



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

May 7, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Mill City Plan Amendment
DLCD File Number 005-06

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: May 21, 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: Doug White, DLCD Community Services Specialist
Jason Locke, DLCD Regional Representative
Debra Hogan, Mill City Planning Department

<paa> ya/

FORM 2

DEPT OF

APR 30 2007

D L C D NOTICE OF ADOPTION AND CONSERVATION AND DEVELOPMENT

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 Mill City Local File No.: 2006.12.16
(No number, use none)

Date of Adoption: April 24 2007 Date Mailed: April 27, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: Dec. 20, 2006

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | Other: _____ |
- (Please Specify Type of Action)

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

Amend the Mill City Comprehensive Plan Map and Zoning Map to annex approximately 13.8 acres contiguous with the current city limits and rezone to Highway Commercial (HC) and Multi-Family Residential (R-2).

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."

Portion of the parcel adjacent to Hwy 22 is zoned CH and the portion abutting city residential development is zoned R-2 per Planning Commission review.

Plan Map Changed from: UGB to City Limits

Zone Map Changed from: Marion County UT-5 to Mill City CH/R-2

Location: NW edge of City Limits @ Hwy 22 Acres Involved: 13.8

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 2, 7, 11, 12 + 14

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 005-06(15758)

ORDINANCE NO. 345

AN ORDINANCE AMENDING THE MILL CITY COMPREHENSIVE PLAN MAP AND MILL CITY ZONING MAP TO REZONE CERTAIN PROPERTIES TO HIGHWAY COMMERCIAL (CH) AND MULTI-FAMILY RESIDENTIAL (R-2) AND ANNEXING CERTAIN PROPERTY WHICH IS CONTIGUOUS WITH THE CURRENT CITY LIMITS OF THE CITY OF MILL CITY, WITHOUT AN ELECTION OF THE PEOPLE.

WHEREAS, Al and Connie Spindell submitted a land use application, File No. 2006-12-16 to annex, and rezone a 13.8 acre parcel out of a 36.7 acre tract at 28391 NW River Road, Mill City (T9S, R3E, Section 30C, Tax Lot 600) that is located outside the current city limits and inside the urban growth boundary;

WHEREAS, on February 9, 2007 the Mill City Planning Commission held a public hearing to consider the application and on March 9, 2007 the Planning Commission completed its deliberation on this application and forwarded the following recommendations to the City Council for its consideration.

- | | |
|---|--------------------|
| A. <u>Proposed 13.8 Acre Annexation</u> | Recommend Approval |
| B. <u>Mill City Zoning Map Amendments</u> | |
| 1. Rezone to Highway-Commercial (west 9.24+- acres) | Recommend Approval |
| 2. Rezone to Multi-Family Residential (east 4.56+- acres) | Recommend Approval |

WHEREAS, the City Council held a public hearing on March 13, 2007 and at the close of the hearing the City Council concurred with all of the Planning Commission recommendations and adopted findings of fact approving the application.

WHEREAS, ORS 222.125 allows cities to annex territory when all (100%) of the property owners of the territory and not less than 50% of the electors (registered voters) living within the area to be annexed submit a petition (application) requesting the property be annexed and the city has received petitions from 100% of the property owners and more than 50% of the electors living within the area to be annexed; and

NOW THEREFORE, the City Council of the City of Mill City hereby ordains as follows:

SECTION 1: The territory described in Exhibit "A" and shown on "Map #1", attached hereto and by this reference made a part of this ordinance, is hereby annexed into the City of Mill City, Oregon.

SECTION 2: The Mill City Zoning Map shall be amended to rezone the following properties:

Area	Assessor Map & Tax Lot	Size (Acres)	Existing Use	Existing Marion County Zoning	New City of Mill City Zoning
1	09 3E 30C out of TL 600	9.24 +/-	Vacant	Urban Transition (UT)	Highway Commercial (CH)
2	09 3E 30C out of TL 600	4.56 +/-	Vacant	Urban Transition (UT)	Multi-Family Residential (R-2)

Map #1, attached hereto and by this reference made a part of this ordinance, accurately portrays the properties to be rezoned on the Mill City Zoning Map.

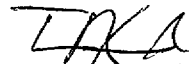
SECTION 3: RECORD

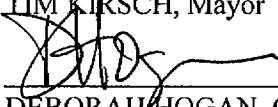
1. The City Administrator shall submit to the Oregon Secretary of State a certified true copy of this ordinance.
2. The City Administrator shall send a description, by metes and bounds, and a map depicting the new boundaries of the city to the Linn County Assessor, the Linn County Clerk, Marion County Clerk, Marion County Assessor and the Oregon State Department of Revenue within ten (10) days of the effective date of the annexation.
3. The City Administrator shall notify all affected utilities of this annexation.

This Ordinance read for the first time by title only on 27th day of March 2007.

This Ordinance read by title only for the second time on 24th day of April 2007.

This Ordinance passed on the 24th day of April 2007 by the city council and executed by the mayor this _____ day of April 2007.

Date: 4-24-07 By: 
 TIM KIRSCH, Mayor

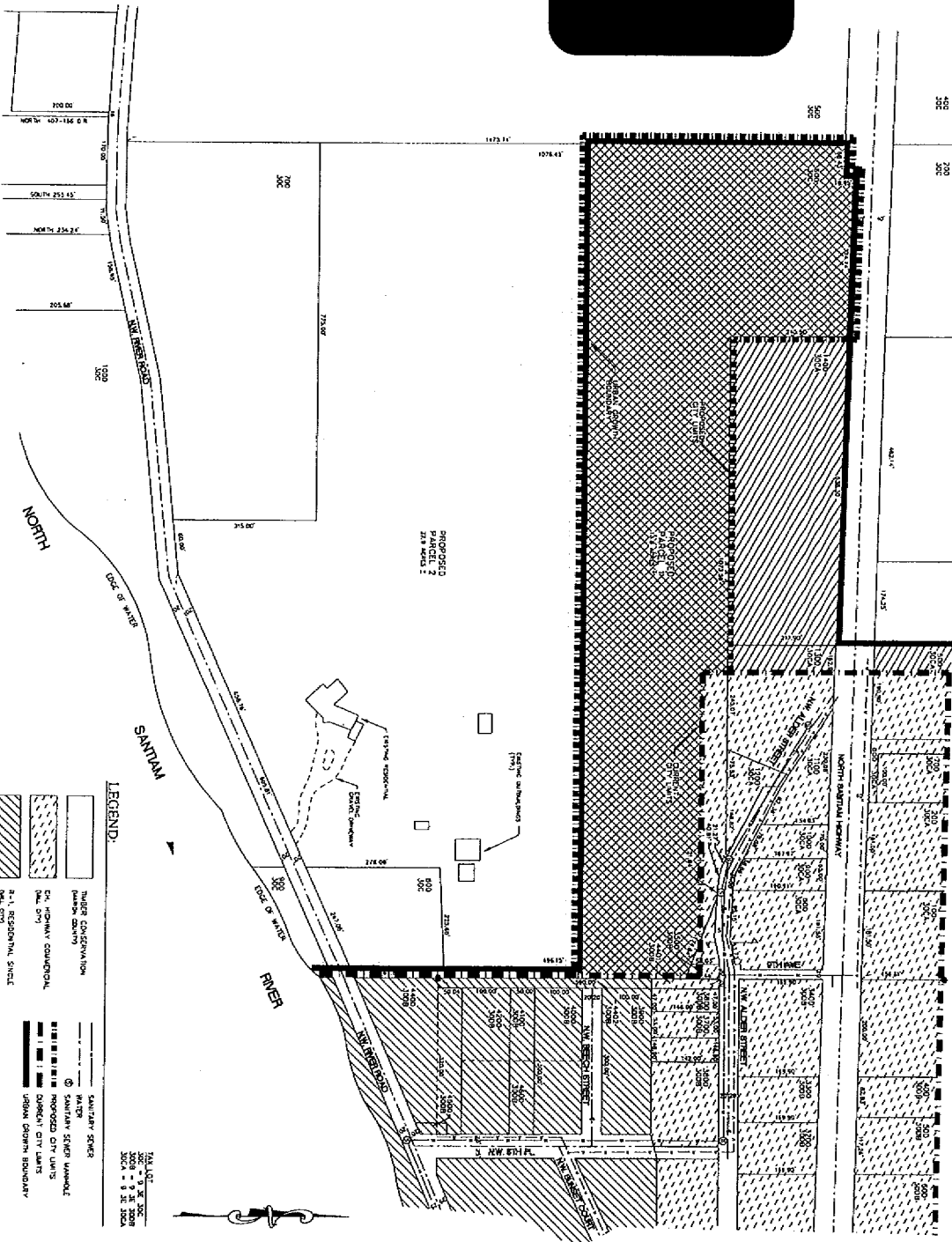
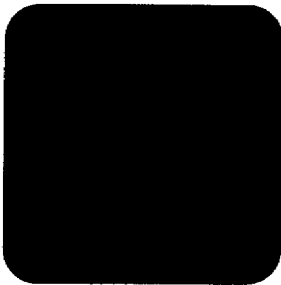
Date: 4-27-07 Attest: 
 DEBORAH HOGAN, City Administrator

APPROVED AS TO FORM

Date: _____
 JAMES L. McGEHEE, City Attorney

Attachments: Exhibit "A" - Annexation Area
 Exhibit "B" - Rezoning
 F:\Ordinances\345-Annex & ZC Spindell No exhib.wpd

VICINITY MAP



LEGEND:

- THIRD CONSTRUCTION (water conveyance)
- HIGHWAY CORRIDOR (MILL CITY)
- 24' RESIDENTIAL STREET (MILL CITY)
- U-1-5 (water conveyance)
- ZONE CHANGE (U-1-5 to R-2)
- SANITARY SEWER
- WATER
- SCHEDULED STREET WAREHOUSING
- PROPOSED CITY LOTS
- EXISTING CITY LOTS
- URBAN GROWN BOUNDARY

GRAPHIC SCALE
1 inch = 100 feet

<p>SHEET NO. 1 OF 1</p> <p>PROJECT NO. 2006-05</p> <p>SCALE: 1" = 100'</p> <p>DRAWN BY: BLS</p> <p>CHECKED BY: GJR</p> <p>DATE: 10/20/2006</p>	<p>PROJECT: PROPOSED ANNEXATION ZONE CHANGE AND PARTITION</p> <p>SHEET TITLE:</p>	<p>OWNER: AL SPINDEL 28391 S.E. RIVER RD. MILL CITY, OR 97360</p> <p>MILL CITY OREGON</p>	<p>ENGINEER: RIVERSIDE ENGINEERING COMPANY, INC.</p> <p>2015 25th STREET S.E. P.O. BOX 3637 SALEM, OREGON 97302 Tel. (503) 581-6362 Fax (503) 581-0901</p>	<p>REVISION:</p>
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LEGAL DESCRIPTION

A tract of land situated in the southwest quarter of Section 30, Township 9 South, Range 3 East of the Willamette Meridian, Marion County, Oregon, being more particularly described as follows:

Beginning at the northwest corner of that tract of land as described in Reel 2214, Page 96, Marion County Deed Records, said point is East, 1060 feet (record) and South 500 feet (record) from the northwest corner of the southwest quarter of Section 30, said Township and Range; thence along the south right of way line of North Santiam Highway (Oregon State Highway 22), South 88° 20' 00" East, 65.00 feet to an angle point in said right of way line, thence North 01° 40' 00" East, 20.00 feet; thence continue along the said right of way line, South 88° 20' 00" East, 325.00 feet to the northwest corner of that tract of land as described in Volume 502, Page 207, Marion County Deed Records; thence along the west line of the said tract, South 00° 00' 00" East, 240.50 feet to the southwest corner of said tract; thence along the south line of said tract and it's easterly extension, North 90° 00' 00" East, 716.66 feet to the city limit line of Mill City adopted May, 1947; thence along the said city limit line, South 01° 40' 00" West, 30.34 feet to an angle point in said line; thence continue along the existing city limit line, South 88° 20' 00" East, 497.51 feet to intersect the south line of that tract of land as described in Volume 285, Page 247, Marion County Deed Records; thence along the said south line, South 70° 00' 00" East, 109.02 feet to intersect the north-south centerline of said Section 30; thence along the said north-south centerline, South 00° 00' 00" West, 217.92 feet to a point that is 300.00 feet southerly of when measured at right angles to the south line of that tract of land as described in said Volume 502, Page 207; thence along line 300.00 feet opposite of and parallel to the said south line, North 90° 00' 00" West, 1705.94 feet to intersect the west line of that tract of land as described in said Reel 2214, Page 96; thence along the west line of said tract, North 00° 00' 00" West, 531.85 feet to the point of beginning.
Containing 13.3 acres more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 14, 1978
JAMES E. ANDREWS
1628

EX-102 02/21/07