



Oregon

Theodore R. Kubongoski, 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

8/4/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Amity Plan Amendment
DLCD File Number 003-09

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: Friday, August 14, 2009

This amendment was not submitted to DLCD for review prior to adoption Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.. 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Jim Minard, City of Amity
Gloria Gardiner, DLCD Urban Planning Specialist

<paa>

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)

DEPT OF

JUL 27 2009

Jurisdiction: City of Amity Local File No.: 09-119-01 LAND CONSERVATION AND DEVELOPMENT 09-04-01 (If no number, use none)

Date of Adoption: July 1, 2009 Date Mailed: July 23, 2009 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: April 17, 2009

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

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

Annex. 4.6 acres within Amity UGB and establish low density Residential on annexed property.

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 : to

Zone Map Changed from: Residential to Low Density Residential (R-1)

Location: T5S; R4W; Sec 20; TL 1600 Acres Involved: 4.6

Specify Density: Previous: 1 per 80 acres New: 6 per acre

Applicable Statewide Planning Goals: 1, 2, 8

Was an Exception Adopted? Yes: No: X

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: _____

Local Contact: Jim Minard Area Code + Phone Number: (503) 835-3711

Address: P.O. Box 159

City: Amity Zip Code+4: 97101

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 Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

AMITY ORDINANCE
ORDINANCE NO. 618

COPY

AN ORDINANCE ANNEXING TO THE CITY OF AMITY THE AREA AND TERRITORY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF, AND ESTABLISHING THE LOW DENSITY RESIDENTIAL ZONE ON THE NEWLY ANNEXED PROPERTY.

WHEREAS, the Amity School District is the owner of a tract of land herein described in Exhibit "A", and has petitioned and desires that said property be annexed to the City of Amity, Oregon; and

WHEREAS, the above-described area and property is contiguous to the City of Amity, Oregon; and

WHEREAS, it is the opinion of the Council of the City of Amity, Oregon, that a public hearing be held to consider whether said area and territory herein above described be annexed to the City of Amity, Oregon; and

WHEREAS, on May 6, 2009, the City Council unanimously passed Ordinance 617 at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, pursuant to Ordinance 617, the Recorder of the City of Amity, Oregon, caused notice of said hearing to be published once each week for two successive weeks prior to the date of said hearing in the McMinnville News-Register a newspaper of general circulation published in the City of Amity, Oregon, and caused notices of said public hearing to be posted in four public places in the City of Amity, Oregon, for a period of at least two weeks prior to said public hearing, all of which appears from the certificate of the recorder on file in the recorder's office, and which notice described the territory and area proposed to be annexed to the City of Amity, Oregon, and called said meeting to be held in question of the annexation; and

WHEREAS, said public hearing was held June 3, 2009 before the City Council of the City of Amity, at the Amity City Hall at which time the registered voters and other interested citizens were invited to be heard on the question of annexation of said territory and area hereinabove first described; and

WHEREAS, the City Council of the City of Amity, hereby adopted and makes and enters as its findings of fact those findings set forth in the Amity School District Staff Report and shown as Exhibit "B" which is attached hereto and by this reference made a part of; now therefore

THE CITY OF AMITY DOES ORDAIN AS FOLLOWS:

Section 1. That in so much as the owner of the real premises described above has consented in writing to the annexation of said territory and area, and such consent is on file in the recorder's office in the City of Amity, IT IS HEREBY ORDERED, DECLARED AND PROCLAIMED that the territory and area described in Exhibit "A" be and the same is hereby annexed to the City of Amity, Yamhill County, State of Oregon.

Section 2. The City Council of the City of Amity does hereby establish the Low Density Residential (R-1) zone on the newly annexed property.

Section 3. The City Council of the City of Amity does hereby adopt those certain findings of fact and conclusionary findings attached hereto as EXHIBIT "B" and by this reference made a part hereof, in support of the annexation and establishment of the zone.

Section 4. That the Recorder of the City of Amity, Oregon, is hereby authorized and directed to make and submit to the Secretary of State of Oregon, the Assessor of Yamhill County, Oregon, the County Clerk of Yamhill County, Oregon, and the Department of Revenue, State of Oregon, a certified copy of the following documents:

- (a) Copy of this Ordinance.

PASSED and adopted by the City Council of the City of Amity on this 1st day of July 2009 by the following votes:

AYES: Dahl, Ruyle, Standley

NAYS: None

Approved by the Mayor on this 2nd day of July, 2009

Michael Cape
Michael Cape, Mayor

July 17, 2009
Date

Attest:

Jennifer Elkins
Jennifer Elkins, City Recorder

7/17/09
Date

EXHIBIT A

LEGAL DESCRIPTION

COMMENCING at the Northwest corner of the Enos Williams Donation Land Claim No. 45 in Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence East along the North line of said claim, 1816.20 feet to an iron rod marking the point of beginning; thence East along the North line of said claim, 756.19 feet to an iron rod set 1408.08 feet West from the Northeast corner of said claim; thence South $00^{\circ}27'26''$ East on a line parallel to the East line of said claim, 1096.00 feet to the North margin of State Highway No. 153; thence North $88^{\circ}33'51''$ West along said Highway line, 345.39 feet to an iron rod; said point being the Southeast corner of that tract of land conveyed to Sharon L. Naig et vir, by Deed recorded July 3, 1990 in Film Volume 245, Page 392, Deed and Mortgage Records; thence North $1^{\circ}12'25''$ East 332.10 feet to an iron rod; thence South $88^{\circ}21'25''$ West, 144.02 feet to an iron rod; thence South $88^{\circ}54'33''$ West, 291.00 feet to an iron rod; thence North $00^{\circ}37'10''$ East, 765.00 feet to said point of beginning.

EXHIBIT "B"
CITY COUNCIL FINDINGS

STAFF REPORT

APPLICANTS:	Amity School District
LOCATION:	That vacant property immediately east of the Amity High School ball fields.
TAX LOT:	Township 5 South; Range 4 West; Section 20; Tax Lot 1600.
PARCEL SIZE:	4.6 acres.
CURRENT ZONING:	Residential (County)
PROPOSED ZONING:	Low Density Residential: R-1 (City).
REQUEST:	Annex the subject property to the City of Amity with a Low Density City Zoning.
CRITERIA:	Amity Development Code; Section 3.11(Annexations).

Background: The School District is requesting the subject property be annexed to the City of Amity. This property is immediately east of the school lands within the City. The Planning Commission held a public hearing on this matter at its meeting of April 21, 2009. As a result of that hearing the Commission unanimously approved forwarding this matter to the Council; recommending approval of the annexation.

ANNEXATION CRITERIA AND FINDINGS

3.111.01 Authority of City to Annex. The boundary of the City may be extended by the annexation of territory not then within the City and which territory is within the City's Urban Growth Boundary and contiguous to the City or separated from it by a stream or right-of-way only.

FINDINGS: The subject property is within the City's Urban Growth Boundary and contiguous to the city limits.

CONCLUSION: THE CITY HAS THE AUTHORITY TO ANNEX THE SUBJECT PROPERTY.

3.111.02 General Annexation Procedure

A. Following submission of annexation proposal or initiation, the City Recorder shall set a date for hearing with the City. Notice shall be pursuant to the proposed method of annexation.

The Council approved Ordinance No. 617 at its regular meeting of May 6th 2009, dispensing with an election and calling for a hearing on June 3, 2009. The hearing date and notice have been established pursuant to the notice requirements for a Type III application and advertised in the McMinnville News-Register, a newspaper of general circulation published in the City of Amity.

CONCLUSION: THE HEARING AND NOTICE HAVE BEEN SET PURSUANT TO THE CODE.

B. The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the Council within 10 days for the hearing. The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. For all annexations the decision shall state how the proposal will:

- 1. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands;**

FINDINGS: The Planning Commission did hold a hearing on this matter and forwarded its written recommendation for approval in the form of the staff report. The School District owns the subject property and adjacent lands to the west that are the site of the Amity High School. The District has determined that is appropriate to have all its contiguous lands fully included within the City limits. The subject property is within the UGB and adjacent to the City limits. The existing uses surrounding the subject property include the high school athletic fields to the west; the City's wastewater lagoons to the north; rural residential and farm operations to the south; and farming operations to the east. The subject property will serve as a buffer between the existing urban and school uses and the adjacent farm practices.

- 2. Relate to areas with natural hazards;**

FINDINGS: The subject property is flat with some drainage concerns on drainageways that skirt the property. There also may be concerns with the soil types associated with high water tables, severe shrink/swell characteristics, or poor drainage. Any issues associated with such, however, can be addressed as part of the building permit process.

- 3. Protect open spaces and scenic views and areas;**

FINDINGS: The subject property is not part of open space or scenic view shed and this criterion does not apply.

4. Provide for transportation needs in a safe, orderly and economic manner;

FINDINGS: The subject property abuts Nursery Street/Amity Road, which is a designated arterial in the City's transportation plan. The street improvements do not conform to the City specifications and may be required as part of the future land use hearings for actual development.

5. Provide for an orderly and efficient arrangement of public services;

FINDINGS: The annexation of land will provide for an orderly and efficient arrangement of public services, based on its contiguity with the City. Future services will be determined once a development permit for the property has been requested. The City Engineer has conducted a preliminary analysis indicating the property can be served. Actual required public improvements can then be constructed as required in an orderly and efficient manner.

6. Affect identified historical sites and structures and provide for the preservation of such sites and structures;

FINDINGS: The subject property does not affect any identified historical sites or structures.

7. Improve and enhance the economy of the City; and

FINDINGS: The annexation has been requested for the purpose of consolidating the School District's property within the City limits. No development is anticipated at this time. However, by including this land within the corporate boundary, the City will benefit from any future development that might increase the City's tax base or development enhancements.

8. Provide quality, safe housing through a variety of housing types and price ranges.

FINDINGS: This finding is not applicable to the annexation request.

CONCLUSION: BASED ON THE FINDINGS THE ANNEXATION IS FOUND TO COMPLY WITH THE CITY'S COMPREHENSIVE PLAN AND THE REQUIRED CRITERIA FOR ANNEXATION.

3.111.04 Annexation Procedure Without City Election:

FINDINGS: No election is required and the Council chose to dispense with any such election and may approve the annexation by ordinance, subject to the notice and hearing requirements.

CONCLUSION: NO ELECTION IS REQUIRED FOR THIS ANNEXATION

3.111.05 Annexation Procedure with Election in Proposed Territory

FINDINGS: There are no electorates residing on the property and the owner has submitted the request for annexation.

CONCLUSION: NO ELECTION IS REQUIRED FOR THIS ANNEXATION

3.111.06 Island Annexation

FINDINGS: This is not an island annexation and this criterion is not applicable.

3.111.09 Zone Designation of Annexed Property. The City Council shall establish the appropriate zoning, in conformance to the comprehensive plan, upon annexation of property to the City.

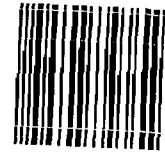
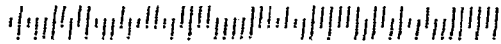
The property is planned for low density residential, as are the lands inside the City to the west and south. A zone designation of the Low Density Residential (R-1) would be appropriate upon annexation.

CONCLUSION

The findings as presented in the staff report support annexing the property to the City of Amity with a Low Density (R-1) city zone designation.



C
P
Amity, OR 97101



0000

97301

U.S. POSTAGE
PAID
AMITY, OR
97101
JUL 24, 09
AMOUNT

\$1.39
00023713-02

FIRST CLASS MAIL

DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540