



Oregon

Theodore R. Kubongoski, 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

08/19/2013

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 002-13

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, September 03, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-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
Gordon Howard, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative

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FORM **2**

DLCD

Notice of Adoption

HAND DELIVERED

DATE
STAMP

DEPT OF
AUG 12 2013
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **20-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: **Ord. 3835**

Date of Adoption: **7/02/2013**

Date Mailed: **8/9/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4/11/2013

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".

Ord 3835: Removal of fees from Zoning Ordinance (No. 3250) and Subdivision Ordinance (No. 3251) and establishment of same fees by Resolution (No. 2520).

Does the Adoption differ from proposal? Please select one
No.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

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

New: **N/A**

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...

35-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. 002-13 (19798) [17577]

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

Umatilla County, ODOT

Local Contact: **Evan MacKenzie**

Phone: **(541) 966-0261** Extension:

Address: **500 SW Dorion Ave**

Fax Number: **541-966-251**

City: **Pendleton** Zip: **97801-**

E-mail Address:

evan.mackenzie@ci.pendleton.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working 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 the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8 1/2 x 11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 3837
AN ORDINANCE REMOVING FEES FROM THE ZONING
ORDINANCE (No. 3250) AND SUBDIVISION ORDINANCE (No. 3251)

WHEREAS, The City of Pendleton charges a fee to process certain land use actions; and

WHEREAS, establishing and/or changing fees through the Zoning Ordinance is unnecessarily cumbersome and time-consuming; and

WHEREAS, establishing fees through resolution removes procedural impediments and delays when changes in fees are contemplated.

WHEREAS, Resolution No. 2520 will establish the same fees.

Now, therefore, the following language is hereby amended:

Zoning Ordinance (No. 3250)

~~Section 160. FILING FEES. The following fees shall be paid to the City upon filing for an application. Such fees shall not be refundable. Fees shall be doubled if the start of construction occurs prior to application for the permit.~~

A. Variance	200.00
B. Conditional Use (Other than H.O.)	200.00
C. Amendment (Text and/or Map)	300.00
D. Planned Unit Development	500.00
E. Temporary Use	300.00
F. Appeal	200.00
G. Mixed Land Use Development	500.00
H. Parking Lot Permit	65.00
I. Limited Use Development	300.00
J. Home Occupation:	
Administrative Review with Notice	25.00
Planning Commission Hearing	50.00

~~Local Enterprise Zone Incentive. A business which is precertified by the City as a "qualified business firm," in accordance with the Oregon Enterprise Zone Act, shall not be required to pay the above fees during the time period the business qualifies for the property tax exemption. This local enterprise zone incentive subsection shall automatically terminate on July 1, 2007, and be of no further force nor effect after that date unless extended by action of the City of Pendleton or State of Oregon.~~

Section 174. Fees.

The city may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the city's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175.10.b. The requirements of this section shall govern the payment, refund and reimbursement of fees.

- A. **Payment.** All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be accepted without the proper fee being paid.
- B. **Refunds.** Fees will only be refunded as provided in this subsection:
1. When a fee is paid for an application which is later found to not be required, the city shall refund the fee.
 2. **Errors.** When an error is made in calculating a fee, overpayment will be refunded.
 3. **Refund upon Withdrawal of an Application.** In the event an applicant withdraws an application, the planning department shall refund the unused portion of the fee. In this case, the planning

department will deduct from the fee the city's actual costs incurred in processing the application prior to withdrawal.

- C. Fee Waivers. The planning division may waive all or any portion of an application fee if, in the opinion of the Director, a particular application must be resubmitted because of an error made by the city. Appeal fees may be waived, wholly or in part, by the City Manager, if the City Manager finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.
- D. Major Projects. The fees for a major project shall be the city's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of major projects will not be included in any average used to establish other fees under this section. For purposes of this subsection only, a "major project" is defined to include any combined plan and zone change and any project with an estimated construction cost exceeding one million dollars.

Subdivision Ordinance (No. 3251)

Section 32. Requirements for Public Parks and Recreation Facilities.

- E. Payment in Lieu of Land Dedication. Where, with respect to a particular subdivision and in all cases with respect to partitions, the dedicating of land pursuant to this Section does not meet the minimum requirements for park dedication, or in cases when the Planning Commission determines (on recommendation of the Parks and Recreation Commission) that such a dedication is not in the public interest, the land divider shall be required to deposit with the City a cash deposit in lieu of land dedication. Such deposit, to be made prior to final plat or map approval, shall be deposited by the City in a Neighborhood Park and Recreation Improvement Fund. This fund shall be used by the City in developing neighborhood parks, playlots, and other recreation facilities that will actually be available to and benefit the persons that will inhabit the land division and surrounding neighborhood. ~~The Planning Commission shall determine the amount to be deposited, based on the following formula: One hundred and thirty eight dollars (\$138.00) multiplied by the maximum number of housing units that could occupy the property in accordance with the Comprehensive Plan and zoning ordinance.~~

Section 56. Fees

Amendments	300.00
Appeals	200.00
Boundary Line Adjustments	25.00
Creation of a Public Street	300.00
Minor Partition	
With Public Hearing	200.00
Without Public Hearing	100.00
Subdivision and Major Partition	
Tentative Plan	200.00
Final Plat	100.00
Modification	50.00
(With Hearing)	200.00
Replat with PC hearing	200.00
Variances	200.00

Other Fees and Charges Required by this Ordinance:

Inspection and Engineering Fees: See Section 48 of this Ordinance, and Ordinance No. 3101.

Parks and Recreation Fee in Lieu of Land Dedication: See Section 32 of this Ordinance.

Street Signs: See Section 39 (F) of this Ordinance.

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This ordinance is effective 30 days after passage.

PASSED by the City Council and approved by the Mayor July 2, 2013.

Approved as to form

APPROVED



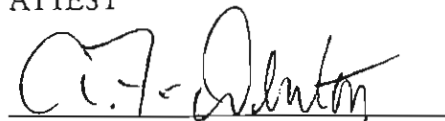
Nancy Kerns, City Attorney



Phillip W. Houk, Mayor



ATTEST



Andrea Denton, City Recorder