to the Northwest corner of Sierra Subdivision as filed in Book  
4, Page 9, Plat records;

thence S 89°59'57" E, 208.71 feet;

thence N 0°15'40" W, 208.71 feet;

thence S 89°59'57" E, 442.34 feet to the Point of Beginning;

thence S 89°59'57" E, 8.50 feet;

thence S 0°07'49" E, 459.79 feet;

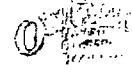
thence N 0°27'49" W, coincident with an existing fence, 368.03 feet;

thence N 89°59'57" W, 6.80 feet;

thence N 0°08'40" E, 91.77 feet to the Point of Beginning.

SUBJECT TO the Boundary line agreement along the northerly portion of the West boundary of the  
above described parcel as recorded on May 27, 2009 under Instrument No. 2009-4151.

City of Ontario Planning and Zoning Application Form  
 444 SW 4<sup>th</sup> Street, Ontario, OR 97914  
 Permit Center Annex: 458 SW 3rd Street  
 Voice (541) 881-3224 / (541) 881-3222  
 Fax (541) 881-3251



**CONSENT TO ANNEXATION**

FILE # \_\_\_\_\_ Date Received \_\_\_\_\_

Fee: \$330.00 + 2 cents per square foot Accepted as Complete \_\_\_\_\_

Know all men by these presents; that we, the undersigned, being owners, contract purchasers, mortgagees, or security holders upon a portion of land described below and which is proposed to be annexed to the City of Ontario, do hereby give our irrevocable consent that such land be annexed to the City of Ontario, and that our consent may be filed with the City Council of Ontario Oregon and that no election shall be held in said territory or notices posted therein. This consent is given pursuant to ORS Section 222.170.

Name <u>GARY POLTASH</u>	Signature <u>[Signature]</u>
Name <u>AKIKO MASON POLTASH</u>	Signature <u>[Signature]</u>
Name _____	Signature _____
Name _____	Signature _____
Name _____	Signature _____
Name _____	Signature _____

The above signatures on the original consents were filed in the office of the City Recorder in accordance with State Statute. The above parties are all the property owners within the territory to be annexed.

[Signature]  
 City Recorder

**Property information:**

Address 920 SE 5th Avenue, Ontario, Oregon  
 Tax Map # 18S47E10AC Tax Lot #(s) 200 & 605  
 Tax Map # \_\_\_\_\_ Tax Lot #(s) \_\_\_\_\_  
 Lot size 4.89 acres Zoning County UGA  
 Existing use Single Family  
 Proposed City zone C-2H

**Please provide a legal description on a separate sheet.**

**OFFICE USE ONLY**

120 day time limit	Accepted as complete _____	Final decision by _____
BLCD 45-day notice required	Y/N _____ Date mailed _____	Date of first hearing _____
Notice of PC Hearing	Date mailed _____	Posted on site _____
Notice to media	Publication date _____	Emailed _____
Hearing dates	PC _____	CC _____
Notice of Decision	Date mailed _____	Appeal deadline _____
Legal description to DOR	_____	
Associated applications	_____	



City of Ontario  
444 S.W. 4th St.  
Ontario, OR 97914

DEPT OF

AUG 08 2011

LAND CONSERVATION  
AND DEVELOPMENT



Attn: Plan Amendment Specialist  
D.L.C.D.  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540  
97301-2540