



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

01/22/2013

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 003-12

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, February 01, 2013

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: Ron Pomeroy, City of McMinnville  
Gordon Howard, DLCD Urban Planning Specialist  
Angela Lazarean, DLCD Regional Representative  
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA

FORM **2****DLCD****Notice of Adoption**☐ In person ☐ electronic ☐ mailedDATE  
STAMP

DEPT OF

JAN 14 2013

LAND CONSERVATION  
AND DEVELOPMENT

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: **G 3-03**Date of Adoption: **1/8/2013**Date Mailed: **01/10/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 10/19/2012☒ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☒ Other: **UGB Amendment**

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

The City of McMinnville amended certain portions of McMinnville Ordinance 4796 related to the adoption of the McMinnville Growth Management and Urbanization Plan (MGMUP) and the MGMUP - Findings document, and repealed Ordinance No. 4841 amending the MGMUP and findings. This is in response to LCDC remand order 12-WLTASL-0018145. This approval, in part, reduced the size of the 2006 adopted UGB, and removed NAC and R-5 related text from the comprehensive plan.

Does the Adoption differ from proposal? Yes, Please explain below:

McMinnville Zoning Ordinance Section 17.33.010(3) (MGMUP page E-3) has also been repealed. Additionally, the rezoning of certain properties (Section 3(d) of the draft ordinance) was determined to have been accomplished by previous action of the Oregon LCDC; no further action was needed and this element was removed from the ordinance.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved: **811.85**

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
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Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD File No. 003-12 (19559) [17319]

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:

Yamhill County

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

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 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](mailto:plan.amendments@state.or.us).

ORDINANCE NO. 4961

An Ordinance amending certain portions of Ordinance No. 4796 related to the adoption of the McMinnville Growth Management and Urbanization Plan (MGMUP) and MGMUP – Findings document, and repealing Ordinance No. 4841 in its entirety.

RECITALS:

On October 14, 2003, the McMinnville City Council adopted the "McMinnville Growth Management and Urbanization Plan" (MGMUP) and appendices, and the MGMUP – Findings document (ORD No. 4796) as part of the McMinnville Comprehensive Plan, Volume I. These documents were prepared in response to an analysis of the city's buildable lands and future land needs, which determined that there exists a shortfall of both residential and commercial land necessary to accommodate projected growth needs through the year 2023.

Following a series of subsequent appeals and remands, the Oregon Land Conservation and Development Commission (LCDC) issued an Order approving the MGMUP on November 8, 2006.

On December 22, 2006, this action was appealed by 1000 Friends of Oregon, Friends of Yamhill County and Ilsa Perse to the Oregon Court of Appeals.

Following attempts at reaching a negotiated settlement with the appellants that proved unsuccessful, DLCD drafted amendments to the Commission's 2006 approval order to address interpretations of law. The Commission approved the revised Order in November, 2008.

After multiple time extensions were granted, the appellants filed their opening brief with the Oregon Court of Appeals in October, 2009. Oral arguments were presented to the Court in September, 2010.

On July 13, 2011, the Court issued its decision to reverse and remand LCDC's approval of portions of MGMUP. This decision became effective on January, 13, 2012. On February, 28, 2012, LCDC issued an order reversing and remanding its prior decision to the City consistent with the court's final opinion and order.

The City Council has determined that the prudent course of action at this time is to delay further work necessary to satisfy the LCDC Order, and to remove from the adopted MGMUP those elements that are no longer relevant.

A public hearing before the McMinnville City Council for the purpose of taking testimony to consider these proposed amendments was conducted on November 27, 2012, after notice of the meeting had been published in the News Register on November 16, 2012. At the conclusion of this hearing, the City Council held the record open and directed staff to provide a written response to comments offered during public testimony for review at the December 11, 2012, Council meeting.

At the December 11, 2012, meeting Council reviewed staff's response and received and considered additional public testimony. Following thorough deliberation, the Council found the amendments proposed by staff appropriate and consistent with the referenced LCDC Order and directed staff to prepare an amended ordinance for their consideration and adoption.

Now therefore, THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the following comprehensive plan policies shall be amended to remove NAC references and to reinstate the previous policy language:

- (a) Policy 27.00, 68.00, 84.00, 86.00, 132.15, and 186.00

Section 2. That the policies and single goal below shall be modified as follows [new text is underlined; text to be deleted is indicated with a strikeout font]:

- (a) Policy 45.00 The City of McMinnville shall study the feasibility of developing bicycle and pedestrian paths and/or lanes between residential areas and the activity centers in the downtown. ~~designated Neighborhood Activity Centers and between residential areas and Downtown McMinnville.~~
- (b) Policy 71.01 The City shall plan for development of the property located on the west side of the City that is outside of ~~designated Neighborhood Activity Centers~~ or planned or existing transit corridors (1/4 mile ~~500 feet~~ either side of the route) to be limited to a density of six units per acre. It is recognized that it is an objective of the City to disperse multiple family units throughout the community. In order to provide for higher density housing on the west side, sewer density allowances or trade-offs shall be allowed and encouraged.
  - [...] E. Applications for multiple-family zone changes will be considered in relation to the above factors, e.g., sewer line capacity and dispersal of units. In addition, requests for zone changes to multiple-family shall consider those factors set forth in Section 17.72.035 (zone change criteria) of the zoning ordinance. (as amended by Ord. 4218, Nov. 23, 1985). ~~and the locational policies contained in Volume I of the McMinnville Comprehensive Plan.~~
- (c) GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE ~~NEIGHBORHOOD AND COMMUNITY SERVING~~ COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

Section 3. That the following elements of the MGMUP be repealed in their entirety:

- (a) MGMUP pages, i – 7-30, C-1 – C-217, and D-18 – D-24
- (b) MGMUP policies: 28.01(page D-2), 71.11 (page D-9), 71.12 (page D-10), and 170.06 (page D-15)
- (c) MGMUP zoning: 17.33.010 (3) (page E-3), 17.06.425 (page E-4), NAC Chapter (pages e-5 – E-15) and 17.22 (pages E-16 – E-21)
- (d) MGMUP Findings document pages 1-169

Section 4. That the following amendments to Policy 49.01 regarding industrial land (denoted by underlined text for addition and ~~strikeout~~ text for deletion):

- 49.01 The City shall designate an adequate supply of suitable sites to meet identified needs for a variety of different parcel sizes at locations which have direct access to an arterial or collector street without having to pass through residential neighborhoods.

Section 5. That Policy 49.02 addressing the location and provision of industrial land be supplanted with the following:

- 49.02 The location, type, and amount of industrial activity within the Urban Growth Boundary shall be based on community needs as identified in the Economic Opportunities Analysis.

Section 6. That Ordinance No. 4841 be repealed in its entirety.

Section 7. That the current McMinnville comprehensive plan map be supplanted with the comprehensive plan map attached to this ordinance as Exhibit 1.

Section 8. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823 entitled "Initiative and Referendum" for a period of thirty (30) days.

Passed by the Council this 8<sup>th</sup> day of January 2013, by the following votes:

Ayes: Hill, Jeffries, May, Menke

Nays: \_\_\_\_\_

Approved this 8<sup>th</sup> day of January 2013.

  
\_\_\_\_\_  
MAYOR

Attest:

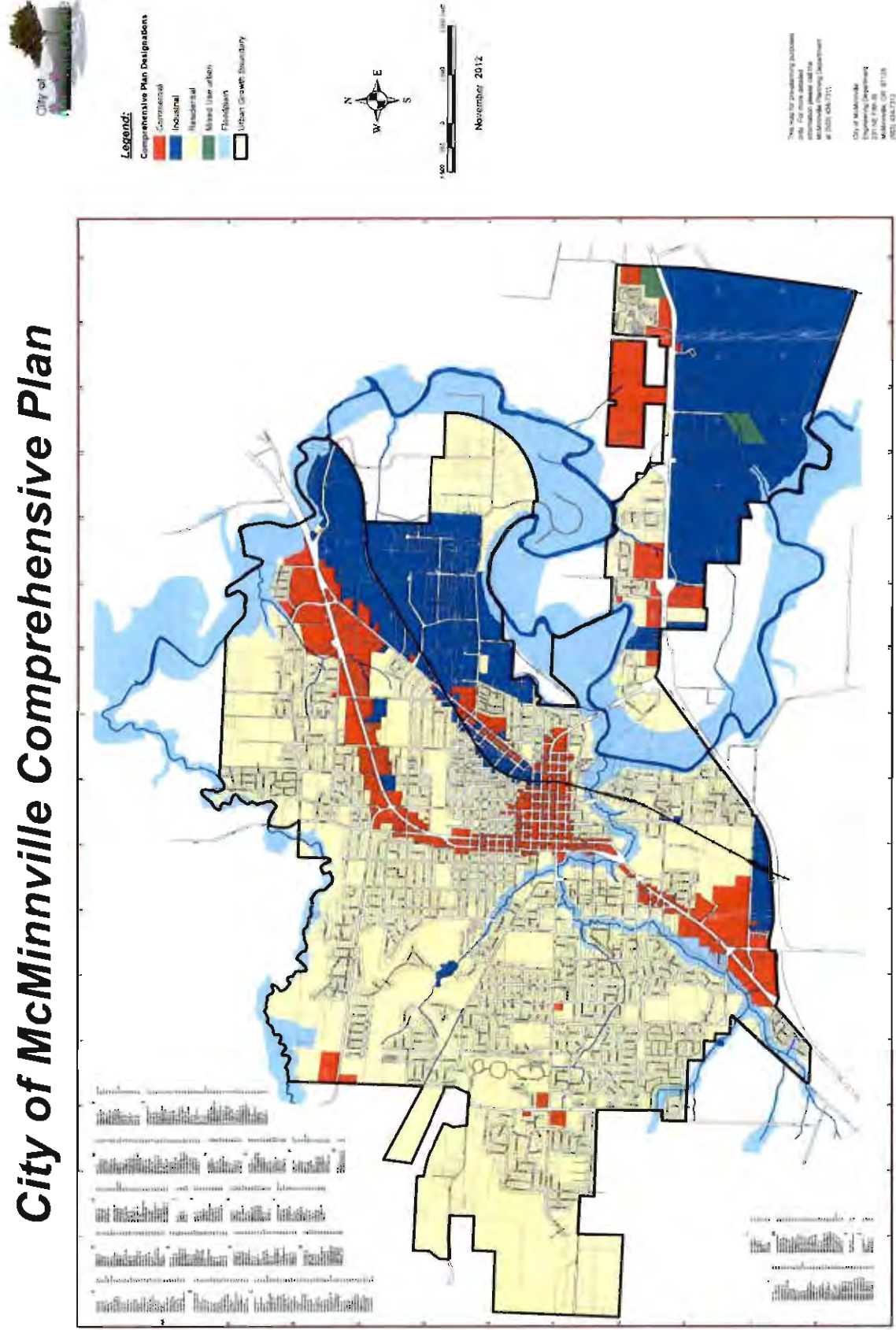
  
\_\_\_\_\_  
CITY RECORDER

Approved as to form:

  
\_\_\_\_\_  
CITY ATTORNEY

# Exhibit 1

## City of McMinnville Comprehensive Plan





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

