



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

August 30, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of McMinnville 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: September 13, 2006

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
Jason Locke, DLCD Regional Representative
Steven Santos, DLCD Economic Development Planning Specialist
Genny Bond, City of McMinnville

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FORM 2

DEPT OF

D L C D NOTICE OF ADOPTION AUG 24 2006

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 – Division 18

DEPT OF CONSERVATION
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of McMinnville Local File No.: CPA 3-06/ZC 8-06
(If no number, use none)

Date of Adoption: August 22, 2006 Date Mailed: August 23, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: April 28, 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."

Ordinance No. 4862 granted approval for Jeremy Gissel's proposal to amend the comprehensive plan and zoning designations on a 0.62-acre portion of land from Industrial to Residential, and from an M-1 (Light Industrial) to an R-4 (Multi-Family Residential) zone, respectively.

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: Industrial to Residential

Zone Map Changed from: M-1 to R-4

Location: 3089 NE Cumulus Ave – R4422DD 200 Acres Involved: 3.00

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 001-06 (15192)

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: Genny Bond Area Code + Phone Number: (503) 434-7311
Address: 230 NE 2nd Street City: McMinnville
Zip Code+4: 97128 Email Address: genny.bond@ci.mcminnville.or.us

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 Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4862

An Ordinance amending the comprehensive plan map from Industrial to Residential and rezoning certain property from an M-1 (Light Industrial) zone to an R-4 (Multi-Family Residential) zone on approximately 0.62 acres of a 3.00 acre parcel of land; also rezoning from a County EF-80 (Exclusive Farm Use – 80 acre minimum) zone to a City R-4 zone on the remaining 2.38 acres of the same parcel.

RECITALS

The Planning Commission received an application (CPA 3-06/ZC 8-06) from Jeremy Gissel, dated April 25, 2006, for an amendment to the comprehensive plan map from Industrial to Residential and rezoning certain property from an M-1 (Light Industrial) zone to an R-4 (Multi-Family Residential) zone on approximately 0.62 acres of a 3.00 acre parcel of land. In addition, the application requested rezoning of the remaining 2.38 acres of the same parcel from a County EF-80 (Exclusive Farm Use – 80 acre minimum) zone to a City R-4 zone. The property is more specifically described as Tax Lot 200, Section 22DD, T. 4 S., R. 4 W., W.M.

A public hearing was held on July 20, 2006, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on May 25, 2006, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request, found that said changes conformed to the comprehensive plan and zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the plan amendment and zone change are consistent with the Comprehensive Plan; and

The Planning Commission approved said plan amendment and zone change and has recommended said changes to the Council; and now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Jeremy Gissel.

Section 2. That the comprehensive plan map designation for the property described in Exhibit "A", is hereby amended from Industrial to Residential, and said property is hereby rezoned from an M-1 (Light Industrial) zone to an R-4 (Multi-Family Residential) zone.

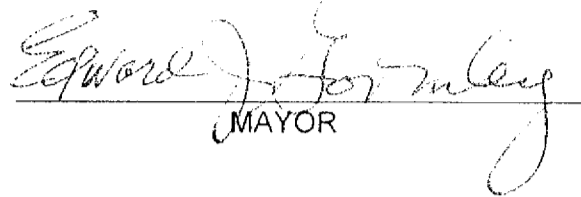
Section 3. That the property described in Exhibit "B", is hereby rezoned from an EF-80 zone to an R-4 (Multi-Family Residential) zone.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 22nd day of August 2006, by the following votes:

Ayes: Hansen, Hill, Menke, Olson, Springer, Yoder

Nays: _____

Approved this 22nd day of August 2006.


MAYOR

Attest:


RECORDER

Approved as to form:


CITY ATTORNEY

EXHIBIT "A"

Beginning on the south line of said Section 22 at a point which is 29.623 chains west from the northeast corner of the Isaiah M. Johns Donation Land Claim No. 81, said section center line being the centerline of the county road leading from McMinnville to Dayton; thence North 30.00 feet to the TRUE POINT OF BEGINNING; thence North 150.00 feet along the east line of that land described in deed to LEE A. KING and recorded April 29, 1947 in Book 142 Page 310, Yamhill County Deed Records; thence continuing East 180.00 feet; thence South 150.00 feet parallel with the east line of said KING tract; thence West 180.00 feet to the point of beginning.

EXHIBIT "B"

Beginning on the south line of said Section 22 at a point which is 29.623 chains west from the northeast corner of the Isaiah M. Johns Donation Land Claim No. 81, said section center line being the centerline of the county road leading from McMinnville to Dayton; thence North 180.00 feet along the east line of that land described in deed to LEE A. KING and recorded April 29, 1947 in Book 142 Page 310, Yamhill County Deed Records to the TRUE POINT OF BEGINNING; thence continuing North 576.00 feet along said east line; thence East 180.00 feet; thence South 576.00 feet parallel with the east line of said KING tract; thence West 180.00 feet to the point of beginning.