



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

May 19, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Ontario Plan Amendment
DLCD File Number 001-08

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: May 30, 2008

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: Gloria Gardiner, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Evan MacKenzie, City of Ontario

<paa> yal

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

MAY 12 2008

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

**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: **2008-02-06AZ**

Date of Adoption: **5/5/2008**

Date Mailed: **5/5/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 3/14/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Annexation of 4.7 acres, with a Comprehensive Plan map change from Urban Growth Area Commercial (UGA-C) to City Commercial and rezone of the property from Urban Growth Area Commercial (UGA-C) to the City General Heavy Commercial (C-2-H) Zone. All changes are consistent with the Comprehensive Plan.

Does the Adoption differ from proposal? **No**, no explanation is necessary

Plan Map Changed from: **UGA-C**

to: **Commercial**

Zone Map Changed from: **UGA-C**

to: **C-2-H General Heavy Commercial**

Location: **E of East Lane, S of E Idaho Avenue, W of Snake R.**

Acres Involved: **4.74**

Specify Density: Previous: **N/A**

New: **N/A**

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

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 # 001-08 (16703)

DLCD file No. _____

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

City of Ontario, Malheur County, Ontario RFD

Local Contact: **Evan MacKenzie**

Address: 444 SW 4th Street

City: **Ontario**

evan.mackenzie@ontariooregon.org

Zip: **97914-**

Phone: **(541) 881-3222** Extension:

Fax Number: **541-881-3251**

E-mail Address:

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 Complete Copies (documents and maps) 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. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - **ATTENTION: PLAN AMENDMENT SPECIALIST.**



City of Ontario

Planning and Zoning Administrator
444 SW 4th Street, Ontario, OR 97914
Permit Center annex: 458 SW 3rd Street
Voice (541)881-3222 / Fax (541)881-3251
evan.mackenzie@ontariooregon.org

CITY OF ONTARIO CITY COUNCIL NOTICE OF DECISION

DATE OF NOTICE: May 9, 2008 **FILE #: 2008-02-06AZ**

DATE OF DECISION: May 5, 2008

**APPLICANT/
PROPERTY OWNER:** Darren Dickerhoof
Keizer Enterprises, LLC
PO Box 1583
Corvallis, OR 97339

DECISION ON ACTION 2008-02-06AZ: A request for **Annexation and subsequent Rezone**. The subject property is 4.74 acres in size, and is located east of East Lane, south of E Idaho Avenue, and west of the Snake River. The subject property is designated as Assessor's Map #18S-47E-11B; Tax Lot #1201. This request sought approval for a change in the Comprehensive Plan designation from UGA-C to Commercial and subsequent rezone of the property from Urban Growth Area Commercial (UGA-C) to City General Heavy Commercial (C-2-H).

Dear Participant or Affected Agency:

City of Ontario records indicate that you were either a participant, or an Agency with an interest, in the land use hearing related to the above referenced matter and are therefore entitled to notice of this decision.

The City of Ontario City Council heard and approved the above referenced request at a hearing on May 5, 2008. A map of the subject property is provided herein for reference.

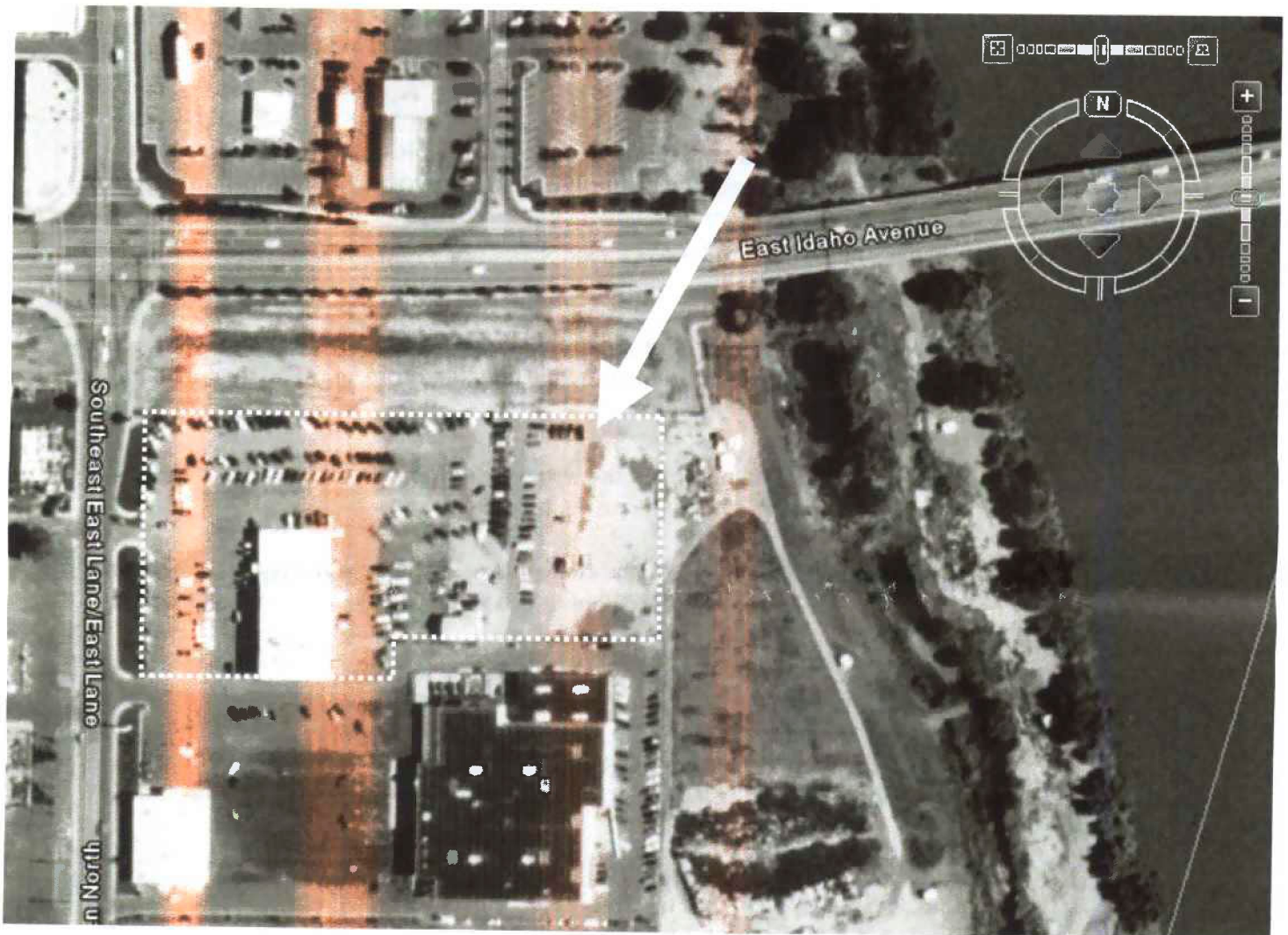
The Comprehensive Plan amendment and subsequent rezone are appealable decisions. The Ontario Municipal Code requires appeal of a City Council Decision to go directly to the Oregon Land Use Board of Appeals (LUBA). ORS 197.830 provides for appeal to the Land Use Board of Appeals (LUBA). Such appeal must be initiated by filing a "Notice of Intent" to appeal the decision within twenty-one (21) days after the date the decision sought to be reviewed becomes final; in this case, the notice of decision shall serve as the initiating date. The Notice of Intent to appeal must be filed with LUBA by contacting its office at 550 Capitol Street NE, Suite 235, Salem, OR 97301-2552; Telephone #(503) 373-1265. The beginning date for the 21-day appeal period is the date of this "Notice of Decision:" May 9, 2008.

If you have any questions regarding this Notice of Decision or wish to request a copy of the City Council decision, or any other documents related to this matter, please contact the Planning Department. This decision is available for review at this address; copies may be obtained at a reasonable cost.

Sincerely,

Evan MacKenzie
City of Ontario Planning and Zoning Administrator

cc Applicant, property owner, interested parties





City of Ontario

Planning and Zoning Administrator
444 SW 4th Street, Ontario, OR 97914
Permit Center annex: 458 SW 3rd Street
Voice (541)881-3222 / Fax (541)881-3251
evan.mackenzie@ontariooregon.org

CITY OF ONTARIO NOTICE OF ANNEXATION

May 9, 2008

Dear affected agency;

In accordance with Section 10B-45-20 AGENCY COORDINATION of the Ontario Municipal Code you have been identified as an affected agency who is entitled to notice of the following matter(s) which has come before the City of Ontario City Council at the Council Chambers in Ontario City Hall, 444 SW 4th Street, Ontario, Oregon, 97914, at 7:30 P.M. on Monday, May 5, 2008:

ACTION 2008-02-06AZ: A request for **Annexation and Rezone**. The subject property is located east of East Lane, south of E Idaho Avenue, and west of the Snake River, and is designated as Assessor's Map #18S-47E-11B; Tax Lot #1201. This request was for Annexation of 4.74 acres of land into the City of Ontario; and, a change in the Comprehensive Plan map from Urban Growth Area Commercial (UGA-C) to Commercial and rezone from Urban Growth Area Commercial (UGA-C) to City General Heavy Commercial (C-2-H). The applicant and property owner is Darren Dickerhoof, representing Keizer Enterprises, LLC.

The City Council heard the request for annexation and rezone on the above noted date as a matter continued from the April 21 hearing; and, upon a motion duly made and seconded, approved the annexation request, and approved the rezone request as a land use decision. A Final Order reducing the land use decision to writing as required by Statute was approved by the City Council on the same date, and notice of the decision was sent to participants on May 9, 2008. An Ordinance was adopted to formalize and finalize the decision on May 9, 2008. A copy of the adopting ordinance, a map and a legal description of the subject property are included with this notice. Additional information is available for inspection, and copies may be obtained at a reasonable cost, by contacting Evan MacKenzie, Planning and Zoning Administrator, at the offices of City of Ontario.

Evan MacKenzie
Planning and Zoning Administrator

cc: Oregon Secretary of State
Oregon Department of Revenue
Center of Population Research and Census at Portland State University
Malheur County Assessor, Clerk, Planning Department & Sheriff
Ontario Rural Fire Protection District & Rural Road Assessment District #3
City Fire & Police Departments
Local Utilities

ORDINANCE NO. 2614-2008

AN ORDINANCE PROCLAIMING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF ONTARIO; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3; AND REZONING SAID PROPERTY FROM URBAN GROWTH AREA COMMERCIAL (UGA-C) TO CITY GENERAL HEAVY COMMERCIAL (C-2-H)

WHEREAS, The subject property consists of approximately 4.74 acres and may be specifically identified as Tax Lot #1201 on Assessor's Map #18S-47E-11B; and

WHEREAS, The City of Ontario has received a written request for annexation and rezoning of the subject property in the proper manner, including a consent form signed by 100% of the owners of land within the affected territory to be annexed; and

WHEREAS, All of the owners of land in that territory have consented in writing to the annexation of their land in the territory and have filed a statement of their consent with the legislative body of the City; and

WHEREAS, The City Charter does not expressly require the City to submit a proposal of annexation of territory to the electors of the City; and

WHEREAS, The City desires to withdraw the land to be annexed from the ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 and the ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3 pursuant to ORS 222.120(5) and has received no comment from the Districts in response to notice of the pending action; and

WHEREAS, The annexation and rezoning of the subject property requires adoption by ordinance; and

WHEREAS, The proposal has been found consistent with all applicable Statewide Planning Goals, Comprehensive Plan Policies, Code requirements, Statute and Administrative Rule.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Annexation Area. The following contiguous territory is hereby annexed: The property mapped and legally described in the attached Exhibits "A" and "B" respectively.

2. Withdrawing above described area from Ontario Rural Fire Protection District 7-302. The Common Council of the City of Ontario deems it in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove is withdrawn from the Ontario Rural fire Protection District No. 7-302 on the effective date of this annexation pursuant to ORS 222.120(5).
3. Withdrawing above described area from the Ontario Rural Road Assessment District No. 3. The Common Council of the City of Ontario deems it in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove is withdrawn from the Ontario Rural Road Assessment District No. 3 on the effective date of this annexation pursuant to ORS Sections 222.120(5) and 222.510.
4. Rezone. The above-described area is rezoned from Urban Growth Area Commercial (UGA-C) to City C-2-H, General Heavy Commercial as set forth in Exhibit A attached hereto.
6. Record. The City Planner shall submit to the Oregon Secretary of State (1) a copy of this Ordinance, (2) a copy of the statement of consent of the landowner in the territory annexed; and (3) Shall send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City within 10 days of the effective date of annexation to the Malheur County Assessor, Malheur County Clerk and the State Department of Revenue.

PASSED AND ADOPTED by the Common Council of the City of Ontario this 5 day of May, 2008 by the following vote:

AYES: Gaskill, Allen, Dominick, Mills, Mosier, Tuttle

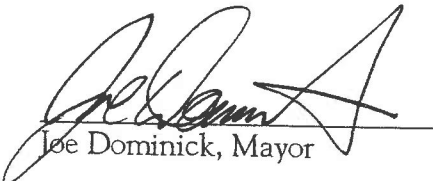
NAYS: None

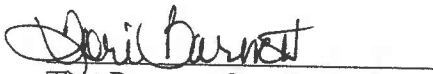
ABSTAIN: Cummings

ABSENT: None

APPROVED by the Mayor this 5 day of May, 2008.

ATTEST:


Joe Dominick, Mayor


Tori Barnett, City Recorder

Planning

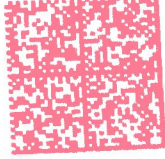


City of Ontario

444 S.W. 4th Street
Ontario, Oregon 97914



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0004244573 MAY 09 2008
MAILED FROM ZIP CODE 97914



Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

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