



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

07/30/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Yamhill Plan Amendment
DLCD File Number 002-13

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, August 12, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-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 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: John Morgan, City of Yamhill
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	JUL 23 2013
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Yamhill**

Local file number: **13-2**

Date of Adoption: **7/10/2013**

Date Mailed: **7/19/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 1/29/2013

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☒ Other: **ANNEXATION**

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

Annexation of 18.2 acres of land into the City of Yamhill. The property is within the Yamhill Urban Growth Boundary. The land is designated for Industrial use on the Yamhill Comprehensive Plan map. The County zoning is split between EFU-80 and High Industrial. Upon annexation the zone will change to the City's LI-Light Industrial zone.

Does the Adoption differ from proposal? Please select one

NO

Plan Map Changed from:

to:

Zone Map Changed from: **EFU-80**

to: **Industrial LI**

Location: **E. Main and Hwy 240 - TL 3 403 01400**

Acres Involved: **18**

Specify Density: Previous: **0**

New: **n/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. _____

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

Local Contact: **John Morgan**

Phone: **(503) 304-9401** Extension:

Address: **PO Box 9**

Fax Number: **503-662-4589**

City: **Yamhill**

Zip: **97148-**

E-mail Address: **john@morgancps.com**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 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.

CITY OF YAMHILL

ORDINANCE NO. O- 499

AN ORDINANCE ZONING CERTAIN PROPERTY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF YAMHILL, AND DECLARING AN EMERGENCY:

WHEREAS, Van Dyke-West View Farms, LLC is the owner of the tract of land described below recently annexed to the City of Yamhill pursuant to City Ordinance 497; and

WHEREAS, Yamhill Municipal Code Section 13.04.120 requires that the City promptly undertake and complete zoning proceedings to apply a city zoning designation to newly annexed parcels; and

WHEREAS, the owner of the parcel described below requested that an LI-Light Industrial designation be assigned to the parcel upon annexation; and

WHEREAS, the City Recorder of the City of Yamhill, Oregon, caused notice of a public hearing on such zoning request to be published as required by city ordinance. In addition, written notice of the requested zoning request was mailed to all owners of property within three hundred feet of the exterior boundary of the subject property, and posted at four places within the City of Yamhill. Proof of publication and written notice is on file at City Hall; and

WHEREAS, said public hearing was held on the 3rd day of April, 2013, before the Yamhill Planning Commission in the City Council chambers of the City of Yamhill, Oregon, at which time all interested persons thus appearing were invited to be heard on the question of such zoning request; and

WHEREAS, the Planning Commission, being fully informed about said request, found that said change did conform with the review criteria listed in the municipal code 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 City Hall and that the zoning request was consistent with the Comprehensive Plan; and

WHEREAS, the Planning Commission recommended that the Council approve the proposed LI-Light Industrial zoning designation; and

WHEREAS, subsequently, the City Council by Ordinance O-495 called for a public hearing and such public hearing was held on May 8, 2013, at 7:35 p.m. in the City Council chambers of the City of Yamhill. Notice of said hearing was given by written notice to affected property owners and to

SECTION 2. This ordinance being necessary for the immediate preservation of the public peace, health and safety of the City of Yamhill, an emergency is declared to exist and this Ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

ADOPTED by the City of Yamhill this 10th day of July, 2013 by the following vote:

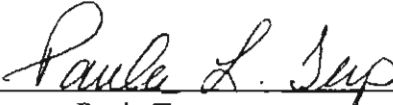
AYES 5

NAYS: 0

FIRST READING: JULY 10, 2013

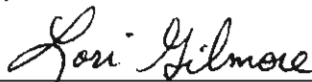
SECOND READING: JULY 10, 2013

Approved by the Mayor this 10th day of July 2013.



Paula Terp
Mayor - City of Yamhill

ATTEST:



Lori Gilmore, City Recorder

CITY OF YAMHILL

ORDINANCE NO. O-497

AN ORDINANCE ANNEXING PROPERTY INTO THE CITY LIMITS OF THE CITY OF YAMHILL, AND DECLARING AN EMERGENCY:

WHEREAS, Van Dyke-Westview Farms, LLC is the owner of the tract of land described below, and have either petitioned or consented to the annexation of said territory to the City of Yamhill (ANN 13-02); and

WHEREAS, the City Recorder of the City of Yamhill, Oregon, caused notice of a public hearing on the request to be published as required by city ordinance. In addition, written notice of the requested change was mailed to all owners of property within five hundred feet of the exterior boundary of the subject property, and posted at four places within the City of Yamhill. Proof of publication and written notice is on file at City Hall; and

WHEREAS, said public hearing was held on the 3rd day of April, 2013 at 6:30 p.m. before the Yamhill Planning Commission in the City Council chambers of the City of Yamhill, Oregon, at which time all interested persons thus appearing were invited to be heard on the question of the annexation of said area and territory herein first described; and

WHEREAS, the Planning Commission, being fully informed about said request, found that said change did conform with the review criteria listed in the municipal code Chapter 13.04 (the Annexation Ordinance) 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 City Hall and that the annexation request was consistent with the Comprehensive Plan; and

WHEREAS, the Planning Commission recommended the Council approve the annexation application; and

WHEREAS, subsequently, the City Council by Ordinance O-495 called for a public hearing and such public hearing was held on May 8, 2013, at 7:35 p.m. in the City Council chambers of the City of Yamhill. Notice of said hearing was given by written notice to affected property owners and to the general public by legal notice in the News Register, a newspaper of general circulation in the City of Yamhill, published once each week for two successive weeks prior to the day of the hearing all as appears from the proof of publication on file in the Recorder's office, and the Recorder caused the notice to be posted in four public places in the City for a like period and

WHEREAS, the Yamhill City Council conducted the scheduled hearing at the time and date specified above in accordance with the standards adopted in Yamhill Municipal Code, Chapter No.

13.04. The testimony of the proponents and opponents was received and, in addition, the record generated by the Yamhill Planning Commission were duly incorporated into the record and were considered by the Council and;

WHEREAS, the City Council hereby adopts, makes and enters as its findings of fact those findings set forth on Exhibit A attached hereto and by this reference made a part hereof;

NOW THEREFORE THE CITY OF YAMHILL ORDAINS AS FOLLOWS:

SECTION 1. That inasmuch as the owners of the area and territory described and designated herein have consented in writing to the annexation of said contiguous area and territory, and the consent is on file in the Planning Director's office in the City of Yamhill, Oregon, and no objection to the proposed annexation having been made by residents within said area and territory, the Council hereby orders, declares and proclaims the following area and territory is hereby annexed to the City:

A tract of land located in Section 3, Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, and including a portion of a tract of land described in deed to VAN DYKE RIVERVIEW FARMS, L.L.C., dated June 9, 1999 and recorded as Instrument No. 199912165, Deed Records of Yamhill County, Oregon, being more particularly described as follows:

Beginning at a point on the North Line of State Highway 240 lying 30 feet north of the southwest corner of said VAN DYKE RIVERVIEW FARMS, L.L.C. tract, said corner on record as being a point on the west line of the Joseph Robertson and wife Donation Land Claim No. 65 in Township 2 South, Range 4 West and Claim No. 85 in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, that bears North 00°05' East 26.50 chains from the southwest corner of said Claim; thence North 986.3 feet to a point on the west line of said Claim; thence East 809.5 feet to the northwest corner of the Depot Grounds of the Southern Pacific Company; thence South 34°46' West 476.2 feet to a point; thence South 02°15' West 67.1 feet to a point; thence South 54°52' East 304.8 feet to a point on the west line of said Depot Grounds; thence South 02°15' West 382.7 feet along the west line of said Depot Grounds to a point on the south line of said VAN DYKE RIVERVIEW FARMS, L.L.C.; said point also lying on the centerline of State Highway 240; thence continuing thence South 02°15' West 30 feet to a point on the south line of said State Highway 240; thence westerly following the south line of State Highway 240 a distance of 1210 feet more or less to a point of intersection with the boundary of the City of Yamhill, Oregon; thence Northerly 60 feet, following the city boundary to a point of intersection with the North line of State Highway 240; thence Easterly following the North line of State Highway 240 to the Point of Beginning.

SECTION 2. The Recorder of the City of Yamhill, Yamhill County, Oregon, is hereby authorized and directed to make and submit to the Secretary of State of the State of Oregon, the Assessor of Yamhill County, State of Oregon, and the County Clerk of Yamhill County, State of Oregon, a copy of the following documents:

- (a) A copy of this ordinance.
- (b) A copy of written consent of landowners of said area and territory.
- (c) A map of the said area

SECTION 3. This ordinance being necessary for the immediate preservation of the public peace, health and safety of the City of Yamhill, an emergency is declared to exist and this Ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

ADOPTED by the City of Yamhill this 12th day of June, 2013 by the following vote:

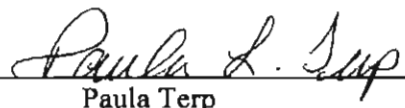
AYES 5

NAYS: 0

FIRST READING: JUNE 12, 2013

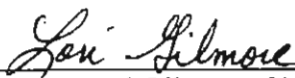
SECOND READING: JUNE 12, 2013

Approved by the Mayor this 12th day of June, 2013.

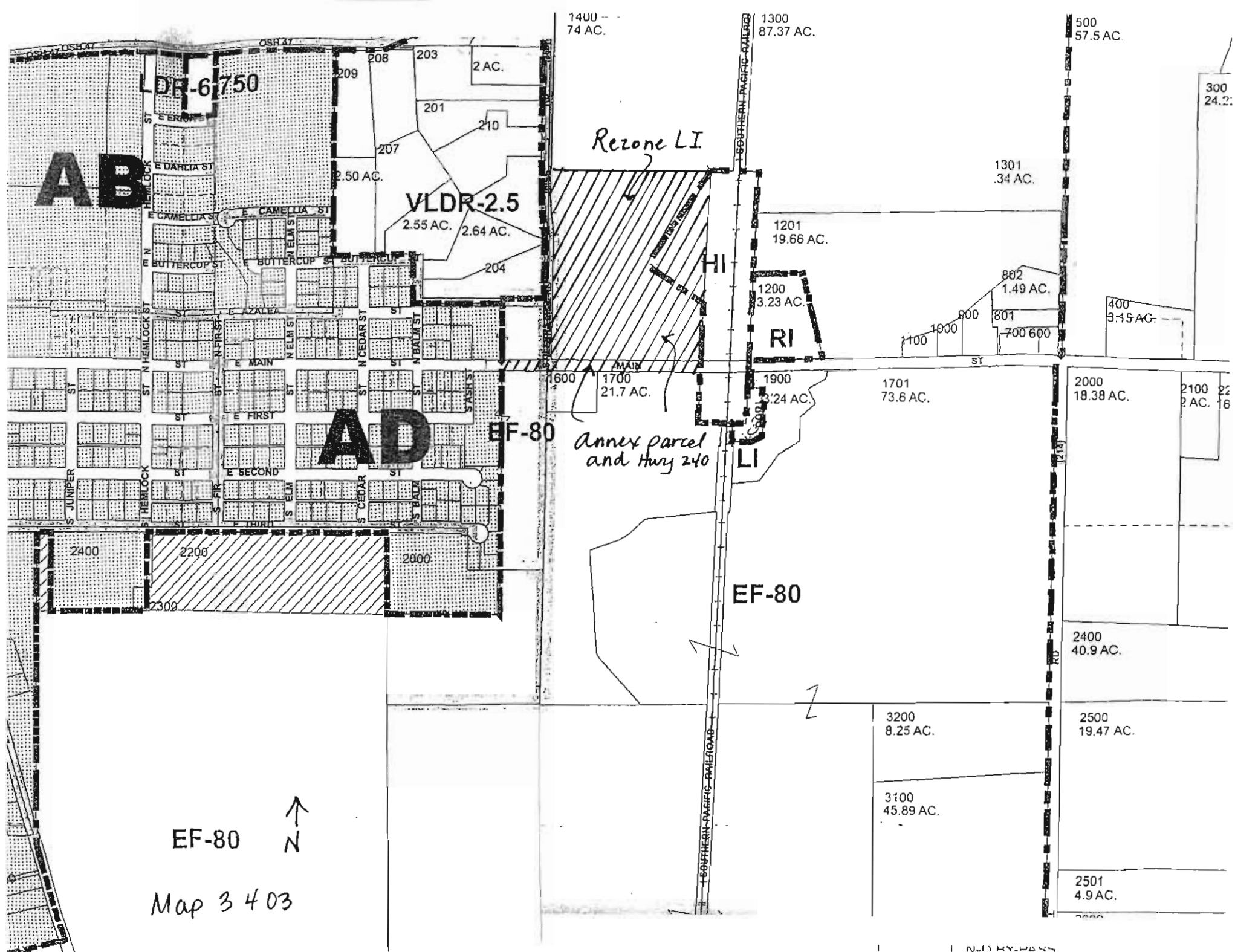


Paula Terp
Mayor - City of Yamhill

ATTEST:



Lori Gilmore, City Recorder





Post Office Box 9 Yamhill, OR 97148

Return Service Requested



DEPT OF

JUL 23 2013

LAND CONSERVATION
AND DEVELOPMENT

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

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