



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

11/2/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Ontario Plan Amendment
DLCD File Number 002-10

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, November 16, 2010

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).

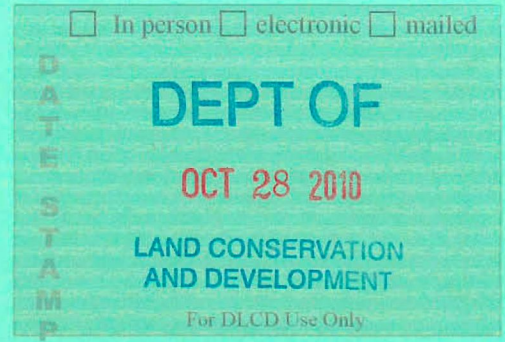
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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: David Richey, City of Ontario
Gloria Gardiner, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative

<paa> YA

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

Jurisdiction: **City of Ontario** Local file number: **2010-07-09 AZ**
Presbyterian Community Care Center (Annexation & Zoning)
 Date of Adoption: **Oct 18, 2012, 2nd & final reading** Date Mailed: **Oct 26, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **July 13, 2010**

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: TSP Amendment |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
ANNEXATION REQUIRES REZONE CONSISTANT WITH COMP. PLAN

Does the Adoption differ from proposal? **No**. If so, it would be in the form of selection of specific options.

Plan Map Changed from: _____ to: _____
 Zone Map Changed from: **UGA RES.** to: **RM-10**
 Location: **1515 SE 2ND ST.** Acres Involved: **7 AC**

Specify Density: Previous: **UGA 1/ 5000SF TO 1/1000SF** New: **City 1/1000SF**

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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO X

Did DLCD receive a Notice of Proposed Amendment...

- | | | |
|--|---|-----------------------------|
| 45-days prior to first evidentiary hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, do the statewide planning goals apply? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, did Emergency Circumstances require immediate adoption? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

DLCD file No. _____

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

Local Contact: **David Richey Planning Official (P/T)** Phone: **(541) 881-3222** Extension: _____
 Address: **City Hall, 444 SW 4th St.** Fax Number: **541-881-3251**
 City: **Ontario, OR** Zip: **97914** E-mail Address: david.richey@ontariooregon.org

FILED
12:23 P. M.
OCT 22 2010

DEBORAH R. DE LONG County Clerk
By *Sheryl Childs* Deputy

ORDINANCE # 2650-2010

**FINAL ORDER AND FINDINGS OF FACT IN THE MATTER OF
PLANNING FILE 2010-07-09 AZ, THE ANNEXATION OF SEVEN (7) ACRES OF
PROPERTY INTO THE CITY OF ONTARIO AND TO REZONE SAID PROPERTY
FROM UGA-RESIDENTIAL TO THE CITY RM-10 HIGH DENSITY RESIDENTIAL;
THE PROPERTY IS GENERALLY KNOWN AS TAX LOT 3300,
ASSESSORS MAP 18S 47E-05BD,
LOCATED AT 2431 NW 4TH AVENUE, ONTARIO**

FINDINGS OF FACT:

- Whereas:** The proposal complies with applicable provisions of the Ontario Comprehensive Plan, Title 10 and its zone and administrative sections 10A and 10B, and;
- Whereas:** Notice has been sent to the Department of Land Conservation and Development a minimum of 45 days prior to this formal procedure to annex and in particular, rezone the subject property in accord with State Administrative Rules, and;
- Whereas:** The subject site is within the City of Ontario Urban Growth Area and thus approved under the rules and regulations of the State of Oregon for annexation to the City, and;
- Whereas:** The subject Urban Growth Area is classified as Residential and the proposed zone is RM-10 High Density Residential which is consistent with the UGA classification, and;
- Whereas:** The new property owner has formally requested that the subject site be annexed, the primary purpose of the annexation is to have City utilities and services, and;
- Whereas:** The subject site is immediately adjacent to the City boundary, and;
- Whereas:** City emergency services are available to this site in a manner similar to other land in the City, and;
- Whereas:** All appropriate local notices have been given for this proposal and the public hearings it requires, and;

Whereas: The property is seven (7) acres in size and is known as Tax Lot 3300, Assessor's Map #18S 47E 05BD, and;

Whereas: Pursuant to the formal application, the Ontario Planning Commission held a properly noticed public hearing on September 13, 2010 and made a recommendation to City Council, and;

Whereas: The City Council held a properly noticed public hearing on October 4, 2010, and reviewed all evidence and testimony submitted at the City of Ontario hearings.

NOW THEREFORE, THE CITY COUNCIL OF ONTARIO ORDAINS AS FOLLOWS:

Based upon the Comprehensive Plan, the procedures and regulations provided in Title 10 of the Comprehensive Plan and Zoning Ordinance, and the above listed Findings of Fact, the Ontario City Council approves and adopts Ordinance # 2650-2010 annexing and rezoning the seven (7) acre property identified as Tax Lot 3300, Assessor's Map #18S 47E 05BD (specific description attached) owned by Presbyterian Community Care Center, to RM-10, High Density Residential.

PASSED AND ADOPTED by the Common Council of the City of Ontario this 18th day of October, 2010 by the following vote:

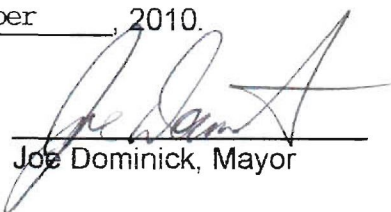
AYES: Fugate, Sullivan, Mills, Dominick, Gaskill, Crume

NAYS: None

ABSENT: Verini

ABSTAIN: None

APPROVED by the Mayor this 18 day of October, 2010.



Joe Dominick, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder

Exhibits

- Exhibit "A" Applicant's letter
- Exhibit "B" Comprehensive Plan/Zoning "Before & After" Maps
- Exhibit "C" Aerial photo
- Exhibit "D" Consent to annex form

**PRESBYTERIAN COMMUNITY CARE CENTER
BUILDING PROJECT**

BACKGROUND

Presbyterian Community Care Center (PCCC) was incorporated in 1957 and has occupied its current location at 1085 North Oregon Street since 1960. Responding to growing community need, PCCC expanded to a capacity of one hundred twenty three beds in the 1970's, serving mostly long term care residents.

Since that time, the state of Oregon has lead the country in promoting alternatives to long term nursing home care. Community-based levels of care such as assisted living, foster homes, and residential care have developed rapidly. Meanwhile, PCCC has changed much of its focus to providing short term therapies for those who need transition from a hospital setting to home or to a more independent level of care. PCCC's typically maintains a census of forty to fifty residents.

PLANS

The Board of Directors of Presbyterian Community Care Center proposes to build a new facility that will better meet the needs of current and future residents. All operations of the Care Center will be moved to the new location. PCCC has chosen an architectural firm and a contractor, both of whom have extensive experience with nursing home construction. Plans are to continue PCCC's current services, including both transitional and long term care. A priority with our new facility is to avoid an institutional appearance; the building (inside and out) will have a residential ambience.

The transitional care unit will serve up to forty inpatients and a varying number of outpatients. The majority of those served will receive orthopedic and neurologic aftercare. PCCC will continue to staff Physical, Occupational and Speech therapists, and a well-equipped therapy gym will be a significant feature of the facility. PCCC will also continue to offer services for skilled nursing diagnoses (wound care, I.V.'s, respiratory illnesses, cardiac issues, etc.).

PCCC's longterm care unit will focus on residents who need help with activities of daily living. Current plans for the unit are to serve up to fourteen residents with varying health diagnoses and certain cognitive disorders.

EXHIBIT "B"
Vicinity Maps
Before and After Change

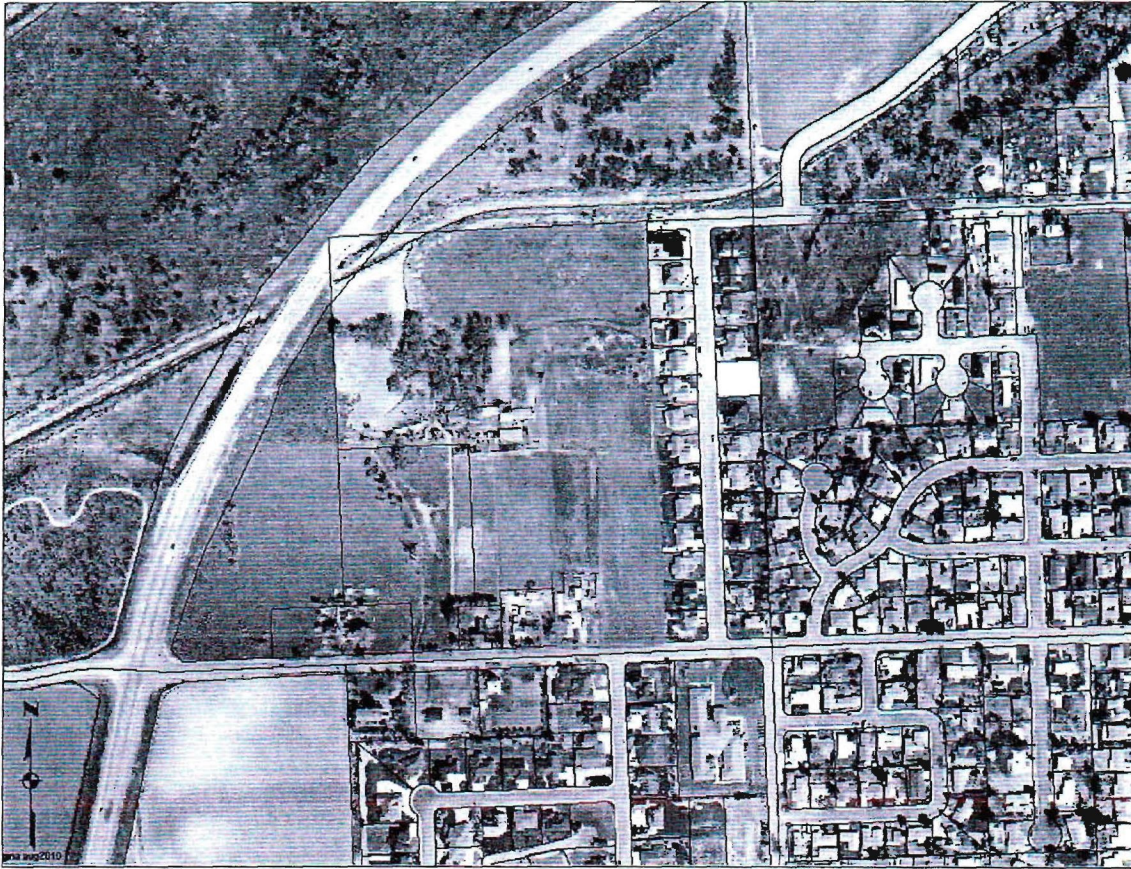


BEFORE Annexation, Plan & Zone Change (R-UGA)



AFTER Annexation, Plan & Zone Change (RM-10 or RD-40)

EXHIBIT "C"
Aerial Photo



City of Ontario Planning and Zoning Application Form

444 SW 4th Street, Ontario, OR 97914
Permit Center Annex: 458 SW 3rd Street
Voice (541) 881-3224 / (541) 881-3222
Fax (541) 881-3251

EXHIBIT 108
Consent to Annex Form

CONSENT TO ANNEXATION

FILE # 2010-07-09 AZ Date Received 7-12-2010 (MS)

Fee: \$330.00 + 2 cents per square foot Accepted as Complete

Know all men by these presents, that we, the undersigned, being owners, contract purchasers, mortgagees, or security holders upon a portion of land described below and which is proposed to be annexed to the City of Ontario, do hereby give our irrevocable consent that such land be annexed to the City of Ontario, and that our consent may be filed with the City Council of Ontario Oregon and that no election shall be held in said territory or notices posted therein. This consent is given pursuant to ORS Section 222.170.

Name Robert & Marie Davis Trust, UAD 11/29/03 Signature
Name Signature
Name By Gary Robert Davis, Trustee Signature Gary Robert Davis
Name By Sandra Kay Plaza, Trustee Signature Sandra Kay Plaza
Name Presbyterian Community Care Center Signature
Name By Prudence Sherman, Chairman Signature Prudence Sherman

The above signatures on the original consents were filed in the office of the City Recorder in accordance with State Statute. The above parties are all the property owners within the territory to be annexed.

City Recorder

Property information:

Address 2431 Northwest 4th Avenue, Ontario, Oregon 97914
Tax Map # 1854705BD BS 4J 05 BD Tax Lot #(s) 3300
Tax Map # Tax Lot #(s)
Lot size 330' X 924' 7 acres Zoning R - UGA
Existing use Residential and Agricultural
Proposed City zone RMB 10

Please provide a legal description on a separate sheet.

OFFICE USE ONLY

120 day time limit Accepted as complete Final decision by
DLCD 45-day notice required Y/N Date mailed Date of first hearing
Notice of PC Hearing Date mailed Posted on site
Notice to media Publication date Emailed
Hearing dates PC CC
Notice of Decision Date mailed Appeal deadline
Legal description to DUR
Associated applications

Ordinance #2650-2010:
Presbyterian Community Care Center

City of Ontario Planning and Zoning

444 SW 4th Street, Ontario, OR 97914
Permit Center Annex: 458 SW 3rd Street
Voice (541) 881-3224 / Fax (541) 881-3251
david.richey@ontariooregon.org



August 19, 2010

NOTICE OF PUBLIC HEARINGS

Dear property owner/affected agency;

You have been identified as a person or agency entitled to notice of the following matter.

ACTION 2010-07-09 AZ: A request for Annexation and Zoning of 7 acres. The existing classification is Urban Growth Area Residential and is proposed to be changed to the City classification, RM-10, High Density Residential or alternately RD-40 Duplex Residential upon annexation. This is a Comprehensive Plan and Zoning Map amendment. The subject property is addressed as 2431 NW 4th Ave, Tax Lot 3300 Assessors Map 18S 47E 05BD. The applicant and new property owner is Presbyterian Community Care Center.

This item will come before the City of Ontario Planning Commission at its regular meeting on Monday, Sept. 13, 2010 beginning at 7:00 P.M. in the Council Chambers of City Hall. Further, the City Council at its regular meeting beginning at 7:00 P.M. in the Council Chambers of City Hall on Monday Oct. 4, 2010 will consider the same matter as a recommendation from the Planning Commission and make the final determination on each the annexation and the rezone issues. The decision will be based on criteria applicable to the request, and the hearings will be conducted in accordance with notice and procedural requirements for hearings as set forth in Titles 10A and 10B of the City of Ontario Municipal Code.

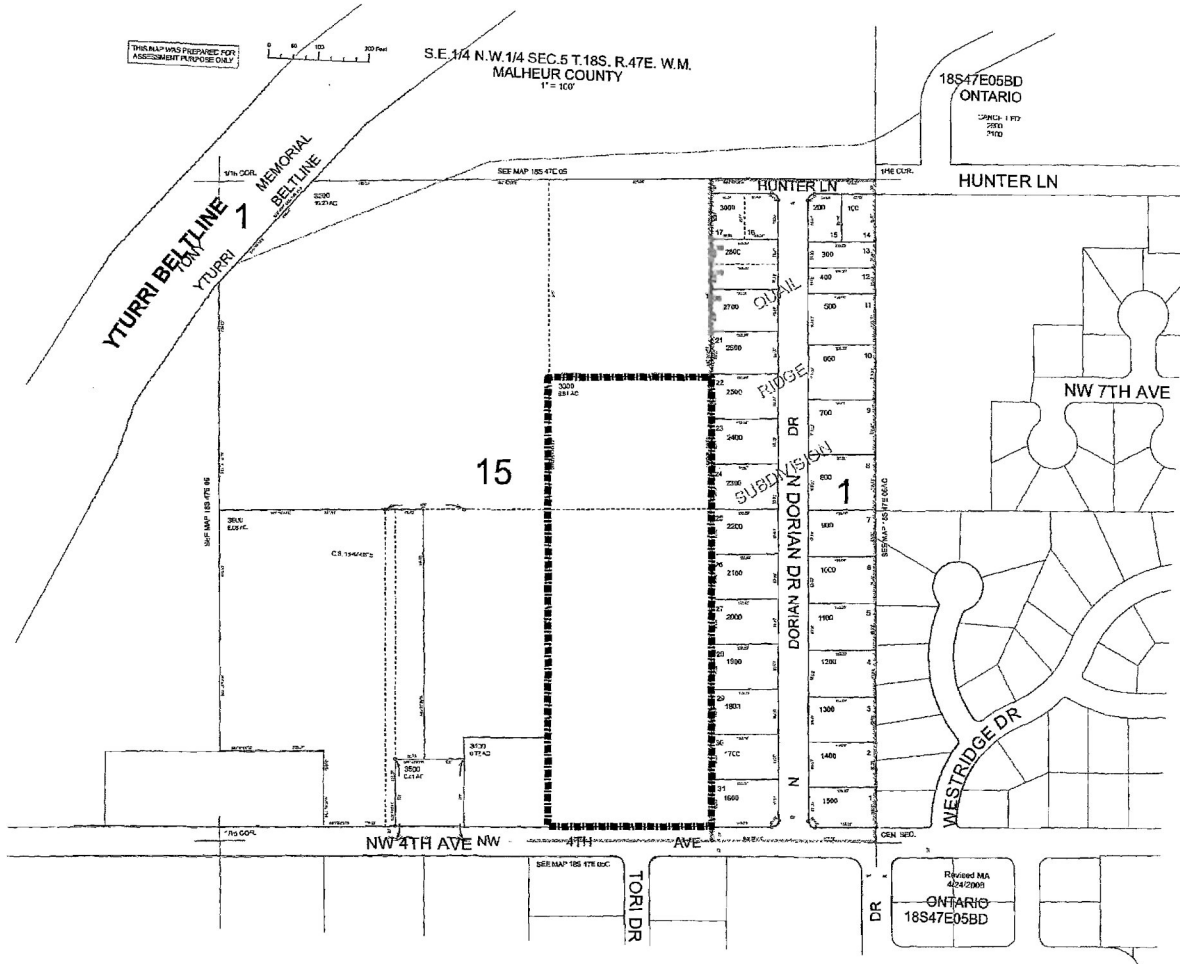
Comments on any or all of these matters may be submitted in writing to the Planning Division at the above address by 5:00 P.M. on or prior to the date of the hearing. Oral or written testimony may be given at the public hearing. Oral comments at any location or time other than at the hearing, will not be considered. Failure to formally raise an issue orally or in writing with sufficient clarity and specificity to enable the decision maker an opportunity to respond to your statements, precludes appeal to the Land Conservation & Development Commission.

Information submitted by the applicant and the City staff report may be viewed at the City Hall Annex (Permit Center), 458 SW 3rd St, Ontario, copies may be obtained at reasonable cost.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**

For additional information contact Planning & Zoning

LOCATION MAP



THOSE PORTIONS OF THE WEST ONE HALF OF THE SOUTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER (W1/2SE1/4SE1/4NW1/4) AND THE WEST ONE HALF OF THE NORTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER (W1/2NE1/4SE1/4NW1/4), BOTH LYING WITHIN SECTION 5, TOWNSHIP 18 SOUTH, RANGE 47 EAST, WILLAMETTE MERIDIAN, IN THE COUNTY OF MALHEUR, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF SAID W1/2SE1/4SE1/4NW1/4 WITH THE NORTHERLY LINE OF THE SOUTH 25 FEET THEREOF AS WAS DEEDED FOR COUNTY ROAD RIGHT WAY PURPOSES AS RECORDED IN BOOK 9, PAGE 426; THENCE NORTH 00°06'17" WEST ALONG THE WESTERLY LINE OF SAID W1/2SE1/4SE1/4NW1/4 AND SAID W1/2NE1/4SE1/4NW1/4, 902.73 FEET TO A LINE LYING PARALLEL WITH AND 16 RODS (264 FEET) NORTH OF THE SOUTH BOUNDARY OF SAID W1/2NE1/4SE1/4NW1/4; THENCE SOUTH 89°54'19" EAST ALONG SAID PARALLEL LINE, 327.94 FEET TO THE EASTERLY LINE OF SAID W1/2NE1/4SE1/4NW1/4; THENCE SOUTH 00°05'26" EAST ALONG THE EASTERLY LINE OF SAID W1/2NE1/4SE1/4NW1/4 AND SAID W1/2SE1/4SE1/4NW1/4, 902.61 FEET TO SAID NORTHERLY RIGHT OF WAY LINE; THENCE NORTH 89°55'37" WEST ALONG SAID NORTHERLY LINE, 327.72 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

SAID PARCEL OF LAND CONTAINING 6.79 ACRES MORE OR LESS.

FLORENCE, WILLIAM D & LINDA L
527 N DORIAN DR
ONTARIO, OR 97914

LEBOUTILLIER, AARON & LAURA
760 N DORIAN DR
ONTARIO, OR 97914

COX, STEVE W & SHARON B
514 N DORIAN DR
ONTARIO, OR 97914

SPOKAS, FRANCIS J & PATRICIA D
383 TORI DR
ONTARIO, OR 97914

HEYREND, JAMES L & SONDR A F
702 N DORIAN DR
ONTARIO, OR 97914

OCCUPANT
380 TORI DR
ONTARIO, OR 97914

HEYREND, JAMES L ETAL
702 N DORIAN DR
ONTARIO, OR 97914

CAMMACK, BRADLEY
656 N DORIAN DR
ONTARIO, OR 97914

HERRIMAN, RICHARD C & MARY J
661 N DORIAN DR
ONTARIO, OR 97914

DOMAN, WILLIAM S & SUZANNE M
719 N DORIAN DR
ONTARIO, OR 97914

HALL, EUGENE P & MINORI
770 N DORIAN DR
ONTARIO, OR 97914

THOMPSON, ALLEN J
767 N DORIAN DR
ONTARIO, OR 97914

LE BOUTILLIER, PAUL D & SUSAN
734 N DORIAN DR
ONTARIO, OR 97914

BARTON FAMILY TRUST
383 WEST MAIN ST S
VALE, OR 97918

SAXTON, DARRELL E
699 N DORIAN DR
ONTARIO, OR 97914

DAVIS, ROBERT & MARIE TRUST
C/O LOIS DAVIS
4362 SAGE RD
ONTARIO, OR 97914

HOLCOMB, WALLY ANN ETUX
683 N DORIAN DR
ONTARIO, OR 97914

OESTER, MARK T & STEPHANIE J
602 N DORIAN DR
ONTARIO, OR 97914

ELFERING, JOYCE L
617 N DORIAN DR
ONTARIO, OR 97914

SKEESUCK, FLOYD D & MAVIS J
570 N DORIAN DR
ONTARIO, OR 97914

WININGS, ALFRED B & JO ANN
593 N DORIAN DR
ONTARIO, OR 97914

PALMER, KARLA J
499 N DORIAN DR
ONTARIO, OR 97914

LAWRENCE, WILLIAM FAMILY
TRUST
482 N DORIAN DR
ONTARIO, OR 97914

HUNSUCKER, ROBERT W & TANA M
487 N DORIAN DR
ONTARIO, OR 97914

CUNNINGHAM, ROBERT &
ESPERANZA
468 N DORIAN DR
ONTARIO, OR 97914

FROST, JACK T ETAL
429 N DORIAN DR
ONTARIO, OR 97914

SADOWSKI, JON M & MARY E
436 N DORIAN DR
ONTARIO, OR 97914

LASLEY, HUBERT & MARY LOU
2565 NW 4TH AVE
ONTARIO, OR 97914

ROOD, GALE D & JANET M
405 N DORIAN DR
ONTARIO, OR 97914

CARRASCO, PEDRO R
2199 NW 4TH AVE
ONTARIO, OR 97914

RUSSELL, TOM E & BONNIE L
2800 NW 4TH AVE
ONTARIO, OR 97914

C & I PROPERTIES LLC
2104 W IDAHO AVE
ONTARIO, OR 97914

RUSSELL, TOM E & BONNIE L
2800 NW 4TH AVE
ONTARIO, OR 97914

SUSUKI, LARRY & JENNIFER
347 TORI DR
ONTARIO, OR 97914

TUTTLE, LARRY J & VICTORIA M
2430 SW 4TH AVE SUITE 1
ONTARIO, OR 97914

DE BISSCHOP, RICHARD & ANN
P O BOX 220
ONTARIO, OR 97914

YEAGER, NANCY FRIES TRUST
2481 PATRICIA AVE
ONTARIO, OR 97914

REDLAND, NORMAN & PATTY
278 TORI DR
ONTARIO, OR 97914

CAMERON FAMILY TRUST
2529 PATRICIA AVE
ONTARIO, OR 97914

ATTEBERY, NADINE W
2675 NW 4TH AVE
ONTARIO, OR 97914

MELLINGER, KEITH W & SUE R
P O BOX 1169
ONTARIO, OR 97914

ATTEBERY TRUST
2675 NW 4TH AVE
ONTARIO, OR 97914

CLASON, MICHAEL E
762 SW 12TH ST
ONTARIO, OR 97914

City of Ontario Planning and Zoning
444 SW 4th Street, Ontario, OR 97914
Permit Center Annex: 458 SW 3rd Street
Voice (541) 881-3221 / Fax (541) 881-3251
david.richey@ontariooregon.org



**ONTARIO CITY COUNCIL
NOTICE OF DECISION**

October 26, 2010

DATE OF FINAL CITY COUNCIL ACTION: October 18, 2010, 2nd Reading

PLANNING FILE: 2010-07-09 AZ

APPLICANT/REPRESENTATIVE: Presbyterian Community Care Center

PROPERTY OWNER: Presbyterian Community Care Center
Ontario, Oregon 97914

REQUEST: To Annex and Rezone seven (7) acres to RM-10

SITE LOCATION: 2431 NW 4th Ave. Tax Lot 3300, Assessors Map
18S 47E-05BD

APPLICANT, INTERESTED PERSONS AND AGENCIES

Following a recommendation from the Ontario City Planning Commission a request for annexation and zoning of property was reviewed and approved by the Ontario City Council. The Council's second and final reading of the implementing ordinance was held on October 18, 2010. All required public notices were given and public hearings held. The subject property was annexed to the City and zoned RM-10, High Density Residence

INFORMATION: If you as a participant, have any questions regarding this Notice of Decision or wish to request a copy of any documents related to this matter, please contact the City Planning Department. The ordinances carrying out this decision, and supporting documentation, are available for review at this address; copies may be obtained at a reasonable cost.

Sincerely,

A handwritten signature in black ink, appearing to read "David Richey". The signature is written in a cursive, somewhat stylized font.

David Richey
City of Ontario Planning and Zoning Administrator

City of Ontario-Planning Dept
144 SW 4TH Street
Ontario, OR 97914
(541) 881-3224



Attn : Plan Amendment Specialist
D.L.C.D.
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540