



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: May 18, 2015
Jurisdiction: City of McMinnville
Local file no.: G 1-15
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/12/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 48 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
001-15
File No.: { 23591 }
Received: 5/12/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of McMinnville

Local file no.: **G 1-15**

Date of adoption: 4-28-2015

Date sent: 5/12/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 1-30-2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Yes. Item 5 (Application review and decision process) of the draft ordinance was deleted and not adopted.

Local contact (name and title): Ron Pomeroy

Phone: (503) 434-7311

E-mail: ron.pomeroy@ci.mcminnville.or.us

Street address: 231 NE Fifth Street

City: McMinnville

Zip: 97128

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

McMinnville Zoning Ordinance (ORD No. 3380) Chapters 17.06, 17.12, 17.15, 17.18, 17.53, 17.54 and 17.60.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from to Acres:
Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: None

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 4988

An Ordinance adopting "housekeeping" amendments to certain chapters of the McMinnville Zoning Ordinance (No. 3380) and the Three Mile Lane Planned Development Overlay ordinance (No. 4572).

RECITALS:

WHEREAS, as part of the ongoing effort to improve the efficiency of McMinnville's comprehensive plan and implementing ordinances, the Planning Department has prepared draft "housekeeping" amendments to Chapters 17.06, 17.12, 17.15, 17.18, 17.53, 17.54, 17.60 of the zoning ordinance, and Section 1 of the Three Mile Land Planned Development Overlay Ordinance (No. 4572). The proposed revisions address the following topics and are located within:

- Chapters 17.06, 17.12, 17.15, and 17.18 related to Residential Facility;
- Chapters 17.12 and 17.54 regarding the renewal process for bed and breakfast and vacation home rental establishments, and temporary living units;
- Chapter 17.53 addressing the extension process for tentative subdivision plans;
- Chapter 17.60 correcting a typographical error; and
- Ordinance No. 4572 allowing temporary signs within the Three Mile Lane area.

WHEREAS, staff's draft amendments were presented to the Planning Commission at a public hearing held on March 19, 2015, after due notice had been published in the *News Register*, and after due notice was provided to the Oregon Department of Land Conservation and Development (DLCD) not less than 35 days prior to the public hearing. No public testimony was offered at the hearing in response to the proposed changes.

WHEREAS, following the close of the public hearing the Commission voted unanimously to forward a recommendation to the City Council for approval of the draft amendments to the McMinnville zoning ordinance (No. 3380) and the Three Mile Lane Planned Development ordinance (No. 4572); now, therefore

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the following amendments are made to the McMinnville zoning ordinance (No. 3380) as follows: [New text is identified as underlined text while text to be deleted is shown in ~~strikethrough~~.]

A. Definition of Family and allowance of Residential Facility –

Section 17.06.015 Family(B) - ~~"An individual or two or more related or unrelated physically or mentally handicapped, or drug or alcohol dependent~~

~~persons receiving treatment, and any number of resident staff persons engaged in their care who are living as a single housekeeping unit using one kitchen. Such a residential unit is considered a residential home or residential facility as defined in the Oregon State Statute ORS 197.660(2) and ORS 197.665, as amended."~~

Allowance of Residential Facility -

~~Section 17.12.010 Permitted Uses - "G. Residential Facility as defined in Chapter 17.06 (Definitions)."~~

~~Section 17.12.020 Conditional Uses - "R. Residential Facility as defined in Chapter 17.06 (Definitions)."~~

~~Section 17.15.010 Permitted Uses - "G. Residential Facility as defined in Chapter 17.06 (Definitions)."~~

~~Section 17.15.020 Conditional Uses - "P. Residential Facility as defined in Chapter 17.06 (Definitions)."~~

~~Section 17.18.010 Permitted Uses - "G. Residential Facility as defined in Chapter 17.06 (Definitions)."~~

~~Section 17.18.020 Conditional Uses - "R. Residential Facility as defined in Chapter 17.06 (Definitions)."~~

B. Renewals -

~~Section 17.12.010(N)(8) - "Permits may be renewed for one-year periods upon payment of the appropriate fee prior to its expiration date request of the applicant ~~by filing a renewal application with the Planning Department and upon payment of a \$25 fee~~, provided that the permit has not been terminated under the provisions of Section 17.12.010(N)(9) below."~~

Vacation home rental -

~~Section 17.12.010(O)(7) - "Permits may be renewed for one-year periods upon payment of the appropriate fee prior to its expiration date request of the applicant ~~by filing a renewal application with the Planning Department and upon payment of a \$25 fee~~, provided that the permit has not been terminated under the provisions of Section 17.12.010(O)(8) below."~~

Temporary living unit -

~~Section 17.54.070(D) - "[.] Such permit shall be renewable upon payment of the appropriate fee prior to its expiration date reapplication to the Planning~~

Director in absence of any formal complaints or changes in circumstances and payment of semi-annual fee. [..]"

C. Submission of final subdivision plat -

Section 17.53.075 - "[.] Approval of the tentative subdivision plan shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the subdivider to resubmit the ~~If the subdivider wishes to proceed with the subdivision after the expiration of the 12 (twelve) month period following approval of the tentative plan by the Planning Commission, he must resubmit his tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions.~~"

D. Parking variances for historic structures -

Section 17.60.150(B)(2) - "The Planning Director or Planning Commission shall base their decision on the factors listed in Section 17.60.150(C)~~17.60.060(C)~~ below and shall either approve, approve with conditions, or deny the application."

Section 2. That the following amendment is made to the Three Mile Lane Planned Development ordinance (No. 4572) as follows: [New text is identified as underlined text while text to be deleted is shown in ~~strikethrough~~.]

A. Three Mile Lane Planned Development Ordinance –

Ordinance No. 4572, Section 1

"[.] F. Temporary signage shall be allowed as per Section 17.62.060(B)(3) of the McMinnville Zoning Ordinance (No. 3380)."

Section 3. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled "Initiative and Referendum," for a period of 30 (thirty) days.

Passed by the City Council this 28th day of April 2015, by the following votes:

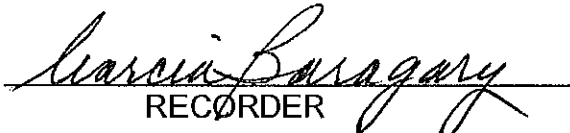
Ayes: Drabkin, Jeffries, Menke, Ruden, Yoder

Nays: _____

Approved this 28th day of April 2015.


COUNCIL PRESIDENT

Attest:


RECORDER

Approved as to Form:


CITY ATTORNEY