



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

January 2, 2007

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 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 12, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Marguerite Nabeta, DLCD Regional Representative
David Kinney, City Of Mill City

<paa> ya

FORM 2

DEPT OF
DEC 26 2006
LAND CONSERVATION
AND DEVELOPMENT

DLCD 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.: 2005.08.20
(If no number, use none)
Date of Adoption: ~~12-12-2006~~ 12/22/06 Date Mailed: 12-22-2006
(Must be filled in) (Date mailed or sent to DLCD)
Date the Notice of Proposed Amendment was mailed to DLCD: 3-21-2006

- 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."

Annex ^{14 +/-} acres inside U9B
Redesignate + Rezone 1.2 acres to Commercial (CC)
Redesignate + Rezone 8+ acres to Residential (R-1) + (R-2)
Redesignate + Rezone 3.6 acres to Public (P)

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."

Annexation acre reduced from 20.65 acres to 14 +/- acres

Plan Map Changed from: Residential to ~~Commercial (CC)~~ to Commercial (CC)
Residential (R-1) + (R-2)
Public (P)

Zone Map Changed from: Linn County U9A R2.5 to (same as above)

Location: _____ Acres Involved: 14 +/- acres

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 2, 9, 10, 11, 14

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 002-06 (15121)

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: _____
Wagon County, Mill City Fire District

Local Contact: David W. Kinney Area Code + Phone Number: 503-897-2502
Address: Po Box 256 City: Mill City
Zip Code+4: 97360 Email Address: millcity@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. 342

AN ORDINANCE AMENDING THE MILL CITY COMPREHENSIVE PLAN MAP AND MILL CITY ZONING MAP TO REDESIGNATE CERTAIN PROPERTIES TO PUBLIC (P), RESIDENTIAL (R) AND COMMERCIAL (C) DESIGNATIONS AND TO REZONE CERTAIN PROPERTIES TO PUBLIC (P), CENTRAL-COMMERCIAL (CC), SINGLE FAMILY RESIDENTIAL (R-1) AND MULTI-FAMILY RESIDENTIAL (R-2) AND ANNEXING CERTAIN PROPERTY WHICH IS CONTIGUOUS WITH THE CURRENT CITY LIMITS OF THE CITY OF MILL CITY, WITHOUT AN ELECTION OF THE PEOPLE.

WHEREAS, Rex Lucas and Scott Baughman submitted a land use application, File No. 2005-08-20 to annex, redesignate and rezone various properties outside the current city limits and inside the urban growth boundary;

WHEREAS, on May 19, 2006 and June 2, 2006 the Mill City Planning Commission held public hearings to consider the application and on June 16, 2006 the Planning Commission completed its deliberation on this application and on July 14, 2006 forwarded the following recommendations to the City Council for its consideration.

A. Proposed 20.65 Acre Annexation

- | | |
|--|--------------------|
| 1. Firefighter Association Property (MH & Boy Scout area) | Recommend Approval |
| 2. SE Remine Rd. (owned by City, not in applicant's annexation area) | Recommend Approval |
| 3. Phase 1 Area - North of SE Fairview Street (5 acres +/-) | Recommend Approval |
| 4. 49040 / 49044 SE Fairview Street (0.70 acres) | Recommend Approval |
| 5. Area 4 - South Side of SE Fairview Street (0.90 acres) | Recommend Approval |
| 6. Phase V Area - South of SE Fairview Street (10 acres +/-) | Recommend Denial |

All areas annexed to the City will come into the City of Mill City as Residential (R) and be zoned Single Family Residential (R-1) unless the City Council re-designates and re-zones the properties to another zone.

B. Comprehensive Plan Map Amendments

- | | |
|---|--------------------|
| 1. Designate 3.6 acres MC Volunteer Firefighters Association property from Residential to Public (P). | Recommend Approval |
| 2. Designate SE Remine Rd. (City-owned) as Public (P) | Recommend Approval |
| 3. Designate 1.2 acre Commercial Area East of Remine Rd. from Residential (R) to Commercial (C) | Recommend Denial |

C. Zoning Map Amendments

- | | |
|--|--------------------|
| 1. Rezone 3.6 acres MC Volunteer Firefighters Association property from Residential to Public (P). | Recommend P Zone |
| 2. Rezone Phase 1 area North of SE Fairview & East of Remine Rd. | Recommend R-1 Zone |
| 3. Rezone 1.2 acre area East of Remine Rd. to Commercial | Recommend Denial |
| 4. Rezone 49040 / 49044 (0.70 acres) to R-2 Residential | Recommend R-1 Zone |
| 5. Rezone Area 4 - South Side of SE Fairview Street (0.90 acres) | Recommend R-1 Zone |

WHEREAS, the City Council held a public hearing on July 18, 2006 and at the close of the hearing the City Council concurred with the majority of the Planning Commission recommendations with the following changes:

Comprehensive Plan Map Amendments:

- | | |
|---|--------------------------|
| 3. Designate 1.2 acre Commercial Area East of Remine Rd. from Residential (R) to Commercial (C) | Approved (C) Designation |
|---|--------------------------|

Zoning Map Amendments:

- | | |
|--|-------------------|
| 4. Rezone 49040 / 49044 (0.70 acres) to R-2 Residential | Approved R-2 Zone |
| 5. Rezone 1.2 acre area East of Remine Rd. to Commercial | Approved CC Zone |

WHEREAS, on August 8, 2006 the City Council adopted findings of fact and further directed the Planning Commission to develop Zoning Code amendments for the Central-Commercial zone to permit RV storage units in the CC zone adjacent to SE Fairview Street subject to a site plan review, 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 and the city has received petitions from 100% of the property owners and more than 50% of the electors living within the area to be annexed; and

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

SECTION 1: The territory described in Exhibit "A" and shown on "Map #1", attached hereto and by this reference made a part of this ordinance, is hereby annexed into the City of Mill City, Oregon.

SECTION 2: The Mill City Comprehensive Plan Map shall be amended to redesignate the following properties:

Parcel	Assessor Map & Tax Lot	Size (Acres)	Existing Use & Property Owner	Existing Comp Plan Designation	New City of Mill City Comp Plan Designation
A	09 3E 29 TL 301	3.6	49003 SE Remine Rd. Mill City Volunteer Fire Dept.	Residential	Public--P

Parcel	Assessor Map & Tax Lot	Size (Acres)	Existing Use & Property Owner	Existing Comp Plan Designation	New City of Mill City Comp Plan Designation
B	09 3E 29 TL 499	0.5	SE Remine Rd. City of Mill City	Residential	Public--P
C	out of 09 3E 29 TL 200	1.2	Vacant Rex A. Lucas	Residential	Commercial - C

Map #2, attached hereto and by this reference made a part of this ordinance, accurately portrays the properties to be redesignated on the Mill City Comprehensive Plan map.

SECTION 3: The Mill City Zoning Map shall be amended to rezone the following properties:

Parcel	Assessor Map & Tax Lot	Size (Acres)	Existing Use	Existing Linn County Zoning	New City of Mill City Zoning
A	09 3E 29 TL 301	3.60	49003 SE Remine Rd. Mill City Volunteer Fire Dept.	UGA - RR 2.5	Public--P
B	09 3E 29 TL 499	0.45	SE Remine Rd. City of Mill City	UGA - RR 2.5	Public--P
C	out of 09 3E 29 TL 200 adjacent to SE Remine Rd.	1.20	Vacant Land abutting SE Remine Rd. north from SE Fairview Street to north edge of WWTP plant site. Rex A. Lucas	UGA - RR 2.5	Central Commercial CC
D	out of 09 3E 29 TL 200 balance of area inside the UGB	8.00 +/-	Vacant Land includes balance of area inside the UGB and north of SE Fairview Street to east and northeast of Parcel C and Area 4 on map south of SE Fairview Street Rex A. Lucas	UGA - RR 2.5	Residential - R-1
E	09 3E 32 TL 202	0.36	49044 / 49040 SE Fairview St. Scott & Shelly Baughman	UGA - RR 2.5	Residential R-2
F	09 3E 32 TL 204	0.36	Vacant Scott & Shelly Baughman	UGA - RR 2.5	Residential R-2

Map #3, attached hereto and by this reference made a part of this ordinance, accurately portrays the properties to be rezoned on the Mill City Zoning Map.

SECTION 4: 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, Marion County Clerk, 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 this annexation.

This Ordinance read for the first time by title only on 30th day of November 2006.

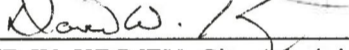
This Ordinance read by title only for the second time on 12th day of December 2006.

This Ordinance passed on the 12th day of December 2006 by the city council and executed by the mayor this 22nd day of December 2006.

Date: 12-22-06

By: 
TIM KIRSCH, Mayor

Date: 12-22-2006

Attest: 
DAVID W. KINNEY, City Administrator

APPROVED AS TO FORM

Date: _____

JAMES L. McGEHEE, City Attorney

G:\Ordinances\342-CP-ZC FV Annex No exhib.wpd

MILL CITY ANNEXATION BOUNDARY

A parcel of land for annexation to the City of Mill City, Oregon, lying within the South $\frac{1}{2}$ of Section 29 and the Northeast $\frac{1}{4}$ of Section 32 in Township 9 South, Range 3 West of the Willamette Meridian and being within Linn County, Oregon and more particularly described as follows:

Beginning at a point on the south line of SE Fairview Avenue and being also on the south line of said Section 29 and bearing South $89^{\circ}55'30''$ East 912.25 feet more or less from the South $\frac{1}{4}$ corner of said Section 29 and being the Northwesterly corner of that certain tract described as Tract 1 in Volume 1438, Page 453 Records of Linn County; thence South parallel with the east line of the Dean Vague Mowry Tract described in Volume 327, Page 74 a distance of 104.33 feet; thence Westerly 0.11 feet more or less to the Northwesterly corner of that certain tract described as Tract 2 in Volume 1438, Page 453; thence South $0^{\circ}26'$ West 104.21 feet; thence South $89^{\circ}55'30''$ East 149 feet; thence North $0^{\circ}26'$ East 104.21 feet to the Northeast corner of said Tract 2; thence Westerly 0.14 feet more or less to the Southeasterly corner of said Tract 1; thence North parallel with the said Mowry Tract 104.33 feet to the south line of said Section 29; thence Easterly along said section line 60 feet more or less to a point which is Westerly 188.32 feet of the East $\frac{1}{16}$ corner on the south line of said Section 29; thence South $0^{\circ}39'30''$ West 208.5 feet; thence South $89^{\circ}55'30''$ East 188.16 feet more or less to the west line of the Northeast quarter of the Northeast quarter of said Section 32; thence North $0^{\circ}39'30''$ West along said West line of the Northeast quarter of the Northeast quarter of said Section 32 to the Westerly right-of-way of County Road 816 (SE Fairview St); thence Northerly along said westerly line to the north line of said Section 32; thence leaving said right-of-way on a Northwesterly course to a point on the Southerly right-of-way of the Hammond Lumber Company Railroad to the East corner of that tract of land conveyed to the Mill City Volunteer Fire Department described as Parcel 1 in Volume 306, Page 441 of Linn County Records; thence Northwesterly to the Southeasterly corner of that tract described in Volume 663, Page 597 and being on the Northerly right-of-way of the former Hammond Lumber Company Railroad; thence Westerly along said right-of-way

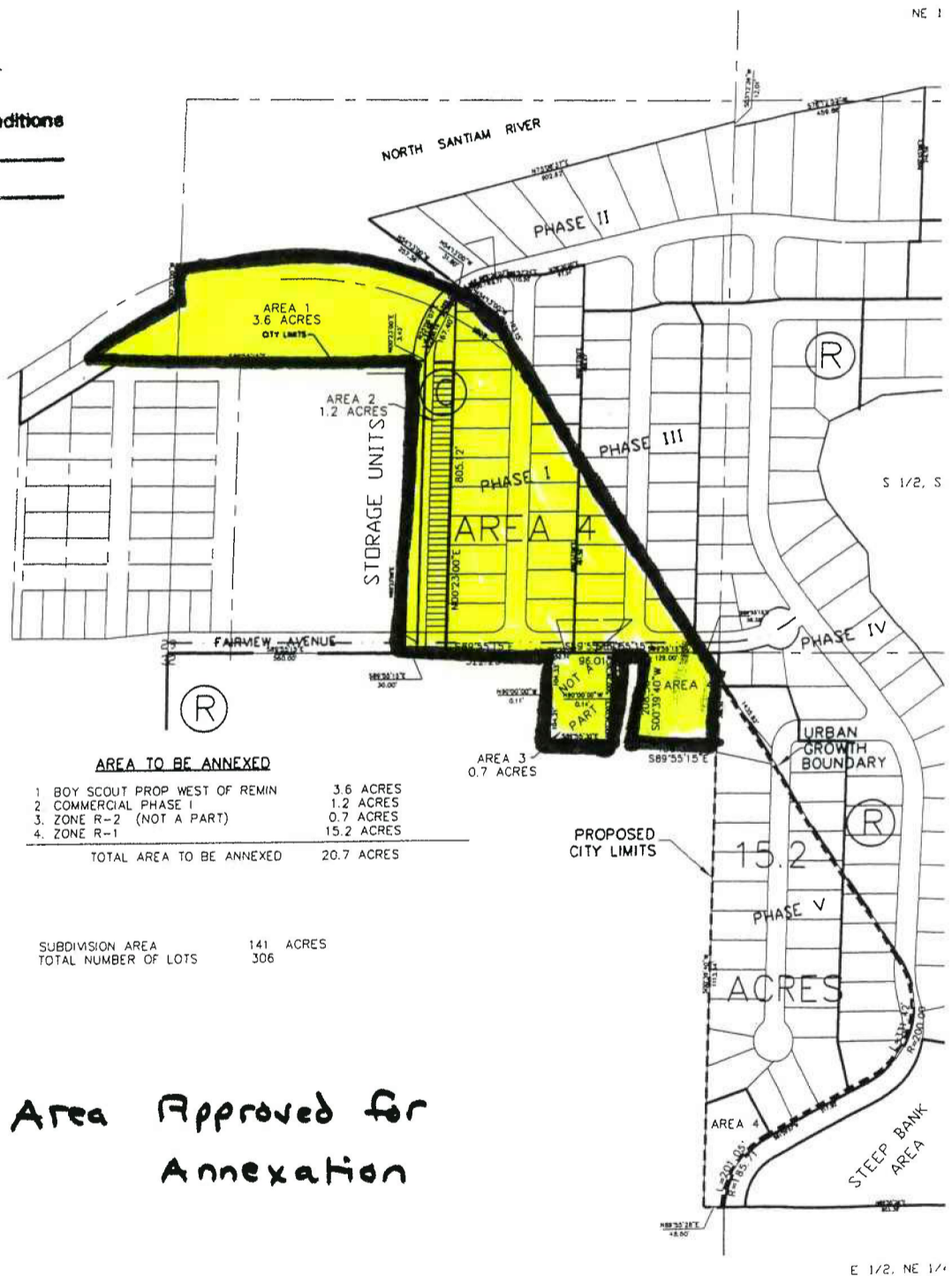
Map #1 - ANNEXATION

Approved August 8, 2006

LUCAS -
 PROPC
 SW 1/4 OF THE SW 1/4 SEC
 SEC 29, E 1/2 NE
 T., 9S., T. 3 E., W

City of Mill City
 PLANNING DEPT.

Approved
 Approved Subject to conditions
 By DKR
 Date _____

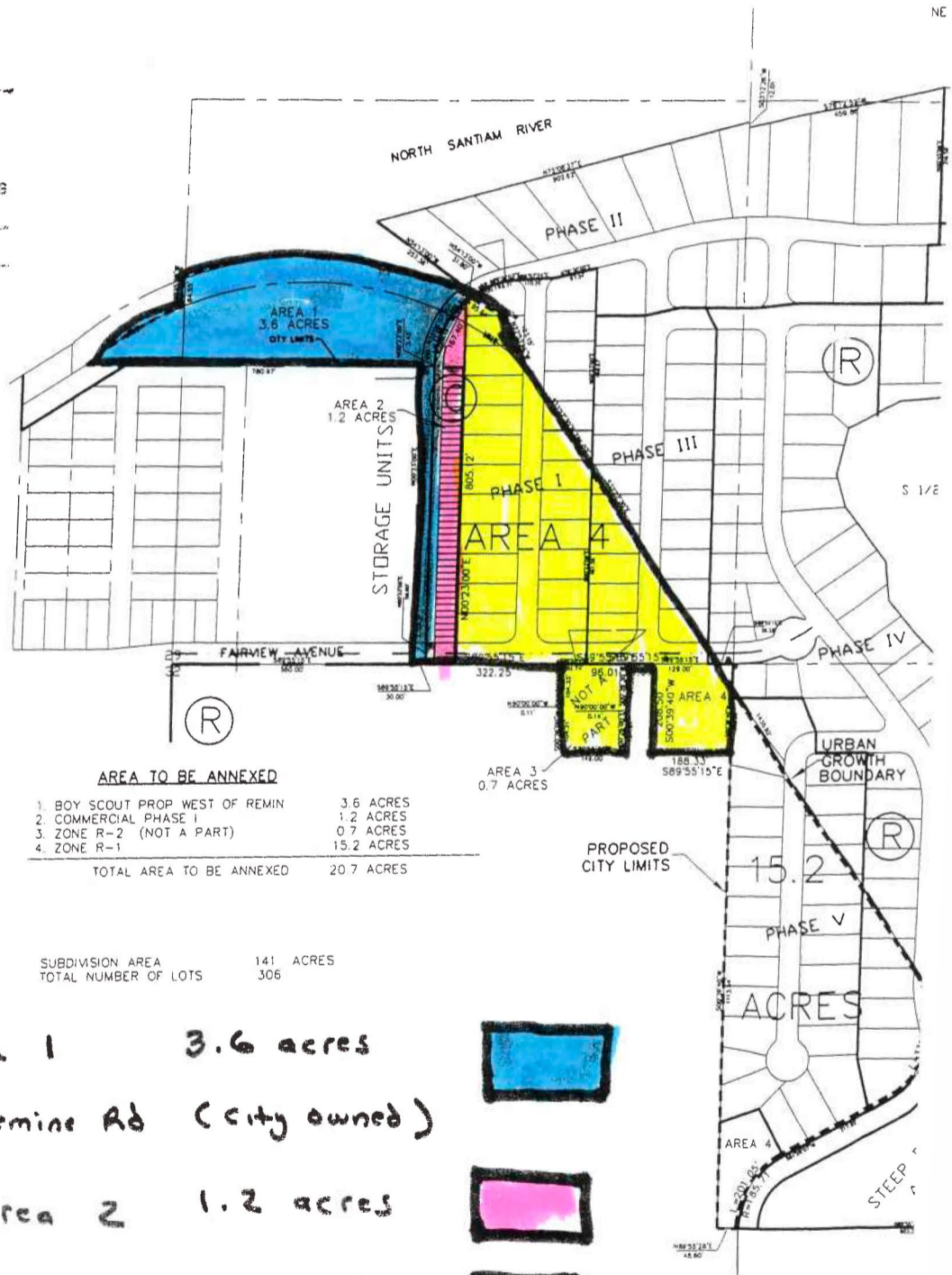


Map #2 - Comprehensive Plan Map Amendments

Approved August 8, 2006

LUCAS
PROPC
SW 1/4 OF THE SW 1/4 SEC
SEC 29, E 1/2 NE
T., 9S., T. 3 E., W

City of ~~Marietta~~ City
PLANNING DEPT.
 Approved
 Approved Subject to conditions
By Deak
Date _____



AREA TO BE ANNEXED

1. BOY SCOUT PROP WEST OF REMIN	3.6 ACRES
2. COMMERCIAL PHASE I	1.2 ACRES
3. ZONE R-2 (NOT A PART)	0.7 ACRES
4. ZONE R-1	15.2 ACRES
TOTAL AREA TO BE ANNEXED	20.7 ACRES

SUBDIVISION AREA 141 ACRES
TOTAL NUMBER OF LOTS 306

Public: Area 1 3.6 acres
SE Remine Rd (city owned)

Commercial: Area 2 1.2 acres

Residential: Balance of Annexed Area



E 1/2.

Map # 3 — Zoning Map Amendments

Approved August 8, 2006

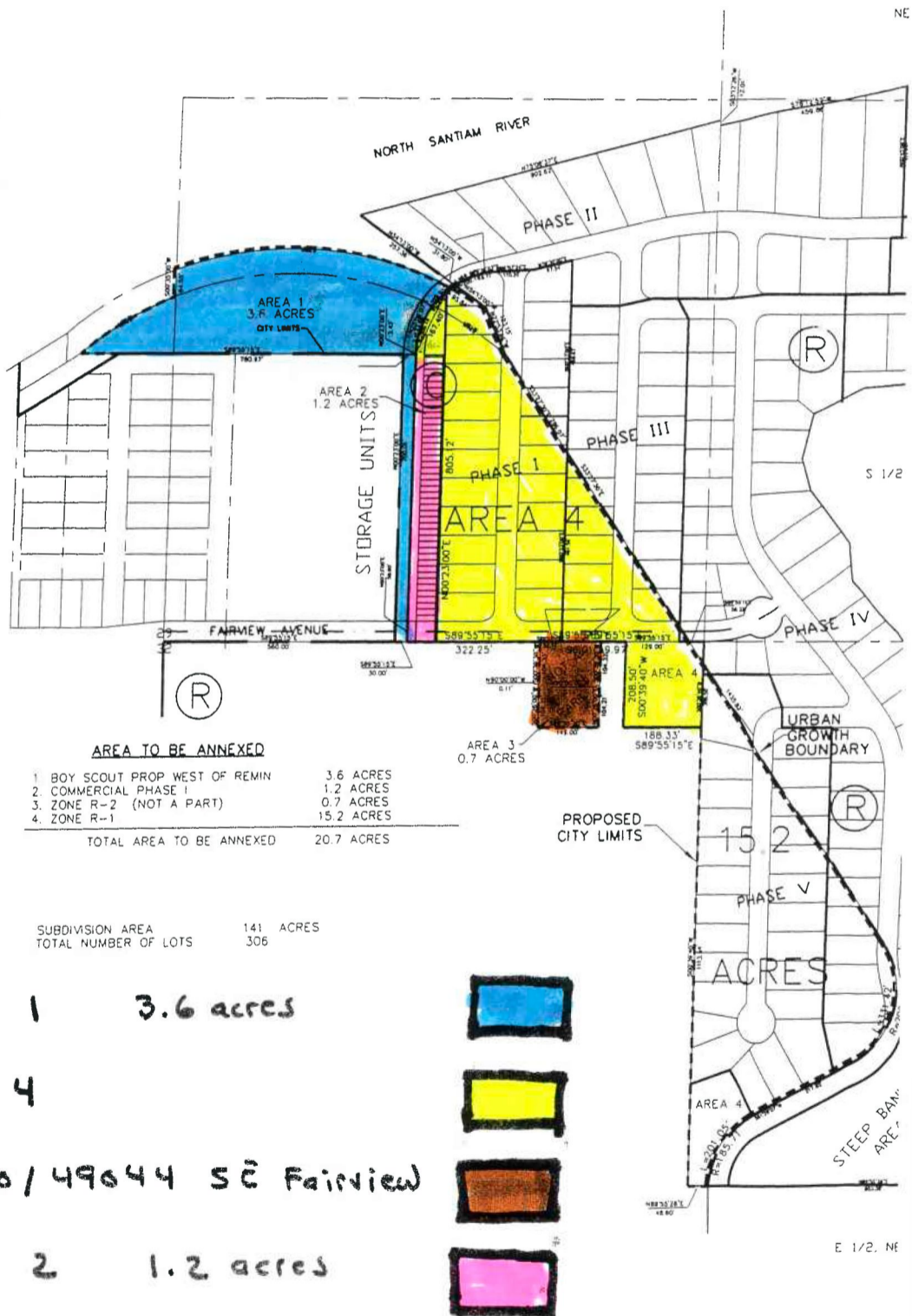
LUCAS

PROP

SW 1/4 OF THE SW 1/4 SEC
SEC 29, E 1/2 NE
T., 9S., T. 3 E., N

City of North City
PLANNING DEPT.

Approved
 Approved Subject to conditions
 By DeWitt
 Date _____



Public: Area 1 3.6 acres
 R-1 : Area 4
 R-2 : 49640/49644 SE Fairview
 C-C : Area 2 1.2 acres