



# 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](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

February 27, 2007



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 001-06

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.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 16, 2007**

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  
Gary Fish, DLCD Regional Representative  
Heidi Blaine, City Of Amity

<paa> ya/

PROF

# 2 Notice of Adoption

DEPT OF

FEB 26 2007

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: City of Amity Local file number: 06-01-03

Date of Adoption: 2/7/2007 Date Mailed: 2/23/2007

Date original Notice of Proposed Amendment was mailed to DLCD: \_\_\_\_\_

- |  |  |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment    |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input checked="" type="checkbox"/> Zoning Map Amendment     |
| <input type="checkbox"/> New Land Use Regulation           | <input checked="" type="checkbox"/> Other: <u>Annexation</u> |

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

**Annex 0.5 acres located within Amity UGB and establish high density residential zone on annexed property. Previously Ordinance 610 was adopted however, there was a mistake; the legal description in Exhibit "A" did not match with the map of the property. Please accept Ordinance 611 to replace 610.**

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".

**The adopted amendment differs from the proposed because the legal description does not match the map. Please be reminded that first Ordinance 610 was adopted and was incorrect. The council adopted Ordinance 611 in its place.**

Plan Map Changed from: -- to: \_\_\_\_\_

Zone Map Changed from: ULDR to: High Density Residential

Location: T5S; R4W; Sec 20 DC; TL 00900 Acres Involved: 0.5

Specify Density: Previous: 1 DV / 2 ac New: 6 DV / AC

Applicable Statewide Planning Goals: \_\_\_\_\_

Was an Exception Adopted?  YES  NO

DLCD File No.: 001-06 (15008)

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:

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Local Contact: Heidi Blaine Phone: (503) 835-3711 Extension: \_\_\_\_\_

Address: PO Box 159 City: Amity

Zip Code + 4: 97101- 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. 611**

**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 HIGH DENSITY RESIDENTIAL ZONE ON THE NEWLY ANNEXED PROPERTY.**

WHEREAS, Steve Ruyle 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 hereinabove described be annexed to the City of Amity, Oregon; and

WHEREAS, on April 5, 2006, the City Council unanimously passed Ordinance 609 at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, pursuant to Ordinance 609, 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.

WHEREAS, on June 7, 2006, the City Council unanimously passed Ordinance 610 and Ordinance 610 contained one or more scrivener's error(s); and

WHEREAS, said public hearing was held May 3, 2006 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 on 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 insomuch 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 High Density Residential (R-3) 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 7<sup>th</sup> day of February 2007 by the following votes:

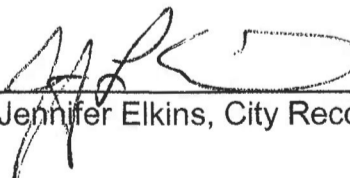
AYES:

NAYS:

Approved by the Mayor on this 16 day of February, 2007.

  
\_\_\_\_\_  
Michael Cape, Mayor Date

Attest:

  
\_\_\_\_\_  
Jennifer Elkins, City Recorder Date 2/20/07

**EXHIBIT "A"**

A tract of land in Section 20, Township 5 South, Range 4 West of the Willamette Meridian in the City of Amity, Yamhill County, Oregon, more particularly described as follows:

BEGINNING at a point which is 465 feet North and 414.20 feet East from the intersection of the center of Rosedell and Getchell (formerly Minnesota) Streets; thence North along the West line of a 2.3 acre tract described in deed recorded January 15, 1964 in Film Volume 34, Page 923, Deed and Mortgage Records, 235 feet to the center of Rice Lane (County Road No. 453); thence Westerly along the center line of Rice Lane 398 feet, more or less, to a point that is North 4E 30' East of the Northeast corner of a tract described in deed recorded December 8, 1944 in Book 155, Page 497, Deed Records of Yamhill County, Oregon; thence South 04E 30' West 95.1 feet to the Southeast corner of the last mention tract; thence South 65 feet; thence Easterly 400 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the Easterly 260 feet.

**EXHIBIT "B"**  
**CITY COUNCIL FINDINGS**

**ANNEXATION AND ESTABLISHMENT OF THE R-3 ZONE**  
**PLANNING FILE No. 06-02-03**

I. NATURE OF THE APPLICATION

This matter comes before the Amity City Council on the application of Steve Ruyle to Annex the property into the City limits, establish the R-3 zone on the subject property and partition the property into three parcels.

II. GENERAL INFORMATION

A. Location

The subject property is located on the south side of Rice Lane, approximately 250-feet east of its intersection with Trade Street. The property address is 201 Rice Lane and the County Assessor Map places the parcel as located within Township 5 South, Range 4 West; Section 20DB; Tax Lot #900.

B. Existing Development and Zoning

The vacant 0.5 acres parcel is served by public sewer and water and fronts upon a public street. The property is designated Residential on the Amity Comprehensive Plan Map.

C. Adjacent Zoning and Land Use

All surrounding property is zoned High Density Residential (R-3), with single family homes the dominant land use.

D. Background Information

The applicant is requesting approval to Annex the property into the City limits and establish the R-3 zone on the subject property. Subsequent to the annexation, the applicant is requesting approval of a partition to divide the subject property into three parcels of 10,400 square feet, 4,353 square feet and 7,024 square feet. Findings related to this exhibit are solely limited to the proposed annexation and establishment of the R-3 zone.

### III. PUBLIC HEARING

#### A. Planning Commission Action

A public hearing on this application was scheduled before the Amity Planning Commission on April 25, 2006. At the hearing, City Planning File 06-02-03 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 annexation, and, to approve the partition application. The Amity Planning Commission found the application complied with the criteria contained in the Amity Development Code.

#### B. City Council Action

A public hearing on this application was scheduled before the Amity City Council on May 3, 2006. At the hearing, City Planning File 06-02-03 was made a part of the record. Notice of the hearing was sent to adjacent property owners and provided per the requirements of Ordinance No. 609. No objection was raised as to notice, jurisdiction, conflicts of interest, or to evidence or to testimony presented at the hearing.

At the conclusion of the hearing, the council deliberated on the issue and voted to approve the annexation, and, establish the High Density Residential (R-3) zone on the newly annexed property. City staff was directed to provide the necessary adoption ordinance.

Amity City Council passed Ordinance 610 on June 8, 2006. However, within Ordinance 610, Exhibit "A" lacked contained one or more scrivener's error(s).

### 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 Steve Ruyle.
- B. The subject property is located on the south side of Rice Lane, approximately 250-foot east of its intersection with Trade Street. The property address is 201 Rice Lane and the County Assessor Map places the parcel as located within Township 5 South; Range 4 West; Section 20DB; Tax Lot #900.
- C. The property contains approximately 0.5 acres.
- D. The vacant parcel is served by public sewer and water and fronts upon a public street.



- E. The property is designated residential on the Amity Comprehensive Plan Map.
- F. All surrounding property is zoned High Density Residential (R-3), with single family homes the dominant land use.
- G. The applicant is requesting approval to annex the property into the city limits and establish the R-3 zone on the subject property. Subsequent to the annexation, the applicant is requesting approval of a partition to divide the subject property into three parcels of 10,400 square feet, 4,353 square feet and 7,024 square feet. Findings in this exhibit are limited to the proposed annexation and the establishment of the R-3 zone.
- H. Approval or denial of this request shall be based on the following criteria in the Amity Development Code: Section 3.111 (Annexation).

#### V. APPLICATION SUMMARY

- A. The subject property is located outside the city limits but within Amity's Urban Growth Boundary. The applicant intends to annex the property into the city limits to allow additional development on the property. As part of the annexation request, the applicant is requesting the city establish the High Density Residential (R-3) zone on the property.
- B. Subsequent to the annexation, the applicant is requesting approval to divide the property into three parcels of 10,400 square feet (Parcel 1), 4,353 square feet (Parcel 2) and 7,024 square feet (Parcel 3). Parcel 1 will front along Rice Lane and contain a single family detached home. Parcel 2 and Parcel 3 will each contain a single family home with a shared common wall. This is referred to as attached single family dwellings: the units share a common wall along the property boundary but otherwise are located on individual parcels and may be sold independently.
- C. The annexation is a Type III application and requires a hearing before the Amity Planning Commission and the Amity City Council. For this request, the commission provides a recommendation with the council rendering the final decision. The partition is Type II application and only requires a hearing before the Commission. Their decision is final on this matter unless otherwise appealed. Findings in this exhibit are limited to the proposed annexation and the establishment of the R-3 zone.

#### VI. CRITERIA AND FINDINGS - ANNEXATION

- A. Provisions for annexations are contained in Section 3.111 of the Amity Development Code. The city retains the authority to annex property within the UGB and located adjacent to the city limits (Section 3.111.01). This situation applies to the subject property.

B. Section 3.111.02 establishes procedural requirements. The Amity Planning Commission reviews annexation applications and provides a recommendation to the Amity City Council. All proposed annexations must be consistent with the City Comprehensive Plan. The Plan offers policies regarding transportation, public facilities, economics and urbanization which are related to the proposal. Each policy is summarized, below:

1. Transportation: Transportation policies seek to minimize adverse impacts on land uses while meeting accepted standards of safety and design.

FINDINGS: The primary impact of the annexation is to establish a residential development. The property retains access to Rice Lane which has adequate capacity to accommodate the additional traffic. On balance, the street and local street system are capable of accommodating three additional homes.

2. Public facilities: In general, the City Comprehensive Plan seeks to ensure that adequate facilities either are available or can be made available at the time of development.

FINDINGS: Sewer, water and private utility facilities are available, and can be extended to the site, and storm drainage can be directed to an acceptable point of discharge. While technical issues must be addressed, there are no capacity issues that would prohibit annexation.

3. Land Use and Urbanization: This component seeks to provide an orderly and efficient transition from rural to urban land use.

FINDINGS: The subject property is located adjacent to the city limits, has access to a public street, and public facilities and services are available to serve the development. This is urbanizable land.

4. Housing: This component seeks to provide opportunities to meet the housing needs of the local citizens.

FINDINGS: The subject property is designated for residential development. The annexation, and proposed development of three separate parcels, is consistent with the pattern of residential activities within the area and provides additional housing for the community.

C. Section 3.111.02.B, provides specific criteria to decide upon an annexation. For all annexations the decision shall state how the proposal will:

1. Section 3.111.02.B.1. - Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands.

FINDINGS: The subject property is essentially surrounded by the city and urban levels of development. Annexation and development of the property are entirely consistent with expectations of the UGB.

2. Section 3.111.02.B.2 - Relate to areas with natural hazards.

FINDINGS: The property does contain a drainage area that will remain undeveloped. Otherwise, the site does not contain identified hazard areas.

3. Section 3.111.02.B.3 - Protect open spaces and scenic views and areas.

FINDINGS: The property does not contain identified or protected open space and scenic areas.

4. Section 3.111.02.B.4 - Provide for transportation needs in a safe, orderly and economic manner.

FINDINGS: The property fronts along an improved public street with sufficient capacity to serve the proposed development.

5. Section 3.111.02.B.5 - Provide for an orderly and efficient arrangement of public services.

FINDINGS: Public sewer and water services are available on Rice Lane. This annexation and development will not affect the city's capability to provide these services.

6. Section 3.111.02.B.6 - Affect identified historical sites and structures and provide for the preservation of such sites and structures.

FINDINGS: The property does not contain identified historical sites or structures.

7. Section 3.111.02.B.7 - Improve and enhance the economy of the city.

FINDINGS: The proposal provides employment in the construction of the partitioning improvements as well as the individual homes. Further, the additional population improves the customer base for downtown merchants.

8. Section 3.111.02.B.8 - Provide quality, safe housing through a variety of housing types and price ranges.

FINDINGS: A portion of the local housing demand can be met through the development of the three parcels. All new homes will need to comply with the adopted building codes, thereby ensuring quality, safe housing.

- D. Sections 3.111.03 to 3.111.05 establish the council procedures regarding annexations. The Amity City Council has the option of referring the request to the voters or conducting a public hearing on the matter. While the commission may make a recommendation on this matter, the final decision rests with the council.
- E. This Section grants authority to the city council to annex land that is totally surrounded by the city. This stipulation does not apply to this request.
- F. If approved, the city must report the decision to the Secretary of State pursuant to provisions in Section 3.111.07. The annexation shall be complete from the date of filing with the Secretary of State, as provided in state law (Section 3.111.08). These are procedural matters related to the decision.
- G. Section 3.111.09 requires the Amity City Council to establish the appropriate zone at the time of annexation. Given surrounding R-3 zoning, the council agrees with the applicant's request and commission's recommendation to establish the R-3 zone on the subject property.

#### VII. CONCLUSION

The Amity City Council finds the annexation, and establishment of the R-3 zone, complies with the applicable decision criteria.

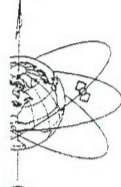
#### VIII. DECISION

The Amity City Council approves the following:

- A. Annexation of the subject property located within Township 5 South; Range 4 West; Section 20DB; Tax Lot #900.
- B. Establishment of the High Density Residential (R-3) zone on the newly annexed property.



Newberg



Surveying

Scale: 1" = 40'

12/11/2006 12:29:49 PM  
PR-PARPR Cnt=1 Stn=2 ANITA  
\$45.00 \$10.00 \$11.00

Pursuant to O.R.S. 92.095.  
Taxes have been paid or bond posted to this  
date: June 30, 2007  
Dave Dawson by  
Eileen Slater  
Chief Deputy  
Yamhill County Tax Collector  
12-5-06

John Newberg, PLS 2838

Newberg Surveying, Inc.

1205 NE Evans  
McMinnville, OR 97128

(503)-474-4742 (971)-237-1956 Cell  
(503)-474-3752 Fax newberg@vicink.com

PROFESSIONAL  
LAND SURVEYOR

*John G. Newberg*

OREGON  
June 30, 2006  
JOHN G. NEWBERG  
2838

Renewable 31 Dec

Declaration:

Know all men by these presents that Steve J. Ruyle is the owner of record of the lands shown on the attached map and more particularly the Surveyor's Certificate and has caused said lands to be surveyed and partitioned into parcels and associated easements as shown hereon in accordance with the provisions of O.R.S.

Steve Ruyle  
Steve Ruyle

Acknowledgement:

State of Oregon )  
s.s.  
County of Yamhill )  
This is to certify that on this 1st day of December, 2006, before me, a notary public for the State of Oregon, in the County of Yamhill, did personally appear Steve Ruyle in the capacity shown in the above owner's statement and who is personally known to me to be the identical person described in and who executed the above instrument and who acknowledged to me that he executed the same freely and voluntarily.

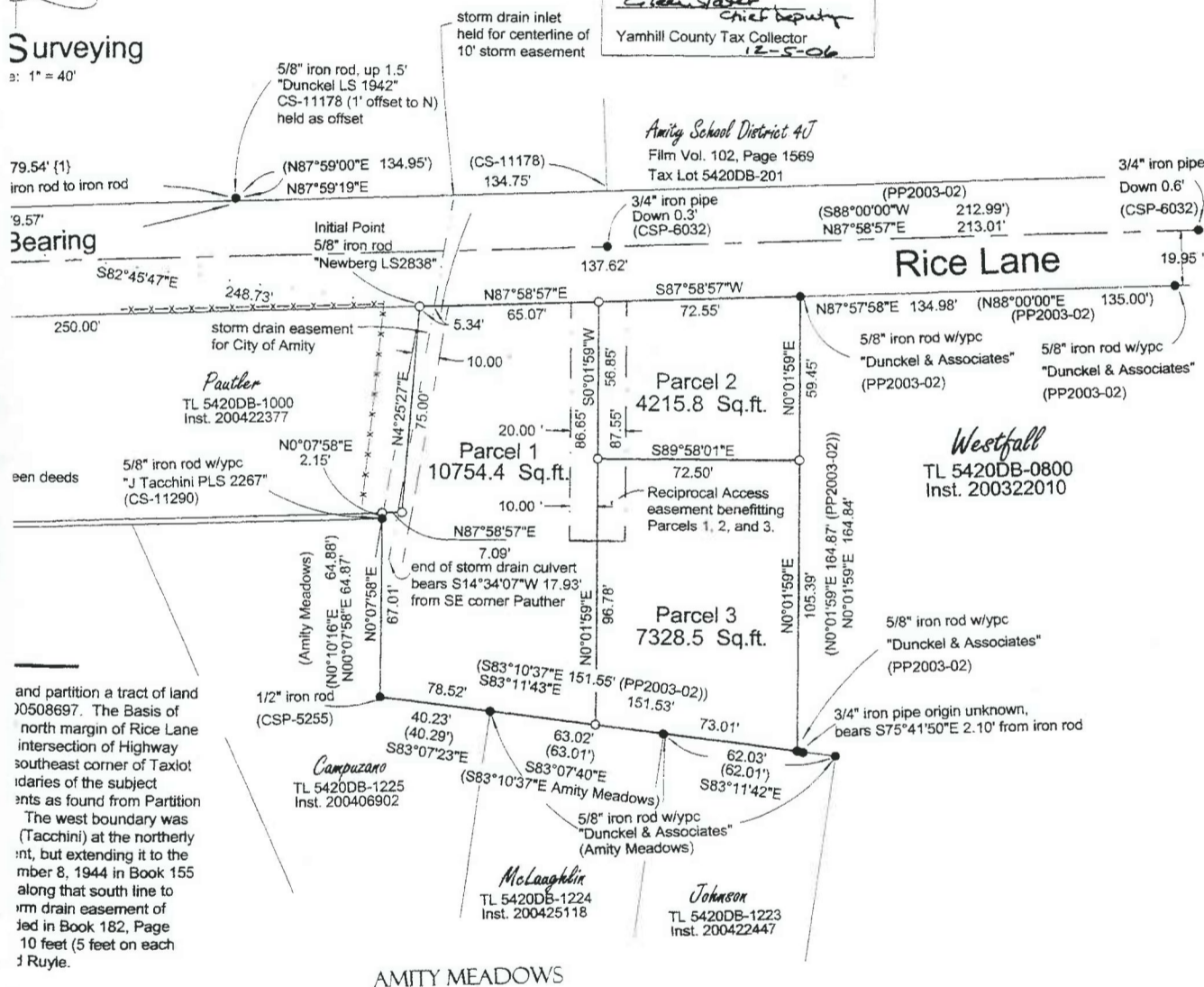
Kristie Burton  
Notary Public for the State of Oregon

My commission expires August 4, 2010



Legend

- = monument found, flush to 0.2' down, in good condition unless otherwise stated. Origin stated if known.
- = 5/8" x 30" iron rod set with ypc marked "NEWBERG LS 2838"
- - - = Centerline 10' wide storm drain easement for City of Amity, (between inlet and outlet)
- x-x-x- = existing fence



AMITY MEADOWS

and partition a tract of land 0508697. The Basis of north margin of Rice Lane intersection of Highway southeast corner of Taxlot idaries of the subject ents as found from Partition The west boundary was (Tacchini) at the northerly nt, but extending it to the mber 8, 1944 in Book 155 along that south line to rm drain easement of ed in Book 182, Page 10 feet (5 feet on each d Ruyle.