



Oregon

Theodore R. Kubongoski, 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

06/11/2013

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 001-13

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: Monday, June 24, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-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: Ron Pomeroy, City of McMinnville
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

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P

DEPT OF

JUN 05 2013

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **20-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

Jurisdiction: **City of McMinnville**

Local file number: **CPA 1-13/ZC 1-13**

Date of Adoption: **5/28/2013**

Date Mailed: **5/31/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **3/8/2013**

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".

On 05/28/2013, the McMinnville City Council approved a request by Jim Doran for approval of a Comprehensive Plan map amendment from Residential to Commercial, and a zone change from an R-4 (Multi-Family Residential) zone to a C-3 PD (General Commercial, Planned Development) zone to allow development of a Subaru Showroom and display area on two parcels of land totaling some 0.44-acres in size (approximately 18,960 square feet).

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

Plan Map Changed from: **Residential**

to: **Commercial**

Zone Map Changed from: **R-4**

to: **C-3 PD**

Location: **R4421AC03100 & 03200**

Acres Involved: **0**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. _____

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

Local Contact: **Ron Pomeroy, Senior Planner**

Phone: (503) 434-7311 Extension:

Address: 231 NE 5th 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 20 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. 4968

An Ordinance amending the Comprehensive Plan Map designation from Residential to Commercial on two parcels of land totaling approximately 0.44 acres in size and rezoning said property from an R-4 (Multiple-Family Residential) zone to a C-3 PD (General Commercial Planned Development) zone.

RECITALS

The Planning Department received an application (CPA 1-13 / ZC 1-13) from Jim Doran requesting approval of a Comprehensive Plan Map amendment from Residential to Commercial, and a zone change from an R-4 (Multiple-Family Residential) zone to a C-3 PD (General Commercial Planned Development) zone. Approval of these requests would allow development of an automobile showroom and sales lot on two parcels of land totaling some 0.44 acres in size. The subject site is located at 304 NE Logan Street and 337 NE Macy Street, and more specifically described as Tax Lots 3100 and 3200 Section 21AC, T. 4 S., R. 4 W., W.M., respectively.

A public hearing was held on April 18, 2013, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on April 9, 2013, 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 requests, found that said changes conformed to the comprehensive plan amendment and zone change review criteria listed in Chapter 17.74.020 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 change 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 Jim Doran.

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 (Multiple-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 1-13 shall not take effect until and unless CPA 1-13 is approved by the City Council.
2. That use of the subject property is limited to professional office, and automobile, boat, trailer, or truck rental, sales, and/or service.

3. That all proposed exterior lighting shall have hoods or "shoebox" type fixtures that will direct light beams both downward and away from adjacent residential development.
4. That signage shall be consistent with the applicable standards of Zoning Ordinance Chapter 17.62 (signs).
5. That the proposed site plan provided by the applicant as part of this zone change shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer 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 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 Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.
6. That prior to, or at the time of building permit application, the applicant shall submit a landscape plan for the site to the Planning Department for review and approval by the Landscape Review. The plan shall include, at a minimum, landscaping along the public street edges (minimum six-foot wide) and building foundation, parking lot landscape islands, a street tree planting plan, an irrigation plan, and detail for a six-foot-tall (6) sight-obscuring fence, wall and/or vegetative screen to be installed along the length of the site's north property line where the site abuts residentially zoned properties. This fence or wall shall also comply with clear vision area requirements stated in Section 17.54.080 (B). All required landscaping shall be installed prior to the release of final occupancy permits for the proposed auto showroom.
7. That access to the site will be limited to Logan and Macy Streets, and no direct access to 3rd Street will be allowed.
8. That, as part of the development of the subject site, the applicant will be required to upgrade and/or install sidewalks along the site frontages conforming to current Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, any site driveway(s) shall be constructed/reconstructed to meet the PROWAG standards.
9. That at the time of demolition of the existing residence and garage/carport on the 337 Macy Street property (Tax lot R4421AC 3200), the existing sewer lateral to the site will need to be abandoned and capped per City standards.
10. That at the time building permits for the proposed showroom/sales building are issued, the applicant will need to pay the appropriate sanitary sewer fees and transportation system development charges (SDC's) for the proposed use (which will be offset by the appropriate SDC credits associated with the prior/existing single-family residential uses of tax lots R4421AC 3100 and 3200).
11. That the applicant is responsible for contacting McMinnville Water and Light to determine if additional utility easements shall be required.
12. That the applicant shall contact McMinnville Water & Light concerning abandonment of both water and power to the two subject parcels. The applicant shall pay all costs of any such abandonment.

13. That the applicant shall contact McMinnville Water & Light regarding electrical voltage and loading requirements and applicable extension agreement(s).

Passed by the Council this 28th day of May, 2013, by the following votes:

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

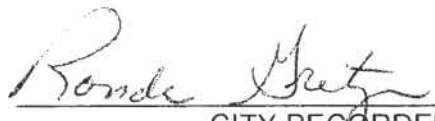
Nays: _____

Approved this 28th day of May, 2013.



MAYOR

Attest:



CITY RECORDER for Marcia Baragary

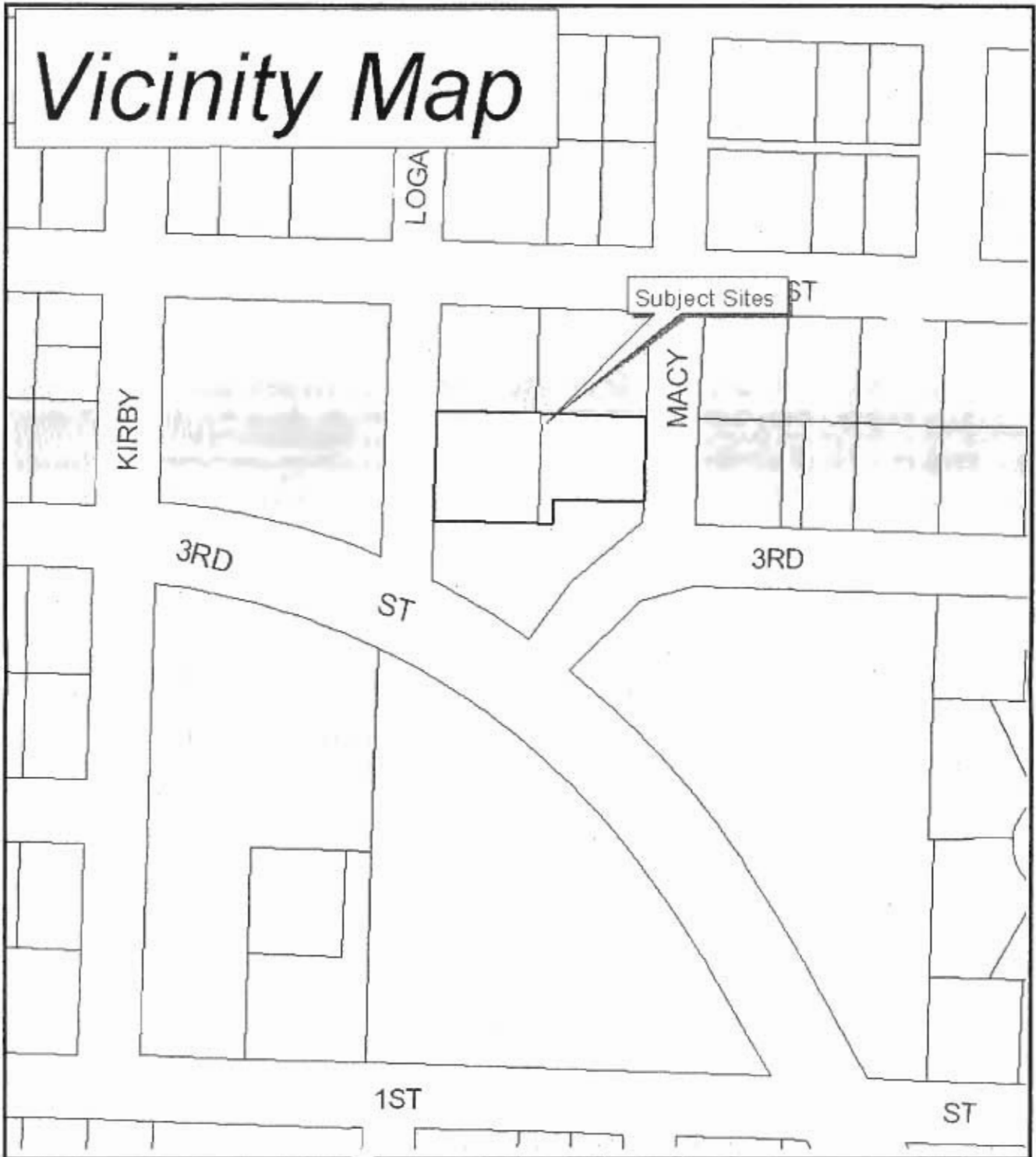
Approved as to form:



CITY ATTORNEY

Exhibit "A"

Vicinity Map



PLANNING & COMMUNITY DEVELOPMENT



City of McMinnville
Planning Department
231 NE 9th St
McMinnville, OR 97128
(503) 434-7311



200 N.E. Second Street - McMinnville, OR 97128

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

DEPT OF

JUN 05 2010

LAND CONSERVATION
AND DEVELOPMENT

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