



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

September 11, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Maupin 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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 21, 2006

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
DeOra Patton, City of Maupin

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2 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

DEPT OF
SEP 01 2006
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Maupin Local file number: 001-05
Date of Adoption: 6/28/2006 Date Mailed: 8/28/2006
Date original Notice of Proposed Amendment was mailed to DLCD: 5/6/2005

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
This is a minor housekeeping amendment to the Zoning Ordinance that was part of the Comprehensive Plan update project of 2004/2005 which was funded by a DLCD Technical assistance grant. This piece became immersed in controversy and thus the delay in enacting the adopting ordinance.

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 as originally envisioned in the DLCD Technical Assistance Grant request

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: Goal 2

Was and Exception Adopted? YES NO

DLCD File No.: 002-05 (14748)

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:

Local Contact: DeOra Patton, City Phone: (541) 395-2698 Extension: _____

Recorder

Address: PO Box 308 City: Maupin

Zip Code + 4: 97037- Email Address: _____

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.

City of Maupin

ORDINANCE # 273

**AN ORDINANCE AMENDING THE
CITY'S ZONING ORDINANCE, #249, TO ADD DEFINITIONS OF DECK,
PLOT PLAN, SITE PLAN, AMEND THE BUILDING PERMIT
THRESHOLD CRITERIA TO FOLLOW STATE BUILDING CODES, PROVIDE
A TEMPORARY USE PERMITTING PROCEDURE, AMEND THE SITE PLAN
REVIEW PROCEDURE TO REQUIRE A PUBLIC HEARING WITH NOTICES
BEFORE THE PLANNING COMMISSION,
AND DECLARING AN EMERGENCY.**

LEGISLATIVE FINDINGS

1. The City adopted a revised Zoning Ordinance on June 27, 2001. Over the ensuing years the City has noted the need to address several housekeeping items.

NOW, THEREFORE, the City of Maupin ordains as follows:

The following amendments (**shown in bold type**) to the Zoning Ordinance are enacted.

ZONING ORDINANCE REVISIONS:

SECTION 1.3 – DEFINITIONS

As used in this ordinance the singular includes the plural and the masculine includes the feminine and neuter; the word “may” is discretionary, and the word “shall” is mandatory. The following words and phrases shall mean:

1. ACCESS. The way or means by which pedestrians and vehicles enter and leave property which is commonly open to use by the public.
2. ACCESSORY USE OR ACCESSORY STRUCTURE. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
3. ALLEY. A street which affords only a secondary means of access to the property.

4. AUTOMOBILE WRECKING YARD. A premise used for the storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof, unless said activity takes place solely within an enclosed structure.
5. APARTMENT. A building, or portion thereof, consisting of separate living units designed for occupancy by three or more families living independently of each other.
6. BED AND BREAKFAST. An establishment in a residential district that contains up to five (5) guest bedrooms, is owner or manager occupied, provides a morning meal, and limits the length of stay to fifteen (15) days.
7. BUILDING. A structure or mobile home unit built for the support, shelter or the enclosure of persons, animals, chattels, or property of any kind.
8. CHURCH. A building or edifice used primarily for religious worship.
9. CITY. The City of Maupin
10. CITY COUNCIL. Maupin City Council
11. COMMERCIAL. The purchase, sale or other transaction involving the handling or disposition other than included in the term "Industrial" as hereinafter defined, of any article, substance, or commodity for profit, including shops for the sale of personal services including professional services and places where commodities, service or merchandise are sold or arrangements are made to furnish them and excepting "home occupation" and "hobby farm" as hereinafter defined.
12. CONTIGUOUS LAND. Two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under a separate ownership (including limited access rights-or-way) which would deny access between the two parcels under single ownership.
13. DECK. A deck constructed of wood, concrete, or other common building materials constructed more than 30" above grade. (i.e., a grade level patio or wooden deck less than 30" would not require a building permit and thus would not have to meet zoning setbacks). Any fixed roof or fixed cover over the deck would require a building permit and thus the deck would be required to meet setbacks as well.
14. DUPLEX. A building containing two dwelling units designed for occupancy by two families.
15. DWELLING. A detached building for and occupied exclusively by one family.

16. FAMILY. An individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit. Family shall include two or more persons with a handicap as defined in the Fair Housing Amendments Act of 1998, 42 USC § 3601 and following, living as a single housekeeping unit.
17. FARM USE. The current employment of land for the purpose of supporting accepted farming practices for raising, harvesting, and selling crops or poultry, fur-bearing animals, or honeybees or dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof, excluding feedlots, for profit.
18. GRADE (Adjacent Ground). Grade is the average point of elevation between the lowest and the highest point on the existing ground within the building's footprint.
19. HEIGHT OF BUILDING. The vertical distance measured from the "average grade" to the highest point of the roof beams of flat roofs, to the deck line of mansard roofs, or to the center height between eaves and ridges for gable, hip, or gambrel roofs.
20. HOBBY FARM. Solely as a recreational pursuit, the use of land for the keeping of horses, cows, ponies, goats, sheep and other similar animals and poultry, fur-bearing animals, honeybees or other agricultural or horticultural use.
21. HOME OCCUPATION. The lawful occupation carried on by a resident of a dwelling as an accessory use solely within the same dwelling, provided:
 - a. There is no more than one additional person employed other than the resident of the dwelling and
 - b. The occupation is carried on in such a manner as not to impart the outward appearance of a business in an ordinary meaning of the term, or cause or lead to unreasonable increase of the flow of traffic in the neighborhood or production of noise or other forms of environmental pollution.
22. INDUSTRIAL. The making or storage of commodities by manufacturing, assembling, fabrication, generation or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof.
23. LOT. A parcel or tract of land.

24. LOT AREA. The total area of the lot measured in the horizontal plane within the lot boundary lines, exclusive of public or private roads and the easement of access to other properties.
25. LOT DEPTH. The average horizontal distance between the front lot line and the rear lot line.
26. LOT LINE, FRONT. The line on the lot facing the street from which the access to the lot is commonly made.
27. LOT WIDTH. The average horizontal distance between the side lot lines ordinarily measured parallel to the front lot line.
28. MOBILE HOME. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking or plumbing facilities, is intended or used for human occupancy, including structural additions. Any such structure or vehicle shall be deemed a "mobile home" whether or not the wheels have been removed therefrom. The term "mobile home" does not apply to those factory built homes that have a continuous width of twenty feet or more and are the result of the combination of joining at the time placed on the property of two or more sections, to which wheels may be attached for the purpose of moving it to a permanent location to be affixed to the real property by a permanent and continuous concrete wall foundation. The term "mobile home" also does not apply to recreational vehicles as defined by "Recreational Vehicles".
29. MOBILE HOME PARK. Any privately owned place where four or more mobile homes used for human occupancy are parked 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 space or keep space 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 trust or patronage of such a person.
30. MULTIPLE FAMILY DWELLING. Dwelling designed or intended for the residence of three or more families.
31. NON-CONFORMING STRUCTURE OR USE. A lawful existing structure for use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
32. OWNER. A person, his authorized agent or representative who has legal authority to use, transfer or lease land.
33. PERSON. A natural person, firm, partnership, estate, receiver, syndicate, branch of government of any group or combination acting as a unit.
34. PLANNING COMMISSION. Maupin Planning Commission.

44. **SET BACK.** An area established for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.
45. **SIGN.** An outdoor display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other things that are used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface and all other component parts of the sign. When dimensions of the sign are specified, the term includes the panels and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the government pursuant to any public law or regulation.
46. **SITE PLAN.** A site plan is a detailed drawing prepared for the proposed development of more intensive land uses, generally, commercial, multiple family, industrial, and specified conditional uses in this Ordinance. A site plan is much more detailed than a simple plot plan in that it will show topography, ingress and egress, utilities, grading, drainage, paving, parking lot detail, landscaping and other such information as may be requested for clarification of the intended use of the property.
47. **STREET.** The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic, and includes the terms road, highway, lane, place, avenue, alley or other similar designation which is commonly open to use by the public.
48. **STRUCTURE.** Something which is constructed or built having a fixed base on or fixed connection to the ground or other structure.
49. **TRACT OR AREA.** The measurable extent or stretch of continuous land.
50. **USE.** The purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.
51. **YARD.** An open space on a lot which is unobstructed except as otherwise provided in this ordinance, and includes driveways.
52. **YARD, FRONT.** A yard between the side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition abutting on a street other than an alley shall be considered a front yard.
53. **YARD, REAR.** Yard between the side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.
54. **YARD, SIDE.** The yard between front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

SECTION 2.1 – COMPLIANCE WITH ORDINANCE PROVISIONS

- A. The land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this ordinance shall permit.
- B. **A building permit is required for all structures containing more than 200 square feet, or more than 10 feet in height. In order to obtain the City's approval of a building permit for a single-family or duplex dwelling unit and/or accessory structures, a plot plan must be prepared and presented to the City Recorder along with the building permit application. The plot plan shall include the lot dimensions, proposed and existing structures, including dimensions and height of building; proposed and existing setbacks from all property lines; driveway locations and off-street parking area; water and sewer locations; and sidewalk locations. All other proposed uses are required to prepare and submit a site plan. Sample plot plans/site plans are available at City Hall.**

SECTION 4.19

The City Recorder is authorized to permit short term, non-permanent, temporary uses not to exceed ten (10) calendar days for special events sales conducted by a recognized civic group. The City Recorder may refer a requested temporary use permit to the City Planning Commission for approval.

Article 8. Administrative Provisions

SECTION 8.1 - ADMINISTRATION

SECTION 8.3 - SITE PLAN REVIEW

- C. **PROCEDURES. Before any building permit shall be issued in any zoning district requiring site plan approval, a site plan for the total parcel or development shall be prepared and submitted not less than twenty-one (21) days prior to the public hearing date to the Site Plan Committee for approval. The site plan shall be drawn to scale and shall indicate the following. The Site Plan Committee shall conduct a public hearing on the proposed site plan following the notice procedures of Section 8.6 of this Ordinance.**

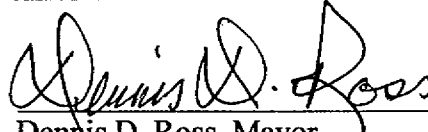
EMERGENCY CLAUSE

The City of Maupin does hereby find and declare that the immediate preservation of the public peace, health, and safety of the City of Maupin necessitates that this Ordinance take effect without delay and, therefore, this Ordinance shall take effect immediately upon adoption by vote of two-thirds of the quorum present at the meeting wherein this Ordinance is enacted.

READ, ADOPTED, AND APPROVED by the City Council of the City of Maupin this 28th day of June, 2006.

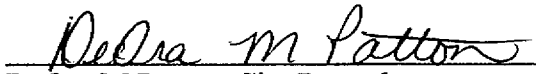
AYES: 5
NAYES: 0
ABSENT: 2

APPROVED by the Mayor this 28th day of June, 2006.



Dennis D. Ross, Mayor

ATTEST:



DeOra M Patton, City Recorder