



Oregon

Theodore R. Kufongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

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

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

NOTICE OF ADOPTED AMENDMENT

March 6, 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 007-05



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: March 21, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

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

<paa> ya/ph/email

FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

MAR 02 2006

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

(See reverse side for submittal requirements)

Jurisdiction: CITY OF MILL CITY Local File No.: 2005.12.27
(If no number, use none)

Date of Adoption: February 28, 2006 Date Mailed: March 1, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: December 7, 2006

- 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."

Amend UGB, Comp Plan Map, Zoning map and Annexation of a 0.86 acre
parcel at 29509 NE Santiam Blvd (Hwy 22). The septic system
servicing the existence residence has failed. The applicant requests annexation
to the City of Mill City to enable them to connect to city sewer.

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: Marion County Timber Cons. to Residential

Zone Map Changed from: Timber Conservation to Residential (R-2)

Location: 29509 NE Santiam Blvd Acres Involved: 0.86

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: Goals 2, 9 → 12

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 007-05 (14861)

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: _____

Merion County

Local Contact: David W. Kioney Area Code + Phone Number: (503) 897-2302

Address: PO Box 256 City: Mill City

Zip Code+4: ~~ME~~ 97360 Email Address: millcity@wbccable.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. 337

AN ORDINANCE AMENDING THE MILL CITY COMPREHENSIVE PLAN MAP TO EXTEND THE URBAN GROWTH BOUNDARY AND TO REDESIGNATE AND REZONE A 0.86 ACRE PARCEL AT THE NORTHEAST EDGE OF THE UGB TO A RESIDENTIAL DESIGNATION AND A MULTI-FAMILY RESIDENTIAL (R-2) ZONE 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 Gene & Gina Runion regarding a 0.86 acre parcel at 29509 NE Santiam Boulevard; and

WHEREAS, the applicant proposes to

1. Amend the Mill City Urban Growth Boundary adding 0.86 acres to the UGB including the applicant's home at 29509 NE Santiam Boulevard.
2. Amend the Mill City Comprehensive Plan Map to designate the property, as shown on the Marion County Assessor's map T9S, R3E, 31CA, Tax Lot 2900, from Marion County Timber Conservation (TC) designation to a City of Mill City Residential (R) designation.
3. Amend the Mill City Zoning Map to rezone the property, as shown on the Marion County Assessor's maps T9S, R3E, 31CA, Tax Lot 2900, from Marion County Timber Conservation (TC) zone to a City of Mill City Multi-Family Residential (R-2) zone.
4. Annex the parcel into the City of Mill City; and

WHEREAS, the Planning Commission held a public hearing on February 10, 2006 to consider the application, continued the public hearing to February 20, 2006 and upon deliberation after the close of the public hearing recommends the city council approve the application; and

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

WHEREAS, the City has reviewed the legal descriptions of the property to be annexed, redesignated 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 owners of the subject property are the Gene and Gina Runion and they comprise 100% of the electors residing on the property; and

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

SECTION 1: The Mill City Comprehensive Plan Map shall be amended to extend the Urban Growth Boundary to add approximately 0.86 acres +/- to the UGB and to redesignate the following properties to City of Mill City Residential (R) designation.

Parcel	Assessor Map & Tax Lot	Size (Acres)	Existing Use	Existing County Comp Plan & Zoning	New City of Mill City Comp Plan Designation	New City of Mill City Zoning Designation
1	09 3E 31CA TL 2900	0.86	Single Family Residence	Forest - TC	Residential	Multi-Family Residential (R-2)

Attached hereto is "Exhibit A" , which accurately portrays the UGB extension and property to be redesignated.

SECTION 2: The Mill City Zoning Map shall be amended to redesignate and rezone the following property from Marion County Timber Conservation (TC) to Multi-Family Residential (R-2)

Parcel	Assessor Map & Tax Lot	Size (Acres)	Existing Use	Existing County Comp Plan & Zoning	New City of Mill City Comp Plan Designation	New City of Mill City Zoning Designation
1	09 3E 31CA TL 2900	0.86	Single Family Residence	Forest - TC	Residential	Multi-Family Residential (R-2)

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

SECTION 3: 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 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 Marion County Assessor, the Marion County Clerk, 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.
4. The City Administrator shall send a copy of this ordinance and the related findings of fact to the Marion County Planning Department requesting concurrence by the Marion County Board of Commissioners.

SECTION 5. EMERGENCY CLAUSE

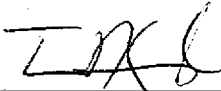
It is hereby adjusted and declared that the existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, public health and safety of the City of Mill City. An emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect when signed by the mayor and passed by this council.

This Ordinance read for the first time in full on this 28th day of February 2006.

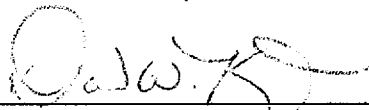
This Ordinance read by title only for the second time on this 28th day of February 2006.

This Ordinance passed on the 28th day of February, 2006 by the city council and executed by the mayor this 28th day of February 2006.

Date: 2-28-06

By: 
TIM KIRSCH, Mayor

Date: 2-28-06

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. 337

EXHIBIT A.

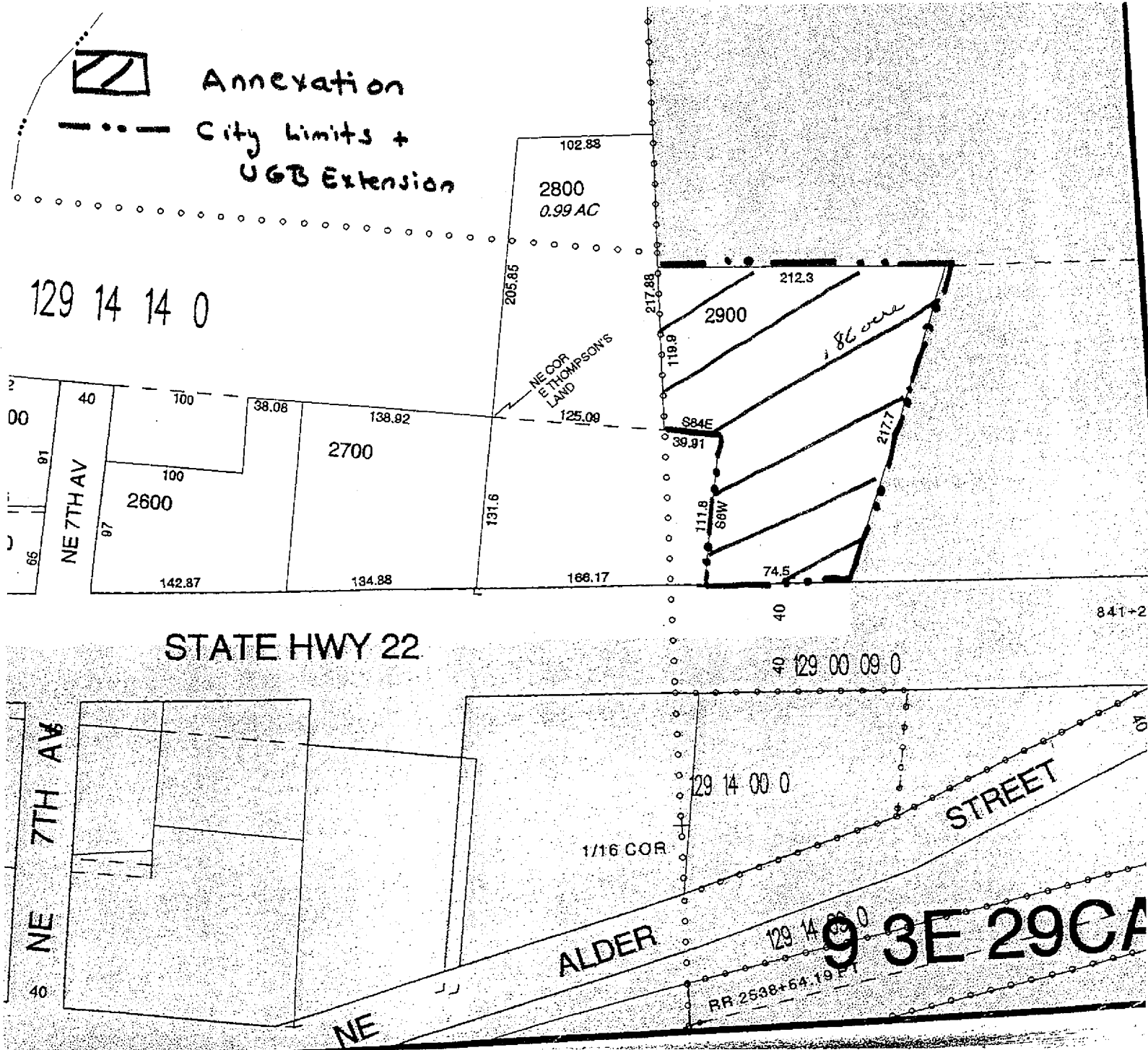


EXHIBIT B

LEGAL DESCRIPTION

PROPERTY LOCATED AT 29509 NE SANTIAM BOULEVARD THAT IS CONTIGUOUS WITH THE CURRENT CITY LIMITS OF THE CITY OF MILL CITY.

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

Beginning at a point on the North boundary of Hwy 22, which is North 88°55' East 28.2 feet from the North and South center line of Section 29, Township 9 South, Range 3 East of the Willamette Meridian in Marion County, Oregon; thence North 6° East 111.8 feet; thence North 84° West 39.9 feet; thence North 119.9 feet; thence South 82°36' East 212.3 feet; thence South 18°24' West 217.7 feet; thence South 88°55' West 114.5 feet to the point of beginning, EXCEPTING THEREFROM any roads and rights of way across said property.

