



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

09/26/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Nyssa Plan Amendment
DLCD File Number 001-11

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: Monday, October 10, 2011

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: Roberta Donovan, City of Nyssa
Angela Lazarean, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

SEP 21 2011

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

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

Jurisdiction: **City of Nyssa**

Local file number:

Date of Adoption: **09/13/2011**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 04/07/2011

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 Nyssa updated their Zoning Code as well as the bicycle and pedestrian components of the Transportation System Plan to enhance bicycle and pedestrian facilities and provisions in Nyssa.

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **Nyssa**

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**

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 file No. 001-11 (18778) [16767]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT

Local Contact: **Roberta Vanderwall**

Phone: (541) 372-2264 Extension: 6

Address: **301 Main Street**

Fax Number: 541-372-3737

City: **Nyssa**

Zip: **97913-**

E-mail Address: **nyssamanager@nyssacity.org**

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.

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011

Ordinance No.632-11

AN ORDINANCE OF THE CITY OF NYSSA ADOPTING AMENDMENTS TO NYSSA'S TRANSPORTATION SYSTEM PLAN AND ZONING CODE (TITLE XI) AND RELATED FINDINGS.

WHEREAS, amendments to the Nyssa Transportation System Plan and Zoning Code are needed to address safety and livability issues raised by citizens of Nyssa in past local planning efforts and ensure continued compliance with the State of Oregon's Transportation Planning Rule (TPR); and

WHEREAS, the Nyssa City Council and Planning Commission held a work session on June 15, 2011, to consider the amendments and receive public input; and

WHEREAS, the City sent notice of the proposed amendments to the Department of Land, Conservation, and Development on April 7, 2011, not less than 45 days prior to the first evidentiary hearing as required by state law and local code.

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

Section 1: The Nyssa Transportation System Plan's (TSP) is hereby amended as shown in Exhibit A.

Section 2: The TSP and Zoning Code (Title XI) are amended as described in Exhibit B (Memorandum dated March 18, 2011, from Parametrix to the City of Nyssa), including amendments implementing the updated bicycle and pedestrian element of the TSP as well as ensuring continued compliance with the State Transportation Planning Rule (TPR).

Section 3: The Findings of Fact as shown in Exhibit C are hereby adopted in support of this decision.

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 resolution shall take effect immediately upon its passage and approval, and an emergency is hereby declared to exist and this resolution will be in full force and effect immediately upon its passage by the Council and its approval by the Mayor.

Passed by the City Council this 9th day of August, 2011.

AYES: Mayor Brent Huffman, Bert Purcell, Diego Castellanoz, Harry Flock, Pat Oliver and Pat Brewer

NAYS: 0

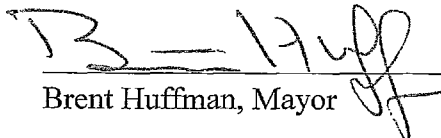
ABSENT: Sue Walker

Approved this 9th day of August, 2011.

ATTEST:



Marla Roberts, City Recorder



Brent Huffman, Mayor

SUBORDINATION OF LIENS AND JUDGMENT

CITY OF NYSSA, being the holder of those Notices of Claim of Lien, reported September 22, 2004, in Instrument No. 2004-6671 and recorded May 16, 2005, in Instrument No. 2005-3561 and creditor in that Judgment against Van Draper, Case No. 02102335E, filed April 3, 2006, in Circuit Court for Malheur County, Oregon, does consent to those certain easements herein above set forth, and subordinates the liens to said easements.

Signed this 19th of September, 2011.

APPROVED AS TO FORM:

CITY OF NYSSA

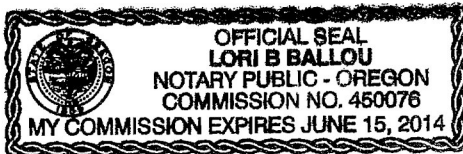
By [Signature]

By B. Huffman
Mayor

By Marla Roberts
Recorder

STATE OF OREGON, County of Malheur

Dated 9-19, 2011. Personally appeared Marla Roberts
and Brent Huffman, who, being sworn, stated that they are the Mayor and Recorder of the City of Nyssa, Oregon, a municipal corporation, and that this instrument was voluntarily signed on behalf of said municipal corporation by authority of its Ordinance No. 936-11, passed by the Council of said City on this 13th day of September, 2011.



Don Ballou
Notary Public for Oregon
My Commission expires June 15, 2014

RESOLUTION NO. 936-11

A RESOLUTION OF THE CITY OF NYSSA, MALHEUR COUNTY, OREGON, AUTHORIZING THE MAYOR TO SIGN THE SUBORDINATION OF LIENS AND JUDGMENT.

WHEREAS, ODOT has been working with the City of Nyssa in order to obtain permanent easements for sidewalks along Thunderegg Blvd for the US 20/26 – 11th Street – Idaho State Line project, and

WHEREAS, the City of Nyssa had placed a lien on property belonging to Van Draper on the corner of Thunderegg Blvd. and Locust Avenue; and

WHEREAS, in order for ODOT to purchase this easement, they need the City to subordinate the Lien and Judgment and will pay the City \$1,010

AND WHEREAS, the City Attorney has reviewed the documents and recommends that the City sign the documents.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Nyssa, Oregon, as follows:

Section 1. The Mayor of the City of Nyssa is hereby authorized to sign the Subordination of Lien and Judgment for the Van Draper property.

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 resolution shall take effect immediately upon its passage and approval, and an emergency is hereby declared to exist and this resolution will be in full force and effect immediately upon its passage by the Council and its approval by the Mayor.

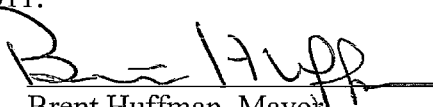
Passed by the Common Council of the City of Nyssa, Oregon, by the following votes this 13th day of September 2011.

AYES: Mayor Brent Huffman, Pat Brewer, Diego Castellanoz, Bert Purcell and Harry Flock

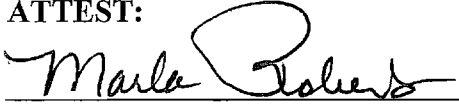
NAYS: 0

ABSENT: Susan Walker and Pat Oliver

Approved this 13th day of September, 2011.


Brent Huffman, Mayor

ATTEST:


Marla Roberts, City Recorder

City of Nyssa
301 Main Street
Nyssa, OR 97913

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



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