



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

September 11, 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 003-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 25, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Doug Montgomery, City Of McMinnville

<paa> ya/

FORM 2

DEPT OF

SEP 05 2007

**LAND CONSERVATION
AND DEVELOPMENT**

D L C D 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)

Jurisdiction: City of McMinnville Local File No.: CPA 3-07/ZC 8-07
(If no number, use none)

Date of Adoption: August 28, 2007 Date Mailed: September 4, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: June 7, 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 28, 2007, the McMinnville City Council voted to approve the requested redesignation of
some three parcels of land, totaling 0.80 acres, from "Residential" to "Commercial" on its
comprehensive plan map, and to rezone this same property from R-4 (Multiple-Family Residential) to
C-3 PD (General Commercial, Planned Development).

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: R-4 (Multiple-Family Residential) to C-3PD (Gen. Commercial, Planned Devel.)

Location: 1944 NE Baker St. Acres Involved: 0.80

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 003-07 (16170)

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

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. 4880

An Ordinance amending the comprehensive plan map from Residential to Commercial and amending the zoning map from an R-4 (Multi-Family Residential) zone to a C-3 PD (General Commercial Planned Development) zone on approximately 0.80 acres of land.

RECITALS

The Planning Commission received an application (CPA 3-07/ZC 8-07) from Mark & Cathy Marshall, dated May 31, 2007, for an amendment to the comprehensive plan map from Residential to Commercial and amending the zoning map from an R-4 (Multi-Family Residential) zone to a C-3 PD (General Commercial Planned Development) zone on approximately 0.80 acres of land. The property is more specifically described as Tax Lots 3400, 3600, and 3601, Section 16CB, 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 zone change is 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 Mark & Cathy Marshall.

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

Section 3. That the property described in Exhibit "A", is hereby rezoned from an R-4 (Multi-Family Residential) zone to a C-3 PD (General Commercial Planned Development) zone subject to the following conditions:

1. That the zone change request (ZC 8-07) shall not take effect until and unless CPA 3-07 is approved by the City Council.
 2. That, to the extent practicable, off-street parking shall be obscured from view from Baker Street by placing it within the eastern portion of the site behind the existing structures, or through the use of landscaping, fencing, or similar means.
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3. That signs must be flush against the building and not protrude more than 12 inches from the building face, except that one ground-mount (monument-type) sign not more than five feet in height may be allowed. All signs, if illuminated, must be indirectly illuminated and non-flashing; and no individual sign may exceed thirty-six (36) square feet in size.

Passed by the Council this 28th day of August 2007, by the following votes:

Ayes: Hansen, Hill, May, Menke, Yoder

Nays: _____

Approved this 28th day of August 2007.


MAYOR

Attest:


CITY RECORDER

Approved as to form:

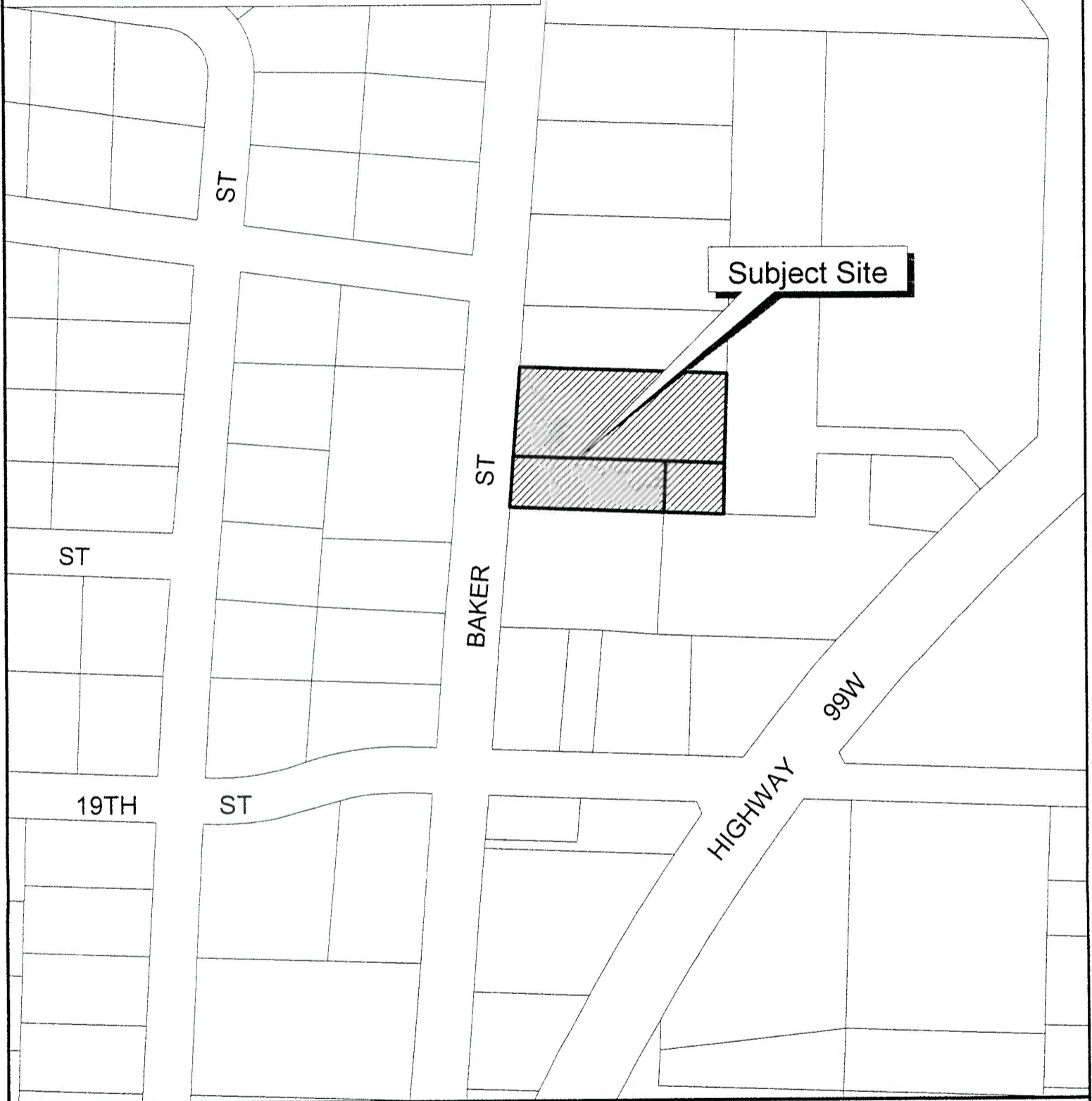

CITY ATTORNEY

EXHIBIT "A"

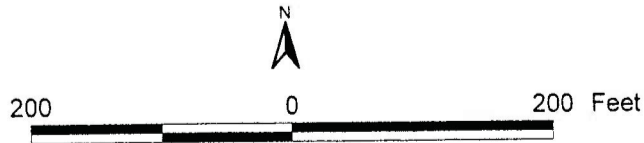
BEGINNING on the Easterly margin of North Baker Street, North 02°50' East, 10.05 feet and South 89°55' East, 30.04 feet from the Southwest corner of Lot 13, JOPLINGS SUBDIVISION in Yamhill County, Oregon; thence North 02°50' East along the Easterly margin of North Baker Street, 55 feet; thence South 89°55' East 227.5 feet to the East line of land conveyed to J.P. Shuck by Deed recorded July 6, 1945 in Book 129, Page 861, Deed Records, thence South, 55 feet to the Southwest corner of said Shuck tract; thence North 89°55' West, 232.15 feet to the PLACE OF BEGINNING.

EXCEPTING THEREFROM that portion conveyed to Safari Motel & Restaurant, Inc., by Deed recorded February 11, 1974 in Film Volume 98, Page 1194, Deed Records, Yamhill County, Oregon.

Exhibit "A"



Geographic Information System



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