



# 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



January 26, 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 002-04

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 adoption was adopted by the City on April 13, 2005, and passed the 21-day appeal period from the date of the adoption. This amendment was submitted without text.

Appeal Procedures\*

#### **DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

**\*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  
Gary Fish, DLCD Regional Representative  
Walt Wendolowski, City of Amity

<paa> ya/

**FORM 2**

**DEPT OF**

**DLCD 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

JAN 19 2006

LAND CONSERVATION  
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Amity Local File No.: 04-12-09  
(If no number, use none)  
Date of Adoption: April 13, 2005 Date Mailed: 8/15/2005  
(Must be filed in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: Dec 13, 2004

- 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."

Applicant requested & was approved a comprehensive plan map amendment and zone change to establish the medium density residential (R-2) zone on the General Commercial portion of 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: Commercial (GC) to Residential

Zone Map Changed from: General Commercial (GC) to Medium Density Residential (R-2)

Location: TSS; R 4W; Sec 20CD; TL 10.1 Acres Involved: 36,000 sq. ft.

Specify Density: Previous: N/A New: 6-12 Du/AC

Applicable Statewide Planning Goals: 9, 10, 11, 12

Was an Exception Adopted? Yes:  No:

DLCD File No.: 002-04  
(14040)

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: \_\_\_\_\_

ODOT, DECDD

Local Contact: Walt Wendolowski Area Code + Phone Number: 503-835-3711

Address: P.O. Box 159 City: Amity

Zip Code+4: OR 97101-0159 Email Address: \_\_\_\_\_

### 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](mailto:Mara.Ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**AMITY ORDINANCE**

**ORDINANCE NO. 607**

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

WHEREAS, on January 25, 2005, the Planning Commission conducted a public hearing regarding Planning File No. 04-12-09, 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 25, 2005, 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 13, 2005, 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 13, 2005, 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 the 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 "Residential" Plan Map designation on the eastern 190-feet of the property 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 High Density Residential (R-3) zone on the eastern 190-feet of the property 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.

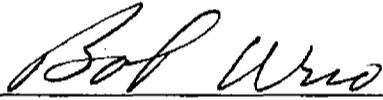
Section 4. The City Council for the City of Amity deems and desires it necessary for the preservation of the health, peace and safety of the City of Amity that this Ordinance take effect at once, and therefore any emergency is hereby declared to exist and this Ordinance shall be in full force and effect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

PASSED and adopted by the Council and approved by the Mayor on the 13<sup>th</sup> day of April 2005 by the following votes:

AYES: 3

NAYS: 0

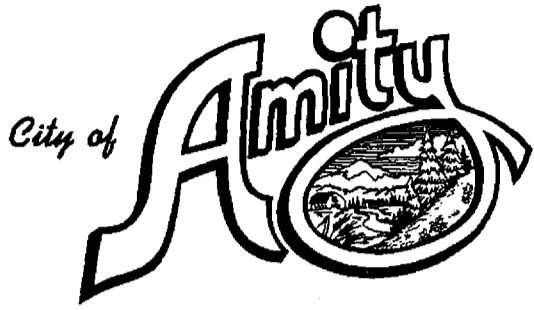
Attested:



Bob Wiro, Mayor

Attested:

  
Judy Keller, City Recorder



Ordinance  
to  
DLCD

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

**NOTICE OF PUBLIC HEARING**  
**April 13, 2005, 7:00 p.m.**  
**City Council Chambers**  
**Amity, Oregon**

The **AMITY CITY COUNCIL** will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the Commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. A staff report relating to the proposal will be available seven days prior to the public hearing. For further information, contact Amity City Hall at (503) 835-3711.

**APPLICANTS:** Jeff & Patricia Kizer.  
**LOCATION:** The property is approximately located at the southwest intersection of Trade Street and 1<sup>st</sup> Street.  
**TAX LOT:** Township 5 South; Range 4 West; Section 20CD; Tax Lot 101.  
**PARCEL SIZE:** 36,600 square feet.  
**ZONING:** General Commercial (GC) and Light Industrial (LI).  
**REQUEST:** The applicant is requesting a Comprehensive Plan Map amendment and Zone Change to establish the Medium Density Residential (R-2) zone on the General Commercial portion of the property for the purpose of constructing two, four-plex apartments.  
**CRITERIA:** Amity Development Code; Section 3.110 and Section 3.104.  
**DOCKET No.:** Planning File No. 04-12-09

The location of the hearing is accessible to the disabled. If you need any special accommodations to attend or participate in the hearing, please notify city hall 24 hours before the meeting. For further information, please contact City Hall at (503) 835-3711.

# FORM 2

## DLCD 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)

Jurisdiction: City of Amity Local File No.: 04-03-02  
(If no number, use none)  
Date of Adoption: Dec 8, 2004 Date Mailed: Dec 13, 2004 <sup>again</sup> 12/13/04  
(Must be filled in) (Date mailed or sent to DLCD)  
Date the Notice of Proposed Amendment was mailed to DLCD: April 11, 2004

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."

Change. Plan designation from Industrial to Residential  
and zoning from Light Industrial to med Density  
Residential on 12,390 S.F. of property within the  
City of Amity.

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: Industrial to Residential  
Zone Map Changed from: Light Ind. (LI) to medium Density Res (R-2)  
Location: T5S, R4W; Sec 20 CD TL 700 Acres Involved: 12,390 sq ft  
Specify Density: Previous: NA New: 6-12 DU/AC  
Applicable Statewide Planning Goals: 9/10  
Was an Exception Adopted? Yes:  No:

DLCD File No.: \_\_\_\_\_

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: \_\_\_\_\_

DECLDP

Local Contact: Walt Wendolowski Area Code + Phone Number: 503 835 3711

Address: P. O. Box 159

City: Amity Zip Code+4: 97101-0159

## 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 of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will 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](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.