



# 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

08/15/2011

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 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Friday, August 26, 2011

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  
Angela Lazarean, DLCD Urban Planning Specialist

Grant Young, DLCD Regional Representative

<paa> N

# 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

In person  electronic  mailed

**DEPT OF**

**AUG 08 2011**

**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Ontario and Marion Brown (Annexation & Zoning)**

Local file number: **2011-02-04 AZ (Michael Brown)**

Date of Adoption: **July 18, 2011, 2nd & final reading**

Date Mailed: **July 20, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **Feb 16, 2011**

- |  |  |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" 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? **Yes – Staff had proposed duplex zone.** 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: **RS-50 Single Family Residential**

Location: **2040 Hunter Lane** Acres Involved: **1/4 AC**

Specify Density: Previous: **UGA 1/ variable SF** New: **City 1/4000 SF**

Applicable statewide planning goals:

- |                          |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                                     |                          |                          |                                     |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                 | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                           | <b>11</b>                           | <b>12</b>                | <b>13</b>                | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <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?  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: **ODOT**

Local Contact: **David Richey Planning Official (P/T)** Phone: **(541) 881-3222** Extension: \_\_\_\_\_

Address: **City Hall, 444 SW 4<sup>th</sup> St.** Fax Number: **541-881-3251**

City: **Ontario, OR** Zip: **97914** E-mail Address: **[david.richey@ontariooregon.org](mailto:david.richey@ontariooregon.org)**



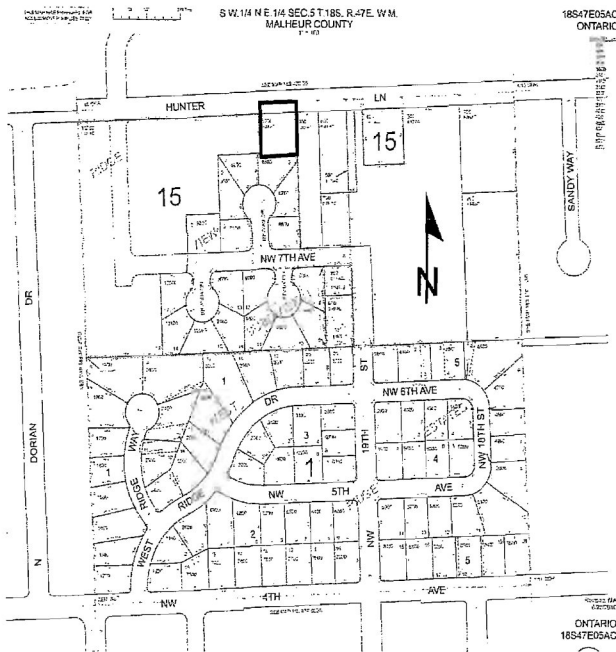
City of Ontario  
Department of Public Works  
Planning and Zoning Administrator  
444 SW 4<sup>th</sup> Street  
Ontario, OR 97914  
Voice (541)881-3222  
Fax (541)881-3251  
[david.richey@ontariooregon.org](mailto:david.richey@ontariooregon.org)

August 5, 2011

Re: Notice of City Council Final Decision On Annexation of Brown Family property.

On July 18, 2011 the Ontario City Council approved the annexation of the Brown property at tax lot 1000; assessor's map #18S 47E 05AC; 2040 Hunter Lane Neighborhood by the second and final reading of the implementing ordinance. This ordinance will become final after in 30 days.

Map of Annexed Area.



Sincerely,

David Richey  
City of Ontario Planning and Zoning Administrator



I, Deborah R. DeLong, County Clerk for Malheur County,  
Oregon certify that the instrument identified herein was  
recorded in the Clerk records.

Deborah R. DeLong - County Clerk

A handwritten signature in black ink, appearing to be 'D. DeLong', written over the printed name.

**ORDINANCE #2658-2011**

**FINAL ORDER AND FINDINGS OF FACT IN THE MATTER OF PLANNING FILE  
2011-02-04 AZ, THE ANNEXATION OF 1/4 ACRE OF PROPERTY INTO THE CITY  
OF ONTARIO AND TO REZONE SAID PROPERTY FROM UGA-RESIDENTIAL TO  
THE CITY RD-40 DUPLEX RESIDENTIAL. THE PROPERTY IS GENERALLY  
KNOWN AS TAX LOT 1000, ASSESSORS MAP 18S 47E-05AC, LOCATED AT 2040  
HUNTER LANE, 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 RD-40 Duplex Residential which is consistent with the UGA classification; and,
- Whereas:** The property owner has formally requested that the subject site be annexed, the primary purpose of the annexation is to have City sewer service; 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 1/4 acre in size and is known as Tax Lot 1000, Assessor's Map #18S 47E 05AC; and,

**Whereas:** Pursuant to the formal application, the Ontario Planning Commission held a properly noticed public hearing on April 11, 2011 and made a recommendation to City Council; and,

**Whereas:** The City Council held a properly noticed public hearing on May 2, 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, the Ontario City Council approves and adopts Ordinance #2658-2011 annexing and rezoning the 1/4 acre property identified as Tax Lot 1000, Assessor's Map #18S 47E 05AC and rezoning to RD-40, Duplex Residential. The following contiguous territory be and the same is hereby annexed: The property mapped and legally described in the attached Exhibits "A" and "B" respectively.

**PASSED AND ADOPTED** by the Common Council of the City of Ontario this 18th day of July, 2011 by the following vote:

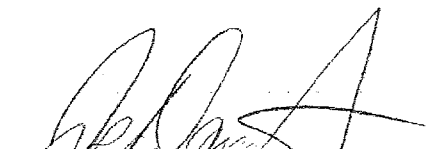
AYES: Fugate, Jones, Crume, Dominick, Sullivan, Verini

NAYS: None

ABSENT: Fox


ABSTAIN:

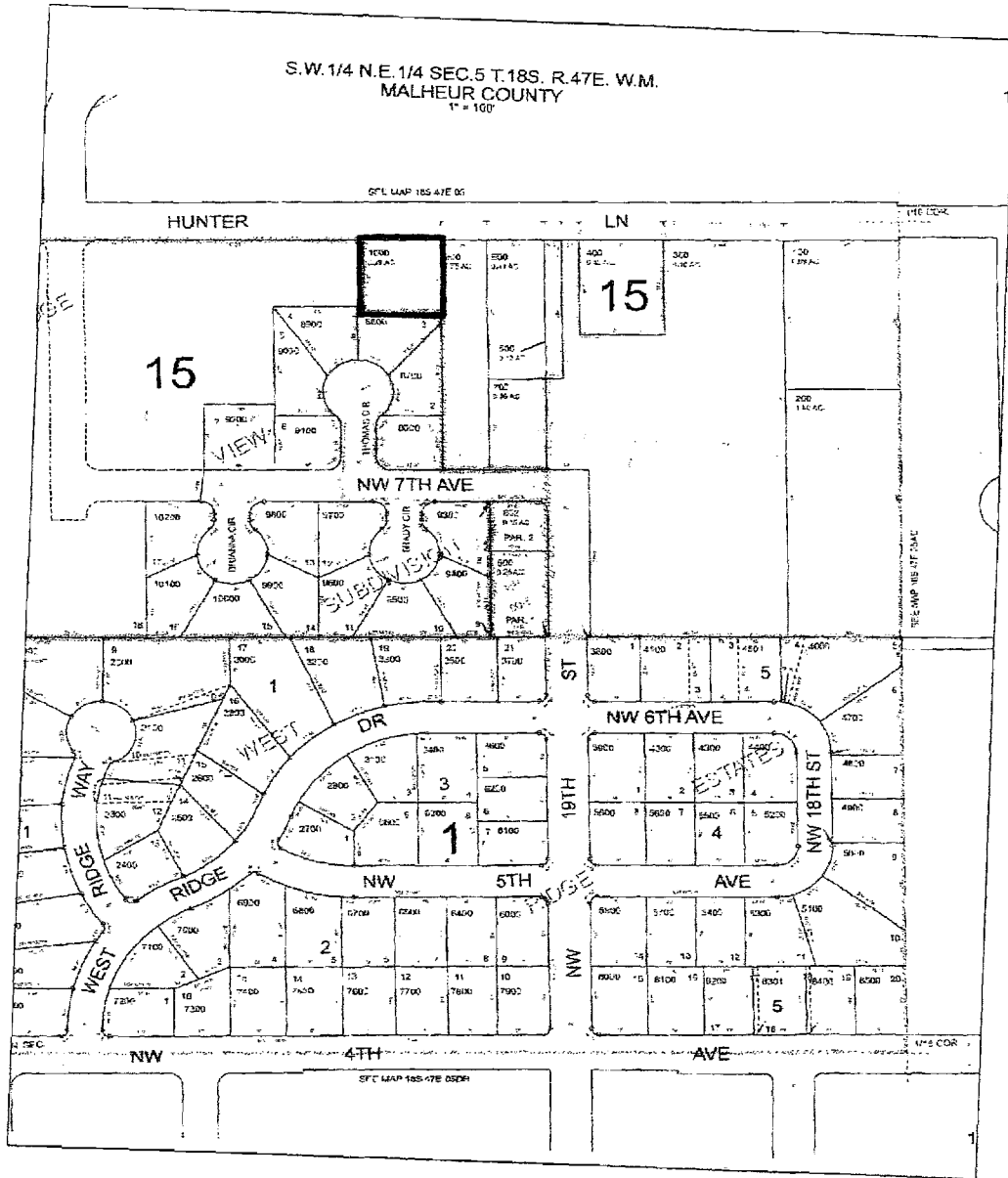
**APPROVED** by the Mayor this 18 day of July, 2011.

  
\_\_\_\_\_  
Joe Dominick, Mayor

2011-02333 Page 2 of 4  
MALHEUR COUNTY, OREGON

ATTTEST:

  
\_\_\_\_\_  
Tori Barnett, MMC, City Recorder



ANNEXATION DESCRIPTION  
FOR BROWN PROPERTY  
AND STREET FRONTAGE

Land in Malheur County, Oregon, as follows:

In Township 18 South, Range 47 East of the Willamette Meridian:

Section 5: A parcel of land in the NW  $\frac{1}{4}$  SW $\frac{1}{4}$ NE  $\frac{1}{4}$  more particularly described as follows:

Beginning at the Northeast corner of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ;

thence South 145 feet;

thence West 110 feet;

thence North 145 feet;

thence East 110 feet to the Point of Beginning



City of Ontario  
444 S.W. 4th St.  
Ontario, OR 97914

DEPT OF

AUG 08 2011

LAND CONSERVATION  
AND DEVELOPMENT



Attn: Plan Amendment Specialist  
D.L.C.D.  
635 Capitol Street NE, Suite 150  
Salem, OR . 97301-2540  
373012540