



Oregon

Theodore R. Kulongoski, 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

03/21/2012

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 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: Wednesday, April 04, 2012

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: Evan MacKenzie, City of Pendleton
Angela Lazarean, DLCD Urban Planner
Grant Young, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF
LAND CONSERVATION AND DEVELOPMENT

MAR 16 2012

DATE
STAMP

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: ZOA11-01 / Ord. 3822

Date of Adoption: **February 21, 2012**

Date Mailed: **March 14, 2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/09/2011

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 land inside City of Pendleton UGB from EFU to R-2 Medium Density Residential. Comp Plan Map and Zoning Map are the same. No change from original proposal.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: **EFU**

to: **R-2 Medium Density Residential**

Zone Map Changed from: **EFU**

to: **R-2 Medium Density Residential**

Location:

Acres Involved: **7.24**

Specify Density: Previous: **N/A**

New: **6-18 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. 002-11 (19092) [16978]

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

Umatilla County, DLCD

Local Contact: **Evan MacKenzie**

Phone: (541) 966-0261

Address: **500 SW Dorion Avenue**

Fax Number: **541-966-0251**

City: **Pendleton**

Zip: **97801**

E-mail: 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.

ORDINANCE NO. 3822

AN ORDINANCE AMENDING ORDINANCE NO. 3442 (THE COMPREHENSIVE PLAN AND MAP) AND ORDINANCE NO. 3250 (THE ZONING ORDINANCE AND MAP) THROUGH REZONE OF 7.24 ACRES FROM EFU EXCLUSIVE FARM USE TO R-2 MEDIUM DENSITY RESIDENTIAL.

WHEREAS; pursuant to Oregon Statewide Goals, the City of Pendleton maintains an Urban Growth Boundary (UGB), which is intended to concentrate urban development so that agricultural lands may be preserved for agricultural uses; and

WHEREAS; all lands within the UGB are intended for urban development and should be zoned to permit development that will accommodate projected needs over a 20-year planning period; and

WHEREAS; the property under consideration is inside the City of Pendleton UGB but is zoned EFU - Exclusive Farm Use, which precludes urban-level development; and

WHEREAS; the property owner has submitted a request to change the zoning on approximately 7.24 acres to R-2 Medium Density Residential, which encourages urban-level development; and

WHEREAS; The request supports the City's obligations under Goal 9 (Economic Development), "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens" by increasing the amount of land available for new employee housing; and

WHEREAS; adoption of the proposed amendments is consistent with the City's responsibility under Goal 10 (Housing), "To provide for the housing needs of citizens of the state;" and

WHEREAS; The request is consistent with the City's responsibilities under Goal 11 (Public Facilities and Services) because it will not overburden provision of services; and

WHEREAS; The request is consistent with the City's responsibilities under Goal 12 (Transportation Planning Rule) because it will not result in a significant impact to the transportation network; and

WHEREAS; the proposal is consistent with the standards and criteria for an amendment to the Zoning Ordinance because it complies with and implements the Comprehensive Plan in a manner consistent with Statute and Rule.

WHEREAS; notice was provided to the general public as set forth in Oregon Revised Statutes and the City of Pendleton Zoning Ordinance, and;

WHEREAS; adoption of the proposed amendments will not change or restrict the types of uses permitted outright or conditionally in any City zones; no "Measure 56" notice was required; and

WHEREAS; the City of Pendleton Planning Commission held a hearing on February 2, 2012, and recommended adoption of the proposed amendments based on the findings and conclusions contained in the staff report and those made by the Commission at the hearings; and

WHEREAS; a public hearing was held before the City of Pendleton City Council on February 21, 2012, and all written and oral testimony concerning the matter was received and addressed at the hearing;

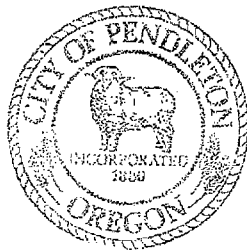
NOW, THEREFORE, THE CITY OF PENDLETON ORDAINS AS FOLLOWS:

Property described as Tax Lot 5700, Map 2N-32-11AC and further described in the attached legal description, containing 7.24 acres more-or-less, is hereby rezoned from EFU to R-2 Medium Density Residential.

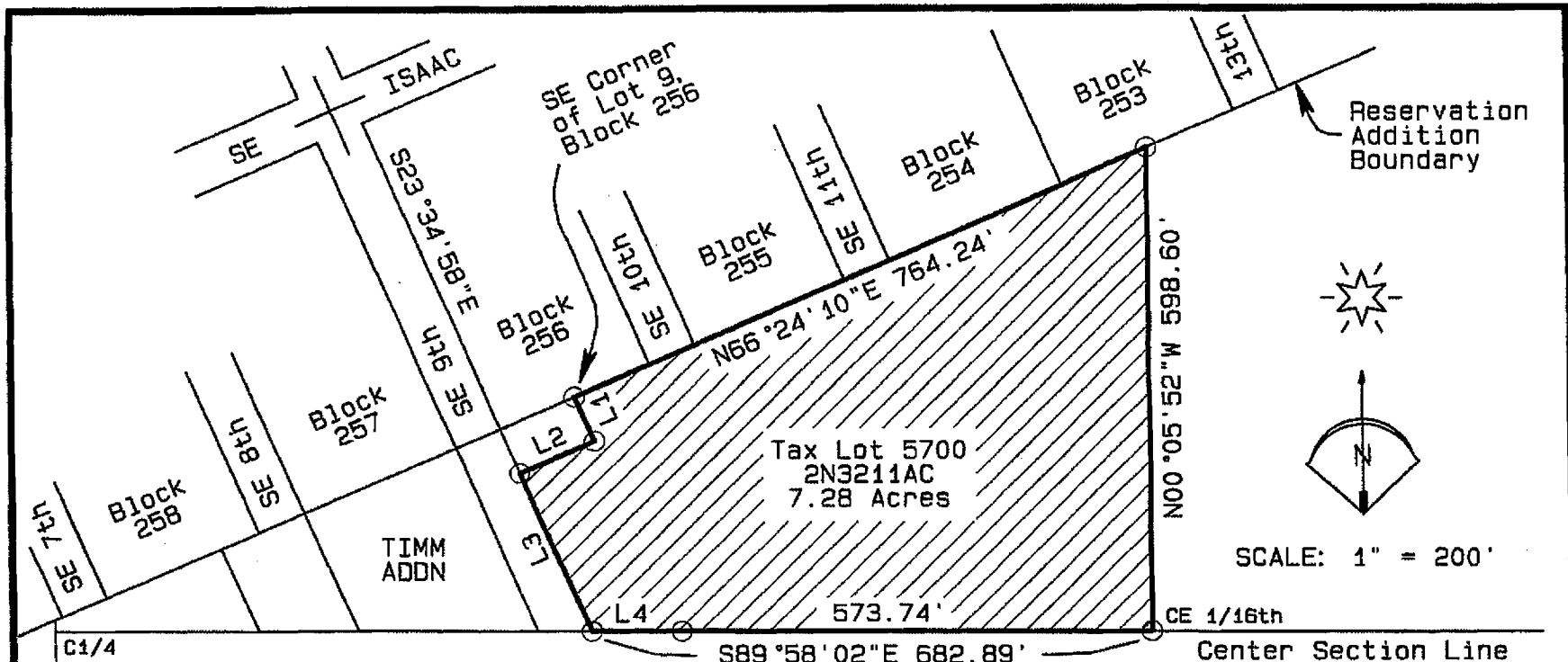
PASSED by the City Council and approved by the Mayor February 21, 2012

APPROVED: Phillip W. Houk
Phillip W. Houk
Mayor

ATTEST: Andrea Denton
Andrea Denton, City Recorder



Approved as to Form:
Nancy Kerns
Nancy Kerns, City Attorney



C1/4

LINE TABLE

LINE No.	BEARING	DISTANCE
L1	S23°34'58"E	60.00'
L2	S66°24'10"W	100.01'
L3	S23°34'58"E	215.23'
L4	S89°58'02"E	109.15'

Note: This map was prepared from Umatilla County Survey 11-092-B. For a record of monumentation found and set see the record survey.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Stephen K. Haddock

OREGON
JULY 9, 2001
STEPHEN K. HADDOCK
56295LS
RENEWS 6-30-13

Rezoning Map
Mr. Jim Hatley
P.O. Box 458
Pilot Rock, OR 97868

WITNESS TREE SURVEYING
Stephen K. Haddock, PLS, CFedS
P.O. Box G
Pilot Rock, Oregon 97868
(541) 443-2922

LOCATION: Government Lot 2, S11, T2N, R32E,
W.M., Umatilla County, Oregon

Project No. 2011-17
MAP DATE: November 1, 2011



DEPT OF

MAR 16 2012

LAND CONSERVATION
AND DEVELOPMENT

City of Pendleton

Planning Department
500 SW Dorion Ave
Pendleton, OR 97801

JAMES D HATLEY
PO BOX 458
PILOT ROCK, OR 97868

MARCH 14, 2012

RE: REQUEST TO REZONE APPROXIMATELY 7.24 ACRES FROM EXCLUSIVE FARM USE (EFU) TO MEDIUM DENSITY RESIDENTIAL (R-2) TAX LOT 05700 2N3211AC. (FILE NO. ZOA11-01)

Mr. Hatley:

This is to inform you of the action taken by the Pendleton City Council at its regular meeting at which you or your representative presented written and/or oral testimony regarding the above referenced matter.

At the City Council regular meeting of FEBRUARY 21, 2012, by a unanimous vote, the Commission adopted the Findings and Decision as prepared by staff, and recommended approval to rezone a +/-7.24 acre parcel of property zoned as EFU to R-2.

The City's decision to adopt your rezone is final. Please note that any Council Findings and Decision imposing conditions of approval are required prior to submittal of any development proposals.

If you have any further questions on this matter, please do not hesitate to contact me.

Sincerely,

Evan MacKenzie
City Planner

cc: Hearing Participants

Enclosure

EM



CITY OF PENDLETON

Planning & Building Department
500 SW Dorion Avenue
Pendleton, OR 97801



DLCD - Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

973012540

