



# Oregon

Theodore R. Kulongoski, 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

May 4, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Amity Plan Amendment  
DLCD File Number 001-05

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. This amendment was submitted without text.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 17, 2006**

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  
Steven Santos, DLCD Economic Development Planning Specialist  
Gary Fish, DLCD Regional Representative  
Heidi Blaine, City of Amity

<paa> ya/email

**2** Notice of Adoption

DEPT OF

APR 27 2006

LAND CONSERVATION AND DEVELOPMENT

THIS FORM MUST BE MAILED TO DLCD WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

For DLCD Use Only

Jurisdiction: Amity Local file number: 05-11-12

Date of Adoption: 4/5/2006 Date Mailed: 4/19/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 12/13/2005

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

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

**Plan Amendment and Zone Change to establish the Light Industrial (LI) Zone for the purpose of constructing mini-storage warehouses.**

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: Residential to: Industrial

Zone Map Changed from: High Density Residential to: Light Industrial

Location: T5S; R4W; Sec 20CD; TL #101,200 Acres Involved: 1,500 sqft

Specify Density: Previous: 10 D/V Acre New: N/A

Applicable Statewide Planning Goals: 9,10,14

Was and Exception Adopted?  YES  NO

DLCD File No.: 001-05  
(14871)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) 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

Affected State or Federal Agencies, Local Governments or Special Districts:

DEPT OF

APR 27 2006

Local Contact: Heidi Blaine Phone: (503) 835-3711 Extension: LAND CONSERVATION AND DEVELOPMENT  
Address: PO BOX 159 City: Amity  
Zip Code + 4: 97101-0159 Email Address: hblaine@ci.amity.or.us

## 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.

**AMITY ORDINANCE**

**ORDINANCE NO. 608**

**AN ORDINANCE AMENDING THE AMITY COMPREHENSIVE PLAN MAP AND THE AMITY ZONING MAP, AND DECLARING AN EMERGENCY.**

WHEREAS, on January 24, 2006, the Planning Commission conducted a public hearing regarding Planning File No. 05-11-12, an application regarding a Comprehensive Plan Map Amendment and Zone Change; and,

WHEREAS, notice of the said public hearing was duly given pursuant to the Development Code of the City of Amity and the public was given a full opportunity to be present and heard on the matter; and,

WHEREAS, on January 24, 2006, the Planning Commission met to consider the proposed action, received the recommendation of City staff and public testimony, and upon deliberation, voted to recommend City Council approval of the proposed amendments to the Comprehensive Plan Map and Zoning Map; and,

WHEREAS, on April 5, 2006, the City Council of the City of Amity conducted a public hearing on the matter; and,

WHEREAS, notice of the said public hearing was duly given pursuant to the Development Code of the City of Amity and the public was given a full opportunity to be present and heard on the matter; and,

WHEREAS, on April 5, 2006, the City Council met to consider the proposed action, received information provided by City staff, and the recommendation of the Planning Commission, and voted to approve modified amendments to the Comprehensive Plan Map and Zoning Map;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF AMITY ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Amity does hereby establish the Industrial Plan Map on the entire area encompassing Lots 3 and 6, Block 1 of the Watt=s Addition Subdivision located within Township 5 South; Range 4 West; Section 20CD; Tax Lot 200.

Section 2. The City Council of the City of Amity does hereby establish the Light Industrial (LI) zone on the entire area encompassing Lots 3 and 6, Block 1 of the Watt=s Addition Subdivision located within Township 5 South; Range 4 West; Section 20CD; Tax Lot 200.

Section 3. The City Council of the City of Amity does hereby adopt those certain findings of fact, recommendations, and conclusionary findings and supporting documentation attached hereto as Exhibit "A" and by this reference made a part hereof.

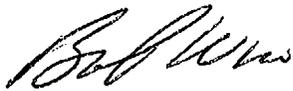
Section 4. The City Council for the City of Amity deems and desires it necessary for the preservation of the health, peace and safety of the City of Amity that this Ordinance take effect at once, and therefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and adopted by the Council and approved by the Mayor on the 5<sup>th</sup> day of April 2006 by the following votes:

AYES: James Clark, Walter Hornem, Rudy van Soolen, Robert Hantke

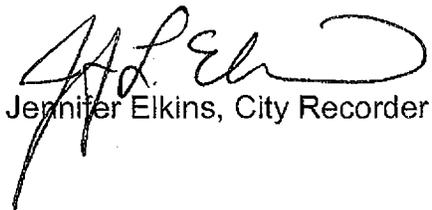
NAYS:

Attested:



Bob Wiro, Mayor

Attested:



Jennifer Elkins, City Recorder

**EXHIBIT "A" - CITY COUNCIL FINDINGS  
COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE  
PLANNING FILE No. 05-11-12**

**I. NATURE OF THE APPLICATION**

This matter comes before the Amity City Council on the application of Amity Self Storage (John Eshleman) for a Comprehensive Plan Map Amendment and Zone Change on property zoned High Density Residential (R-3).

**II. GENERAL INFORMATION**

**A. Location**

The property is located between 1<sup>st</sup> and 2<sup>nd</sup> Streets, adjacent to the railroad tracks. There is no site address and the County Assessor map places the parcel within Township 5 South; Range 4 West; Section 20CD; Tax Lots 101, 200 and 300.

**B. Existing Development and Zoning**

The vacant property fronts along Trade , 1<sup>st</sup> and 2<sup>nd</sup> Streets and is served by public sewer and water. The property is zoned High Density Residential (R-3) and Light Industrial (LI).

**C. Adjacent Zoning and Land Use**

Property to the northeast, east and southeast is zoned General Commercial (GC). To the southwest and west is Industrial zoned land while High Density (R-3) zoned land is located to the north. With the exception of the railroad tracks to the west, the majority of adjacent land uses are single family homes and apartments.

**D. Background Information**

The applicant is requesting the following: (1) a Comprehensive Plan Map Amendment and Zone Change to establish the Light Industrial (LI) zone on 1,500 square feet of the R-3 zoned portion of Tax Lot 200; and (2) a Site Development Review to construct an 80-unit mini-storage warehouse on the Light Industrial portion of the property.

*Findings in this Exhibit are limited to the Comprehensive Plan Map Amendment and Zone Change requests.*

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### III. PUBLIC HEARING

#### A. Planning Commission Action

A public hearing on this application was scheduled before the Amity Planning Commission on January 24, 2006. At the hearing, City Planning File 06-01-01 was made a part of the record. Notice of the hearing was sent to adjacent property owners. No objection was raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Commission deliberated on the issue and voted to recommend Council approval of the Plan Amendment and Zone Change, and, to approve the Site Development Review application. The Planning Commission found the application complied with the criteria contained in Amity Development Code.

This Order of Recommendation is limited to the findings and recommendations for the Comprehensive Plan Map Amendment and Zone Change. A separate Order will be provided for the Site Development Review applications.

#### B. City Council Action

A public hearing was duly held on this application before the Amity City Council on April 5, 2006. At the hearing, City Planning File 05-11-12 was made a part of the record. Notice of the hearing was published and sent to adjacent property owners pursuant to requirements in the Amity Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the City Council deliberated on the issue and adopted the Planning Commission's recommendation, with modifications, finding the proposal to be consistent with the Amity Development Code as set forth in the findings contained in this document.

### IV. FINDINGS OF FACT-GENERAL

The Amity City Council, after careful consideration of the testimony and evidence in the record, adopts the following general Findings of Fact:

- A. The applicant is Amity Self Storage (John Eshleman).
- B. The property is located between 1<sup>st</sup> and 2<sup>nd</sup> Streets, adjacent to the railroad tracks. There is no site address and the County Assessor map places the parcel within Township 5 South; Range 4 West; Section 20CD; Tax Lots 101, 200 and 300.
- C. The subject property contains 36,600 square feet.

- D. The vacant property fronts along Trade , 1<sup>st</sup> and 2<sup>nd</sup> Streets and is served by public sewer and water.
- E. The property is zoned High Density Residential (R-3) and Light Industrial (LI).
- F. Property to the northeast, east and southeast is zoned GC. To the southwest and west is Industrial zoned land while High Density (R-3) zoned land is located to the north. With the exception of the railroad tracks to the west, the majority of adjacent land uses are single family homes and apartments.
- G. The applicant is requesting the following: (1) a Comprehensive Plan Map Amendment and Zone Change to establish the Light Industrial (LI) zone on 1,500 square feet of the R-3 zoned portion of Tax Lot 200; and (2) a Site Development Review to construct an 80-unit mini-storage warehouse on the Light Industrial portion of the property.

*The findings in this Exhibit are limited to the proposed comprehensive Plan Map Amendment and Zone Change.*

- H. Approval of denial of this request shall be based on the decision criteria contained in the Amity Development Code; Section 3.110 (Plan Amendment/Zone Change).

#### V. APPLICATION SUMMARY

- A. The subject property is AT@-shaped, connecting 1<sup>st</sup> and 2<sup>nd</sup> Streets with an additional access to Trade Street. Tax Lots 101 and 300 are zoned Light Industrial (LI). The eastern 190-feet of Tax Lot 200 is zoned High Density Residential (R-3) and the remainder is zoned LI. The subject property is currently vacant but public facilities are available to serve the site.
- B. The applicant wishes to construct mini-storage warehouses on the west side of the subject property. The 80-unit facility will occupy some 17,150 square feet of area. Access to the site will be available from both 1<sup>st</sup> Street and 2<sup>nd</sup> Street, with a potential secondary egress from future residential development to the east. The units will be secured by a gated fence.
- C. For this improvement to occur, a portion of Tax Lot 200 will need to re-zone some 1,500 square feet of area from R-3 to LI. This action also requires a corresponding change in the Comprehensive Plan designation from AResidential@ to AIndustrial.@
- D. Subsequent to the decision, the applicant requested a modification in the Plan amendment and zone change. The revised plan would re-zone the entire area of Lots 3 and 6 to LI; Lots 4 and 5 will remain zoned R-3. For the record, this does not affect the proposed warehouse layout. The findings in this Exhibit reflect this modification.

## VI. CRITERIA AND FINDINGS - PLAN AMENDMENT AND ZONE CHANGE

A. The criteria for a zone change are contained in Section 3.110.03 of the Development Code. The criteria and findings are reviewed below:

1. Section 3.110.03.A. - The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

FINDINGS: The proposal changes both the Plan Map and Zoning Map. As such, the proposed LI zone will be consistent with the proposed AIndustrial@ Plan designation. This designation is designed to encourage residential uses within the City to meet the needs of the community.

2. Section 3.110.03.B. - The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

FINDINGS: The City previously approved the proposed mini-storage warehouse project on the subject property. Prior findings suggest this property is capable of supporting the development.

3. Section 3.110.03.C. - Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.

FINDINGS: Again as noted, prior findings indicate the proposed uses can be established in conformance with the requirements of the LI zone.

4. Section 3.110.03.D. - Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

FINDINGS: The property is currently served by public sewer and water, and fronts along a public street. The proposed zone change will not intensify the use of property from the previous proposed apartment development and will therefore not impact public facilities. Specific issues of facility or access improvements can be reviewed if the applicant proposes further development of the property.

5. Section 3.110.03.E. - For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

FINDINGS: This Section does not apply as the proposal involves the establishment of a non-residential zone.

6. Section 3.110.03.F. - The following additional criteria shall be used to review all nonresidential changes:

- a. Section 3.110.03.F.1. - The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.
- b. Section 3.110.03.F.2. - The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

FINDINGS: This land was zoned LI prior to the previous zone change, and prior to that, was zoned General Commercial. The amount of area involved would at best eliminate two potential apartment units. And while the proposed uses are potentially more intensive than what is allowed in the R-3 zone, the proposed use will likely have less traffic impact and certainly no greater impact on the public facilities than if it remained zoned R-3.

- B. With the exception of the R-3 zoning on Tax Lot 200, this entire block is zoned LI on the west side and GC on the east side. The proposed change will permit development on the west side that is entirely consistent with the industrial zoning pattern. By the same token, the change will have a minor effect on the City's ability to provide additional apartment housing.

## VII. CONCLUSION

Based on the above findings, the City Council concludes the proposed Comprehensive Plan Map Amendment and Zone Change application complies with the decision criteria contained in the Amity Development Code.

**BEFORE THE AMITY PLANNING COMMISSION**

In the Matter of the	)	File No. 05-11-12
	)	
Application of	)	1. Comprehensive Plan
	)	Map Amendment
Amity Self Storage (John Eshleman)	)	2. Zone Change

**ORDER OF RECOMMENDATION**

**I. NATURE OF THE APPLICATION**

This matter comes before the Amity Planning Commission on the application of Amity Self Storage (John Eshleman) for a Comprehensive Plan Map Amendment, Zone Change and Site Development Review to establish a mini-storage warehouse.

**II. GENERAL INFORMATION**

**A. Location**

The property is located between 1<sup>st</sup> and 2<sup>nd</sup> Streets, adjacent to the railroad tracks. There is no site address and the County Assessor map places the parcel within Township 5 South; Range 4 West; Section 20CD; Tax Lots 101, 200 and 300.

**B. Existing Development and Zoning**

The vacant property fronts along Trade , 1<sup>st</sup> and 2<sup>nd</sup> Streets and is served by public sewer and water. The property is zoned High Density Residential (R-3) and Light Industrial (LI).

**C. Adjacent Zoning and Land Use**

Property to the northeast, east and southeast is zoned General Commercial (GC). To the southwest and west is Industrial zoned land while High Density (R-3) zoned land is located to the north. With the exception of the railroad tracks to the west, the majority of adjacent land uses are single family homes and apartments.

**D. Background Information**

The applicant is requesting the following: (1) a Comprehensive Plan Map Amendment and Zone Change to establish the Light Industrial (LI) zone on 1,500 square feet of the R-3 zoned portion of Tax Lot 200; and (2) a Site Development Review to construct an 80-unit mini-storage warehouse on the Light Industrial portion of the property.

This Order of Recommendation is limited to the findings and recommendations for the Comprehensive Plan Map Amendment and Zone Change.

### III. PUBLIC HEARING

#### A. Planning Commission Action

A public hearing on this application was scheduled before the Amity Planning Commission on January 24, 2006. At the hearing, City Planning File 06-01-01 was made a part of the record. Notice of the hearing was sent to adjacent property owners. No objection was raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Commission deliberated on the issue and voted to recommend Council approval of the Plan Amendment and Zone Change, and, to approve the Site Development Review application. The Planning Commission found the application complied with the criteria contained in Amity Development Code.

This Order of Recommendation is limited to the findings and recommendations for the Comprehensive Plan Map Amendment and Zone Change. A separate Order will be provided for the Site Development Review applications.

#### B. City Council Action

Pursuant to the requirements of the Amity Development Code, the City Council will consider this application at a separate hearing. At that time, the Council has the option of accepting or rejecting the Planning Commission recommendation.

### IV. FINDINGS OF FACT-GENERAL

The Amity Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following general Findings of Fact:

- A. The applicant is Amity Self Storage (John Eshleman).
- B. The property is located between 1<sup>st</sup> and 2<sup>nd</sup> Streets, adjacent to the railroad tracks. There is no site address and the County Assessor map places the parcel within Township 5 South; Range 4 West; Section 20CD; Tax Lots 101, 200 and 300.
- C. The subject property contains 36,600 square feet.
- D. The vacant property fronts along Trade , 1<sup>st</sup> and 2<sup>nd</sup> Streets and is served by public sewer and water.

- E. The property is zoned High Density Residential (R-3) and Light Industrial (LI).
  - F. Property to the northeast, east and southeast is zoned GC. To the southwest and west is Industrial zoned land while High Density (R-3) zoned land is located to the north. With the exception of the railroad tracks to the west, the majority of adjacent land uses are single family homes and apartments.
  - G. The applicant is requesting the following: (1) a Comprehensive Plan Map Amendment and Zone Change to establish the Light Industrial (LI) zone on 1,500 square feet of the R-3 zoned portion of Tax Lot 200; and (2) a Site Development Review to construct an 80-unit mini-storage warehouse on the Light Industrial portion of the property.
- The findings and recommendations in this Order are limited to the proposed Comprehensive Plan Map Amendment and Zone Change. A separate Order will be provided for the Site Development Review applications.
- H. Approval of denial of this request shall be based on the decision criteria contained in the Amity Development Code; Section 3.110 (Plan Amendment/Zone Change).

#### V. APPLICATION SUMMARY

- A. The subject property is "T"-shaped, connecting 1<sup>st</sup> and 2<sup>nd</sup> Streets with an additional access to Trade Street. Tax Lots 101 and 300 are zoned Light Industrial (LI). The eastern 190-feet of Tax Lot 200 is zoned High Density Residential (R-3) and the remainder is zoned LI. The subject property is currently vacant but public facilities are available to serve the site.
- B. The applicant wishes to construct mini-storage warehouses on the west side of the subject property. The 80-unit facility will occupy some 17,150 square feet of area. Access to the site will be available from both 1<sup>st</sup> Street and 2<sup>nd</sup> Street, with a potential secondary egress from future residential development to the east. The units will be secured by a gated fence.
- C. For this improvement to occur, a portion of Tax Lot 200 will need to re-zone some 1,500 square feet of area from R-3 to LI. This action also requires a corresponding change in the Comprehensive Plan designation from "Residential" to "Industrial."
- D. For the record, the City previously approved a similar application (Planning File No. 04-12-09). This prior request established the R-3 zone on the eastern 190-feet of Tax Lot 200 for the purpose of constructing eight apartment units. This application is similar in that the zone change is designed to accommodate the storage warehouses.

## VI. CRITERIA AND FINDINGS - PLAN AMENDMENT AND ZONE CHANGE

A. The criteria for a zone change are contained in Section 3.110.03 of the Development Code. The criteria and findings are reviewed below:

1. Section 3.110.03.A. - The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

FINDINGS: The proposal changes both the Plan Map and Zoning Map. As such, the proposed LI zone will be consistent with the proposed "Industrial" Plan designation. This designation is designed to encourage residential uses within the City to meet the needs of the community.

2. Section 3.110.03.B. - The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

FINDINGS: The City previously approved the proposed mini-storage warehouse project on the subject property. Prior findings suggest this property is capable of supporting the development.

3. Section 3.110.03.C. - Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.

FINDINGS: Again as noted, prior findings indicate the proposed uses can be established in conformance with the requirements of the LI zone.

4. Section 3.110.03.D. - Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

FINDINGS: The property is currently served by public sewer and water, and, fronts along a public street. The proposed zone change will not intensify the use of property from the previous proposed apartment development and will therefore not impact public facilities. Specific issues of facility or access improvements can be reviewed if the applicant proposes further development of the property.

5. Section 3.110.03.E. - For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

FINDINGS: This Section does not apply as the proposal involves the establishment of a non-residential zone.

6. Section 3.110.03.F. - The following additional criteria shall be used to review all nonresidential changes:
  - a. Section 3.110.03.F.1. - The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.
  - b. Section 3.110.03.F.2. - The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

FINDINGS: This land was zoned LI prior to the previous zone change, and prior to that, was zoned General Commercial. The amount of area involved would at best eliminate two potential apartment units. And while the proposed uses are potentially more intensive than what is allowed in the R-3 zone, the proposed use will likely have less traffic impact and certainly no greater impact on the public facilities than if it remained zoned R-3.

- B. With the exception of the R-3 zoning on Tax Lot 200, this entire block is zoned LI on the west side and GC on the east side. The proposed change will permit development on the west side that is entirely consistent with the zoning pattern. By the same token, the change will have a minor effect on the City's ability to provide additional apartment housing.

## VII. CONCLUSION

The Commission finds the Plan Amendment and Zone Change complies with the applicable decision criteria.

## VIII. RECOMMENDATION - ZONE CHANGE

The Planning Commission recommends City Council approval of the following:

- A. Establish the "Industrial" Plan Map designation on all but the eastern 10-feet of Lot 3 and Lot 6 of property located within Township 5 South; Range 4 West; Section 20CD; Tax Lot 200.

- B. Establish the Light Industrial (LI) zone on all but the eastern 10-feet of Lot 3 and Lot 6 of property located within Township 5 South; Range 4 West; Section 20CD; Tax Lot 200.

IX. ORDER

It is hereby found that the application meets the relevant standards and criteria for a Comprehensive Plan Map Amendment and Zone Change.

THEREFORE, it is the decision of the Amity Planning Commission to recommend City Council approval of the proposed Plan Map Amendment and Zone Change.

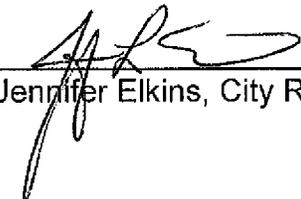
X. APPEAL DATES

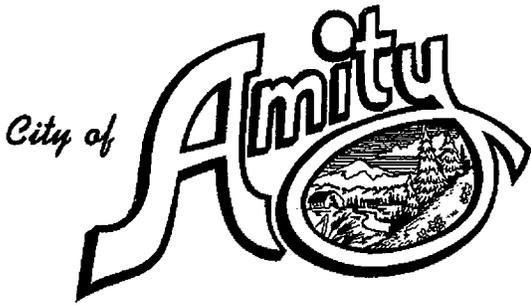
This Order of Recommendation appears as a matter of record only. The City Council will conduct a separate hearing regarding this case at a date and time to be noticed.

APPROVED BY A 3-0 VOTE OF THE AMITY PLANNING COMMISSION ON THE 24<sup>th</sup> DAY OF JANUARY 2006.

DATED at Amity, Oregon, this Third day of February, 2006.

ATTEST:  2-3-06  
Scott Worthington, Chair Date

ATTEST:  2/3/06  
Jennifer Elkins, City Recorder Date



P.O. Box 159  
Amity, OR 97101  
(503) 835-3711  
Fax (503) 835-3780

**NOTICE OF AMITY PLANNING COMMISSION RECOMMENDATION  
PLANNING FILE No. 06-01-01 (PLAN MAP AMENDMENT & ZONE CHANGE)**

January 26, 2006

**I. BACKGROUND**

- A. APPLICANT: Amity Self Storage (John Eshleman).
- B. PROPERTY LOCATION: The property is located between 1<sup>st</sup> and 2<sup>nd</sup> Streets, adjacent to the railroad tracks. There is no site address and the County Assessor map places the parcel within Township 5 South; Range 4 West; Section 20CD; Tax Lots 101, 200 and 300.
- C. PARCEL SIZE: 36,600 square feet.
- D. EXISTING DEVELOPMENT: The vacant property fronts along Trade and 1<sup>st</sup> Streets and is served by public sewer and water.
- E. ZONING: High Density Residential (R-3) and Light Industrial (LI).
- F. PROPOSAL: The applicant is requesting the following: (1) a Comprehensive Plan Map Amendment and Zone Change to establish the Light Industrial (LI) zone on 1,500 square feet of the R-3 zoned portion of Tax Lot 200; and (2) a Site Development Review to construct an 80-unit mini-storage warehouse on the Light Industrial portion of the property.

*This Notice of Decision is limited to the Comprehensive Plan Map Amendment and Zone Change. A separate Notice will be provided for the Site Development Review application.*

- G. DECISION CRITERIA: Amity Development Code; Section 3.110 (Plan Amendment/Zone Change).
- H. PLANNING COMMISSION HEARING: January 24, 2006.

## II. COMMISSION DECISION

The Planning Commission reviewed the submitted evidence, determined the application complied with the decision criteria and voted to recommend that the City Council APPROVES the following Plan Amendment and Zone Change:

- A. Establish the "Industrial" Plan Map designation on all but the eastern 10-feet of Lot 3 and Lot 6 of property located within Township 5 South; Range 4 West; Section 20CD; Tax Lot 200.
- B. Establish the Light Industrial (LI) zone on all but the eastern 10-feet of Lot 3 and Lot 6 of property located within Township 5 South; Range 4 West; Section 20CD; Tax Lot 200.

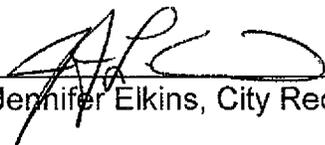
## III. APPEAL PROVISIONS

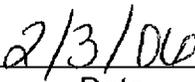
Pursuant to the requirements of the Amity Development Code, the City Council will consider this application at a separate hearing. At that time, the Council has the option of accepting or rejecting the Planning Commission recommendation.

Therefore, this notice appears as a matter of record only. The City of Amity will provide a separate notice for the City Council hearing.

Should you have any questions or comments regarding this project, please contact City Hall for information on how to proceed.

Sincerely,

  
Jennifer Elkins, City Recorder

  
Date