



# 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 Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

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

### NOTICE OF ADOPTED AMENDMENT

October 24, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Vale Plan Amendment  
DLCD File Number 002-06



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: November 6, 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  
Darren Nichols, DLCD Regional Representative  
Brent Barton, City of Vale

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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

DATE  
STAMP  
DEPT OF  
OCT 19 2006  
LAND CONSERVATION  
AND DEVELOPMENT  
For DLCD Use Only

Jurisdiction: CITY OF VALE OREGON Local file number: ORDINANCE 849  
Date of Adoption: OCTOBER 10, 2006 Date Mailed: OCTOBER 13, 2006  
Date original Notice of Proposed Amendment was mailed to DLCD: AUGUST 7, 2006

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                  | <input type="checkbox"/> Other: _____                     |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
THIS AMENDMENT WOULD REQUIRE SMALL LOTS IN RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONES TO MEET THE SAME SET BACK REQUIREMENTS AS OTHER LOTS. THE AMENDMENT DELETES WORDING IN THE CITY CODE THAT PROVIDES FOR A GENERAL EXCEPTION TO LOT SIZE REQUIREMENTS.

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: \_\_\_\_\_ to: \_\_\_\_\_  
Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_  
Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_  
Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_  
Applicable Statewide Planning Goals: \_\_\_\_\_  
Was and Exception Adopted?  YES  NO

DLCD File No.: 002-06  
(15445)

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

DEPT OF

Affected State or Federal Agencies, Local Governments or Special Districts:

OCT 19 2006

LAND CONSERVATION  
AND DEVELOPMENT

Local Contact: BRENT BARTON Phone: (541) 473-3133 Extension: \_\_\_\_\_

Address: 252 B ST WEST City: VALE

Zip Code + 4: 97918 - Email Address: bbarton@fmtc.com

## 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.

as follows:

- (1) The front yard shall be a minimum of twenty feet (20 ).
- (2) Each side yard shall be a minimum of five feet (5') from outside of overhang, each with at least ten feet (10') between building overhangs.
- (3) The rear yard shall be a minimum of twenty feet (20').

SECTION 4. Section 8.15C.3(C) is amended by striking out the deleted portions and adding those portions which are underlined and in bold, as follows:

8.15C.3:

**SITE STANDARDS:** The following site standards shall apply to all uses and developments in the Commercial Zone:

\*\*\*\*

(C) **Setback Requirements:** Except as provided in **Section 8.7.1** sections ~~31 and 36~~ of Ordinance No. 601 [~~codified as Sec. 8.7.1 and 8.7.6, respectively, of Title VIII (Zoning)~~], in a Commercial Zone the yards shall be as follows:

- (1) The side yard shall be a minimum of ten feet (10') between building overhangs where abutting a residential zone.
- (2) The rear yard shall be a minimum of twenty feet (20') where abutting a residential zone.

SECTION 5. Section 8.15D.4(C) is amended by striking out the deleted portions and adding those portions which are underlined and in bold, as follows:

8.15D.4:

**SITE STANDARDS:** Site plans for all permitted and conditional uses as delineated in Sections 8.15D.2 and 8.15D.3 of this Chapter must be submitted to the Planning Commission for review. Construction and development of the site shall be in substantial conformance to the plans approved by the Planning Commission.

\*\*\*\*

(C) **Setback Requirements:** Except as provided in **Section 8.7.1** sections ~~31 and 36~~ of Ordinance No. 601 [~~codified as Sec. 8.7.1 and 8.7.6, respectively, of Title VIII (Zoning)~~], in an Industrial Zone the yards shall be as follows:

- (1) The side yard shall be a minimum of ten feet (10') between building overhangs.

(2) The rear yard shall be a minimum of twenty feet (20').

FIRST READING:

This ordinance was presented to the City Council at its regular meeting on the 10 day of October, 2006, was read first in full, and then by title only, and a motion was made by Council member Bannon and seconded by Council member Tiffany for passage of said ordinance, and the following vote having been taken:

Voting for the Ordinance:

Council Members: Bannon, Tiffany, Williams

Voting against the Ordinance:

Council Members: \_\_\_\_\_

SECOND READING (if first reading did not result in unanimous vote):

This ordinance was presented to the City Council at its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, for its second reading, was read by title only, and a motion was made by Council member \_\_\_\_\_ and seconded by Council member \_\_\_\_\_ for passage of said ordinance, and the following vote having been taken:

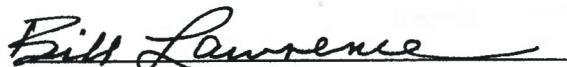
Voting for the Ordinance:

Council Members: \_\_\_\_\_

Voting against the Ordinance:

Council Members: \_\_\_\_\_

The Mayor having declared that the measure having received a unanimous vote for passage, was adopted and became effective thirty days after passage.

  
MAYOR

ATTEST:

Brent Barton  
CITY MANAGER

Approved by the Mayor this 10 day of October, 2006.

Bill Lawrence  
MAYOR

ORDINANCE 849

AN ORDINANCE  
REMOVING SIZE AND SETBACK EXEMPTIONS  
FOR CERTAIN SMALL LOTS

WHEREAS, Section 8.7.6 of the Vale City Code is a “grandfather” provision which exempts small lots from meeting the lot size requirements for uses in certain zones; and

WHEREAS, Sections 8.2.5, 8.15B.4(B), 8.15C.3(C) and 8.15D.4(C) exempt the same Section 8.7.6 lots from meeting the minimum setback requirements in certain zones; and

WHEREAS, it is necessary for the orderly development of Vale that such small lots be required to meet the same lot size and setback requirements applicable to other lots.

THE CITY OF VALE ORDAINS AS FOLLOWS:

SECTION 1. Section 8.7.6 of the Vale City Code is deleted.

SECTION 2. Section 8.2.5 is amended by striking out those portions which are deleted, as follows:

8.2.5:

SETBACK REQUIREMENTS: Except as provided in Sections 8.7.1 ~~and 8.7.6~~, in an R1 Zone the yards shall be as follows:

(A) The front yard shall be a minimum of twenty feet (20').

(B) Each side yard shall be a minimum of five feet (5') from outside of overhang, each with at least ten feet (10') between building overhangs.

(C) The rear yard shall be a minimum of twenty feet (20').

SECTION 3. Section 8.15B.4(B) is amended by striking out the deleted portions and adding those portions which are underlined and in bold, as follows:

8.15B.4:

SITE STANDARDS: The following site standards shall apply to all uses and developments in the Residential Zone:

\*\*\*\*

(B) Setback Requirements: Except as provided in **Section 8.7.1 Ordinance No. 601, sections 30 and 35** [~~codified as Sec. 8.7.1 and 8.7.6; respectively, of Title VIII (Zoning)~~], in a Residential Zone, the yards shall be