



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

April 11, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Rainier Plan Amendment
DLCD File Number 001-06



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: April 24, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Carole Connell, City of Rainier

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D L C D NOTICE OF ADOPTION

DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

APR 05 2006

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

ZC06-7217-023-00100
ZC06-7217-024-02300

Jurisdiction: City of Rainier Local File No.:

Date of Adoption: 4-3-06 Date Mailed: 4-4-06

Date the Notice of Proposed Amendment was mailed to DLCD: 1-13-06

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other:

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write ASee Attached.≡

Ordinance 1028 approved 4-3-06 by the Rainier City Council ordained two Comprehensive Plan Map Amendment and Zone Mape designation applications by adjoining property owners Rod Richards, President of Washington Home Center and Elsie Jane Davis Trust changing property that is currently planned and zoned for Multi-Family Residential MFR by the County to a Commercial C-2 City Plan and Zone designation. All parcels are currently outside the City limits and inside the Rainier urban growth boundary.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame.≡ If you did not give notice for the proposed amendment, write AN/A.≡

ASame

Plan Map Changed from: MFR to C-2

Zone Map Changed from: MFR to C-2

Location: Washington Way, Rainier, OR Acres Involved: 1.37

Specify Density: Previous: + or - 10 D.U. New: 0

Applicable Statewide Planning Goals: Goal 2, Goal 9 & Goal 10

Was an Exception Adopted? Yes: No: X

DLCD File No.: 001-06 (14935)

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: 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: _____

Columbia County

Local Contact: Carole Connell, AICP Area Code + Phone Number: 503-297-6660

Address: City of Rainier

City: Rainier Zip Code+4: 97048

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** the adopted material, if copies are bounded 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 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 ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice 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 on to 8-1/2x11 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.

CITY OF RAINIER
ORDINANCE NO. 1028

**AN ORDINANCE TO AMEND THE CITY OF RAINIER COMPREHENSIVE PLAN
MAP FROM MULTI-FAMILY RESIDENTIAL MFR TO COMMERCIAL**

WHEREAS, applicants have requested to amend the City of Rainier Comprehensive Plan Map for Map T7 R2 Section 17 23 Tax Lot 100 (Lots 1-7) and Map T7 R2 Section 17 24 Tax Lot 2300 (Lots 15, 16 & 17) including approximately 1.37 acres from Multi-family Residential MFR to Commercial; and

WHEREAS, the City of Rainier Planning Commission did hold a duly noticed public hearing on February 28, 2006 and did conclude to recommend approval of such a change to the Rainier City Council; and

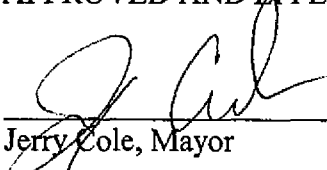
WHEREAS, the Rainier City Council did hold a duly noticed public hearing on March 20, 2006 and did find that after due consideration of all the evidence in the record compared to the criteria that they agreed with the application and the recommendation forwarded by the Rainier Planning Commission; and

WHEREAS, the City Council has considered findings of compliance with criteria and law applicable to the proposal;

NOW, THEREFORE, THE CITY OF RAINIER DOES ORDAIN AS FOLLOWS:


1. The above recitations are true and correct and are incorporated herein by this reference.
2. The City of Rainier Comprehensive Plan Map is amended to change the Plan designation of Multi-family Residential MFR to Commercial for land described as 1.37 acres including Tax Lot 100, Map T7 R2 Section 17 23 (Lots 1 - 7), and Tax Lot 2300 of Map T7 R2 Section 17 24 (Lots 15, 16, 17).
3. In support of the above amendment to the Comprehensive Plan Map, the City Council hereby adopts the Findings of Fact and Conclusions of Law in the City Staff Report dated February 21, 2006 for the Plan Map Amendment.
4. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

APPROVED AND EFFECTIVE this 3rd day of April 2006.



Jerry Cole, Mayor

Attested by:



Michelle Archibald, City Recorder