



# 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

November 9, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Scotts Mills Plan Amendment  
DLCD File Number 003-07

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: November 26, 2007**

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 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: Doug White, DLCD Community Services Specialist  
Jason Locke, DLCD Regional Representative  
Katie Martin, City Of Scotts Mills  
Marjorie Mattson, Mid-Willamette Valley Council of Governments

<paa> ya/

FORM 2

# DLCD

## 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

In person  electronic  mailed

DATE STAMP

DEPT OF

NOV 06 2007

LAND CONSERVATION  
AND DEVELOPMENT  
For DLCD Use Only

Jurisdiction: *Scotts Mills*

Local file number: *A -01-07*

Date of Adoption: *10/25/07*

Date Mailed: *11/5/07*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date:

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".

*annexation of zoning of 1/2 right-of-way Grandview Heights with a zone change to low density residential*

Does the Adoption differ from proposal? Please select one

Plan Map Changed from:

to:

Zone Map Changed from: *Urban Transition*

to:

*Low Density Residential*  
Acres Involved: *approx 3 acres*

Location: *Grand View Heights Road*

Specify Density: Previous: *NA (row)*

New: *NA (row)*

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 # 003-07(16271)*

**DLCD file No.** \_\_\_\_\_

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

Local Contact: *Katie Martin*  
Address: *PO BOX 220*  
City: *Scotts Mills* Zip: *97375*

Phone: *(503) 873-5435* Extension:  
Fax Number: *Same as above*  
E-mail Address: *smcity@open.org*



Mid-Willamette Valley  
Council of Governments

105 High St SE  
Salem OR 97301-3667  
503-588-6177  
Fax: 503-588-6094  
www.mwvcog.org  
mmattson@mwvcog.org

**Marjorie Mattson**  
Land Use Planner

*Getting things done together!*

## **ATTAL REQUIREMENTS**

**within 5 working days after the final decision**

AR Chapter 660 - Division 18.

(documents and maps) of the Adopted Amendment to:

**AMENDMENT SPECIALIST  
NSERVATION 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.

ORDINANCE NO. 07-83

BEFORE THE CITY COUNCIL OF THE CITY OF SCOTTS MILLS  
COUNTY OF MARION, STATE OF OREGON

**An Ordinance amending the zoning designation on the southerly and westerly one-half of Grand View Heights, a public right-of-way.**

**WHEREAS**, the subject property was annexed to the City of Scotts Mills by Resolution No. 07-\_\_\_\_; and

**WHEREAS**, after holding two public hearings and adopting findings, the City Council approved said annexed property to be zoned from the Marion County designation of UTF–Urban Transition Farm, to RS-Residential Single Family; Now, therefore,

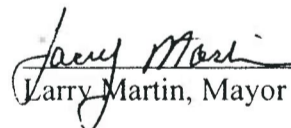
**THE CITY OF SCOTTS MILLS DOES ORDAIN:**

**Section 1. Findings** The City of Scotts Mills hereby adopts the finding of the staff report as set forth in Exhibit “A”, attached hereto and by this reference incorporated herein.

**Section 2. Property Description** The property to be rezoned is described in Exhibit “B” attached hereto and by this reference incorporated herein.

**Section 3. Property Rezoned** The above described property is hereby rezoned from the Marion County zoning designation of UTF–Urban Transition Farm to the Scotts Mills zoning designation of Low Density, RS-Residential Single Family.

READ for the first time:	10/16/2007
READ for the second time:	10/25/2007
APPROVED by the Council:	10/25/2007
SIGNED by the Mayor:	10/25/2007

  
Larry Martin, Mayor

ATTEST:

  
Katie Martin, City Recorder

**CITY OF SCOTTS MILLS**  
**City Council Hearing**  
**October 16, 2007**

**STAFF REPORT**  
**October 1, 2007**

**ANNEXATION-COMPREHESIVE PLAN AMENDMENT-ZONE CHANGE-01-02**

**APPLICANT:** City of Scotts Mills, Resolution 01-2007, February 13, 2007

**OWNERS:** Public Right-of-way

**REQUEST:** To annex the southerly one-half of Grand View Heights, a public right-of-way, lying between its easterly intersection with Terrace Drive and its westerly intersection with Park Street. The property is currently zoned Urban Transition Farming (UTF) by Marion County. The proposed zoning for the property upon annexation is low density residential

**BACKGROUND [Reference Staff Report dated August 20, 2007]**

This is a continued public hearing from the Council Session of September 11, 2007. The City initiated this proposed comprehensive plan change and annexation. The 1978 Scotts Mills Comprehensive Plan shows the entirety of Grand View Heights, and public right-of-way, as being within the urban growth boundary, but outside the city limits.

**PROPOSED USE:**

The property would remain public right-of-way.

**ANALYSIS OF APPLICABLE CRITERIA**

**1) Annexation Proposal:**

The City does not have specific adopted criteria for reviewing annexations. In reviewing an annexation the following should be considered: Is there a public need that will be met by this action? What are the impacts to city services? Is the annexation consistent with the Scotts Mills Comprehensive Plan?

A. *Is there a public need that will be met?*

**Findings:** The use and development of Grand View Heights, a public right-of-way, is inhibited by it being divided between two public jurisdictions. Annexation will place the right-of-way within a single jurisdiction. The criteria is met.

B. *How are city services impacted by annexation?*

**Findings:** The annexation does not involve a requirement or potential requirement for the extension of city services. These are no impacts.

C. *Is the annexation consistent with the Scotts Mills Comprehensive Plan?*

**Findings:** The property is within the urban growth boundary of the City of Scotts Mills. The annexation is consistent with the Scotts Mills Comprehensive Plan.

## **2) Zone Change:**

If the annexation petition is approved by the City, the following standards for zone changes must also be met:

The Scotts Mills Code Section 4.6.3A1 under Quasi-Judicial Amendments states: *The City Council shall decide land use district map changes which do not involve comprehensive plan map amendments.*

Section 4.6.3B provides the Criteria for Quasi-Judicial Amendments. *A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:*

1. *Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;*

2. *Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;*

3. *Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use zoning map regarding the property which is the subject of the application; and the provisions of 4.6.4, as applicable.*

a. *Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;*

**Findings:** The proposed zone change would be from Urban Transition Farming (UTF) a Marion County designation to Low Density Residential under the Scotts Mills Code. The property is designated residential in the Comprehensive Plan. Low density

normally allows development of single-family units and duplexes. The property is contiguous to low density residential at all points within the city, however, the property is public right-of-way whose sole purpose is service to the contiguous property. The criterion is met.

*B Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;*

**Findings:** Residential development should be diversified to provide for a variety of housing opportunities. Ordinary standards to determine if a property meets code criteria are not applicable; the property is public-right-of-way. This criterion is not applicable to this zone change.

*c. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use zoning map regarding the property which is the subject of the application; and the provisions of 4.6.4, as applicable.*

**Findings:** This zoning is being applied to a property upon its initial annexation to the City, if it had been in the city at the time of zoning it would have been zoned low density residential. The criterion is not applicable.

**SUMMARY AND RECOMMENDATION:**

This annexation does not require that it be examined using the same criteria that other annexations involving either developed or undeveloped property. This annexation consists exclusively of one-half of a long dedicated public-right-of-way. The only reason that it has not been part of the City of Scotts Mills from the time of the City incorporation lies in the way that property descriptions for such incorporations were done at the time and in no way reflects any other obscure reasons for not being a part of the city. Such boundaries are now confusing and difficult to administer.

Staff recommends in favor of the annexation and zoning to low density residential.

**CITY COUNCIL ACTION –Respecting adoption of the Draft Resolution**

A motion to close the hearing and adopt Resolution No. \_\_\_\_\_

**OR**

A motion to continue the hearing until \_\_\_\_\_.

**OR**

A motion to close the hearing and that the resolution be placed on the council agenda for action on \_\_\_\_\_

**OR**

A motion to close the hearing and table further action on the matter. (Effectively stopping the annexation and zone change)

**CITY COUNCIL ACTION - Respecting adoption of the Draft Ordinance providing the Draft Resolution is adopted first.**

A motion to read for the first time Ordinance No. \_\_\_\_\_  
Following a positive vote and reading of the ordinance.

A motion to read for the second time Ordinance No. \_\_\_\_\_  
Following a positive vote and a second reading to the ordinance.

A motion to adopt Ordinance No. \_\_\_\_\_



Beginning at a point on the easterly boundary of lot 5, block 10, Townsite of Scotts Mills, Marion County, Oregon, which is also on the westerly right-of-way line of E Street, where said boundary intersects with the north right-of-way line of MR-17, and running thence southerly along said westerly right-of-way line of E Street and its southerly prolongation to its point of intersection with the southerly right-of-way line of Grand View Heights Road; thence continuing south easterly along said southerly right-of-way line of Grand View Heights Road to point of intersection with the westerly prolongation of the center line of vacated Tenth Street, said point also being on the easterly prolongation of the existing corporate boundary of the city of Scotts Mill; thence Easterly along said prolongation of Tenth Street to the center of Grand View Heights Road to point which is also on the existing corporate boundary of the City of Scotts Mills; thence northwesterly along the center line of Grand View Heights Road and E Street to a point due east of point of beginning; thence westerly to point of beginning.



Title: **Figure 3**  
**City of Scotts Mills**  
 Mid-Willamette Valley Council of Governments

Prepared by: LH	Date: May 29, 2001	Revision: 0
--------------------	-----------------------	----------------

Filename:  
R:\common\naturalres/wetlands/scottsmills/sm\_lwi.apr

Area Proposed for Annexation  
 City Limits  
 Urban Growth Boundary  
 Streams  
 Sections  
 Taxlots

State Plane Coordinates, Oregon North  
 North American Datum 1983

400 0 400 Feet

Mid-Willamette Valley  
 Council of Governments  
 105 High Street SE  
 Salem, OR 97301-3367  
 Phone: (503)588-6177  
 Fax: (503)588-6094  
 mwvcog@open.org

RESOLUTION NO. 07-13

BEFORE THE CITY COUNCIL OF THE CITY OF SCOTTS MILLS  
COUNTY OF MARION, STATE OF OREGON

A  
An Resolution proclaiming the annexation into the City of Scotts Mills of the southerly and westerly one-half of Grand View Heights, a public right-of-way.

WHEREAS, ORS 222.111 authorizes cities to annex contiguous territory to the corporate city; and

WHEREAS, certain property located within the westerly and southerly half of Grand View Heights Road right-of-way (the territory) is contiguous to the corporate boundaries of the city; and

WHEREAS, said territory is within the Urban Growth Boundary of the City; and

WHEREAS, said territory is totally vacant public right-of-way.

**NOW, THEREFORE, THE CITY OF SCOTTS MILLS RESOLVES:**

Section 1. The property proposed to be annexed is described in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 2. The City of Scotts Mills, having lawfully dispensed with the submission of this annexation to the voters of the City, does hereby annex the above-described territory into the City of Scotts Mills.

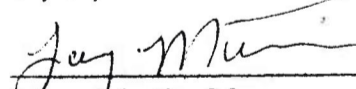
Section 3. The City Recorder shall cause a certified true copy of this resolution to be transmitted to all persons to whom transmittal is required by statute.

PASSED by the Council:

10/16/07

SIGNED by the Mayor:

10/16/07

  
\_\_\_\_\_  
Larry Martin, Mayor

ATTTEST:

  
\_\_\_\_\_  
Katie Martin, City Recorder

Beginning at a point on the easterly boundary of lot 5, block 10, Townsite of Scotts Mills, Marion County, Oregon, which is also on the westerly right-of-way line of E Street, where said boundary intersects with the north right-of-way line of MR-17, and running thence southerly along said westerly right-of-way line of E Street and its southerly prolongation to its point of intersection with the southerly right-of-way line of Grand View Heights Road; thence continuing south easterly along said southerly right-of-way line of Grand View Heights Road to point of intersection with the westerly prolongation of the center line of vacated Tenth Street, said point also being on the easterly prolongation of the existing corporate boundary of the city of Scotts Mill; thence Easterly along said prolongation of Tenth Street to the center of Grand View Heights Road to point which is also on the existing corporate boundary of the City of Scotts Mills; thence northwesterly along the center line of Grand View Heights Road and E Street to a point due east of point of beginning; thence westerly to point of beginning.