



# 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](http://www.lcd.state.or.us)

### NOTICE OF ADOPTED AMENDMENT

July 3, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Gervais Plan Amendment  
DLCD File Number 001-07



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: July 17, 2007**

This amendment was submitted to DLCD for review 45 days 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 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: Doug White, DLCD Community Services Specialist  
Jason Locke, DLCD Regional Representative  
Reneta Wakely, MWVCOG

<paa> ya/

# NOTICE OF ADOPTION

Must be filed within 5 working days  
See OAR 660-18-040

## DEPT OF

JUN 27 2007

LAND CONSERVATION  
~~AND DEVELOPMENT~~

Jurisdiction: City of Gervais

Local File Number: CP

Date of Adoption: 6/21/07

Date Mailed: 6/26/07

Date Proposal was Provided to DLCD: Mailed 2/14/2007

Type of Adopted Action: (Check all that apply)

Comprehensive Plan Text Amendment       Comprehensive Plan Map Amendment

Land Use Regulation Amendment       Zoning Map Amendment

New Land Use Regulation       Other: \_\_\_\_\_  
(Please Specify Type of Action)

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

Change the general plan map from Residential to Public and change the zone designation from Residential to Public Facility for two parcels: Map 52W26DB lot 4600 from Residential (R-1) to Public Facility (PF) and Map 52W26DB lot 6300 from Residential (R-2) to Public Facility (PF).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same.

Plan Map Changed from: (tax lot 4600) Residential to Public Use

Plan Map Changed from: (tax lot 6300): Residential to Public Use

Zone Map Changed from: (tax lot 4600) Residential (R-1) to Public Facility (PF)

Zone Map Changed from: (tax lot 6300) Residential (R-2) to Public Facility (PF)

Location: On Douglas Avenue, southeast of 1st Street. Map 52W26DB tax lots 4600 and 6300

Acres Involved: 1.26

Specify Density: Previous: (tax lot 4600) 5 du/acre      New: N/A

Specify Density: Previous: (tax lot 6300) 12 du/acre      New: N/A

Applicable Statewide Planning Goals: 1, 2, 9, 11

Was an Exception Adopted? Yes:       No:

DLCD File Number: 001-07 (15879)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: X No:     

If no, do the Statewide Planning Goals apply. Yes:      No:     

If no, did the Emergency Circumstances Require immediate adoption. Yes:      No:     

Affected State or Federal Agencies, Local Governments or Special Districts:     None    

Local Contact: Renata Wakeley Area Code + Phone Number: (503) 588-6177

Address: MWVCOG 105 High Street SE

City: Salem Zip Code+4: 97301-3667

## 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 (2) Copies 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. Submit **TWO (2) copies** of the adopted material, if copies are bound please submit **TWO (2) complete copies** of documents and maps.
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 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 copy this form onto 8 1/2 x11 green paper only; or call the DLCD office at (503) 373-0050; or fax your request to: (503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

AN ORDINANCE AMENDING THE CITY OF GERVAIS GENERAL PLAN MAP AND ZONING MAP

WHEREAS, the City of Gervais considered a request to amend the change the General Plan Map designation from Residential to Public for a 10,019 square foot property identified as Township 5S, Range 2W, Section 26BD, Tax Lot 4600 and an adjacent 1.03-acre property identified as Township 5S, Range 2W, Section 26BD, Tax Lot 6300; and

WHEREAS, the City of Gervais considered a request to change the zoning for the property identified as Assessor Map 52W26DB, Tax Lot 4600 from Residential District R-1 to Public Facility and to change the zoning for the property identified as Assessor Map 52W26DB, Tax Lot 6300 from Residential District R-2 to Public Facility; and

WHEREAS, on May 3, 2007, the City Council held a public hearing on the zone change request at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, notice of the said public hearing was duly given to the public pursuant to the of the State's public notice requirements; now, therefore,

THE CITY OF GERVAIS ORDAINS AS FOLLOWS:

Section 1. The City Council adopts the findings as presented in the staff report, dated April 24, 2007, and accepts the recommendation by staff to approve this request.

Section 2. The City Council of the City of Gervais does hereby amend the General Plan Map designation for the property identified as Township 5S, Range 2W, Section 26BD, Tax Lot 4600 and for the property identified as Township 5S, Range 2W, Section 26BD, Tax Lot 6300 from Residential to Public; and

Section 3. The City Council of the City of Gervais does hereby amend the Zoning Map designation for the property identified as Township 5S, Range 2W, Section 26BD, Tax Lot 4600 from Residential District R-1 to Public Facility.

Section 4 The City Council of the City of Gervais does hereby amend the Zoning Map designation for the property identified as Township 5S, Range 2W, Section 26BD, Tax Lot 6300 from Residential District R-2 to Public Facility.

Section 5. The City Council of the City of Gervais deems and desires it necessary for the preservation of the health, peace, and safety of the City of Gervais that this Ordinance take effect at once, and therefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

Approved and adopted this \_\_\_\_ day of June , 2007, by the following votes:

Ayes: Footle, Miller, Milan, Gregory

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

John D. Harvey

John Harvey, Council President

Dated: 6-21-07

ATTESTED:

Sam Sasaki

Sam Sasaki, City Manager

Filed: \_\_\_\_\_

**LEGEND**

**LINE TYPES**

- TAX LOT BOUNDARY OLD PROPERTY LINE
- ROAD RIGHT-OF-WAY VACATED RIGHT-OF-WAY
- RAILROAD RAILROAD RIGHT-OF-WAY
- STREAM LAKE, ETC. STREAM LAKE, ETC. TAX LOT BOUNDARY NON-BOUNDARY
- SUBDIVISION BOUNDARY PLATTION PLAT BKT.
- TAX CODE BOUNDARY EASEMENT

**SYMBOL TYPES**

- D.L.C.
- CONTROL POINTS
- SURVEY MONUMENTS
- G.L.S. CURVES
- SECTION 1/4 SEC. 1/4 SEC.
- 1/4 SEC. 1/4 SEC.

**NUMBERS**

TAX CODE NO  
000 00 00 0

ACREAGE - ALL ACREAGES EXCLUDE ANY PORTION THAT MAY LIE WITHIN THE INDICATED PUBLIC RIGHT OF WAYS

TICK MARKS - WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAYS

ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY

**NOTICE:** This map was created for Assessor's Office use ONLY.



SCALE 1" = 100'

Plotfile created: May 18, 2006



5 2W 26DB

Cancelled  
100  
101  
2200

5 2W 26DB

001 10 03