



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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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 Nyssa Plan Amendment
DLCD File Number 001-07



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 6, 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
Grant Young, DLCD Regional Representative
Thomas Hogue, DLCD Policy Analyst
Roberta Donovan, City of Nyssa

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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 Nyssa**

Local file number: **2008-06-16**

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

Date Mailed: **10/20/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 06/16/2008

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".

Changed City of Nyssa's Zoning Code Section 11.08 Industrial Zone (I), 11.08.020 Uses Permitted Outright to include" processing, packaging, storage or sale of agricultural crops, food and beverages, including biofuels production, distillation, fermentation and related ancillary uses, but excluding rendering of fat or slaughter".

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

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...

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 # 001-07 (16564)

ORDINANCE NO. 625-08

AN ORDINANCE ALLOWING PRODUCTION OF ETHANOL AND BIOFUELS IN AN INDUSTRIAL ZONE AND AMENDING NYSSA CITY CODE, SECTION 11.08.020.

WHEREAS, production of ethanol and biofuels has the potential to benefit the local economy; and

WHEREAS, the current Nyssa City Code does not allow such activity as a permitted use in an industrial zone in the City; and

WHEREAS, the Nyssa City Council has determined that it is in the best interest of the City to allow such activity as a permitted use in an industrial zone;

NOW THEREFORE, the City of Nyssa does ordain as follows:

SECTION 1. Nyssa City Code, Section 11.08.020 is amended to read as follows:

11.08.020 USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted in an Industrial "I" zone:

Processing, packaging or storage of food or beverage, excluding rendering of fat or oil or slaughtering.

Wholesale distribution center.

Laboratory for experiment and research.

Repair, rental, sale, servicing, or storage of machinery, implements, equipment, trailers, or motor vehicles.

Storage and/or sale of building supplies or equipment.

Warehouse or wholesale distribution and sale facility.

Welding, sheet metal or machine shop.

Eating and drinking establishment.

Business Office.

Service station.

Solid waste disposal transfer station, provided that such facility meets all public health and safety requirements imposed by law. (Ord. 562, 8-8-95).

Recyclable materials, collecting station (Ord. 562, 8-8-95).

Production of ethanol and biofuels and related or ancillary uses, including the distillation and fermentation of such products."

SECTION 2. Declaration of an Emergency.

EMERGENCY CLAUSE: The Common Council of the City of Nyssa hereby adjudges that it is necessary for the immediate preservation of the peace, health and safety of the said City that this ordinance shall take effect immediately upon its passage and approval, and an emergency is hereby declared to exist and this ordinance will be in full force and effect immediately upon its passage by the Council and its approval by the Mayor.

Passed by the Common Council of the City of Nyssa, Oregon, by the following votes this 12th day of August, 2008. (1st Reading)

AYES: Brent Huffman, Kathy Flanders, Pat Brewer, Harry Flock
and Pat Oliver
NAYS: None
ABSENT: Susan Walker
ABSTAINED: Diego Castellanoz (Conflict of Interest)


Passed by the Common Council of the City of Nyssa, Oregon, by the following votes this 9th day of September, 2008. (2nd Reading)

AYES: Brent Huffman, Kathy Flanders and Harry Flock
NAYS: None
ABSENT: Susan Walker, Pat Brewer and Pat Oliver
ABSTAINED: Diego Castellanoz (Conflict of Interest)

Passed by the Common Council of the City of Nyssa, Oregon, by the following votes this 14th day of October, 2008. (3rd Reading)

AYES: Susan Walker, Kathy Flanders, Harry Flock,
Brent Huffman and Pat Brewer
NAYS: None
ABSENT: Pat Oliver
Abstained: Diego Castellanoz (Conflict of Interest)

Approved this 14th of October, 2008.


Susan K. Walker, Mayor

ATTEST:


Hilda Contreras, City Recorder

City of Nyssa
301 Main St
Nyssa, OR 97913



Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE suite 150
Salem, OR 97301-2540

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