



Oregon

Theodore R. Kubongoski, 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

04/30/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Vernonia Plan Amendment
DLCD File Number 001-13

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: Thursday, May 16, 2013

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: Carole Connell, City of Vernonia
Gordon Howard, DLCD Urban Planning Specialist
Patrick Wingard, DLCD Regional Representative

<paa> YA

2

DLCD

DEPT OF

Notice of Adoption

APR 26 2013

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

**LAND CONSERVATION
AND DEVELOPMENT**
For DLCD Use Only

Jurisdiction: *City of Vernonia*

Local file number: *PA 13-01*

Date of Adoption: *4-15-13*

Date Mailed: *4-25-13*

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".

Adopted standards to allow accessory dwelling units in residential zones

Does the Adoption differ from proposal? Please select one

Slightly

Plan Map Changed from: *N/A*

to:

Zone Map Changed from: *N/A*

to:

Location: *N/A*

Acres Involved:

Specify Density: Previous: *N/A*

New:

Applicable statewide planning goals: ~~1-19~~

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. 001-13 (19699) [17431]

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

Local Contact: CAROL CONNELL Phone: 503)429 5291 Extension:
Address: VERNONIA CITY HALL Fax Number: 503-429 4232
City: Vernonia OR Zip: 97064 E-mail Address: connellpc@cmcast.net

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: webservice.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 # 891

AN ORDINANCE OF THE CITY OF VERNONIA AMENDING TITLE 9 SECTIONS 9-01.01-30 DEFINITIONS; 9-01.03-10 R, 9-01.30-20 GR, 9-01.30-30 LDR ZONES; AND ADDING A NEW SECTION 9-11 ACCESSORY DWELLING UNIT STANDARDS OF THE VERNONIA MUNICIPAL CODE

The City of Vernonia ordains:

WHEREAS, in 2012 the City identified an opportunity to allow for a new housing type in residential zones to meet the housing and economic needs of city residents in accordance with city goals; therefore provisions for Accessory Dwelling Units (ADU's) were developed and proposed to be added as a new section to the Municipal Code, Title 9 Vernonia Land Use and Development and;

WHEREAS, over the course of several months the Planning Commission completed their review of File # PA13-01, held a Public Hearing on March 21, 2013 and forwarded draft amendments creating a new Section 9-11 Accessory Dwelling Unit Standards; adding a definition of an ADU to Section 9-01.01-30 Definitions; and amending Sections 9-01.03-10 Residential R, 9-01.03-20 General Residential GR and 9-01.03-30 Low Density Residential LDR zones allowing ADU's as a permitted use in those zones, to the City Council, and;

WHEREAS, the Vernonia City Council held a public hearing in the Council Chambers of City Hall on April 1, 2013 at 7:00 pm to consider the amendments, in accordance with Title 9 Section 9-01.09 Text Amendments;

WHEREAS, no objections were filed with the City Recorder, and all comments were heard and considered at the public hearings; and the public will benefit from a new housing type and tenure option, and there is no prejudice to the public based on the findings in the City Staff Report dated March 25, 2013; and;

WHEREAS, the Vernonia City Council upon consideration of all testimony, comments, the staff report and findings, and other documentation of File #PA13-01, determined the amendments to Title 9 of the Vernonia Municipal Code is appropriate and necessary to better achieve the housing goals and policies of the City's Comprehensive Plan;

NOW THEREFORE, the City Council of Vernonia does ordain as follows:

Section 1: The City does hereby adopt the amendments to Title 9 adding a new Section 9-11 Accessory Dwelling Units according to the text attached Exhibit A, and;

Section 2: The City does hereby amends Title 9 Sections 9-01.01-30 Definitions; 9-01.03-10 R; 9-01.03-20 GR; 9-01.03-30 LDR residential zones; a and replacing the regulations with those identified in the attached Exhibit A; and;

1. Amend Section 9-01.01-30 Definitions by adding:

ADU Definition: a second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is auxiliary to and smaller than the house, attached house or manufactured house. The ADU is designed as a complete independent living facility with provisions for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory to the primary dwelling. One ADU per parcel is permitted.

2. Amend the Residential R, General Residential GR and Low Density Residential LDR Zones by adding an ADU is a permitted use subject to the provisions of Section 9-11 Accessory Dwelling Units.

3. Amend Title 9 by adding a new section:

9-11 [Accessory Dwelling Unit Standards]

1. Permitted Zoning Districts. ADU's are allowed on parcels that are zoned residential LDR, R or GR. One ADU per parcel is permitted.
2. Methods to create an ADU. An ADU may be created in any of the following ways:
 - a. Converting existing living area;
 - b. Finishing an existing basement or attic;
 - c. Building an addition to an existing structure;
 - d. Building a new structure; or
 - e. Converting or adding onto a detached garage or shed.
3. Occupancy Limitations. The primary residence or ADU must be owner-occupied.
4. Number of Residents. The total number of individuals that reside in both units may not exceed the number that is allowed for a "family" as defined in Section 9-01.01-30
5. Size Allowances. The maximum size of an ADU may be no more than 33% of the living area of the house or 880 square feet, whichever is less.

Living area is calculated by excluding the thickness of the exterior walls; garage areas; basement areas where the ceiling height measured from the floor is less than 6 feet 8 inches; and any other building areas where the ceiling height is either less than 5 feet or the area is not accessible by a stairway.

6. Setbacks, Height, Lot Coverage and Dimensional Standards. The ADU shall comply with the setback, lot coverage and dimensional requirements of the underlying zone. The height of a detached ADU may not exceed 18 feet.

7. Design Standards. Unless the ADU is limited to only interior remodeling of an existing single-family dwelling, a proposed ADU shall meet the following exterior design standards:
 - a. Main entrance: At least one main entrance must open onto a porch or covered entry. The porch shall have no exposed support hardware unless it is an architectural feature such as custom fabricated hardware intended to be a visible feature of the house. At least 15% of the entry façade must be windows or doors, windows in garage walls count toward meeting this standard. Windows in garage doors do not count unless the door is 27 square feet in area and faces a street property line.
 - b. Roof pitch: The minimum roof pitch shall be 6:12.
 - c. The minimum eave projection is 12 inches.
 - d. Exterior finish: Unless an alternative plan is approved by the Planning Director or the Planning Commission, the exterior of an ADU:
 - 1.) Shall have siding and roofing which in color, material and appearance is comparable to the predominant materials of surrounding dwellings and characteristics of the neighborhood.
 - 2.) Shall not include plain concrete block, plain concrete, plywood, sheet pressboard, T1-11 and corrugated metal materials except as secondary finishes covering no more than 10 percent of the surface of each façade, and except that T1-11 may be used in a board and bat finish.
 - e. Detailed design: All ADU's shall provide detailed design by using at least four (4) of the following architectural features:
 - 1.) Trim to denote all building roof lines, porches, windows and doors that is at least 3 inches wide.
 - 2.) Dormers
 - 3.) Gables
 - 4.) Recessed entries
 - 5.) Covered porch entries
 - 6.) Pillars or wrapped posts
 - 7.) Offsets in building face or roof (minimum 16 inches)

- 8.) Bay or bow windows
- 9.) Decorative cornices and roof lines
- 10.) Shutters
- 11.) Architectural grade laminated shingles, cedar shakes or shingles, tile, slate or copper (not including standard asphalt shingles)
- 12.) Brickwork, masonry or stucco
- 13.) Any alternative feature providing visual relief similar to the options listed above (must be approved by the Planning Director)

8. Parking. In addition to the single family parking requirement, there shall be one additional off-street parking stall provided for the ADU.

9. Home Occupations. A home occupation is only permitted for the resident of the ADU whereby there shall be no employees or customers allowed.

10. Additional Requirements.

- a. Adequate provision shall be made for drainage, water and sanitary sewer connection. A separate water service may be required by the City.
- b. ADU's are regulated by the Oregon Residential Specialty Code for dwellings and require a Building Permit and Fire District approval. Construction fees shall be based on the same fee schedule as a single-family residence.
- c. SDC fees: One third of the street SDC shall be paid with the ADU permit. In the future, if the parcel on which the ADU is located is partitioned off from the parent parcel the remaining 2/3's of the street SDC shall be paid as well as all other applicable SDC's at the current rate. Street or utility improvements made at the time of ADU construction may be eligible for an SDC credit, as determined by the City.
- d. Addresses for sites with ADU's will be assigned as a single street address with an added "A" for the primary residence and an added "B" for the ADU.
- e. To discontinue an ADU a building permit is required. The purpose of the permit is to document that the accessory unit no longer exists.

11. Adjustments. An exception to the ADU standards may be requested in accordance with the Title 9 Section 9-01.08 Variance provisions.

Section 3 Effective Date: Under the provisions of the City of Vernonia Charter of 1998, Chapter VIII, the Council finds it may provide two readings at the same hearing and that this ordinance may take effect in 30 days from the date of decision.

Section 4 Council Clerk's Duties: The Council Clerk is hereby directed, upon its adoption and authentication, to number this Ordinance as the next adopted ordinance of the City of Vernonia.

(Must be read in full if requested)

Adopted as read by title only this 15th day of April, 2013, by the following vote:

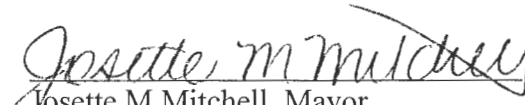
AYES: 5 NAYS: 2 ABSTAIN: 2 ABSENT: 2

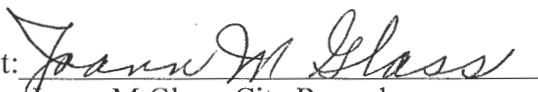
Adopted as read for a second time on this 15th day of October, 2012 by the following vote:

AYES: 5 NAYS: 2 ABSTAIN: 2 ABSENT: 2

Signed by me, Josette Mitchell, Mayor, in authentication of its adoption this 15th day of April, 2013

Signed this 15th day of April, 2013


Josette M Mitchell, Mayor

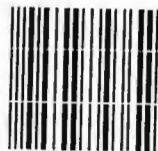
Attest: 
Joann M Glass, City Recorder

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From:/Expéditeur:

City of Vernonia
1001 Bridge Street
Vernonia, OR 97064

ADDRESS SERVICE REQUESTED

DEPT OF

APR 26 2013

LAND CONSERVATION
AND DEVELOPMENT

To:/Destinataire:

Attention: Planning Amendment Specialist
DLCD
635 Capital St. NE, Suite 150
Salem, OR 97301-2540

Country of Destination:/Pays de destination:



EP14F

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