



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

11/26/2012

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 002-12

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: Friday, December 07, 2012

This amendment was submitted to DLCD for review 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 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: Jennifer Lynagh, City of McMinnville
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, 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
NOV 19 2012
LAND CONSERVATION
AND DEVELOPMENT
For Official Use Only

Jurisdiction: **City of McMinnville**

Local file number: **G 1-12**

Date of Adoption: **11/13/2012**

Date Mailed: **11/16/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8/12/2012

☐ 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 City of McMinnville has amended Chapter 17.12.020 S (3) of the McMinnville Zoning Ordinance. A separation of 660 feet between vacation home rentals in residential and office-residential zones is no longer a requirement.

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **N/A**

Acres Involved:

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 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...

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: **Jennifer Lynagh**

Phone: **(503) 434-7311** Extension:

Address: **231 NE Fifth Street**

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

City: **McMinnville** Zip: **97128-**
jennifer.lynagh@ci.mcminnville.or.us

E-mail Address:

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. 4959

An Ordinance amending Section 17.12.020 (S) of the McMinnville Zoning Ordinance (No. 3380) by eliminating the 660-foot separation requirement between vacation home rental businesses in residential and office-residential zones.

RECITALS:

Ordinance No.4902 was adopted in December, 2008, putting in place standards for the operation of vacation home rental businesses in residential and office-residential zones. Anticipating that such uses might become increasingly popular, a restriction was included in the Ordinance to require a 660-foot (one-eighth of a mile) separation between vacation home rentals to limit the number of such uses that could occur in any one neighborhood, and, in so doing, minimize the possibility that the neighborhood's character could be affected. This standard is found at Section 17.12.020 (S) (3) of the zoning ordinance. Since the adoption of Ordinance No.4902, six (6) conditional use permits have been approved for the purpose of operating vacation home rental businesses, five (5) of which remain in operation today.

At the July 19, 2012, Planning Commission meeting, Commissioners received and considered a citizen's request to initiate a legislative review of the 660-foot separation requirement. Following discussion and deliberation by the Planning Commission, they scheduled a public hearing in order to take testimony and action on this matter.

A public hearing was held on September 20, 2012, at 6:30 p.m. to consider amendments to the vacation home rental separation requirement after due notice had been given in the local newspaper on September 12, 2012. At the conclusion of this hearing, and based upon the testimony received, the Planning Commission recommended that the separation requirement between vacation home rental businesses in residential and office-residential zones be eliminated; now, therefore,

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That Chapter 17.12 of the McMinnville Zoning Ordinance (No. 3380) be amended by deleting Section 17.12.020 (S) (3) and renumbering the subsections that follow accordingly.

Section 2. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823 entitled, "Initiative and Referendum," for a period of 30 (thirty) days.

First Reading: Read and passed by the Council this 23rd day of October 2012, by the following votes:

Ayes: Hill, Menke, Ruden, Yoder

Nays: Jeffries

Second Reading: Read and passed by the Council this 13th day of November 2012, by the following votes:

Ayes: Hill, May, Ruden, Yoder

Abstain: _____

Nays: Jeffries


COUNCIL PRESIDENT PRO TEM

Attest:


CITY RECORDER

Approved as to Form:


CITY ATTORNEY

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COUNCIL PRESIDENT **PRO TEM**

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CITY RECORDER

Approved as to Form:


CITY ATTORNEY



230 NE Second Street, McMinnville, Oregon 97128



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

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