



**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**

04/08/2009

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

**FROM:** Larry French, Plan Amendment Program Specialist

**SUBJECT:** City of McMinnville Plan Amendment  
DLCD File Number 005-08

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:** Wednesday, April 22, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Jennifer Lynagh, City of McMinnville  
Gloria Gardiner, DLCD Urban Planning Specialist  
Steve Oulman, DLCD Regional Representative  
Thomas Hogue, DLCD Regional Representative  
Angela Lazarean, DLCD Urban Planner  
Bill Holmstrom, DLCD Transportation Planner

<paa> YA/

**FORM 2**

**DEPT OF**

**DLCD NOTICE OF ADOPTION** APR 02 2009

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 – Division 18 **CONSERVATION AND DEVELOPMENT**

(See reverse side for submittal requirements)

Jurisdiction: City of McMinnville Local File No.: CPA 3-08 / ZC 5-08  
(If no number, use none)

Date of Adoption: March 24, 2009 Date Mailed: March 31, 2009  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: December 30, 2008

Comprehensive Plan Text Amendment     Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment         Zoning Map Amendment  
 New Land Use Regulation                     Other: \_\_\_\_\_  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."  
Amending the Comprehensive Plan Map for three properties, (one acre in area combined) from an  
Industrial to a Commercial classification. Also, a zoning map amendment for the same properties  
from M-1 (Light Industrial) to C-3 PD (General Commercial, Planned Development).

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."  
Same.

Plan Map Changed from: Industrial to Commercial  
Zone Map Changed from: M-1 Light Industrial to C-3PD (General Commercial Planned Development  
Location: 925 NE 7<sup>th</sup> Street, 750 NE Alpine Ave. Acres Involved: one  
Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_  
Applicable Statewide Planning Goals: 1, 9, and 10  
Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 005-03(17301) [15461]

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

Local Contact: Jennifer Lynagh Area Code + Phone Number: 503-434-7311

Address: 231 NE 5th Street City: McMinnville

Zip Code+4: 97128 Email Address: jennifer.lynagh@ci.mcminnville.or.us

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Mara.Ulloa@state.or.us](mailto:Mara.Ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4913

An Ordinance amending the comprehensive plan map designation on three parcels of land from Industrial to Commercial, and rezoning said properties from an M-1 (Light Industrial) zone to a C-3 PD (General Commercial Planned Development) zone.

RECITALS

The Planning Commission received an application (CPA 3-08/ZC 5-08) from Granary District Properties, dated December 16, 2008, to amend the comprehensive plan map designation on three parcels of land totaling one acre in size from Industrial to Commercial and rezoning said property from an M-1 (Light Industrial) zone to a C-3 PD (General Commercial Planned Development) zone to allow for future mixed use development. The subject properties are located at 750 NE Alpine Avenue and 925 NE 7<sup>th</sup> Avenue, and are more specifically described as Tax Lots 3900, 3901, and 4000, Section 21BA, T. 4 S., R. 4 W., W.M.

A public hearing was held on February 19, 2009, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on February 12, 2009, 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 request, found that said change conformed to the comprehensive plan and zone change review criteria listed in Chapter 17.72.035 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 changes 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 the City of McMinnville.

Section 2. That the comprehensive plan map designation for the property described in Exhibit "A," is hereby amended from Industrial to Commercial.

Section 3. That the property described in Exhibit "A," is hereby rezoned from an M-1 (Light Industrial) zone to a C-3 PD (General Commercial Planned Development) zone subject to the following conditions:

1. That development and use of the subject site shall be subject to the conditions listed in Planned Development Ordinance No. 4792, a copy of which is attached.

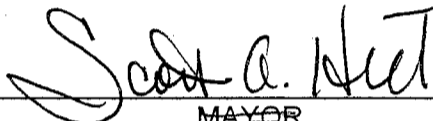
2. That the City Engineer may require that improvements to the site be constructed by the applicant as necessary to mitigate increases in traffic generation due to changes in occupancy within the subject site. Such improvements may include, but are not limited to, construction of utilities and public sidewalks, and the relocation or reconstruction of driveway(s).
3. That direct vehicular access from or to Lafayette Avenue shall be prohibited.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 24<sup>th</sup> day of March, 2009, by the following votes:

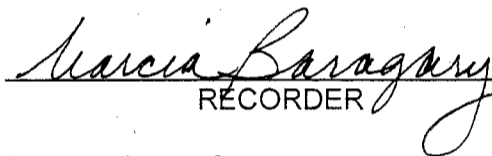
Ayes: Hill, Jeffries, Menke, Yoder

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

Approved this 24<sup>th</sup> day of March 2009.

  
\_\_\_\_\_  
MAYOR  
COUNCIL PRESIDENT

Attest:

  
\_\_\_\_\_  
RECORDER

Approved as to form:

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

Exhibit "A"

Parts of Lots 1 and 2 of Block 2, OAK PARK ADDITION to the City of McMinnville, which is more particularly described as follows:

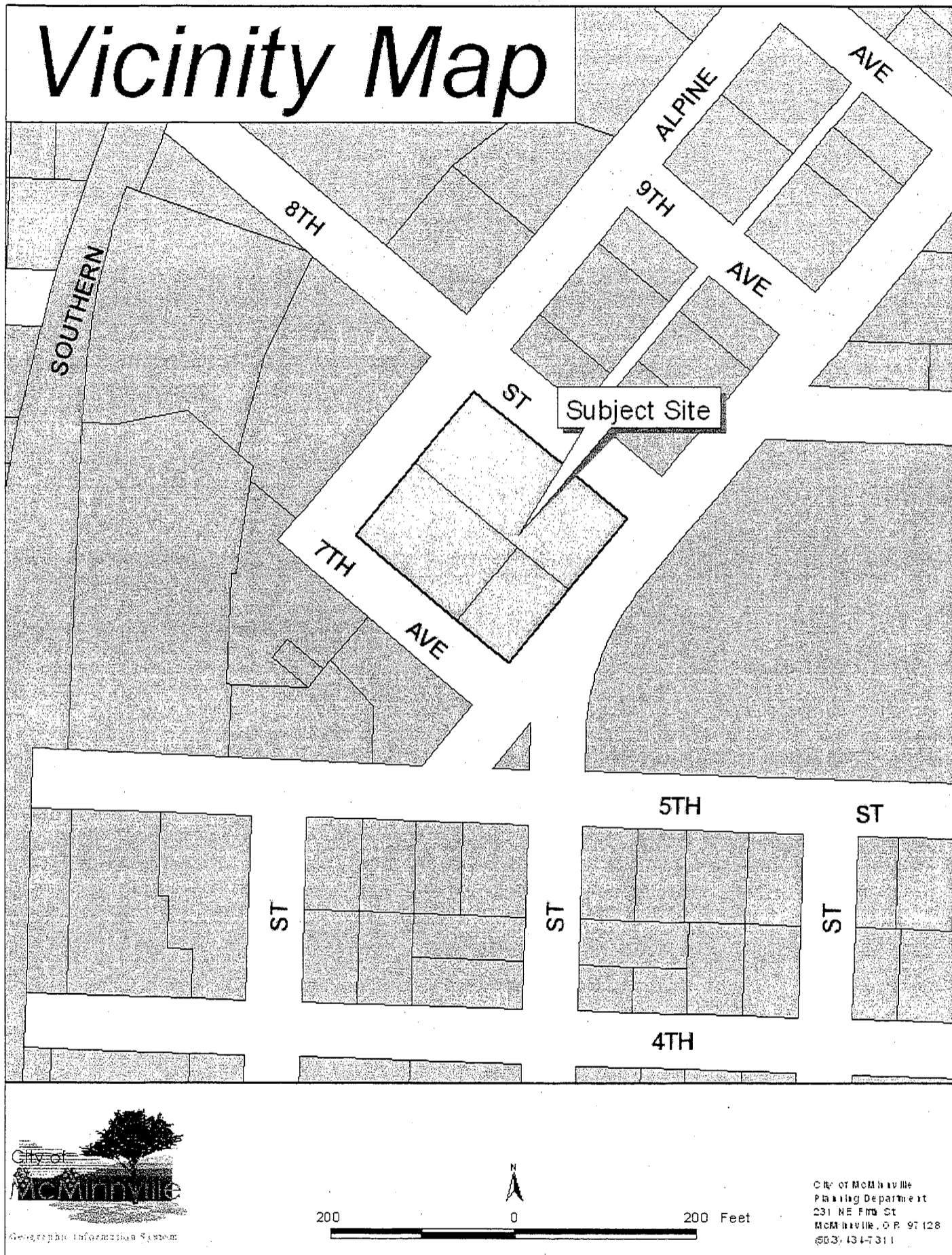
Beginning at the Southeasterly corner of said Lot 1; thence North 37 deg. 58 min. 38 sec. East 100.00 feet to the Northeasterly corner of said Lot 2; thence North 52 deg. 02 min. 21 sec. West 72.56 feet along the North line of said Lot 2 to an iron rod; thence South 37 deg. 58 min. 38 sec. West 100.00 feet to the Southerly line of said Lot 1; thence South 52 deg. 02 min. 21 sec. East 72.56 feet to the point of beginning.

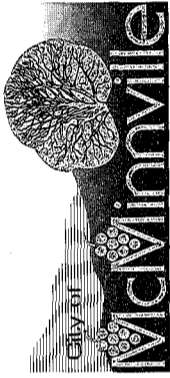
Parcel 8: Lots 3, 4, 5, and 6, Block 2, OAK PARK ADDITION, in the City of McMinnville, County of Yamhill, State of Oregon. TOGETHER WITH those portion of a vacated alleyway inuring thereto by reason of Vacating Ordinance No. 3701, recorded June 13, 1974 in Film Volume 100, Page 1265, Deed and Mortgage Records.

Parcel 7: Part of Block 2, OAK PARK ADDITION to the City of McMinnville, Yamhill County, Oregon, being more particularly described as follows:

BEGINNING at the Southeasterly corner of Lot 1 in said Block 2; thence North 37°58'38" East 100.00 feet to the Northeasterly corner of Lot 2 in said Block 2; thence North 52°02'21" West 72.56 feet along the North line of said Lot 2 to an iron rod, said iron rod being at the Northwesterly corner of that certain tract of land described in Option to Purchase Real Property, recorded January 20, 1995 as Instrument No. 199500740 Deed and Mortgage Records and being the True Point of Beginning of the tract herein described; thence continuing North 52°02'21" West along the Northerly line of Lots 2 and 7, Block 2 of OAK PARK ADDITION 142.32 feet to an iron rod at the Northwesterly corner of said Lot 7; thence South 37°58'38" West 100.00 feet to an iron rod at the Southwesterly corner of Lot 8 in said Block 2, OAK PARK ADDITION; thence South 52°02'21" East, a distance of 142.32 feet to an iron rod at the Southwesterly corner of that certain tract described in Option to Purchase Real Property, recorded January 20, 1995, as Instrument No. 199500740, Deed and Mortgage Records; thence North 37°58'38" East 100 feet to the True Point of Beginning.

# Vicinity Map





230 NE Second Street • McMinnville, OR 97128

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

