



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

12/05/2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Sodaville Plan Amendment  
DLCD File Number 001-08

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: Wednesday, December 17, 2008

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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Karen Corrington, City of Sodaville  
Doug White, DLCD Community Services Specialist

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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

☐ In person ☐ electronic ☐ mailed

DATE  
STAMP

DEPT OF  
NOV 28 2008  
LAND CONSERVATION  
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: City of Sodaville

Local file number: N/A

Date of Adoption: November 20, 2008

Date Mailed: 11-26-08

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date:

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

The amendment authorizes the City of Sodaville to issue permits for temporary occupancy of a recreation vehicle as a dwelling while applicant is constructing or planning a permanent residence on property.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19  
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD file No. 001-08 (17112)



Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Linn County Planning & Building Department  
Linn County Environmental Health

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Local Contact: Karen Corrington City Admin Phone: (541) 258-8882 Extension:

Address: 30723 Sodaville Rd Fax Number: 541-258-8882

City: Lebanon Zip: 97355 E-mail Address: sodaville@centurytel.net

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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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also 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.

**ORDINANCE NO. 08-03**

**AN ORDINANCE AMENDING THE CITY OF SODAVILLE ZONING ORDINANCE  
NO. 43**

**TO PERMIT THE TEMPORARY USE OF A RECREATION VEHICLE  
WHILE CONSTRUCTING A PERMANENT RESIDENCE ON THE PROPERTY**

**WHEREAS**, the City of Sodaville permits both conventional "stick-built" homes and manufactured homes to be used as residences within the City; and

**WHEREAS**, recreational vehicles are not considered as residential uses and are not permitted as permanent residences on individual lots within the City; and

**WHEREAS**, when new dwellings are being constructed in the City, it often takes a number of months to construct the dwelling and the occupant needs a temporary place in which to live while the dwelling is being constructed; and

**WHEREAS**, while recreational vehicles do not meet City or State standards for permanent occupancy, they are sufficient to provide for temporary residential occupancy; and

**WHEREAS**, while recreational vehicles are not permitted for permanent residential occupancy, it is necessary for the Sodaville Zoning Ordinance to be amended to allow for temporary occupancy; and

**WHEREAS**, basic standards and requirements for temporary occupancy of recreational vehicles is essential in order to assure that the recreational vehicle will be compatible with development on nearby properties and to assure that the occupancy of the recreational vehicle will be temporary; and

**WHEREAS**, permitting recreational vehicles as temporary residences while permanent dwellings are being constructed is consistent with the provisions of the Sodaville Comprehensive Plan; and

**WHEREAS**, the Sodaville City Council held a public hearing on November 20, 2008 to take public testimony with regard to a zoning ordinance amendment that would permit the temporary use of a recreational vehicle while a permanent residence on the property is being constructed; and

**WHEREAS**, notice of the public hearing was provided for in advance of the public hearing in accordance with the public notice requirements of the Sodaville Zoning Ordinance; and

**WHEREAS**, the Department of Land Conservation and Development was provided with notice of the public hearing in accordance with State of Oregon requirements; now therefore



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

The Sodaville Zoning Ordinance shall be amended by adding Section 4.032 as follows:

Section 4.032 Temporary use of a Recreation Vehicle as a Dwelling While a Permanent Residence is Being Constructed. A recreation vehicle may be placed on a lot while a single-family dwelling or manufactured home is being constructed or placed on the site, subject to the provisions of this section.

- (a) An application for the temporary use of a recreation vehicle as a dwelling while a permanent residence is being constructed shall be filed with the City Administrator at the time of a request for a building permit or manufactured home placement permit for the permanent residence, or at a subsequent date. A filing fee shall accompany an application for the temporary use. The filing fee shall be in accordance with a fee schedule resolution adopted by ordinance 02-03 of the City of Sodaville City Council. Action to approve or deny the application shall be made either by the City Council or by the City Administrator with notification of such decision to be submitted to the City Council.
- (b) The initial permit for temporary occupancy for the recreation vehicle shall remain in effect for no longer than six (6) months. If the permanent dwelling or manufactured home has not been completed within the six (6)-month time period, the City Council may consider a request for extension of the time period for an additional period, not to exceed six (6) months. Additional six (6)-month time extensions may be granted. However, final occupancy of the permanent dwelling or manufactured home shall occur within two (2) years from the time the temporary occupancy permit was first issued and the temporary occupancy shall cease as outlined in Section 4.032.(d).
- (c) At the end of each six (6)-months time period after the permit for temporary use has been approved and before the permanent dwelling has been completed and occupied, the applicant for the permanent building permit shall demonstrate progress in completion of the permanent dwelling. This shall be accomplished through submittal of a permit extension request as outlined in Section 4.032.(b) and by the submittal of a written report to the City Council showing the current progress of the project, and any problems involved in completion of the project. The City Council shall review and approve the extension request and report and may attach any conditions of approval.

- (d) When the permanent dwelling is completed and ready for occupancy, or at the end of the time period for temporary occupancy of the recreation vehicle, the temporary occupancy shall cease and evidence of discontinued use of the recreation vehicle shall be provided to the city. All utility hookups shall be terminated. The recreation vehicle shall either be removed from the property or stored on site in such a manner that it cannot be reoccupied on the property.
- (e) A recreation vehicle which is used as a temporary residence in accordance with this section shall either be self-contained or connected to the on-site disposal system. It shall be connected to the City Water system. Current license and registration must be maintained on the recreation vehicle.
- (f) If the temporary occupancy recreation vehicle is to be replaced on the property by another temporary occupancy recreation vehicle, the replacement recreation vehicle shall be reviewed and approved by the City Council prior to placement.

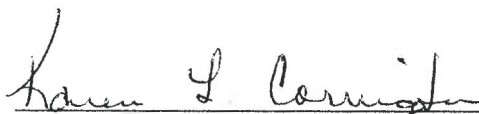
Ayes 5

Nays 0

Passed by the Council this 20<sup>th</sup> day of November in the year 2008.

Approved by the Mayor this 20<sup>th</sup> day of November in the year 2008.

  
Mayor

  
City Administrator

City of Sodaville  
30723 Sodaville Rd  
Lebanon, OR 97355



Attention: Plan Amendment Specialist  
Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540