



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

October 27, 2008

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 003-08



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: November 7, 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
Steve Oulman, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Thomas Hogue, DLCD Policy Analyst
Ron Pomeroy, City of McMinnville

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PROP **2**

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



Jurisdiction: **City of McMinnville**

Local file number: **UGB 1-08/CPA 2-08**

Date of Adoption: **10/14/2008**

Date Mailed: **10/17/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one**Date:

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input checked="" type="checkbox"/> Other: De-Annexation |

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

Adoption of an amendment of the McMinnville UGB to remove approximately 30 industrially designage acres south of Highway 18 from the UGB and the addition of approximately 30-acres north of Highway 18 to the UGB -- De-Annexation of that southern 30 acres -- Designation of the northern 30 acres as commercial on the comprehensive plan map.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Agriculture**

to: **Commercial**

Zone Map Changed from:

to:

Location: **Both south and north of Hwy. 18**

Acres Involved: **0**

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 checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" 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 # 003-08 (17072)

DLCD file No. _____

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

Yamhill County, ODOT

Local Contact: **Ron Pomeroy**

Phone: (503) 434-7311 Extension:

Address: **231 NE 5th St.**

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

City: **McMinnville**

Zip: **97128-**

E-mail Address: **pomeror@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 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.

RESOLUTION NO. 2008 - 44

A Resolution initiating withdrawal of territory from the City of McMinnville.

RECITALS:

The City of McMinnville received an application from Evergreen Vintage Aircraft and Evergreen Agricultural Enterprises dated August 14, 2008. In this application, the applicant proposes "trading" approximately 30 acres of land currently outside the existing Urban Growth Boundary (UGB) for approximately 30 acres of land currently within the existing UGB to allow for the construction of a 50,000 square foot waterpark, a 75 room, 75,000 square-foot lodge, provisions for student housing to serve a future flight training program, and off-street parking lot for approximately 515 vehicles.

The 30 acres of land which would be withdrawn from the UGB by this trade is currently within the city limits of the City of McMinnville. Pursuant to Oregon Revised Statutes, withdrawal of land from the boundaries of a city may be initiated by a resolution of the legislative body of the city.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. It is the intent of the legislative body of the City of McMinnville to change the boundaries of the City by means of a withdrawal of territory.
2. The public interest will be furthered by this withdrawal of territory from the City.
3. The boundaries of the affected territory are as described in Exhibit "A" which is attached to this resolution and incorporated herein.
4. Attached to this resolution and incorporated by this reference is a county assessor's cadastral map, showing the location of the affected territory.
5. A public hearing on this proposed withdrawal shall be held on October 28, 2008; notice of this public hearing shall be provided pursuant to 222.460(4).
6. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 14th day of October, 2008 by the following votes:

Ayes: Hansen, May, Olson, Yoder

Nays: _____


MAYOR

Approved as to Form:


CITY ATTORNEY

ORDINANCE NO. 4898

An Ordinance amending the McMinnville Urban Growth Boundary (UGB) to add approximately 30 acres of land to accommodate the proposed expansion of the existing Evergreen Aviation Museum complex; amending the comprehensive plan for the subject property from Agriculture/Forestry Large Holding to Commercial; withdrawing from the McMinnville UGB approximately 30 acres of land located south of Highway 18 and southeast of the Willamette Valley Medical Center; and revising Planned Development Ordinances 4131 and 4572 to reflect said amendments.

RECITALS

On August 14, 2008, Evergreen Vintage Aircraft and Evergreen Agricultural Enterprises submitted an application to the City of McMinnville and Yamhill County requesting that the current McMinnville urban growth boundary be amended to include an additional 30 acres of land for commercial purposes west of and adjacent to the existing Evergreen Aviation Museum campus, and to withdraw 30 acres of land south of Highway 18 from the McMinnville UGB. The purpose of these UGB amendments is to allow expansion of the existing Evergreen Aviation Museum complex without resulting in a net gain of land within the McMinnville UGB. The properties are further described as a portion of Tax Lots 800 and 1300, Section 23, T. 4 S., R. 4 W., W.M., and a portion of Tax Lot 200, Section 27, T. 4 S., R. 4 W., W.M.

The McMinnville Urban Area Management Commission (MUAMC), McMinnville City Council, and Yamhill County Board of Commissioners held a joint public hearing on October 7, 2008 at 7:00 p.m. in the McMinnville School District Board Room on the proposed amendments after due notice had been given in the local newspaper on September 23, 2008, and written notice had been mailed to owners of property located within 750 feet of the affected property. Notice was also provided to the Oregon Department of Land Conservation and Development, consistent with the requirements for a Post Acknowledgement Plan Amendment.

At the conclusion of the October 7 meeting, the reviewing bodies closed the hearing to further public testimony. There was no request that the public record be kept open for the submittal of written testimony regarding the subject request. In addition, the applicant waived the granting of an additional seven days time within which to provide written response to any objections raised. Friends of Yamhill County and 1000 Friends of Oregon, jointly, and Mr. Mark Davis filed timely written comments.

At said meeting, the MUAMC approved the requested urban growth boundary amendments and recommended said changes to the City Council and Yamhill County Board of Commissioners. Upon receipt of this recommendation, the Council and Board voted to approve the request of Evergreen Vintage Aircraft and Evergreen Agricultural Enterprises; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings as contained within the applicant's submitted narrative "Proposal for UGB Amendment and Associated Comprehensive Plan

Amendments – August 6, 2008,” a copy of which is on file with the McMinnville Planning Department.

Section 2 That the McMinnville Urban Growth Boundary be amended to include the approximate 30-acres of land located to the west of the existing Evergreen Aviation Museum property and as depicted in Exhibit “A” of the applicant’s narrative and that the McMinnville Comprehensive Plan Map be amended by designating the site as “Commercial.”

Section 3 That the McMinnville Urban Growth Boundary be amended to remove the approximate 30-acres of land located southeast of the Willamette Valley Medical Center property and as depicted in Exhibit “A” of the applicant’s narrative. This amendment shall be reflected on the McMinnville Comprehensive Plan Map.

Section 4 That the Three Mile Lane Planned Development Overlay Ordinance Nos. 4131 and 4572 be amended to incorporate the site referenced in Section 2 into the section entitled “Remainder of Planned Development Area” and “Zone Three,” respectively; maps contained within these ordinances shall also be amended to reflect their inclusion or exclusion from the Urban Growth Boundary, as appropriate.

Passed by the Council this 14th day of October 2008, by the following votes:

Ayes: Hansen, May, Olson, Yoder

Nays: _____

Approved this 14th day of October 2008.


MAYOR

Attest


CITY RECORDER

Approved as to form:


CITY ATTORNEY

EXHIBIT "ONE"

PARCEL 1:

Part of the Isaiah M. John Donation Land Claim No. 81 in Section 27, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at an iron pipe set in the center of the County Road at the Northeast corner of the RIVERSIDE GARDEN TRACTS at a point 2301.42 feet West of the Northeast corner of the said I. M. Johns Donation Land Claim; and running thence South 00° 39' West along the East line of said RIVERSIDE GARDEN TRACTS, 1980.12 feet to an iron pipe; thence East parallel with County Road, 660 feet to an iron pipe; thence North 00° 39' East 1980.12 feet to an iron pipe set in the said County Road; thence West along said County Road 660.0 feet to the place of beginning.

EXCEPTING THEREFROM that portion appropriated for public purposes and acquired by the State of Oregon, by and through its Department of Transportation by Decree No. CV89-119 entered in the Circuit Court for Yamhill County on March 18, 1991, and recorded March 25, 1991 in Film Volume 253, Page 139. Deed and Mortgage Records.

PARCEL 2:

Tracts 1 through 18 of RIVERSIDE GARDEN TRACTS in Yamhill County, Oregon.

PARCEL 3:

A part of the Isaiah M. Johns Donation Land Claim No. 81 and a part of the Richard Booth Donation Land Claim No. 57 in Section 17 of Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning in the center of the County Road at the Northwest corner of the RIVERSIDE GARDEN TRACTS and said beginning point being 43.59 chains North 0° 04' East and South 89° 54' East 22.715 chains from a stone at the Southeast corner of the Donation Land Claim of Nehemiah Martin and wife, in Township 4 South, Range 4 West of the Willamette Meridian; thence North 89° 54' West along center of said County Road 11.357 chains to the Northeast corner of Lot 1 as described in County Survey No. 2519 of County Surveys; thence South 29 min. West along East line of said Lot 1 above referred to, 47.870 chains to an iron pipe; thence South 80° 55' East 1.285 chains to an iron pipe; thence South 02° 58' West 25.250 chains to center of the Yamhill River; thence following center of said River, North 79° 46' East 5.46 chains; thence North 26° 32' East 8.097 chains; thence North 17° 42' East 3.510 chains; thence North 02° 25' East 5.477 chains; thence North 34° 27' East 3.752 chains; thence North 80° 28' East 4.962 chains to the Southwest corner of said RIVERSIDE GARDEN TRACTS; thence leaving said River, North 04° 59' West 10.940 chains to an iron pipe on North side of anchor post; thence South 70° 50' West 5.240 chains to an iron pipe; thence North 39° East 43.170 chains to the place of beginning, and being Lot No. 2 as described in said County Survey No. 2519 of Yamhill County, Oregon.

EXCEPTING THEREFROM that portion appropriated for public purposes and acquired by the State of Oregon, by and through its Department of Transportation, by Stipulated Decree No. CV89-121 entered in the Circuit Court for Yamhill County on October 29, 1990, and recorded December 3, 1990 in Film Volume 250, Page 255, deed and Mortgage Records.

ALSO EXCEPTING THEREFROM those portions thereof conveyed to McMinnville Hospital, Inc., an Oregon corporation, by deed recorded August 12, 1993 in Film Volume 291, Page 2084; by deed recorded August 30, 1994 in Film Volume 315, Page 138, and by deed recorded August 31, 1995 as Instrument No. 199511651, Deed and Mortgage Records.

PARCEL 4:

Part of those tracts of land described in deeds from Kubek to Evergreen Agricultural Enterprises, Inc., recorded in Film Volume 218, Page 1257 and deed from Otting to Evergreen Agricultural Enterprises, Inc., recorded in Film Volume 220, Page 1367, deed and mortgage records, lying in Section 27, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at the Southeast corner of the Nehemiah Martin Donation Land Claim; thence Northerly along the West line of Lot 1 of CS-2519, which is also the West line of said Evergreen Agricultural Enterprises, Inc., tract to

FDOR0213.rdw



230 NE Second Street • McMinnville, OR 97128

**Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540**