



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

09/19/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Rufus Plan Amendment
DLCD File Number 001-13

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: Wednesday, October 02, 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: Georgia Macnab, City of Rufus
Gordon Howard, DLCD Urban Planning Specialist

<paa> YA



FORM 2

DLCD

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF
SEP 12 2013
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: **City of Rufus**

Local file number: **2013-01**

Date of Adoption: **9/10/2013**

Date Mailed: **9/11/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **7/26/2013**

☐ 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".

Amend the City of Rufus Zoning Comprehensive Plan/Zoning Map to rezone two tax lots from Residential to Commercial for the purpose of bringing the property which includes a motel up to date on current land use and to recognize the existing use of the land.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Residential, .60ac & .34 ac**

to: **Commercial**

Zone Map Changed from: **Residential, .60ac & .34 ac**

to: **Commercial**

Location: **T3N, R17E, 31DD, Tax Lots 1200&1101**

Acres Involved: **.94**

Specify Density: Previous:

New:

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. _____

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

City of Rufus

Local Contact: **Georgia Macnab**

Phone: **(541) 565-3601** Extension:

Address: **PO Box 381**

Fax Number: **541-565-3078**

City: **Moro**

Zip: **97039-**

E-mail Address: **georgiamac@embarqmail.com**

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.

Sherman County
Community Development & Planning
P.O. Box 381
110 Main Street, Unit 2
Moro, Oregon 97039



(541) 565-3601
FAX (541) 565-3078

September 11, 2013

Plan Amendment Specialist
Dept of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

RE: Notice of Adoption

Enclosed is a Notice of Adoption to the City of Rufus Zoning/Plan Map. Also included is the staff report, ordinance, maps and other relevant materials relating to the Amendments.

Please contact me at 541-565-3601 if you have any questions regarding this proposal.

Sincerely,

A handwritten signature in cursive script that reads "Georgia L. Macnab".

Georgia L. Macnab
Sherman County Planning Director

DEPT OF
SEP 12 2013
SHERMAN COUNTY, OREGON



City of Rufus

P.O. Box 27 • 304 W. 2nd Street, Suite 100 Rufus, OR 97050

Office: 541-739-2321 • Maintenance: 541-739-2460

Community Center: 541-739-2300 • rufuscity@gorge.net

Clifford Jett, Mayor

Dan Pehlke, President of Council

Sharon Nolan, Councilor

John Jensen, Councilor

Scott Holliday, Councilor

Jaclyn McCurdy, City Administrator

Ron Jensen, City Operator

Jessica Hall, City Administrator Assistant

MEETING NOTICE

The Rufus City Council will meet in Regular Session at 7:00 p.m.

Tuesday, September 10, 2013.

AGENDA

1.0 CALL TO ORDER

2.0 PUBLIC INPUT

3.0 PUBLIC HEARING ZONE CHANGE

4.0 MINUTES from August 14, 2013 Regular Council Meeting

5.0 FINANCIAL REPORT

6.0 OLD/UNFINISHED BUSINESS

6.1 Surplus Items update

6.2 Job Descriptions update

6.3 Auscrete Follow-up

6.4 Ordinance F-13-I4-01 update

6.5 Other

7.0 NEW BUSINESS

7.1 Pehlke line adjustment

7.2 Community Center Clean up

7.3 John Schmidt

7.4 Other

8.0 REPORTS

8.1 Community Center

8.2 City Maintenance

8.3 Fire Department

8.4 Mayor Report

8.5 Other

9.0 NEXT MEETING

9.1 October 9, 2013

10.0 ADJOURNMENT

- *If necessary, Executive Session may be called during the meeting pursuant to ORS 192.660(2)(a)*
- *As this is a regular meeting of the Rufus City Council, other matters may be addressed as deemed appropriate by the Council.*
- *This meeting is Handicap Accessible Please call 48 hours in advance if you will require any special accommodations*



DATE: August 29, 2013

TO: Rufus City Council
Surrounding Property Owners

FROM: Georgia L. Macnab
Sherman County Planning Director

PUBLIC HEARING NOTICE

The **Rufus City Council** will conduct a public hearing, **Tuesday, September 10, 2013 at 7:00 P.M.** in the **Rufus City Hall**, 304 West 2nd Street, Suite 100, Rufus, Oregon.

The purpose of the hearing is to consider a proposal by Victor Sanghera to rezone two tax lots from Residential (R-1) to Commercial (C-1) to allow the continued operation of the Tyee Motel. The subject site is located on the following sites and described by the Sherman County Assessors Maps as: T3N, R17E-31DD, Tax Lots 1200 and 1101, Rufus, Oregon.

A Zone Change is allowed in the City of Rufus Zoning Ordinance under:

Article 7, Section 7.1- Form of Amendments, (2) Amendment to the Map,

All interested parties wishing to speak for or against the proposal are urged to attend. The City Council may take one of the following actions upon conclusion of public testimony of this hearing: approve, deny, table, or recess the hearing to a set time and place. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal based on that issue.

Copies of the proposal and other related information is available for review at the Sherman County Planning Department, 66365 Lonerock Rd., Moro, Oregon, or the Rufus City Hall, 304 West 2nd Street, Suite 100, Rufus Oregon during business hours. A copy of the staff report will be available for inspection prior to the hearing. Copies will be provided at a reasonable cost. Written testimony or questions may be directed to the Sherman County Planning Department, P.O. Box 381 Moro, Oregon 97039 or by phoning (541) 565-3601.

Times are for guidance only.

City of Rufus
Ordinance #
An Ordinance Amending the Comprehensive Plan/Zoning Map to
Redesignate Certain Tax Lots in the City as Commercial and Declaring
An Emergency

Findings of Fact:

1. Victor Sanghera requested a Comprehensive Plan/Zoning Map Amendment to rezone .94 acres of property he owns in the City of Rufus from Residential to Commercial to allow for the development of a residence.
2. The property is legally described as Township 3 North, Range 17 East, 31DD, Tax Lots 1200 & 1101, Rufus, Oregon.
3. The proper notices, including notice to DLCD, notice to adjoining property owners, and notice in the local newspaper were posted by the Sherman County Planning Staff.
4. The Rufus City Council conducted a public hearing on September 10, 2013 to consider the proposed map redesignation.
5. Victor Sanghera spoke as a proponent to the project. No opponents were heard.
6. At the conclusion of the public hearing, the City Council moved unanimously to approve the proposed amendment.

NOW, THEREFORE, the City of Rufus hereby ordains that:

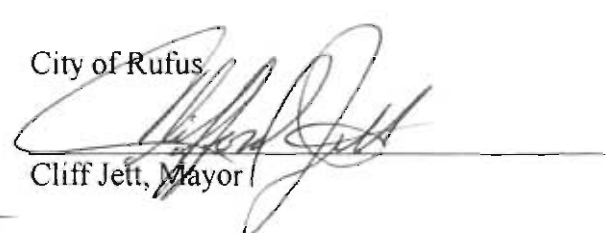
1. Section 1, Township 2 North, Range 17 East, Tax Lot 1200 of which .60 acres be rezoned to Commercial and Tax Lot 1101 of which .34 acres be rezoned to Commercial.
3. Inasmuch as the health, general welfare, and economic well being of the County is dependent upon getting this facility up and in operation as quickly as possible, an emergency is hereby deemed to exist and this ordinance shall become in full force and effect upon its passage by the City Council.

APPROVED by the Rufus City Council and Signed by the Mayor this 10 day of September, 2013.

Attest:


Jaclyn McCurdy, City Administrator

City of Rufus


Cliff Jett, Mayor



DATE: September 3, 2013
TO: Rufus City Council
FROM: Georgia L. Macnab
Sherman County Planning
RE: Zone Change,

MEETING DATE: Tuesday, September 10, 2013, 7:00 P.M. at the Rufus City Hall, 304 West 2nd Street, Suite 100, Rufus, Oregon.

PROPOSAL

The purpose of the hearing is to consider a proposal by Victor Sanghera to rezone two tax lots from Residential (R-1) to Commercial (C-1) to allow the continued operation of the Tyee Motel. The subject site is located on the following sites and described by the Sherman County Assessors Maps as: T3N, R17E-31DD, Tax Lots 1200 and 1101, Rufus, Oregon.

The City of Rufus Zoning Ordinance, allows for rezoning under Article 7., Section 7.8. The applicant seeks to amend the Comprehensive Plan / Zoning Map for property he owns in the City to allow for an existing motel that is currently zoned residential.

BACKGROUND INFORMATION

The public hearing on this proposal was advertised in The Dalles Chronicle on Friday, August 30, 2013 and notices sent out to surrounding property owners Thursday, August 29, 2013. Notice was also sent to the Department of Land Conservation (DLCD) on July 26, 2013. DLCD requires notice of the first evidentiary hearing on a proposed amendment at least 35 days in advance of the hearing.

Tax Lot 1200 is currently zoned Residential and does not allow for the operation of a motel. Mr. Sanghera would like to rezone the property to commercial to allow for the continued operation of the existing motel. The property is located directly behind the motel office and residence which is zoned commercial. It is believed the motel was originally built in the mid- sixties as apartment units to accommodate the John Day Dam construction workers. During this time no real zoning was in place. Over time it was turned into a motel as apartments were no longer needed or served a viable purpose in a small town.

Tax Lot 1101 is a bit unusual as it is partially zoned commercial and residential. The owner has requested that it be zoned all commercial to avoid any confusion of that parcel.

The city is served by Pacific Power and Light and fire protection is provided by the Rufus Fire Department.

No other comment has been received regarding this proposal as of the writing of this staff report.

PROPOSED MAP AMENDMENTS

There have been few changes in the Comprehensive Plan / Zoning Map until the past year (2009). Prior to that there has been relatively little economic or residential development in the City.

The criteria for the completing an amendment is very brief and is contained in the Comprehensive Plan. The burden of proof is upon the applicant and the following two criteria are applicable.

- A. The proposal is in accordance with the Comprehensive Plan goals and policies.
- B. The public need is best served by changing the Plan Use on the property under consideration.

The goals of the City's Comprehensive Plan are to encourage the City to continue to grow. The following policies are applicable:

Goal V Social Characteristics

A. To Improve the Economy of Rufus and the State

- 1. The plan policies development shall be encouraged to improve opportunities including providing desirable living conditions in the area are not diminished by such development.
- 2. That those employment opportunities shall be encouraged which are compatible with the existing and anticipated uses of land as shown in the plan.
- 3. The impacts of major development project proposal shall be consistent with or enhance a social environmental economic quality and rural character of the community.
- 4. That a coordinated effort between regional agencies and the county to stimulate economic development at a level the city of Rufus desires.
- 5. That decisions related to the employment opportunity such taken in count (1) alternative sites for proposed uses and (2) alternative uses for possible sites.
- 6. The environmental affect to air, water and land resource quality shall be considered in addition to the social economic factors when making economic planning decisions.

ZONING ORDINANCE CRITERIA

The City Zoning Ordinance in Section 7.8 also contains a limited amount of review criteria, which must be address by the City when considering a Zoning Map amendment. The following material presents the criteria and proposed findings.

- 1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the Plan.

Finding

The proposal to rezone the property is supported by the Comprehensive Plan goal and policies to encourage economic development in the city.

2. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.

Finding

The property currently zoned R-10 has not been utilized as residential property for quite some time. It has been used as a motel for many years and is located directly behind commercially zoned areas which houses the motel office. Rezoning this small site would not leave the City short of residential properties.

3. The public need is best served by changing the classification of the subject site in question as compared with other available property.

Finding

The properties are being used as commercial properties. The city council is in the process of clearing up some of the old zoning classifications that were assigned before the 1978 Rufus Zoning ordinance came into existence.

4. The potential impact upon the area resulting from the change has been considered.

Finding

The impact upon the city and the county would be a positive impact and make the city a desirable place to live.

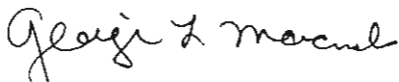
PLANNING PROCESS

The city council may take one of the following actions upon conclusion of public testimony: approve with or without conditions; or deny, table or recess the hearing to a set time and place. The decision is not final until it is reduced to writing and signed by the Mayor. Once the decision has been signed by the Mayor there is an appeal process to the Oregon State Land Use Board of Appeals which is available to anyone who appeared or participated in the proceedings and who meets the appeals process criteria. The filing period for an appeal to the Land Use Board of Appeals is 21 days from the date of the final decision.

STAFF RECOMMENDATION and COMMENTS

Staff recommends approval of the proposal based on the location of the property and the best use for the property.

Respectfully submitted

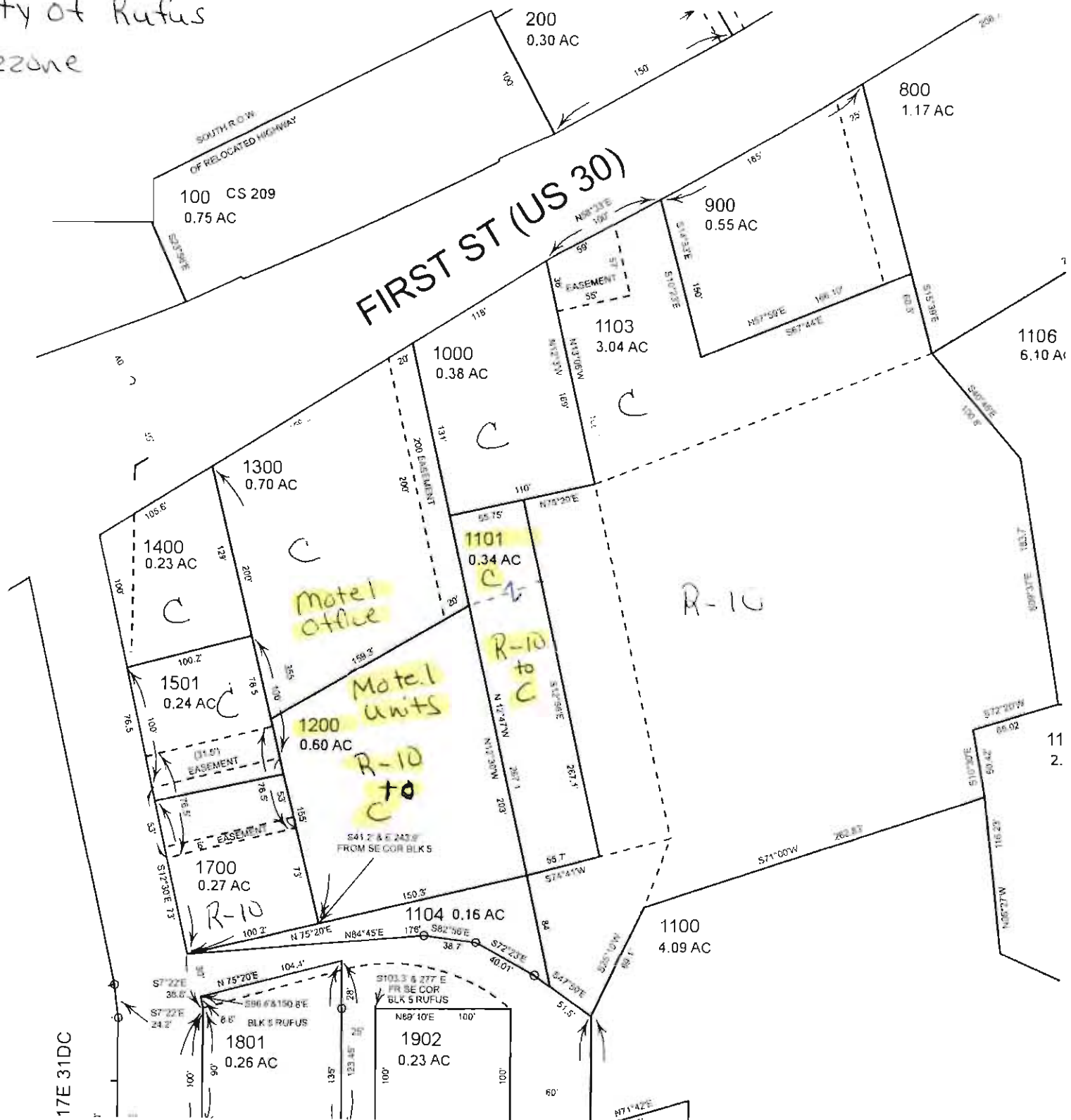


Georgia L. Macnab
Sherman County Planning Director

City of Rufus Rezone

-Tax lot 1200 currently
Residential

-Tax lot 1101 top portion
is currently Commercial
Remainder is residential



Sherrill
Community Dev
P.O. Box 97035
Moro, OR 97035

DEPT OF

SEP 12 2013

LAND CONSERVATION
AND DEVELOPMENT

Attn: Plan Amendment Specialist
Department of Land Conservation
635 Capitol Street NE, Suite 160
Salem, OR 97301-2540

