



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

08/05/2013

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 003-12

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, August 21, 2013

This amendment was submitted to DLCD for review 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 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

<paa> YA



PROF 2

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

AUG 01 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. 3840**

Date of Adoption: **7/16/2013**

Date Mailed: **7/31/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 6/22/2012

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 97 acres from EFU to R-1 Low Density Residential

Does the Adoption differ from proposal? Please select one

No. However, the original notice to DLCD incorrectly stated the acreage as 105.

Plan Map Changed from:

to:

Zone Map Changed from: **EFU**

to: **R-1**

Location: **2N-32-11 TL 600 and 2N-32-12 TL 1002. No address**

Acres Involved: **97**

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

New: **3.9-9 DU/ac**

Applicable statewide planning goals:

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

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. 003-12 (19393) [17571]

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 **8½ -1/2x11 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.



Community Development Department
500 SW Dorion Avenue
Pendleton, Oregon 97801-2090
(541) 966-0204 / FAX 541-966-0251
www.pendleton.or.us
July 31, 2013

Greg and Todd Goad
73754 Emigrant Road
Pendleton, OR 97801

RE: NOTICE OF CITY COUNCIL DECISION FOR AMD12-03 / ORDINANCE NO. 3840
Request to rezone 97 acres from Exclusive Farm Use (EFU) to Low Density Residential (R-1)

Mr. Goad:

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 July 16, 2013, by a unanimous vote, the Council adopted the Findings and Conclusions as prepared by staff and recommended by the Planning Commission, and recommended approval to rezone a 97 acre parcel of property from EFU to R-1.

The complete record for this action, including the adopted ordinance and minutes from all public hearings, is available for public viewing at the Planning Department located at City Hall, 500 SW Dorion Avenue, Pendleton, OR, between 8am and 5pm on weekdays. Copies of all materials are available at a reasonable cost.

Notwithstanding the requirements of ORS 197.830 (2), persons who participated either orally or in writing in the proceedings (hearings) leading to the adoption of an amendment to an acknowledged comprehensive plan or land use regulation or a new land use regulation may appeal the decision to the Land Use Board of Appeals under ORS 197.830 to 197.845. If no Notice of Intent to Appeal the City Council decision to adopt the ordinance is filed with LUBA within twenty-one (21) days of the date of this letter, the decision of the City Council will become final. The Notice of Intent to Appeal and the required fees must be filed with LUBA pursuant to ORS 197.830 to 197.845. If the deadline is missed, LUBA will dismiss the appeal. This ordinance becomes effective thirty (30) days after the mailing of this letter.

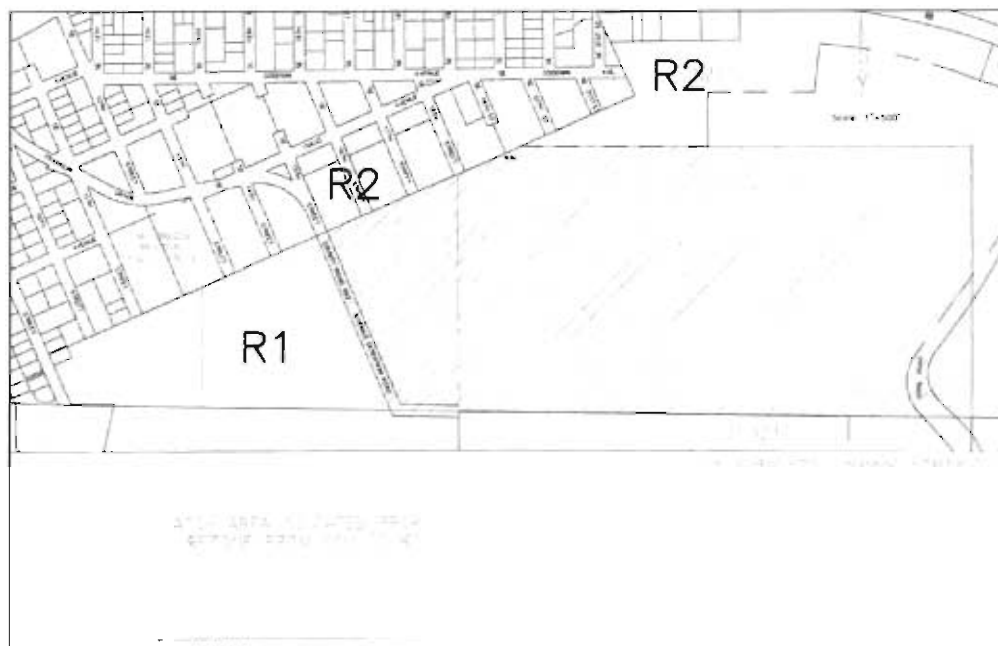
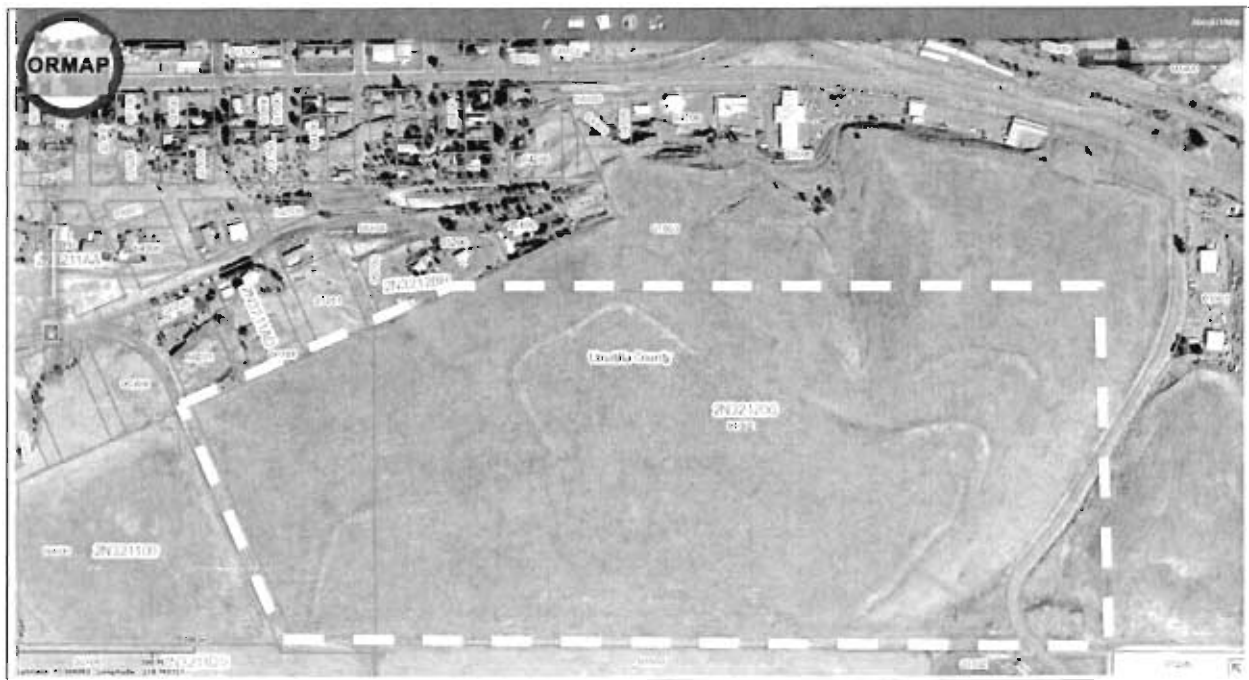
If you have any further questions on this matter, please do not hesitate to contact me.

Sincerely,

Evan MacKenzie
City Planner

cc: Hearing Participants

Enclosure



ORDINANCE NO. 3840

AN ORDINANCE AMENDING ORDINANCE NO. 3442 (THE COMPREHENSIVE PLAN AND MAP) AND ORDINANCE NO. 3250 (THE ZONING MAP) THROUGH REZONE OF 97 ACRES FROM EFU EXCLUSIVE FARM USE TO R-1 LOW DENSITY RESIDENTIAL.

WHEREAS; pursuant to Oregon Statewide Goals, the City of Pendleton maintains an Urban Growth Boundary (UGB), 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 owner has submitted a request to change the zoning on approximately 97 acres from EFU Exclusive Farm Use to R-1 Low Density Residential; and

WHEREAS; the proposed rezone is consistent with nearby properties and uses; 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; the request also supports the City's obligations under Goal 10 (Housing), "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; 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) because it is consistent with the City's adopted Transportation System Plan (TSP) and 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 and reduces inconsistencies on the Zoning Map.

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

WHEREAS; the City of Pendleton Planning Commission held a hearing on June 6, 2013, and recommended adoption of the proposed amendments based on the findings and conclusions contained in the staff report; and

WHEREAS; a public hearing was held before the City of Pendleton City Council on July 16, 2013, 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 a portion of Tax Lot 600, Map 2N-32-11, and a portion of Tax Lot 1002, Map 2N-32-12, and further described in the attached legal description, containing 97 acres more-or-less, is hereby rezoned from EFU Exclusive Farm Use to R-1 Low Density Residential.

The following conditions shall apply to this approval and shall run with the land:

1. The approval granted herein is for rezone of the subject property only.
2. Approval of this request does not grant nor imply approval for any development or other land use action.
3. No development shall be permitted on the subject property until such time as plans have been submitted consistent with the requirements of Ordinance No. 3481.
4. Development on the subject property will require coordination with Umatilla County and ODOT and may require amendments to the City of Pendleton Transportation System Plan prior to approval.
5. The developer(s) shall be responsible for mitigation of transportation impacts.
6. The developer(s) shall obtain an Access Permit from Umatilla County for use of Juvenile Detention Road and Goad Road prior to development, as long as the road remains under Umatilla County jurisdiction.

PASSED by the City Council and approved by the Mayor July 16, 2013

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



CITY OF PENDLETON

Planning & Building Department
500 S.W. Dorion Avenue
Pendleton, Oregon 97801-2090



DEPT OF
AUG 01 2013
LAND CONSERVATION
AND SOIL CONSERVATION

PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL STREET NE STE 150
SALEM, OR 97301

97301254099

