



# 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

February 7, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Dayton Plan Amendment  
DLCD File Number 002-05

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. This adoption was adopted by the City on January 6, 2006, and passed the 21-day appeal period from the date of the adoption.

Appeal Procedures\*

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

This amendment was submitted to DLCD for review 45 days prior to adoption. 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  
Debra Lien, City of Dayton

<paa> ya/

FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

JAN 31 2006

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)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Dayton Local File No.: ANNEX/ZC05-02 (If no number, use none)

Date of Adoption: 1-6-06 (Must be filled in) Date Mailed: 1-30-06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 8-24-05

- 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."

Annexed two residential lots of .25 and .29 acres into the City of Dayton. Rezoned the property from Yamhill County Designation LDR-9000 to R-1 Single Family Residential.

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: R to R-1

Zone Map Changed from: LDR-9000 to R-1

Location: 1145 Ash St Dayton, Or Acres Involved: .54

Specify Density: Previous: 4 DU per acre New: 4 DU per acre

Applicable Statewide Planning Goals: 10, 11, 12 & 14

Was an Exception Adopted? Yes: No: X

DLCD File No.: 002-05 (14620)

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: DLCD,  
Yamhill County, Dayton Rural Fire Protection District, Dayton School District  
Local Contact: Debra Lien Area Code + Phone Number: 503-864-2221  
Address: PO Box 339  
City: Dayton, Or Zip Code+4: 97114

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

**ORDINANCE NO. 573  
CITY OF DAYTON, OREGON**

**Title:           AN ORDINANCE ANNEXING TO THE CITY OF DAYTON THE AREA AND TERRITORY DESCRIBED WITHIN EXHIBIT "B" AND APPROVING A ZONE CHANGE**

**WHEREAS**, Sharon Edwards and Robert W and Gwendolyn F West have submitted an applications for annexation of approximately 1 acre herein described in Exhibit "B" (attached hereto and by this reference made a part hereof), and, additionally, have requested a Zone Change from LDR-9000, to Single Family Residential (R-1); and

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

**WHEREAS**, on October 11, 2005, the Planning Commission met to consider the proposed action, submitted as part of a request for annexation/zone change (ANNEX/ZC05-02 & ANNEX/ZC05-03), considered the information provided by City staff, the applicant and the public, and, upon deliberation voted to recommend to the City Council approval of the request; and,

**WHEREAS**, the City of Dayton, Oregon, caused notice of said hearing to be published prior to the date of said hearing in the *Dayton Tribune*, a newspaper of general circulation published in the City of Dayton, Oregon, which notice described the territory and area proposed to be annexed to the City of Dayton, Oregon, and called said meeting to be held in question of the annexation, and zoning change; and,

**WHEREAS**, on December 5, 2005, the City Council conducted a public hearing regarding the request for annexation and zone change, at which time the public was given a full opportunity to be present and heard on the matter; and,

**WHEREAS**, the Recorder of the City of Dayton, Oregon, caused notice of said hearing to be published prior to the date of said hearing in the *Dayton Tribune*, a newspaper of general circulation published in the City of Dayton, Oregon, which notice described the territory and area proposed to be annexed to the City of Dayton, Oregon, and called said meeting to be held in question of the annexation, comprehensive plan amendment and zone change; and,

**WHEREAS**, on December 5, 2005, the City Council met to consider the proposed action, considered the recommendation of the Planning Commission, information provided by City staff, the applicant, state agencies and the public, and, upon deliberation voted to approve the request; and

**WHEREAS**, the City Council of the City of Dayton, made and entered as its findings of fact those findings set forth in Exhibit "A"; and

**WHEREAS**, an ordinance is needed to formally file the annexation and zone change;

**THE CITY OF DAYTON ORDAINS AS FOLLOWS:**

1. **THAT** inasmuch as the owners of the real property described above have consented in writing to the annexation of said territory and area, and such consent is on file in the City Recorder's office in the City of Dayton, **IT IS HEREBY ORDERED, DECLARED AND PROCLAIMED** that the territory and area otherwise known as a portion of Tax Lots # R4317CC 0900 and 0901, is hereby annexed to the City of Dayton, Yamhill County, State of Oregon; and
2. **THAT** the City Council Findings, Annexation/Zone Change Case No. 05-02 and 05-03, attached hereto as Exhibit "A" and by this reference made a part hereof are hereby adopted; and
3. **THAT** the property to be annexed is shown and described in Exhibit "B" and by this reference made a part hereof; and
4. **THAT** the property shall have a zone designation of Single Family Residential (R-1); and
5. **THAT** the annexation and zone change are subject to those certain findings of fact, conclusionary findings, supporting documentation, recommendations, conditions of approval, and any limitations set forth in Exhibit "A" attached hereto; and
6. **THAT** the Recorder of the City of Dayton, 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, and pertinent franchisees, a certified copy of the following documents:
  - (a) A copy of this ordinance, with all attachments.

**PASSED AND ADOPTED** by the City Council of the City of Dayton on this **3rd** day of **January, 2006**.

**Mode of Enactment:**

Date of first reading \_\_\_\_\_ In full \_\_\_ or by title only \_\_\_

Date of second reading \_\_\_\_\_ In full \_\_\_ or by title only \_\_\_

  X   A copy of the ordinance was made available, in writing, to the public at least one week before the meeting, and adopted with unanimous approval by the Council.

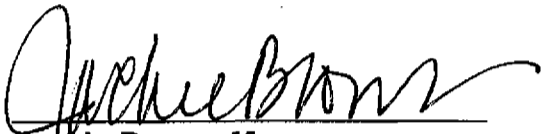
**Final Vote:**

**In Favor:** BRONS, COLEMAN, EVERS, HAVERKATE, HUTCHINS, RING

**Opposed:** NONE


**Absent:** WHITE

**Abstained:** NONE

  
\_\_\_\_\_  
**Jackie Brons, Mayor**

01-06-06  
\_\_\_\_\_  
**Date of Signing**

**Attested by:**

  
\_\_\_\_\_  
**Sue C. Hollis**  
**City Manager**  
**City Recorder**

01-06-06  
\_\_\_\_\_  
**Date of Enactment**

Attachments: Exhibits A & B

WKS4\ORDINANCES\2006\ORD.573

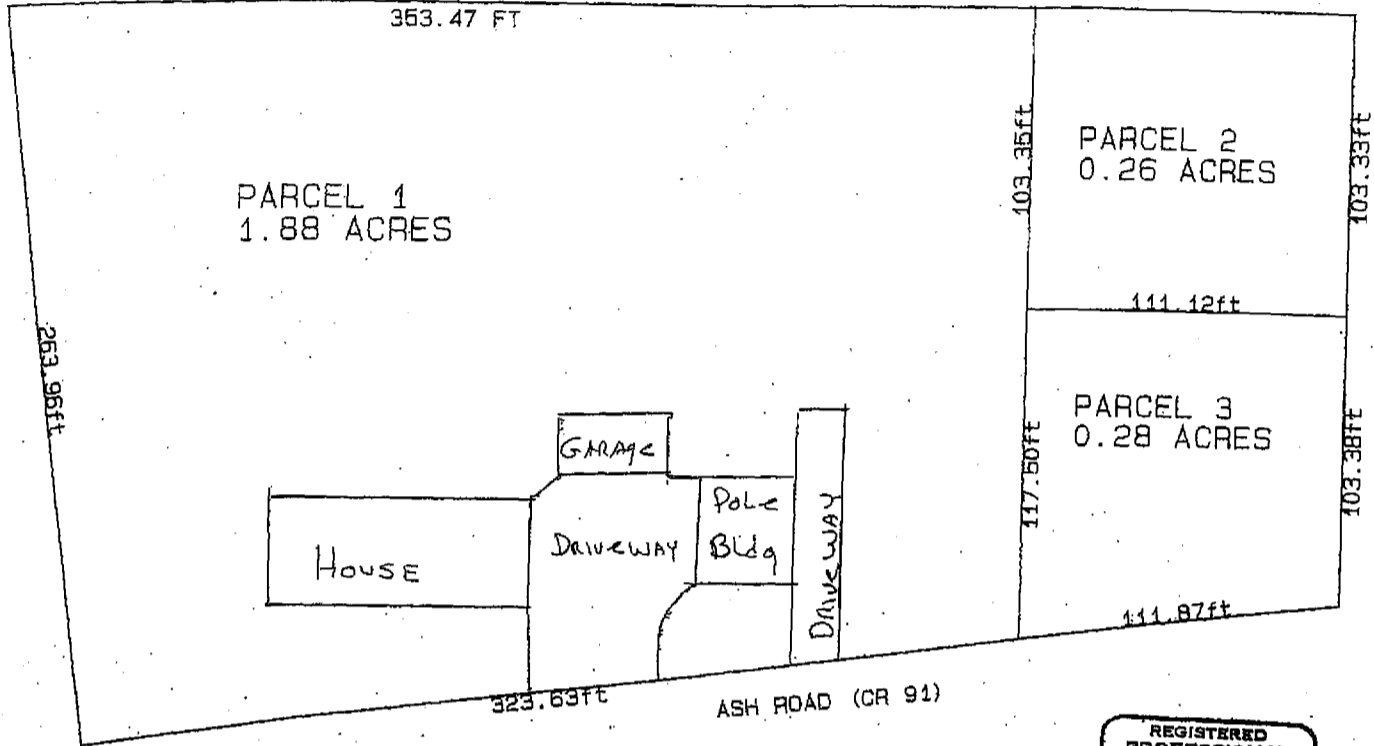
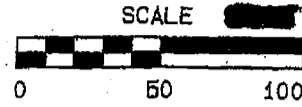
**EXHIBIT B**

**LEGAL DESCRIPTION OF  
PROPOSED PARTITION PARCELS**

**Beginning at the southerly Southeast corner of Partition Plat 1998-36, in Township 4 South, Range 3 West, Yamhill County, Oregon; thence South 83°00'00" West, along the southerly line of said Partition Plat 1998-36, 111.87 feet; thence North 00°20'04" West 434.89 feet; thence South 85°57'54" East 111.44 feet to an interior corner of said Partition Plat 1998-38; thence South 00°20'04" East, along the easterly line of said Partition Plat 1998-36, 413.42 feet to the point of beginning.**

**198-1001  
NDS  
12/14/03**

PROPOSED PARTITION  
4-3-17CC TAX LOT 901  
(PARCEL 2 OF PARTITION 98-36)  
DATE 8/15/05



SPRINGER SURVEYING  
8708 MOSS ROCK DR.  
CORVALLIS, OR 97330

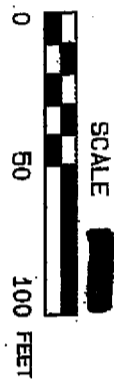
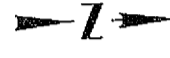
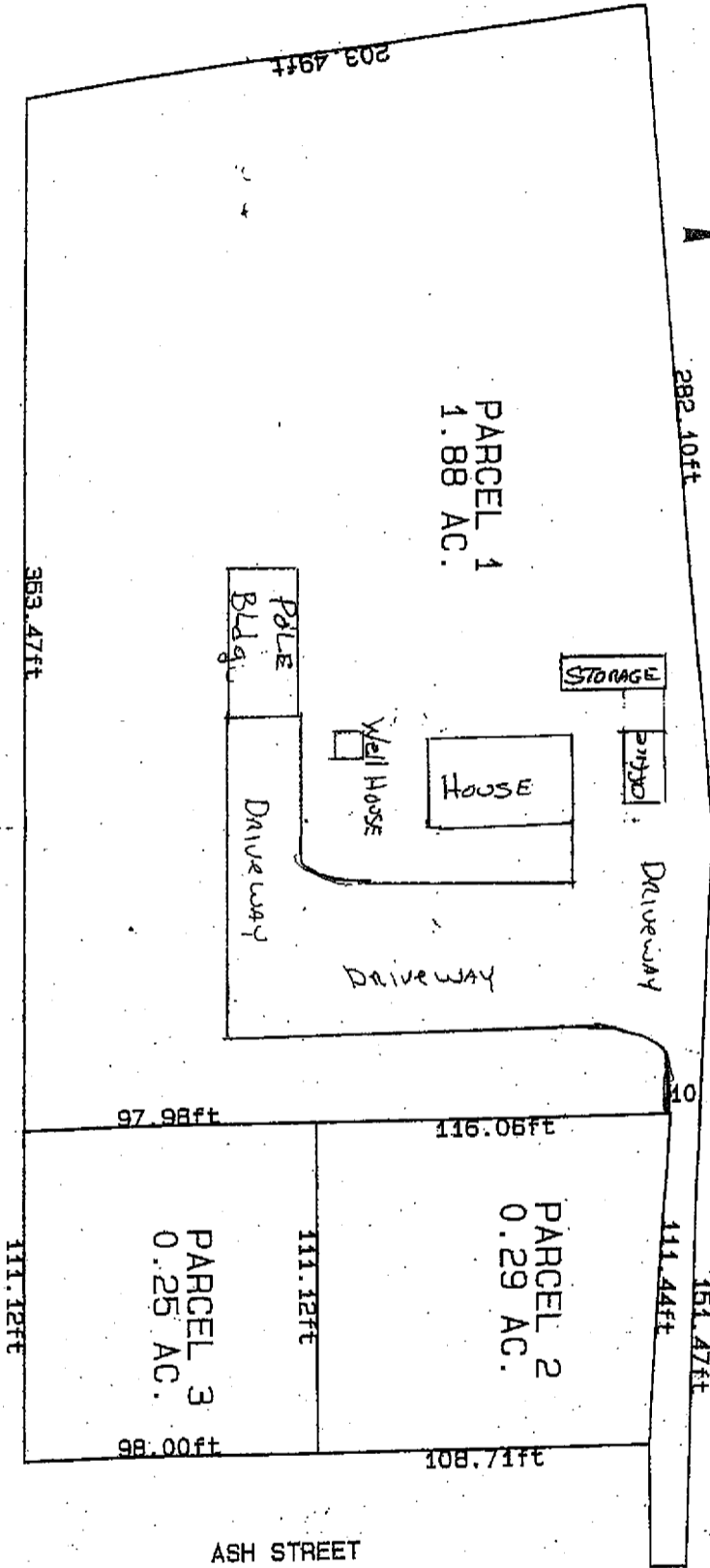
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Norman D. Springer*

OREGON  
JULY 22, 1977  
NORMAN D. SPRINGER  
1102  
Renews 8/30/06



EXHIBIT B



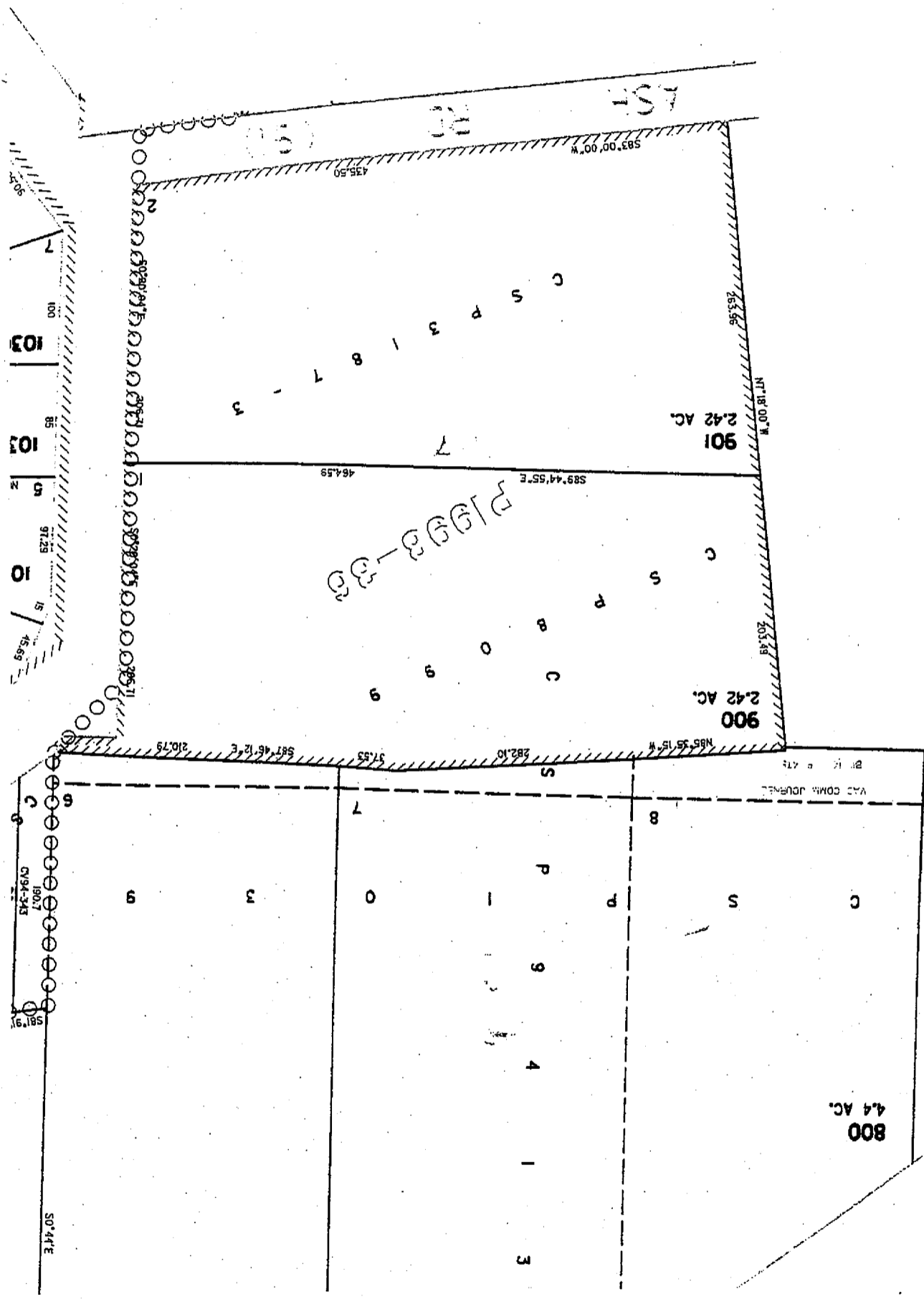
PROPOSED PARTITION  
4-9-17CC TAX LOT 00900  
(PARCEL 4 OF PARTITION 98-36)  
DATE: 8/15/05

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Norman D. Springner*  
OREGON  
MAY 2, 1977  
NORMAN D. SPRINGER  
1102  
Renewed 7/31/06

STRINGER SURVEYING  
5705 JAMES ROCK DR.  
CORVALLIS, OR 97330

ASH STREET

EXHIBIT B



SEE MAP 4 3 18