



# 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

March 19, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

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



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: April 2, 2007**

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Rhonda Stewart, City of Metolius

<paa> ya/

**FORM 2**

**D L C D 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

(See reverse side for submittal requirements)

DEPT OF

MAR 12 2007

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: City of Metolius Local File No.: \_\_\_\_\_  
(If no number, use none)

Date of Adoption: March 5, 2007 Date Mailed: March 9, 2007  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: Dec. 21, 2006

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

(Please Specify Type of Action)

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

Amend the City's Comprehensive Plan / Zoning map regarding  
the property currently owned by Richard Arila. Rezone  
the open space to Residential (R-1), as the open was  
approximately 25% of the total piece of property.

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

Same

Plan Map Changed from: Open to \_\_\_\_\_

Zone Map Changed from: Open Space to Residential (R-1)

Location: TL 900 Township 11S, Range 13E Acres Involved: 38

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: \_\_\_\_\_

Was an Exception Adopted? Yes:  No:

DLCD File No.: 001-06 (15665)

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: \_\_\_\_\_

Local Contact: Ronda Stewart Area Code + Phone Number (541) 546-5533  
Address: 636 Jefferson Ave City: Metolius  
Zip Code+4: 97741 Email Address: comet@crestviewcable.com

### 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 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 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.

**ORDINANCE NO. 241**

**AN ORDINANCE AMENDING THE CITY'S COMPREHENSIVE PLAN/ZONING MAP, CHANGING THE DESIGNATION OF CERTAIN PROPERTIES FROM OPEN SPACE (O/S) TO RESIDENTIAL (R-1)**

**WHEREAS**, the proposed revisions of the City of Metolius Municipal Codes may require the subdivider/developer to set aside and dedicate eight percent (8%) of the gross area of said development;

**WHEREAS**, there is a strong need for residential development in the area with the preferred location being within a city;

**WHEREAS**, the applicant, John Avila, has requested a Comprehensive Plan/Zoning Map Amendment on certain properties they own in the City. They submitted an application for said change in October 2006;

**WHEREAS**, proper notifications have been given to the Department of Land Conservation and Development, submitted on October 26, 2006, announcing the proposed map amendment;

**WHEREAS**, the Planning Commission hearing was scheduled on December 20, 2006. Proper notices were submitted to adjoining owners and notice was published in the local newspaper;

**WHEREAS**, due to the lack of an available quorum, there wasn't a Public Hearing held in front of the Planning Commission;

**WHEREAS**, the hearing was scheduled before the Metolius City Council on January 8, 2007. Proper notices were again submitted to the adjoining property owners and published in the local newspaper;

**WHEREAS**, the public hearing commenced at 7:00 p.m. on January 8, 2007, there being a quorum of the Council present.

**THEREFORE, THE COMMON COUNCIL OF THE CITY OF METOLIUS, HEREBY ORDAINS** as follows:

The property as shown by the Jefferson County Assessors records as Tax Lot 900 Township 11 South, Range 13 East, Blocks 48 and 56 currently zoned Open Space (O/S) shall be rezoned to Residential (R-1) with the agreement that the property owner may be required to set aside and dedicate eight percent (8%) of the gross area of said development for Open Space.

The Comprehensive Plan map, located on page 38 of the Comprehensive Plan, shall be amended to reflect the above change.

ADOPTED by the City Council and Signed by the Mayor this 5th day of March 2007.

Sandra Bms, Mayor  
Mayor

ATTEST

Sandra Stewart  
City Recorder



409 LINCOLN STREET  
THE DALLES, OR 97058

PHONE (541) 296-9177  
FAX (541) 296-6657

January 3, 2007

Honorable Mayor and Council  
City of Metolius  
636 Jefferson Avenue  
Metolius, Oregon 97741

Reference: Proposed Comprehensive Plan/Zoning Map amendment for Richard Avila

Ladies and Gentlemen:

The applicant, Richard Avila, is requesting a Comprehensive Plan/Zoning Map amendment for property he owns in the City. The property is a portion of a 40-acre tract, which was recently annexed to the City. The property in question contains approximately 10 acres and is currently planned and zoned Open Space/ Public Facilities (O/S). The applicant is requesting to designate the property as (R-1) to allow residential development for the entire 40 acres

#### PLANNING PROCESS

The City's Planning Commission currently does not have enough members to constitute a quorum. A Planning Commission hearing was scheduled for December 20, 2006 and was subsequently cancelled. There were not enough members to conduct the hearing; the application is being presented to the City Council without recommendation from the Planning Commission. The City Council is expected to conduct the public hearing and take final action on the matter. A Post Acknowledgement Plan Amendment Notice was submitted to the Department of Land Conservation and Development as required by State Statute. Public notices were forwarded to adjoining property owners as required by the City's Zoning Ordinance. In addition, a legal notice was published in the local newspaper as required.

#### BACKGROUND INFORMATION

This property, along with another 30 acres of the Avilla property, was included in the City's Urban Growth Boundary when the Comprehensive Plan was originally completed in 1978-1979. The Avila's own a majority of the property on the south side of the City between 9th Street and the vacated 11th Street. The primary reason this property was designated Open Space on the Comprehensive Plan Map was to allow a common sense Urban Growth Boundary line around the City. In the early days of the State of Oregon's Land Use Planning Process, the State focused on requiring Cities to have Urban Growth Boundaries that almost precisely met the projected land needs as shown by the City's population projections. This property was designated as Open Space to reduce the amount of residential land being brought into the City's Urban Growth Boundary. This writer represented the City at the City's Acknowledgement hearing before the Land Conservation and Development Commission in late 1979. There was a rather heated debate over the fact that the Comprehensive Plan Map contained a total of 23 acres more residential land than actually could be shown needed in the City over the 20-year plan horizon.

y of Metolius  
January 03, 2007  
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The City's decision to designate this property as Open Space was to allow the inclusion of the property in the Urban Growth Boundary and eliminate the potential for a checkerboard type of UGB boundary line.

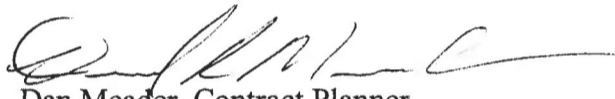
#### ORDINANCE REQUIREMENTS

The Metolius Zoning Ordinance does not set establish any specific criteria for reviewing proposed Comprehensive Plan/Zoning Map amendments, Generally there should be a proof of public need and that there is the ability to provide services to the property. It is a well-established fact in Jefferson County that more land for residential development is needed and within existing Cities is the preferred location for such developments. The City's new wastewater collection and treatment system is more that adequate to serve this property. The provision of other public facilities to the property should be easily accomplished.

#### STAFF RECOMMENDATION

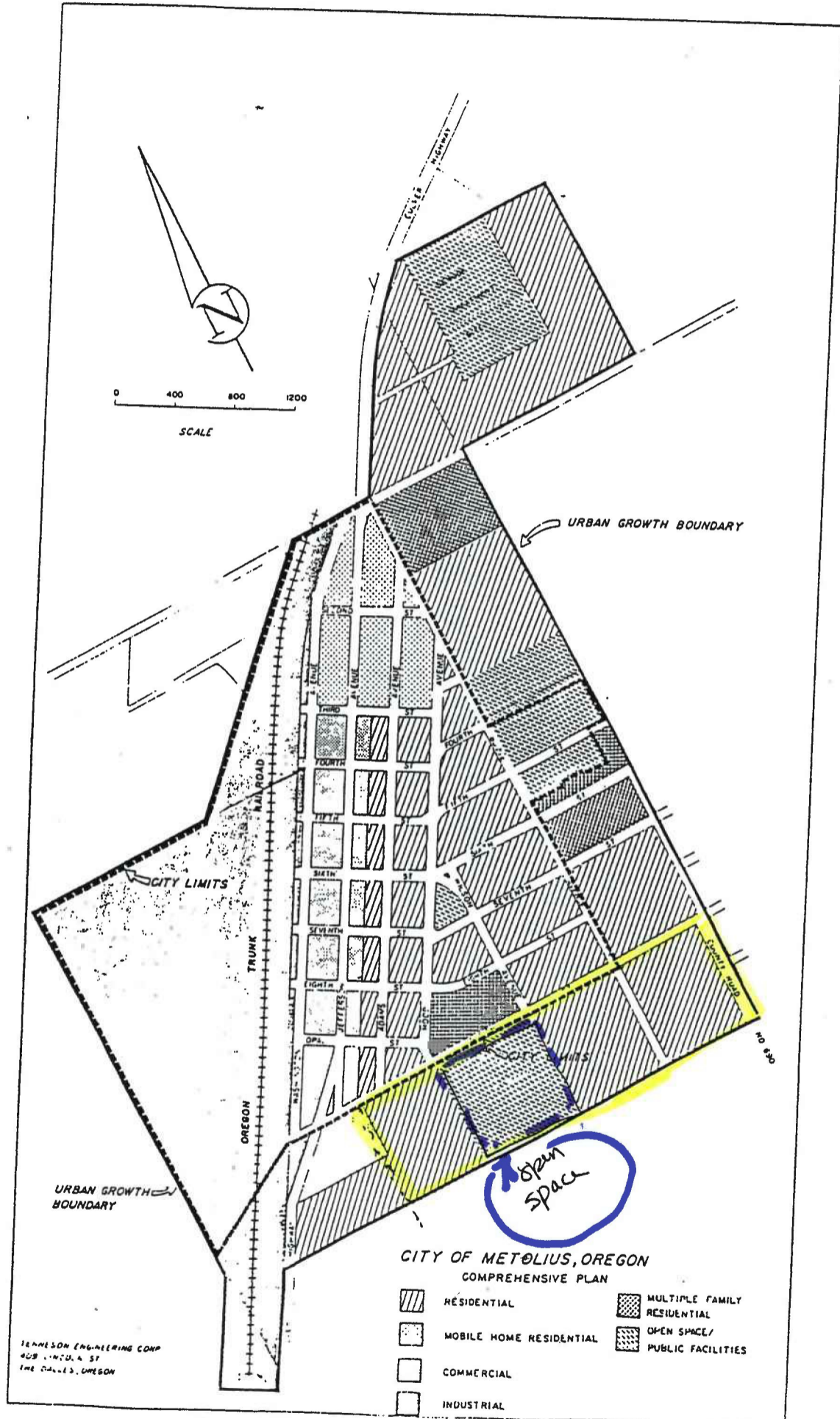
The staff recommendation is for approval of the proposed Comprehensive Plan/Zoning Map amendment.

Respectively submitted,



Dan Meader, Contract Planner  
DM:lw

<Metol.058>



CITY OF METOLIUS, OREGON  
COMPREHENSIVE PLAN

- |                         |                                  |
|-------------------------|----------------------------------|
| RESIDENTIAL             | MULTIPLE FAMILY RESIDENTIAL      |
| MOBILE HOME RESIDENTIAL | OPEN SPACE/<br>PUBLIC FACILITIES |
| COMMERCIAL              |                                  |
| INDUSTRIAL              |                                  |

12 HANCOCK ENGINEERING CORP  
405 W. 14TH ST  
LAKE OREGON, OREGON

DATE: 11/15/11