



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

AMENDED NOTICE OF ADOPTED AMENDMENT

September 7, 2007

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 002-07



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 16, 2007

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
Bob Cortright, DLCD Transportation & Growth Management Coordinator
Doug Montgomery, City of McMinnville

<paa> ya/

FORM 2

DEPT OF

DLCD 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

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

AUG 30 2007

City of McMinnville Local File No.: ANX 1-07/CPA 2-07/ZC 6-07
(If no number, use none)

Date of Adoption: August 14, 2007 Date Mailed: August 28, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: May 3, 2007

- 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."

On August 14, 2007, the McMinnville City Council voted to approve the requested redesignation of some 4.8 acres of land from "Residential" to "Commercial" on its comprehensive plan map, and to rezone this same property from EF-80 to C-3.

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: Residential to Commercial

Zone Map Changed from: EF-80 (County) to C-3 (City)

Location: NE of Doran Drive and Hwy 99 intersection Acres Involved: 4.8

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____ Goals 9, 10, and 12

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 002-07 (16082)

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: None

Local Contact: Doug Montgomery Area Code + Phone Number: (503) 434-7311

Address: 231 NE 5th Street City: McMinnville, OR

Zip Code+4: 97128 Email Address: montgod@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 4878

An Ordinance amending the comprehensive plan map from Residential to Commercial and rezoning certain property from an EF-80 (Exclusive Farm Use – 80-acre Minimum) zone to a C-3 (General Commercial) zone on approximately 3.6 acres of land.

RECITALS

The Planning Commission received an application (CPA 2-07/ZC 6-07) from Cascade Steel, dated May 1, 2007, for an amendment to the comprehensive plan map from Residential to Commercial and rezoning certain property from an EF-80 (Exclusive Farm Use – 80-acre Minimum) zone to a C-3 (General Commercial) zone on approximately 3.6 acres of land. The property is more specifically described as a portion Tax Lot 1500, Section 10, T. 4 S., R. 4 W., W.M.

A public hearing was held on July 19, 2007, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on July 12, 2007, 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 change conformed to the 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 Cascade Steel.

Section 2. That the comprehensive plan map designation for the property described in Exhibit "A", is hereby amended from Residential to Commercial subject to the following condition:

1. That the plan amendment (CPA 2-07) shall not take effect until and unless ANX 1-07 is approved by the voters.

Section 3. That the property described in Exhibit "A", is hereby rezoned from an EF-80 (Exclusive Farm Use – 80-acre Minimum) zone to a C-3 (General Commercial) zone subject to the following condition:

1. That the zone change (ZC 6-07) shall not take effect until and unless CPA 2-07 is approved by the City Council.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 14th day of August 2007, by the following votes:

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

Nays: _____

Approved this 14th day of August 2007.



MAYOR

Attest:



CITY RECORDER

Approved as to form:



CITY ATTORNEY

EXHIBIT "A"

(0.5 acres)

A tract of land in Section 10, Township 4 South, Range 4 West, Yamhill County, Oregon, and being more particularly described as follows:

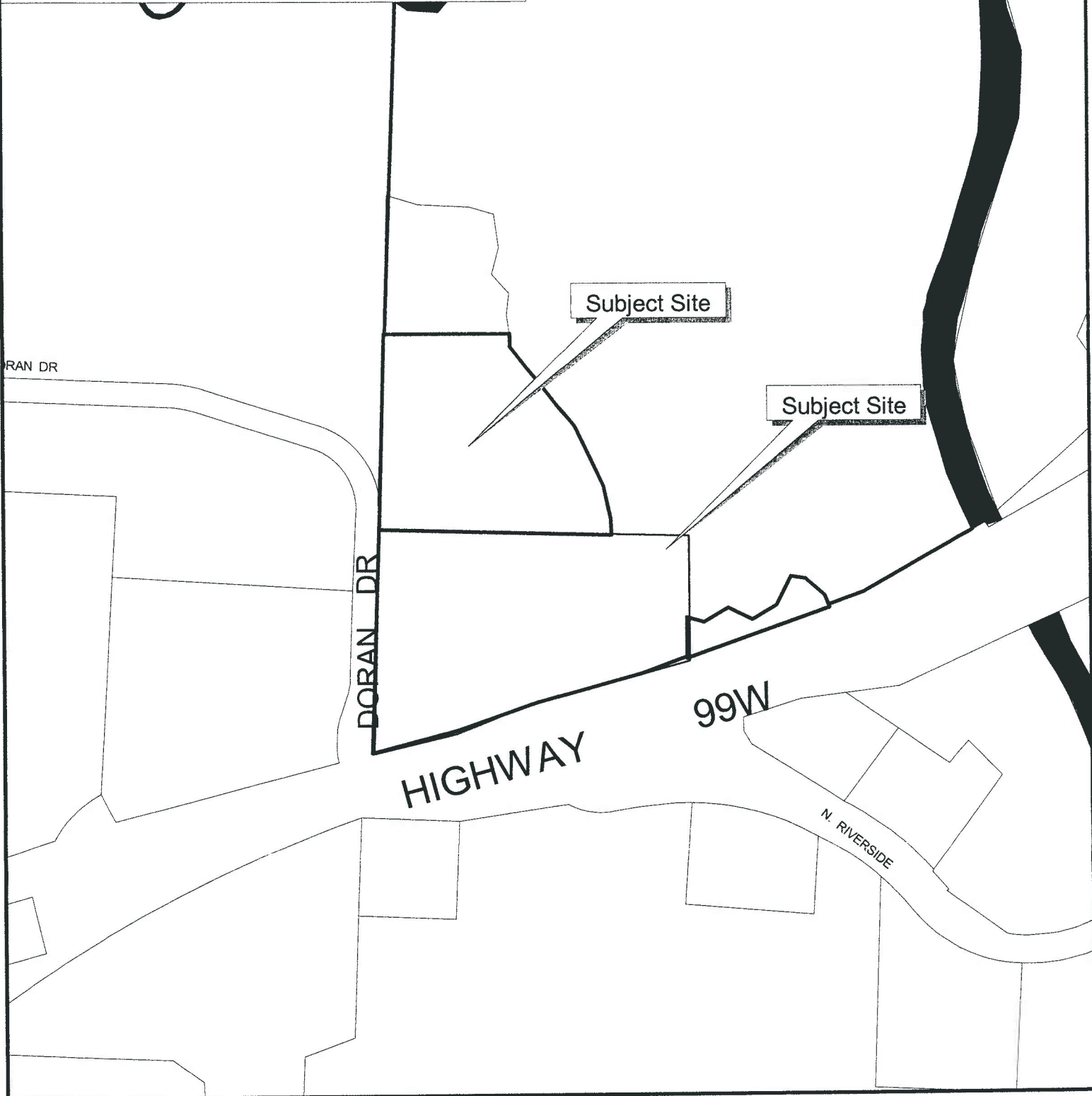
Beginning on the west line of that tract of land described in deed from GLENN S. KAUFMAN, Trustees of the GLENN S. KAUFMAN Revocable Trust to WHITE TOP PROPERTIES LLC and recorded in Instrument No. 200212586, Yamhill County Deed Records, at point that is North 127.50 feet from the northeast corner of that tract of land described in deed from LASEN DORAN PROPERTIES to THE CITY OF MCMINNVILLE and recorded in Instrument No. 199825302, said beginning point being the existing city limits boundary; thence East 600 feet along said existing city limits boundary; thence South 165.00 feet along said existing city limits boundary to the limits of the existing 100 year flood and the TRUE POINT OF BEGINNING; thence along the limits of the 100 year flood the following bearing and distances, thence South 88°43'49" East 39.06 feet; thence North 46°15'48" East 59.28 feet; thence South 76°55'49" East 56.88 feet; thence North 68°13'10" East 57.67 feet; thence North 33°53'37" East 68.01 feet; thence North 88°49'32" East 30.63 feet; thence South 44°26'43" East 53.59 feet; thence South 37°13'09" East 33.21 feet more or less to the northerly margin of Hwy. 99W; thence leaving the limits of the existing 100 year flood, westerly 342.07 feet more or less along the northerly margin of Highway 99W (chord = South 67°55'56" West 342.07 feet) to the existing city limits boundary; thence North 87.50 feet along said existing city limits boundary to the point of beginning.

(3.1 acres)

A tract of land in Section 10, Township 4 South, Range 4 West, Yamhill County, Oregon, and being more particularly described as follows:

Beginning on the west line of that tract of land described in deed from GLENN S. KAUFMAN, Trustee of the GLENN S. KAUFMAN Revocable Trust to WHITE TOP PROPERTIES LLC and recorded in Instrument No. 200212586, Yamhill County Deed Records, at point that is North 127.50 feet from the northeast corner of that tract of land described in deed from LASEN DORAN PROPERTIES to THE CITY OF MCMINNVILLE and recorded in Instrument No. 199825302, said beginning point being the existing city limits boundary; thence North 429.79 feet along the west line of said WHITE TOP PROPERTIES LLC tract and the existing city limits boundary; thence leaving said existing city limits boundary east 229.80 feet to the limits of the 100 year flood, thence along the limits of the 100 year flood the following bearings and distances, thence South 00°05'00" East 59.64 feet; thence South 30°38'46" East 217.74 feet; thence South 29°33'54" East 60.26 feet; thence South 05°43'05" East 68.30 feet; thence South 08°37'24" East 54.44 feet; thence South 29°10'58" East 9.87 feet; to the existing city limits boundary; thence leaving the limits of the existing 100 year flood West 390.39 feet along said existing city limits boundary to the point of beginning.

Exhibit "A"



Geographic Information System



City of McMinnville
Planning Department
231 NE Fifth St
McMinnville, OR 97128
(503) 434-7311