



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

07/11/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of McMinnville Plan Amendment
DLCD File Number 002-11

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: Thursday, July 21, 2011

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 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: Lucy Falcy, City of McMinnville
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE
STAMP

DEPT OF

JUL 05 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of McMinnville**

Local file number: **CPA 1-11/ZC 1-11**

Date of Adoption: **6/28/2011**

Date Mailed: **6/30/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 1/28/11

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".

The approved comprehensive plan amendment and zone change amended the McMinnville Comprehensive Plan Map for a parcel of land approximately 1.92 acres in size from Mixed Use Urban to Industrial. Also approved was a request to amend the same properties from A-H (Agricultural Holding) to M-1 PD (Light Industrial Planned Development)/ The request was submitted to the City to accommodate the re-development and expansion of an existing animal shelter.

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

Plan Map Changed from: **Mixed Use Urban**

to: **Industrial**

Zone Map Changed from: **A-H (Ag. Holding)**

to: **M-1 PD (Light Industrial Plnd Dev)**

Location: **10601 SE Loop Rd**

Acres Involved: **1.92**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" 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 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"/> |

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 File No. 002-11 (18701) [16699]

DLCD file No. _____

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

Local Contact: **Ron Pomeroy**

Phone: (503) 434-7311 Extension:

Address: **231 NE Fifth Street**

Fax Number: **503-474-4955**

City: **McMinnville**

Zip: **97128-**

E-mail Address: **pomeror@ci.mcminnville.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 3443

An Ordinance amending the comprehensive plan map designation on two parcels of land from Mixed-Use Urban to Industrial, and rezoning said properties from an A-H (Agricultural Holding) zone to an M-1 PD (Light Industrial Planned Development) zone.

RECITALS

The Planning Commission received an application (CPA 1-11/ZC 1-11) from Homeward Bound Pets, dated January 26, 2011, to amend the comprehensive plan map designation on two parcels of land totaling 1.92 acres in size from Mixed-Use Urban to Industrial and rezoning said property from an A-H (Agricultural Holding) zone to an M-1 PD (Light Industrial Planned Development) zone to accommodate the redevelopment and expansion of an existing animal shelter. The subject property is located at 10601 SW Loop Road, and is more specifically described as Tax Lots 900 and 1000, Section 24 C, T. 4 S., R. 4 W., W.M.

A public hearing was held on March 17, 2011, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on March 9, 2011, and written notice had been mailed to property owners within 300 feet of the affected property. At the March meeting, the applicant requested, and was granted, a continuance to the Commission's May 17, 2011. meeting; 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 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 the City of McMinnville.

Section 2. That the comprehensive plan map designation for the property described in Exhibit "A," is hereby amended from Mixed Use Urban to Industrial.

Section 3. That the property described in Exhibit "A," is hereby rezoned from an A-H (Agricultural Holding) zone to an M-1 PD (Light Industrial Planned Development) zone subject to the following conditions:

1. That the zone change request ZC 1-11 shall not take effect until and unless CPA 1-11 is approved by the City Council.
2. That development of Tax Lots 900 and 1000 be limited to veterinarian hospital, kennel, or animal shelter uses. This may include living quarters for a necessary caretaker as well as other accessory uses such as offices, meeting and/or classroom space, ancillary retail use, animal grooming, and laundry uses. These accessory uses are only permitted to the extent that they directly relate to the functioning of the permitted primary uses.
3. That any outdoor animal use of the site be limited to 8:00 a.m. to 5:00 p.m. business hours.
4. That site plans and building elevations and design, including exterior finish and exterior color scheme, be submitted to and approved by the Three Mile Lane Design Review Committee prior to the issuance of any building permits. Building design and coloration shall be of a type which assures minimal reflection or hindrance to air traffic operations.
5. That a landscaping plan must be submitted to and approved by the Landscape Review Committee prior to issuance of any building permits for the site. The plan must be compliant with all landscape provisions outlined in Chapter 17.57 (Landscaping) as well as Section 17.49.040 (Design Standards) of the McMinnville Zoning Ordinance. Landscaping shall be emphasized along the west and east property lines and along the foundations of all buildings and within proposed parking areas.
6. That if outside lighting is to be provided it must be directed down and away from residential areas and public streets.
7. That a notice of construction be filed with the Federal Aviation Administration (FAA). Verification of approval by the FAA must be provided to the City prior to the issuance of any building permits for the site.
8. That an easement be granted to the City giving it (the City) the rights to:
 - a. Restrict or prohibit radio or electro-magnetic interference.
 - b. Restrict or prohibit construction of certain types of buildings or structures.
 - c. Restrict or prohibit lights, lighted signs, and other lighted objects.
 - d. Right to restrict or prohibit hazardous or unreasonably objectionable smoke, fumes, or vapor.The easement document containing the above shall be prepared by the City Attorney.
9. That the owner must fully waive any right or cause of action which he may now or in the future raise against the City due to such circumstances in the airspace above the surface of the subject site as noted: noise, vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the McMinnville Municipal Airport. In addition, the owner must fully waive any right or cause of action to remonstrate against the future expansion of the McMinnville Municipal Airport.

10. That no building permits will be issued until an adequate ATT septic system and drainfield has been inspected and approved by Yamhill County and/or the Oregon Department of Environmental Quality, as appropriate.
11. That the number of animals to be housed on the subject site be limited to 20 dogs and 75 cats as outlined in the applicant's narrative.
12. That prior to the issuance of any permit for the subject site, the applicant shall submit a development plan to the Planning Director for review and approval which shall address, at a minimum: site layout, landscaping, building footprints; building area dedicated to various uses; parking; utilities; and all outdoor animal use areas. This development plan shall provide similar building layout and orientation as shown on the conceptual plan. Approval or denial of the submitted plan shall be based upon its compliance with the conditions of this zone change approval and relevant requirements of the McMinnville Zoning Ordinance.
13. That prior to the issuance of any permit for the subject site, the applicant shall coordinate with the McMinnville Fire Department regarding all required fire related access and infrastructure.
14. That water and electrical utility easements be provided as required by McMinnville Water & Light.
15. That the placement of the cat shelter/office modular facility be oriented in a north-south alignment so as to aid in providing a sound buffer to properties to the west.
16. That any and all development plans for the subject site, once approved by the Three Mile Lane Design Review Committee and Planning Director, shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

The applicant will be responsible for requesting permission of the Planning Commission for any major change of the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

17. That the modular cat shelter facility be placed no closer than 150 feet to the site's western edge. The modular facility shall be in place for no more than four years without seeking an extension of that duration from the Planning Director.
18. That any outdoor solid waste containers be located no closer than 200 feet from the residential property to the west.
19. That at the time of development of the site, the applicant shall obtain any necessary permits from Yamhill County Public Works related to the site's driveway access and necessary improvements to Loop Road, if any.

20. That the existing gate on the site driveway should be relocated to be set back from the edge of Loop Road a sufficient distance to allow vehicles to pull completely off Loop Road while the gate is closed.

21. That signs located within the subject site shall be subject to the following limitations:

- a. All signs must be flush against the buildings and may not protrude more than 12 inches from the building face, except that one monument-type sign not more than six (6) feet in height and which meets the requirements of b) and c) below is allowed.
- b. All signs, if illuminated, must be indirectly illuminated and non-flashing.
- c. No individual sign exceeding 36 (thirty-six) square feet in size shall be allowed.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of June 2011, by the following votes:

Ayes: Hill, Jeffries, May, Menke, Ruden, Yoder

Nays: _____

Approved this 28th day of June 2011.



MAYOR

Attest:



RECORDER

Approved as to form:



CITY ATTORNEY

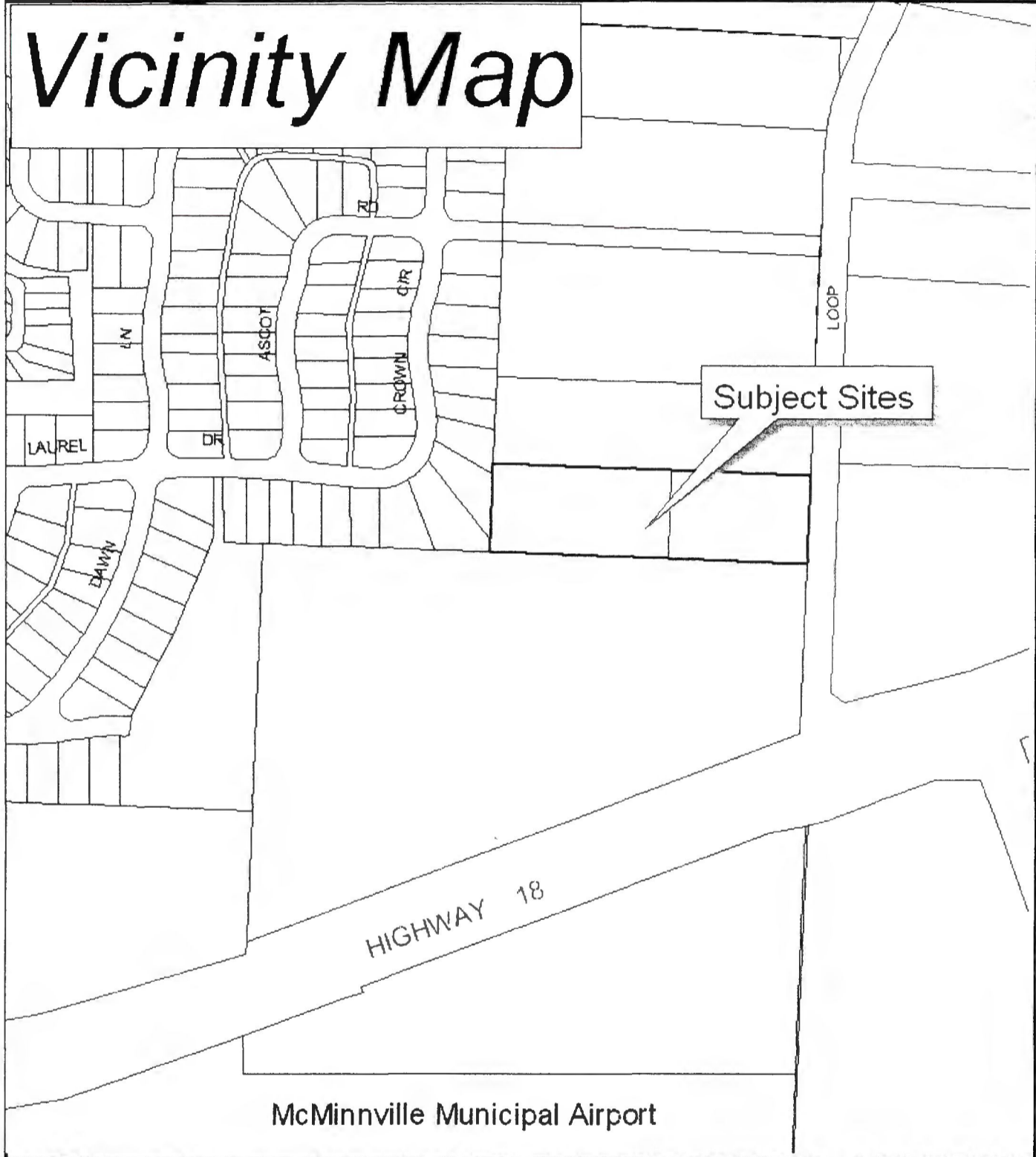
Exhibit "A"

PARCEL 1: A tract of land in Section 24, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, and more particularly described as beginning at a point 908.6 feet North of the Southeast corner of the Rueben Harris Donation Land Claim No. 80, Notification No. 1232; thence North 150 feet; thence West 566.2 feet; thence South 150 feet along the most Easterly boundary of Airport Rendezvous Subdivision, Yamhill County, Oregon, to an angle corner therein, thence East 566.2 feet to the point of beginning.

SAVING AND EXCEPTING therefrom the following described tract: A tract of land in Section 24, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, and more particularly described as beginning at a point 908.6 feet North of the Southeast corner of said Harris Donation Land Claim; thence North 150 feet; thence West 240 feet; thence South 150 feet; thence East 240 feet, to the place of beginning.

PARCEL 2: A tract of land in Section 24, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, and more particularly described as beginning at a point 908.6 feet North of the Southeast corner of said Harris Donation Land Claim; thence North 150 feet; thence West 240 feet; thence South 150 feet; thence East 240 feet to the place of beginning.

Vicinity Map



CITY OF McMinnville
Planning Department
231 NE First St
McMinnville, OR 97128
(503) 434-3111



230 NE Second Street, McMinnville, Oregon 97128



Attention: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301

DEPT OF

JUL 05 2011

LAND CONSERVATION
& DEVELOPMENT