



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Director's Office Fax (503) 378-5518

Main Fax: (503) 378-6033

Web Address: <http://www.lcd.state.or.us>



NOTICE OF ADOPTED AMENDMENT

December 16, 2011

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Arlington Plan Amendment
DLCD File Number 002-11

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: Thursday, December 29, 2011

This amendment was submitted to DLCD for review 45 days prior to adoption and the jurisdiction determined that emergency circumstances required expedited review. 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: Pam Rosenbalm, City of Arlington
Angela Lazarean, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

DEC 09 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-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 Arlington**

Date of Adoption: **11/9/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 8/12/2011

Comprehensive Plan Text Amendment

Land Use Regulation Amendment

New Land Use Regulation

Local file number: **003-11 revised**

Date Mailed: **12/8/2011**

Comprehensive Plan Map Amendment

Zoning Map Amendment

Other:

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

Reduced minimum lot size in M-2 Zone from 40 acres to 5 acres.

Does the Adoption differ from proposal? Please select one

NO

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location:

Acres Involved:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-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. 002-11 (18896) [16856]

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

Local Contact: **Pam Rosenbalm, City Recorder**

Phone: (541) 454-2743 Extension:

Address: **P.O. Box 68**

Fax Number: - -

City: **Arlington**

Zip: **97812-**

E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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.

**CITY OF ARLINGTON ORDINANCE
ORDINANCE NO. 411**

**AN ORDINANCE AMENDING THE
CITY OF ARLINGTON ZONING ORDINANCE TEXT TO PROVIDE FOR
ADMINISTRATIVE REVIEWS FOR CERTAIN TYPES OF CONDITIONAL USES
AND SITE PLAN REVIEWS AND TO REDUCE THE LOT SIZE IN THE INDUSTRIAL
M-2 ZONE FROM 40 ACRES TO 5 ACRES AND DECLARING AN EMERGENCY**

LEGISLATIVE FINDINGS

- A. The City has determined, over the past several months, that a need exists to establish an Administrative Review of Site Plan Reviews and Conditional Uses where the anticipated impacts on adjoining properties are negligible. In addition, the City has determined that it is in the City's best interest to reduce the lot size for the M-2 Zone from 40 acres to 5 acres. The City has notified the Department of Land Conservation and Development of both of these proposed amendments using the Post-Acknowledgement Plan Amendment Notice procedure.
- B. The City has provided notice via the City's newspaper of record of the proposed amendments. Being Legislative Amendments, no specific Notice to Adjoining Property Owners was required.
- C. The Planning Commission conducted a public hearing on August 30, 2011 to consider the proposed lot size amendment in the M-2 Zone and a public hearing on September 27, 2011, to consider the proposed Administrative Review Procedures. At the close of both hearings, the Planning Commission moved unanimously to forward the materials to the City Council with a recommendation for approval.
- D. The City Council conducted public hearings on October 5, 2011, to consider both the proposed Administrative Review procedures and the reduced lot size in the M-2 Zone. At the close of the public hearing, the City Council moved to adopt these proposed amendments listed below.

ADOPTION

- A. The Arlington Zoning Ordinance, in Section 3.5(4)(a) shall be revised to read:
A minimum lot size of 5 acres shall be required.
- B. The Arlington Zoning Ordinance at Section 5.1(5)(B) shall be revised to read:
Administrative Review or Public Hearings on Conditional Use. Before the Staff or Planning Commission can act on a Conditional Use Permit request, a Notice of Administrative Review or, if the matter is to be conducted before the Planning Commission, a public hearing notice must be sent in accordance with Section 8.5(2)(A). In the case of an Administrative Hearing, if any objection is received within the time specified in the Notice of the Administrative Review, the matter will be elevated to a

Planning Commission public hearing and new notices advertising the said public hearing shall be distributed.

C. The Arlington Zoning Ordinance at Section 5.1(5)(c) shall be revised to read:

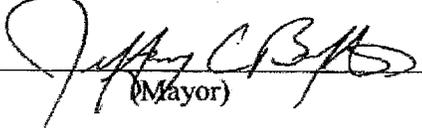
Within five (5) days following the Administrative Staff decision, or a Planning Commission decision, the City Recorder shall provide the applicant with a written notice of the Administrative or Planning Commission decision on the application.

EMERGENCY CLAUSE

This ordinance being enacted by the Common Council in the exercise of its police power and for the purpose of meeting an emergency, and being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect immediately upon being enacted.

ADOPTED by the Common Council this 9th day of November, 2011.

CITY OF ARLINGTON



(Mayor)

ATTEST:



(City Recorder)



LETTER OF TRANSMITTAL

TO: Department of Land Conservation and Development
 635 Capitol Street NE, Suite 150
 Salem, Oregon 97301-2540

DEPT OF
DEC 09 2011
LAND CONSERVATION
AND DEVELOPMENT

Date 12/8/11	Work Order # 11700
Attention Plan Amendment Specialist	
RE: Notice of Adoption	
003-11 revised	
City of Arlington	

ENCLOSED ARE THE FOLLOWING:

QUANTITY	DESCRIPTION
1	DLCD NOTICE OF ADOPTION—CITY OF ARLINGTON #003-11 revised

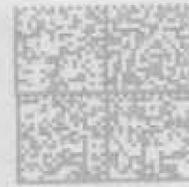
THESE ARE TRANSMITTED (as checked below)

- | | | |
|--|--|--|
| <input type="checkbox"/> For approval | <input type="checkbox"/> As requested | <input type="checkbox"/> Filing/Recording |
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> For your review & comment |

CHARGES

Remarks:	SF Blueline	
	SF Mylar	
	Xerox	
	Tube, Mailer, Etc.	
	P & H	
	TOTAL	

PICKED UP BY:
 DELIVERED BY: U.S. Mail
 COPY TO: City Recorder, City of Arlington BY: Daniel R. Meader, Planner



042JB0072111
recpost
\$1.48
12/09/11
Mailed From 97058
US POSTAGE

TENNESON ENGINEERING CORP.

3313 WEST SECOND STREET, SUITE 100
THE DALLES, OR 97058

To:

Attn: Plan Amendment Specialist
Department of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540