



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

May 4, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Mill City Plan Amendment
DLCD File Number 001-06

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. This amendment was submitted without text.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 19, 2006

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: Doug White, DLCD Community Services Specialist
Marguerite Nabeta, DLCD Regional Representative
David W. Kinney, City of Mill City

<paa> ya/

FORM 2

DEPT OF

MAY 01 2006

LAND CONSERVATION
AND DEVELOPMENT

D L C D 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

(See reverse side for submittal requirements)

Jurisdiction: CITY OF MILL CITY Local File No.: 2006.01.01
(If no number, use none)

Date of Adoption: April 25, 2006 Date Mailed: January 20, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: _____

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

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

Annexation and Rezoning of a 0.78 acre parcel.

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

^{ZONE}
~~Plan~~ Map Changed from: Linn County UGA-RR2.5 to Multi-Family (A-2) Residential

Zone Map Changed from: _____ to _____

Location: 48960 SE Kingswood Ave, Mill City Acres Involved: 0.78

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: GOAL 2

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 001-06 (14950)

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: _____

Linn County

Local Contact: David W. Kinney Area Code + Phone Number: _____

Address: PO Box 256 City: Mill City

Zip Code+4: 97360 Email Address: millcity_admin@wbcable.net

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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 338

AN ORDINANCE AMENDING THE MILL CITY ZONING MAP TO REZONE A 0.78 ACRE PARCEL AT 48960 SE KINGWOOD AVENUE TO A SINGLE FAMILY (R-1) RESIDENTIAL ZONE AND ANNEXING SAID PROPERTY WHICH IS CONTIGUOUS WITH THE CURRENT CITY LIMITS OF THE CITY OF MILL CITY, WITHOUT AN ELECTION OF THE PEOPLE.

WHEREAS, the City of Mill City has received a land use application from Jim Clough, Benchmark Builders, Inc. regarding a 0.78 acre parcel at 48960 SE Kingwood Avenue; and

WHEREAS, the applicant proposes to

1. Amend the Mill City Zoning Map to rezone the property, as shown on the Linn County Assessor's maps T9S, R3E, 32AC, Tax Lot 2000, from Linn County Urban Growth Area (UGA-RR 2.5) zone to a City of Mill City Single Family Residential (R-1) zone.
2. Annex the parcel into the City of Mill City; and

WHEREAS, the Planning Commission held a public hearing on March 10, 2006 to consider the application and upon deliberation recommends the city council approve the application; and

WHEREAS, the City Council held a public hearing on March 28, 2006 and at the close of the hearing the City Council concurred with the Planning Commission recommendations and adopted findings of fact approving the land use application with modified conditions of approval;

WHEREAS, the City has reviewed the legal descriptions of the property to be annexed and rezoned; and

WHEREAS, ORS 222.125 allows cities to annex territory when all (100%) of the property owners of the territory and not less than 50% of the electors (registered voters) living within the area to be annexed submit a petition (application) requesting the property be annexed. The owner(s) of the subject property is Jim Clough, Benchmark Builders, Inc. and there are no electors residing on the property;

NOW THEREFORE, the City Council of the City of Mill City hereby ordains as follows:

SECTION 1: The Mill City Zoning Map shall be amended to redesignate and rezone the following property from Linn County Urban Growth Area (UGA-RR 2.5) to Single Family Residential (R-1)

Parcel	Assessor Map & Tax Lot	Size (Acres)	Existing Use	Existing County Comp Plan & Zoning	City of Mill City Comp Plan Designation	City of Mill City Zoning Designation
	09 3E 32AC TL 2000	0.78	Single Family Residence	UGA - RR 2.5	Residential	Single Family Residential (R-1)

Attached hereto is "Exhibit A", which accurately portrays the property to be rezoned.

SECTION 2: ANNEXATION AREA.

The property described in Section 1 above and shown on the map labeled "Exhibit A" and the legal description of the parcel, attached hereto as "Exhibit B" and by this reference made part of this ordinance, is hereby proclaimed to be annexed into the City of Mill City.

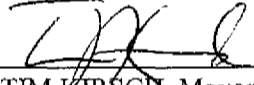
SECTION 3: RECORD

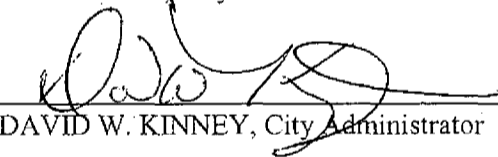
1. The City Administrator shall submit to the Oregon Secretary of State a certified true copy of this ordinance.
2. The City Administrator shall send a description, by metes and bounds, and a map depicting the new boundaries of the city to the Linn County Assessor, the Linn County Clerk, the Marion County Clerk, the Marion County Assessor and the Oregon State Department of Revenue within ten (10) days of the effective date of the annexation.
3. The City Administrator shall notify all affected utilities of the annexation.

This Ordinance read for the first time in full on this 11th day of April 2006.

This Ordinance read by title only for the second time on this 25th day of April 2006.

This Ordinance passed on the 25th day of April 2006 by the city council and executed by the mayor this ____th day of April 2006.

Date: 4-25-06 By: 
TIM KIRSCH, Mayor

Date: 4-25-06 Attest: 
DAVID W. KINNEY, City Administrator

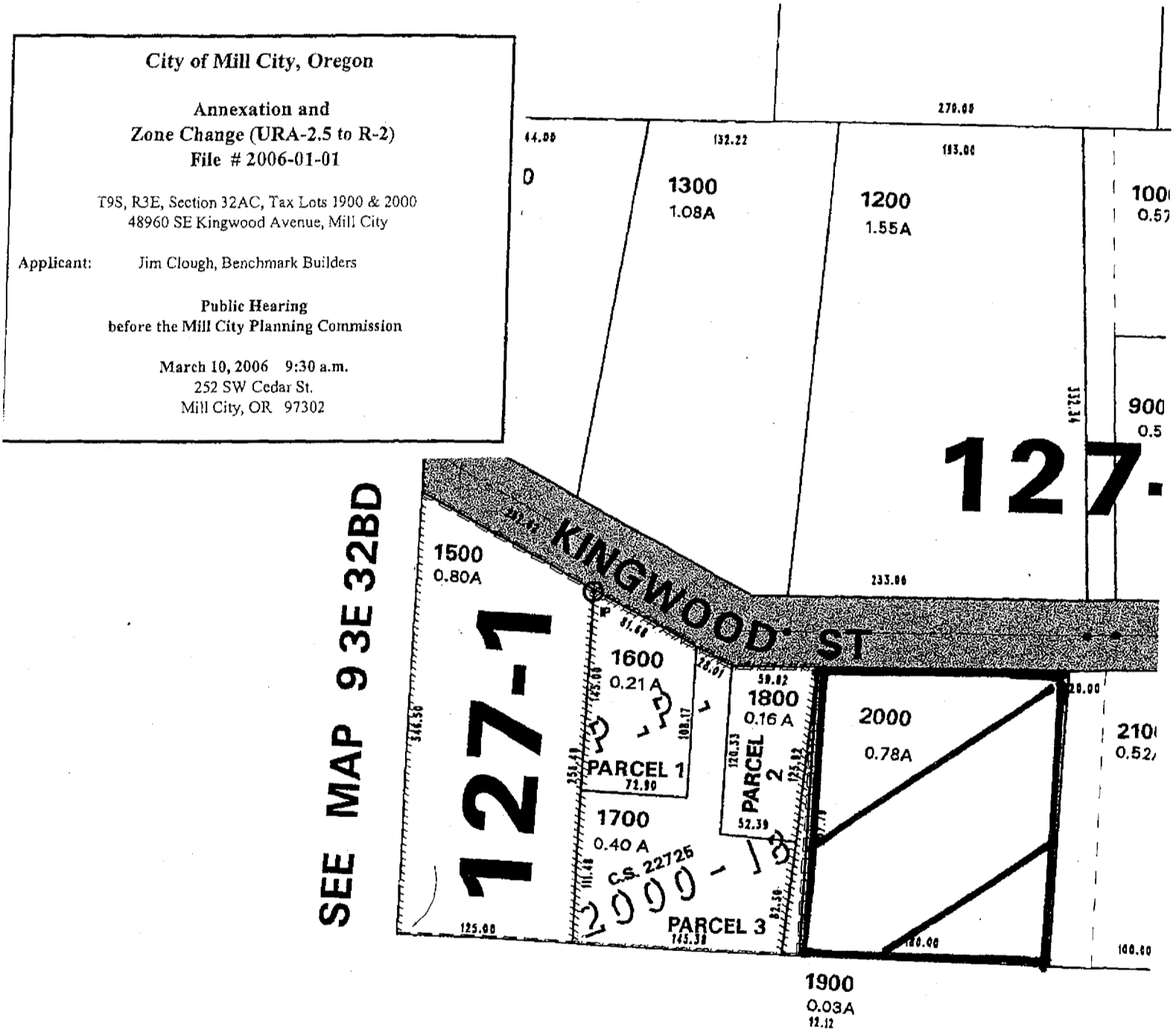
APPROVED AS TO FORM

Date: _____
JAMES L. McGEHEE, City Attorney

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City of Mill City
Ordinance No. 338

EXHIBIT A.



City of Mill City
Ordinance No. 338

EXHIBIT B

LEGAL DESCRIPTION

PROPERTY LOCATED AT 48960 SE KINGWOOD AVENUE THAT IS CONTIGUOUS WITH
THE CURRENT CITY LIMITS OF THE CITY OF MILL CITY.

Real property in the County of Linn, State of Oregon, described as follows:

Parcel I:

Part of Section 32, Township 9 South, Range 3 East of the Willamette Meridian, described as follows: Beginning at the Southwest corner of that certain tract conveyed by Ralph G. Davis, and wife to Henry Schick by Deed recorded March 21, 1950, in Book 213, Page 724, Deed Records, which place of beginning is 346.5 feet South, and 582.8 feet East from the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 32 of said Township, and Range; thence West 300 feet; thence North to the South boundary of the County Road; thence North 87° 12' East along the South boundary of the County Road to the Northwest corner of the certain tract conveyed by Henry Schick to D.L. Beebe, and wife by Deed recorded May 19, 1954 in Book 237, Page 686, Deed Records; thence South along West line of said Beebe tract 189.0 feet to the place of beginning. Except beginning at the Southeast corner of that parcel conveyed to John H. Darby, et ux, by deed recorded June 27, 1960, Deed Records, in Book 271, Page 794, in Section 32, Township 9 South, Range 3 East of the Willamette Meridian, Linn County, Oregon; thence Westerly along the South line of the said Darby tract 100 feet; thence Northerly parallel to the East line of the said Darby tract to the South boundary of the County Road; thence Easterly along the South boundary of the County Road to the Northeast corner of the said Darby tract; thence Southerly along the East line of the said Darby tract to the place of beginning. Also except beginning at a point 100 feet West of the Southeast corner of that parcel conveyed to John H. Darby, et ux, by deed recorded June 27, 1960, Deed Records, in Book 271, Page 794, in Section 32, Township 9 South, Range 3 East of the Willamette Meridian, Linn County, Oregon; thence Westerly along the South line of said Darby tract, 20 feet to a point; thence Northerly parallel to the East line of said Darby tract to the South boundary of the County Road; thence Easterly along said South boundary, 20 feet; thence Southerly parallel to the East line of said Darby Tract to the point of beginning.