



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



NOTICE OF ADOPTED AMENDMENT

12/03/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Aumsville Plan Amendment
DLCD File Number 001-12

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 12, 2012

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Maryann Hills, City of Aumsville
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE

DEPT OF

NOV 26 2012

STAMP

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Aumsville, OR**

Local file number: **n/a**

Date of Adoption: **11/13/2012**

Date Mailed: **11/21/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 9/12/2012

☐ 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".

Updates to the Aumsville Development Ordinance to clarify the definition of "yards," a manufactured home, manufactured home park, private garage, and recreational vehicle; update Manufactured Home Park uses, occupancy rules for recreational vehicle; update requirement for private garage, update rules allowing mixed-use in the commercial zone; update the business district and add building design standards; update yard exceptions

Does the Adoption differ from proposal? Please select one

Yes, there is an additional change with regard to private garages.

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...

35-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. 001-12 (19499) [17247]

DLCD file No. _____

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

Aumsville Rural Fire District

Local Contact: City Administrator Maryann N Hills	Phone: (503) 749-2030	Extension: 301
Address: 595 Main St	Fax Number: 503-749-1852	
City: Aumsville	Zip: 97325-	E-mail Address: maryann@aumsville.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

AN ORDINANCE AMENDING ORDINANCE NO. 323, THE DEVELOPMENT ORDINANCE

The city of Aumsville ordains as follows:

SECTION 1: Ordinance No. 323, Section 1.00 Definitions. The following definitions are amended and added to read as follows:

Garage, Private: A detached accessory building or portion of a dwelling for the parking or temporary storage of resident vehicles or supplies and in which no business, occupation, or service is provided for or is in any way conducted except as permitted by an approved home occupation.

Manufactured Dwelling:

- (A) A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards (HUD code), in effect after June 15, 1976.
- (B) Manufactured Home:
 - 1. For any purpose other than that set forth in subparagraph (2) of this paragraph, "manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976; or
 - 2. For purposes of implementing any contract pertaining to manufactured homes between the city and the federal government, "manufactured home" has the meaning given the term in this contract.

"Manufactured dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 and 455.450 or any unit identified as a recreational vehicle by the manufacturer.

Manufactured Home Park: Any place where four or more manufactured homes or occupied recreational vehicles are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent manufactured homes, occupied recreational vehicles, or manufactured home space or keep the same for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Residential dwellings and manufactured home spaces in a manufactured home park must be rented for a minimum time period of one month. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the Department of Commerce. Manufactured home park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to Section 20.

Recreational Vehicle: A vehicle with or without motive power; that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes; and specifically includes camping trailers, camping vehicles, motor homes, recreational park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational vehicle use, and any vehicle converted for use or partial use as a recreational vehicle. Recreational Vehicles contain eating and sleeping facilities and are equipped with one or more of the following:

- (A) Holding tank(s);
- (B) Liquid petroleum gas; or
- (C) A 110 to 240 volt electrical systems.

Yard, Interior Side: The yard extending between the side property line and the nearest point of any building on the same lot.

Yard, Interior Rear: The yard extending between the rear property line and the nearest point of any building on the same lot.

SECTION 2: Ordinance No. 323, Section 5.11(C) is amended as follows:

5.11 General Requirements: Single-family dwellings and manufactured homes shall meet the following requirements:

- ...
- (C) Garages or carports shall be constructed of like materials consistent with the predominate construction of immediately surrounding dwellings as determined by the local permit approval authority.

SECTION 3: Ordinance No. 323, Section 6.01(I) and (J) are amended as follows:

6. 01 Uses Permitted Outright:

- (A) Single-family dwelling;
- (B) Duplexes; triplexes;
- (C) Apartments;
- (D) Rooming and boarding houses;
- (E) Public right-of-way;
- (F) Home occupations;
- (G) Child day care home;
- (H) Residential home;
- (I) Manufactured home, subject to the general requirements of Section 6.11;
- (J) Manufactured home parks

Proposed manufactured homes parks must satisfy the requirements set forth in Sections 6.12; 6.13; and 6.14 of this ordinance, and these criteria must be addressed at the public hearings by the applicant when processing an application for site development review; and within manufactured home parks only the following uses are permitted outright:

1. Manufactured homes and occupied recreational vehicles, if lawfully connected to City water supply systems and sewage disposal systems and placed on a designated manufactured home space;
2. A caretaker dwelling, recreation building, a manager office, or other general use

- buildings needed for operations typical of a manufactured home park.
- (K) Residential facilities.

SECTION 4: Ordinance No. 323, Section 6.11(A) and (C) are amended as follows:

- 6.11 General Requirements: Single-family dwellings, attached single family dwellings, duplexes and manufactured homes shall meet the following requirements:
- (A) It is required that the owner of the property and of the dwelling be the same person(s), except in manufactured home parks where ownership can be separated.
- (C) Garages or carports shall be constructed of like materials consistent with the predominate construction of immediately surrounding dwellings as determined by the local permit approval authority.

SECTION 5: Ordinance No. 323, Section 6.12 is amended as follows:

- 6.12 Manufactured Home Parks General Requirements:
- (A) All manufactured home parks shall consist of a minimum of 5 acres.
- (B) Each manufactured home space shall contain not less than 2,500 square feet. Streets, play areas, service areas or other areas required by this ordinance shall not be considered as providing any part of the required manufactured home space.
- (C) The maximum density of a manufactured home park shall not exceed 12 manufactured homes per gross acre.
- (D) A manufactured home park shall be built to state and federal standards in effect at the time of construction, including American Disabilities Act standards.
- (E) No manufactured home or occupied recreational vehicle in the park shall be located closer than 10 feet from another manufactured home, occupied recreational vehicle, or from a general use building in the park. No manufactured home accessory building or other building or structure on a manufactured home space shall be closer than 6 feet from a manufactured home accessory building or other building or structure on another manufactured home space. Accessory buildings adjacent to property lines see Setback Measurement in Section 22.08(B).
- (F) There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.
- (G) The land, which is used for park purposes, shall be surrounded except at entry and exit places, by a sight-obscuring fence or hedge not less than 6 feet in height. The fence or hedge shall be maintained in a neat appearance.
- (H) If the park provides for 25 or more manufactured home spaces, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets in the city. A map of the named vehicular ways shall be provided to the city for notification to appropriate agencies.
- (I) If a manufactured home space or permanent structure in the park is more than 300 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and fire hydrants shall be provided within 300 feet of such space or structure. Each hydrant within a park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.

SECTION 6: Ordinance No. 323, Section 6.13(E) and (F) are amended to read as follows:

- (E) A minimum of 100 square feet per manufactured home space for unoccupied recreational vehicles or other equipment storage used by park residents shall be provided. Such areas are to be surfaced and drained, fenced and lighted and maintained in a neat and orderly manner.
- (F) Each designated space, recreation building, managers' office or other public or private structure shall be serviced by underground services of water, sewer and power.

SECTION 7: Ordinance No. 323, Section 6.14 amended and Subsection E is added as follows:

- 6.14 Standards of Manufactured Homes in Manufactured Home Parks: A mobile home and occupied recreational vehicle in a manufactured home park, in addition to conforming to state installation standards, shall conform in the following:
- (A) The manufactured home shall bear the Department of Housing and Urban Development insignia indicating compliance with manufactured home construction standards in effect at the time of manufacture and with a date not previous to June 15, 1976.
 - (B) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the manufactured home shall meet the Department of Housing and Urban Development Standards for manufactured home construction evidenced by the insignia.
 - (C) Each manufactured home shall contain not less than 500 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.
 - (D) Each manufactured home or occupied recreational vehicle shall be provided with a continuous skirting and shall be tied down with devices that meet state standards and tie-down devices.
 - (E) Occupied recreational vehicles require a placement permit from the City before a vehicle can be connected to City sewer and water. Recreational vehicle may not dump waste and waste chemicals into the Aumsville Sewer system. Documentation of proper dumping must be documented by the manufactured home park before a placement permit is granted by the City.

SECTION 8: Ordinance No. 323, Section 7.00 Title Page is amended to read as follows:

SECTION 7

CL– COMMERCIAL

Purpose: The CL – Commercial zone is intended to maintain the business and limited commercial activities to one area of the city, and to encourage the placement of a variety of new businesses that offer a greater service to the residents of the city.

- 7.01 Uses Permitted Outright
- 7.02 Accessory Uses and Structures
- 7.03 Conditional Uses
- 7.04 Minimum Lot Area

- 7.05 Minimum Lot Width
- 7.06 Maximum Lot Coverage
- 7.07 Yard Requirements
- 7.08 Maximum Height of Structure
- 7.09 [Repealed]
- 7.10 Parking and Loading
- 7.11 Business District

SECTION 9: Ordinance No. 323, Section 7.01 Uses Permitted Outright is amended as follows:

7.01 Uses Permitted Outright:

- (A) Beauty or barber shop;
- (B) Medical and dental offices;
- (C) Banks;
- (D) Furniture and appliance stores;
- (E) Drugstores;
- (F) Food stores;
- (G) Sporting goods stores;
- (H) Hardware;
- (I) Television and radio sales and service;
- (J) Self-service laundromat or cleaners or pick-up and delivery station;
- (K) Professional or business office or any use that is demonstrated to the satisfaction of the city to be of a similar character and impact;
- (L) Restaurant;
- (M) Public right-of-way;
- (N) Home occupation;
- (O) Child day care home and center;
- (P) Retail establishment of similar character and impact as the above.
- (Q) Apartments above a permitted ground floor commercial use.

SECTION 10: Ordinance No. 323, Section 7.03(J) and (K) are amended to read as follows:

- (J) Group care home, residential facilities, and residential homes not abutting an arterial street and not in the business center described in Section 7.11;
- (K) Apartment house, containing a minimum of 4 housing units, not abutting an arterial street and not in the business center described in Section 7.11.

SECTION 11: Ordinance No. 323, Section 7.11 Business District is added and reads as follows:

7.11 Business District:

- (A) The Business District is defined as all commercial zoned properties contained within the following boundaries:
 1. West of the rail road tracks, east of 5th Street, south of Church Street, and north of the Mill Race.
 2. West of 5th Street, East of 11th Street South of Church Street, and north of Washington Street.

- (B) Business District Design Standards. Buildings in the Business District must adhere to the following additional requirements:
 - 1. Design and construct buildings incorporating a minimum of 20 percent brick coverage on the ground floor facades facing a street. The brick facade can utilize actual brick, concrete block, or stone block but must be in a brick red tone or painted in a brick red tone.
 - 2. Design and construct buildings incorporating a minimum of 20 percent window coverage on the ground floor facades facing a street.
 - 3. Design and construct buildings no farther than 10 feet from the public right-of-way. In cases of lots with frontage on multiple streets, design and construct buildings no farther than 10 feet from at least one of the public right-of-ways.
- (C) In a site development review approval the Planning Commission may allow alternatives to the Business District Design Standards of up to 50% of any measurable requirement, if an applicant demonstrates a practical difficulty in adhering to the defined standard. To allow such an alternative the Planning Commission must make findings justifying the alternative, including finding the intent of these provisions are still met and the adjustment is the least necessary to accommodate the difficulty.

SECTION 12: Ordinance No. 323, Section 18.12 is amended to read as follows:

18.12 Parking and Storage of Certain Vehicles:

- (A) Automobile vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings or in developed parking areas.
- (B) Recreational vehicles, except in a manufactured home park and where specifically permitted by this ordinance, may not connect to City water or sewer.
- (C) Recreational vehicles stored on private property and not connected to City sewer and water may be occupied no more than 10 days per 30 day period. The City administrator may permit occupancy longer than 10 days in a 30 day period in cases of unique hardship, in cases of temporary housing related to construction, or in cases where other special circumstances exist. Permission must be in writing, must describe the special circumstance, must state the specific time period occupancy may occur, and cannot grant an exception for more than a 6 month period unless authorized by City Council.

SECTION 13: Ordinance No. 323, Section 22.07 Yard Exceptions is amended as follows:

22.07 Yard Exceptions: The following exceptions to the yard setbacks shall apply:

- (A) Front Yard Projections. Attached planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features of not more than 24 inches, from main buildings need not be included when determining the setbacks. Uncovered porches, and covered but unenclosed porches when not more than 1 story high and which do not extend more than 5 feet beyond the front walls of the building, are exempt from the front yard setback provisions and need not be included when determining the setback.
- (B) Interior Yard Projections.
 - 1. Attached planter boxes, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than 2 feet

- into a required interior yard, but shall not be erected within 3 feet of property line.
2. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required interior rear yard and shall not be erected within 3 feet of property line.
 3. Steps, uncovered porches, and covered but unenclosed porches, including covered patios when not more than one story high and not more than 4 feet above grade, are exempt from the minimum interior yard depth requirements, but shall not be erected within 3 feet of property line.
 4. Uncovered decks and patios attached to the main building, when measured directly beneath the outside edge of the deck or patio, may be extended to the interior yard property line when they are 3 feet or less in height from ground level.
- (C) Commercial Yard Projections. Attached planter boxes, attached benches, steps, cornices, eaves, gutters, and ornamental features need not be included when determining the setbacks.
- (D) Accessory structures with a building height of less than 8 feet, and no openings facing an interior lot line, are exempt from the minimum interior yard depth requirements, but shall not be erected within 3 feet of property line. (See Manufactured Home Parks – Section 6.12 (E).

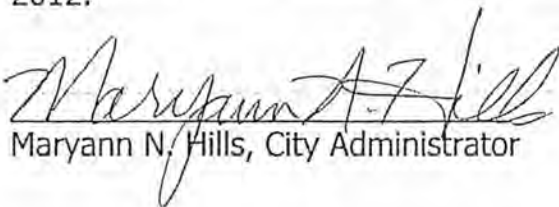
SECTION 14: Ordinance No. 323, Section 22.08 is amended to read as follows:

22.08 Setback Measurement: Setback distance shall be measured perpendicular to all portions of a lot line.

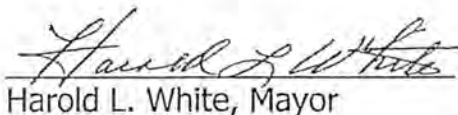
SECTION 15: Validity. Except as amended herein the remainder of Ordinance No. 323 shall remain in full force and effect.

SECTION 16: Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

PRESENTED AND PASSED the first reading unanimously on the 13th day of November, 2012. PASSED its second reading unanimously on the 13th day of November, 2012. ADOPTED by the Aumsville City Council by unanimous vote on the 13th day of November, 2012.


Maryann N. Hills, City Administrator

SIGNED by the mayor this 15 day of November, 2012


Harold L. White, Mayor

CITY OF AUMSVILLE
595 MAIN STREET
AUMSVILLE OR 97325

DEPT OF

NOV 26 2012

LAND CONSERVATION
AND DEVELOPMENT

ATTENTION PLAN AMENDMENT SPECIALIST
DEPT OF LAND CONSERVATION & DEVELOPMENT
635 CAPITOL ST NE, #150
SALEM, OR 97301-2540



OR 973

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