



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

May 14, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Bay City Plan Amendment
DLCD File Number 001-06



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: May 31, 2007

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
Laren Woolley, DLCD Regional Representative
Linda Downey, City of Bay City

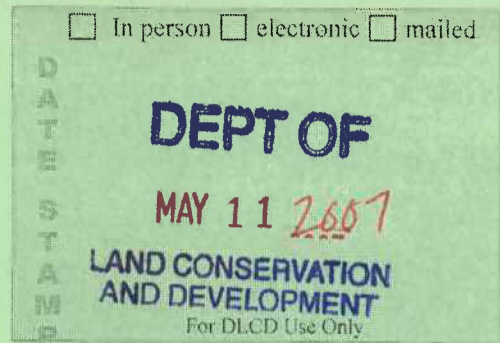
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PROF 2

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



Jurisdiction: **City of Bay City**

Local file number: **07-01**

Date of Adoption: **5/8/2007**

Date Mailed: **5/10/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 12/21/2006

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".

COMP PLAN: Goal III. Policy (4), Goal VII, Natural Hazards Policies, Goal VIII. Policy 6, Water Policies, Land Use Cat. (2) Moderate Intensity Zone B. DEVEL. ORD: Sec. 1.412, 1.514, 1.615 Minimum Common Open Space, Sec. 1.7 Hazard Overlay Zone, Sec. 3.102 P.C. Authority, Sec. 3.103 Buffers and Screens, Sec. 3.75 (f) and 3.751 (l), (m), (n), (o), Standards for Manuf. Dwellings, Sec. 3.8 Signs, Article 5, Sec. 5.1, 5.107, 5.2, 5.202, 5.203, 5.204, 5.205 Cluster Development. Sec. 13 Definitions.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **No change**

to:

Zone Map Changed from: **No change**

to:

Location: **City of Bay City**

Acres Involved: **City wide**

Specify Density: Previous: **No change**

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

DLCD # 001-06 (15661)

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Local Contact: **Linda Downey**

Phone: (503) 377-2288 Extension:

Address: **PO Box 3309**

Fax Number: **503-377-4044**

City: **Bay City, OR**

Zip: **97107**

E-mail Address: **ldowney@ci.bay-city.or.us**

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.

CITY OF BAY CITY

ORDINANCE # 630

AN ORDINANCE AMENDING THE BAY CITY DEVELOPMENT
ORDINANCE 374; AMENDING THE BAY CITY
COMPREHENSIVE PLAN AND DECLARING AN
EMERGENCY

The City of Bay City ordains that the Bay City Development Ordinance #374 and the Bay City Comprehensive Plan shall be modified, as set forth herein.

The Bay City Development Ordinance #374 shall be amended, as follows:

Section 1. Amend Section 1.412. High Intensity Zone; Minimum Common Open Space. Subdivisions and planned developments of six lots or units or more, subdivided or developed within a calendar year shall devote at least 10% of the net buildable site to common open space. An additional 10% lot coverage of structures or other impervious surfaces is allowed for developments providing the minimum open space requirements.

Section 2. Amend Section 1.514. Moderate Intensity Zone; Minimum Common Open Space. Subdivisions and planned developments of six lots or units or more, subdivided or developed within a calendar year shall devote at least 15% of the net buildable site to common open space. An additional 10% lot coverage of structures or other impervious surfaces is allowed for developments providing the minimum open space requirements.

Section 3. Amend Section 1.615. Low Intensity Zone; Minimum Common Open Space. Subdivisions and planned developments of six lots or units or more, subdivided or developed within a calendar year shall devote at least 20% of the net buildable site to common open space. An additional 10% lot coverage of structures or other impervious surfaces is allowed for developments providing the minimum open space requirements.

Section 4. Delete Section 1.7 in its entirety.

Section 5. Add a new Section 1.7, Hazard Overlay Zone, as follows:

A. Section 1.701 Purpose.

The purpose of this zone is to mitigate potential building hazards and threats to life and property created by flooding, landslides, weak foundation soils, and other hazards as may be identified and mapped by the City of Bay City or other agency. Building

hazards exist throughout the other zones of the City, but specific parcels which lie wholly or partially in an area of identified hazards are considered to be in the Hazards Overlay Zone.

These policies and standards are intended to mitigate potential building hazards by requiring the study of such areas by a qualified person prior to construction, by reducing building intensity in these areas where appropriate, and by requiring special construction techniques for ground disturbing activities.

B. Section 1.702 Geologic Hazards Areas.

Within an identified geologic hazard area or within a site that contains identified geologic hazards a geologic hazard assessment report and geotechnical engineering report, when required, shall be prepared for any building permit where ground alteration or disturbance is proposed and for any subdivision, partition, or planned development. The City or Planning Commission may require additional boundaries of the study area.

1. The proposed use will be permitted only if:
 - a. The site investigation provides a finding that there is no significant building hazard on the property or on surrounding properties which could threaten the safety of a proposed development; or
 - b. A feasible engineering solution to the building hazard(s) is proposed which could eliminate the hazard to the proposed structure or surrounding properties.
2. The following are specific Geologic Hazards to which the standards of this Section apply:
 - a. Slopes less than 12%:
Where development is proposed on areas mapped as 12% or less, the presence of non-engineered fills, sinkholes, identified drainages, adverse drainage conditions, or proposed cuts and fills exceeding 4 feet in height, or landslides will require the submittal of a geologic or geotechnical engineering assessment.
 - b. Slopes in the 12% to 25% range:
A site analysis shall determine the presence of soil creep, fills, or signs of past instability. If hazards are present, engineering recommendations shall be provided. If conditions require recommendations for foundation construction outside of the International Building Code (IBC), those recommendations shall be provided by an appropriately qualified professional engineer. If thorough examination of the site determines that no hazards are present, documentation by an appropriately qualified professional shall be submitted with application for development permit.
 - c. Slopes greater than 25%:
Geologic assessment and engineering plans and recommendations shall be provided. These reports and recommendations shall include:

1. Subsurface exploration of areas above, below, and alongside known or suspected slides
2. Accurate identification and measurement of the limits of the slide mass
3. Identification of the stability of the slide mass and the mechanics of slide movement.
4. Identification of the orientation of bedding planes in relation to the dip of the surface slope
5. Identification of the soil depth
6. Identification of the water drainage patterns
7. A site specific grading and erosion control plan for site stabilization and construction
8. The methodology for determining the site stabilization plan
9. Recommendation of suitable setbacks, keeping in mind the anticipated life of the structure or development.

(3) Sinkholes:

Areas within 50 feet of areas mapped as having sinkholes or potential sinkholes shall be evaluated by a Certified Engineering Geologist or appropriately qualified Registered Geologist and engineering recommendations provided by an appropriately qualified professional engineer for each identified hazard.

(4) Fills:

For ground alteration within areas that contain non-engineered fills a report by an appropriately qualified professional shall perform subsurface exploration to determine and document whether any unsuitable materials exist that may adversely affect building foundations, utilities, or pavements. This documentation shall be submitted with application for building or development permit. If conditions require recommendations for foundation construction outside of the International Building Code (IBC), those recommendations shall be provided by an appropriately qualified professional engineer.

(5) Tide Flats:

Due to concern for the presence of peat and the settlement-sensitive nature of the native sandy and silty soils this area requires a subsurface exploration, soils laboratory testing, settlement analysis, and foundation construction design and recommendations by an appropriately qualified professional engineer.

C. 1,703 Geologic Hazard Zone Standards.

(1) Report Detail:

The extent and detail of the reports shall be consistent with the requirements of Oregon State Board of Geologist Examiners (OSBGE) and Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) and shall be commensurate with the degree of the suspected or mapped hazard, ranging from brief written evaluations of moderate slope hazards to in-depth evaluation of potential landslide areas.

(2) Dual Stamping Reports:

In cases where both engineering geology and geotechnical engineering are required, reports shall contain the signatures and stamps of both appropriately qualified professionals and shall define for which portion of the report each professional is responsible.

(3) Hazardous Site Conditions:

If hazardous conditions occur during site development, the city may require the property owner and / or developer to provide geologic assessment reports and / or engineering recommendations and plans to mitigate adverse conditions.

If timely submittal of requested reports is not provided, commensurate with the hazard, the City may hire its own appropriately qualified professional to provide addendum to or review of reports and plans submitted and shall bill the cost to the developer.

(4) Required Certifications and Inspections:

For any geologic assessment report and geotechnical engineering report submitted, the registered professional of record shall be required to:

- 1) Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans
- 2) Review subgrade excavations and fills for structures and stormwater drainage and submit a signed and stamped certification report that all recommendations have been met
- 3) Perform a final inspection of the site and submit a signed and stamped certification report that all recommendations have been met

(5) Stormwater Drainage

Surface water flowing from an existing property or new development shall be controlled such that it does not negatively impact adjacent public or private property by increasing flow, concentrating flow, or stimulating erosion that was not present beforehand.

All new construction shall incorporate basement and foundation drainage to control water and keep it from crawl space, under-slab, and below grade areas. Ground water control can range from perforated PVC pipe for foundation drains to engineered retaining wall drainage systems.

If unanticipated storm water drainage problems arise during or after development, the City of Bay City may require the property owner to mitigate the situation up to and including the submittal and installation of a detailed engineered storm water drainage plan approved by the city.

(6) Flood Hazards

The flood protection requirements of the City Flood Damage Prevention Ordinance shall be adhered to for all development in identified flood areas. In all flood hazard areas, engineered stormwater drainage plans, flood elevation certificates, and post flood elevation certificates shall be required.

(7) Peer Review

Where the development has the potential to adversely impact adjacent properties, the city may retain appropriately qualified professionals to review the submitted reports at the cost of the developer. The boundaries of the study area shall be determined by the Planning Commission.

D. 1.704 Application Information Required:

1. Geologic Assessment Reports shall include at least the following information. Additional information, commensurate with the level of hazard shall be submitted.
 - a. Identification of potential hazards to life, public and private property, adjacent property, surrounding areas, and the natural environment which may be caused by the proposed development.
 - b. Mitigation methods for protecting the property and surrounding areas from each potential hazard.
 - c. Development density shall be as follows unless report findings provide recommendations for higher densities. The density of the underlying zone shall be an additional limiting factor:
 1. 12% - 24% slope: Density should generally not exceed 2 dwelling units per acre.
 2. 25% - 35% slope: Density should generally not exceed 1 dwelling unit per acre.
 3. 35% slope or greater: Construction is permitted only on sites where footings can be anchored in base rock.
 - d. Identification of soils and bedrock types
 - e. Identification of soil depth
 - f. Water drainage patterns
 - g. Identification of visible landslide activity in the immediate area
 - h. History of mud or debris flow
 - i. In areas prone to landslide, mudflow and where slopes exceed 25%, reports shall identify the Orientation of bedding planes in relation to the dip of the surface slope
 - j. Recommendations for removal, retention, and placement of trees and vegetation
 - k. Recommendations for placement of all structures, on site drives, and roads

- I. Recommendations for protecting the surrounding area from any adverse effects of the development.
2. Site development plans drawn to a measurable scale shall include at least the following information. Additional information, commensurate with the level of hazard shall be submitted. The city may require that specific items be submitted on separate sheets for clarity and site inspection purposes.
 - a. Topographical contour maps indicating existing and finished grades the location of structures, on site drives, parking areas, roads, and other site improvements
 - b. Stormwater Drainage Plans; engineering shall be required where drainage hazards are identified.
 - c. Grading and Erosion Control Plans consistent with the requirements of Bay City Development Ordinance Section 3.25; engineered plans shall be required where grading and drainage hazards are identified.
 - d. Foundation design, if design outside of the International Building Code is necessary
 - e. Road Design; engineering shall be required where drainage hazards are identified.

E. 1.705 Liability.

The degree of protection from problems caused by geologic hazards which is required by this section is considered reasonable for regulatory purposes. This Ordinance does not imply that uses permitted will be free from geologic hazards. This Ordinance shall not create liability on the part of the City or by any agents, officers, employee, or official thereof for any damages due to geologic hazards that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 6. Delete Section 3.102 and Section 3.103 in their entirety.

Section 7. Add a new Section 3.102, as follows:

A. Section 3.102 Buffer and Screen Requirements:

1. Planning Commission Authority:
The Planning Commission may require buffering and screening of proposed subdivisions, planned developments, and non-residential uses where they adjoin existing residential uses, undeveloped lands, parks, recreation, or other uses which in the opinion of the Planning Commission, may be incompatible with existing uses.

The Planning Commission shall consider the total common open space or landscaped area of the proposed use, the purpose and effectiveness of a buffer or screen, and its maintenance. Buffers and screens may constitute

part of the required open space, open area, or setbacks of a proposed use. Buffers and screens shall be required where the Planning Commission finds that the proposed use would be incompatible with existing uses, to block or reduce noise, glare or other emissions, or to maintain privacy. Buffers and screens may be required jointly or separately.

2. **Planning Commission Review:**
The Planning Commission shall review any proposed development within one hundred (100) feet of either side of Larson Creek in order to determine its impact on the creek and its associated riparian and wetland area. Based on this site specific review, the Planning Commission may permit development up to fifty feet from either side of Larson creek where it determines such development will not adversely impact wetlands or necessary riparian vegetation.
3. **Buffers:**
Buffers may be required where the proposed site is large enough, or where the buffer can be part of required open space. Buffers are preferred in areas where existing trees or vegetation may be retained or other natural features such as streams or the bay and the space can be useful for residents or the public.
4. **Screens:**
Screens may be required in a limited space (10 feet or less) to visually separate incompatible uses. Screens may consist of existing or planted vegetation, attractive sight obscuring fencing, hedges, walls, or similar techniques. Planted screens should be sufficient to obscure the proposed use within two (2) years. Fences or walls should be required where noise reduction is necessary.
5. **Riparian Areas:**
 - a. A required setback shall be measured from the ordinary mean high water line of the bank of the stream or from the delineated wetland boundary.
 - b. Riparian vegetation shall be protected and retained within the identified setback with the following exceptions:
 1. The removal of dead, diseased or dying trees which pose an erosion or safety hazard. The city may require that a report be submitted by an appropriately qualified forester or arborist. In geologic hazard areas, hazard overlay ordinance requirements apply.

2. Vegetation removal necessary to provide direct water access for a water-dependent use with a valid development permit approved by the City.
 3. Prior to the removal of non-native vegetation in a riparian setback area, a re-planting plan for re-planting native vegetation may be required by the City.
 4. Prior to vegetation removal in wetland areas, a wetland land use notification form shall be submitted and reply received from the Oregon Department of State Lands. Replanting of native wetland vegetation may be required by the City.
6. Stream side setback
All structures and uses shall be set back a minimum of 25 feet from Patterson and Jacoby Creek. A stream side setback shall be measured from the bank or mean high water line of the stream and shall be mapped to measurable scale on a site plan.
7. Density considerations
Land within designated wetlands shall not be used as part of density calculations in development applications.

Section 8. Renumber Section 3.104 to Section 3.103.

Section 9. Add a new Section 3.75(f)(g)(h) and (i). Standards for Manufactured Dwellings.

- f. For any used manufactured home, prior to approval of any placement permit, an inspection report by the Building Codes Division shall be submitted to the City certifying that the condition of the Manufactured Home meets building code requirements and that all damaged and deteriorated elements of the structure have been replaced.
- g. All improvements to bring the manufactured structure into compliance with building code standards and to replace damaged and deteriorated elements shall be completed prior to issuance of a placement permit.
- h. If additional damage or deterioration of the structure is observed upon placement, the damaged or deteriorated elements shall be replaced prior to issuance of an occupancy permit.
- i. All conditions of approval shall be met prior to issuance of an occupancy permit.

Section 10. Add a new Section 3.751(l)(m)(n)(o). Single Wide Manufactured Dwellings.

- l. For any used manufactured home, prior to approval of any placement permit, an inspection report by the Building Codes Division shall be submitted to the City certifying that the condition of the Manufactured Home meets building code requirements and that all damaged and deteriorated elements of the structure have been replaced.
- m. All improvements to bring the manufactured structure into compliance with building code and to replace damaged and deteriorated elements shall be completed prior to issuance of a placement permit.
- n. If additional damage or deterioration of the structure is observed upon placement, the damaged or deteriorated elements shall be replaced prior to issuance of an occupancy permit.
- o. All conditions of approval shall be met prior to issuance of an occupancy permit.

Section 11. Replace Section 3.8 in its entirety. Sign Requirements.

A. Purpose.

The purpose of this section is to regulate such factors as the size, location, and illumination of signs with the intent of safeguarding and enhancing the City's visual environment, traffic safety and the City's economic well being.

B. General Requirements.

The following general requirements shall apply to all signs:

- 1) Signs shall not contain flashing elements or moving, rotating or other such animated parts.
- 2) All signs and sign structures shall be erected and attached totally within the site, except where permitted to extend into a street right-of way.
- 3) Signs shall not extend into or over or upon any public street or right-of-way. Except a sign may extend over a public sidewalk provided the bottom of the sign structure shall be at least eight (8) feet above the grade of the sidewalk and the sign does not project more than three (3) feet into the public right-of way.
- 4) Signs or sign support structures shall not be located so as to detract from a motorist's view of vehicular or pedestrian traffic, or a traffic sign.
- 5) Only one side of a double-faced sign is counted in measuring the area of a sign. Sign area does not include foundation supports and other essential structures which do not serve as a backdrop or border of the sign.
- 6) All signs shall be kept in good repair and maintenance.
- 7) It is the responsibility of the property owner to remove any abandoned sign within 30 days of the termination of its use.
- 8) No sign including its supporting structure shall be placed so that its height exceeds eighteen (18) feet.

- 9) Permanent signs are not permitted on undeveloped sites, i.e. a lot without a use.
- 10) Free Standing signs shall not exceed 18' in height and shall be limited to one per use and lot.
- 11) All signs shall be designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent public streets, the night sky, or adjacent property.
- 12) Sign lights shall be the minimum lumens necessary to illuminate a specific area.
- 13) Sign lighting shall be indirect or internal so that the immediate source of illumination is not visible when the sign is lighted.
- 14) Signs shall not be lit outside of business hours

C. Additional Sign Requirements.

- 1) Low Intensity and Moderate Intensity Sign Requirements:
 - a. Uses permitted outright shall have permanent signs with an area not exceeding four square feet, and be attached to a building.
 - b. Conditional uses shall have permanent signs with an area not exceeding thirty-two (32) square feet.
 - c. Temporary signs with an area not exceeding thirty-two (32) square feet may be permitted by the Planning Commission for a specified time period.
- 2) High Intensity Zone Sign Requirements:
 - a. Permitted and conditional uses shall have permanent signs with an area not exceeding thirty-two (32) square feet unless a larger sign is approved by the Planning Commission.
 - b. Temporary signs with an area not exceeding thirty-two (32) square feet may be permitted by the Planning Commission for a specified time period.
 - c. Permitted and conditional uses may apply to the Planning Commission for a larger permanent sign through Article 2, Conditional Uses.
- 3) Shoreland and Estuary Zone Requirements:
 - a. Shoreland 2 zone requirements shall be the same as the High Intensity Zone Requirements.
 - b. Shoreland 1 and Estuary Zones shall be allowed no signs.
 - c. There shall be no freestanding signs in the Shoreland 2 Zone.
 - d. Temporary signs not exceeding 12 square feet may be permitted in the Shorelands 2 Zone.

- D.. A sign permit issued by the City shall be required prior to construction or placement of any sign.

Section 12. Amend Section 5.1. Purpose.

The following sections are intended to provide a single procedure for major and minor partitioning, subdivision and planned development. The information required for each of these applications is listed in Article 4. These activities may be applied for individually or together, in addition to any required variance, zone, or plan amendment. The goals and policies of the Comprehensive Plan and Development Ordinance standards shall be adhered to unless a specific variance is granted by the Planning Commission or City Council.

Section 13. Amend Section 5.101. Authority and Review of the Planning Commission.

The Planning Commission is responsible for the administration of the Article, with the assistance of the City Recorder, Public Works Superintendent, City Planner, City Engineer, or other City staff. Planning Commission Review shall be carried out at a public hearing consistent with the hearing requirements of Bay City Development Ordinance Article 10.

Section 14. Amend Section 5.107. Planned Development.

- A. Definition and Purpose. A planned development is a single development incorporating a variety of housing types and non-residential uses, consisting of individual lots, common building sites or open areas, or other configuration in order to promote innovative, flexible, and diversified land use under a comprehensive site development plan.
- B. Permitted Uses. Uses permitted in the specific intensity zone, including single-family, duplex and multifamily dwellings in any architectural configuration subject to the standards of the zone, certain non-residential uses, common open space, and recreation facilities.
- C. Standards. The standards of the intensity zone and other sections of this Ordinance shall apply. The size of the planned development shall be large enough to accommodate the various uses and to preserve the intent of this section.
- D. Density and Lot Size. Density shall not exceed the density range of the zone. Lot size shall be consistent with the minimum lot size of the zone and shall provide adequate area to meet the lot coverage requirement of the zone.
- E. Lot Coverage. Lot coverage requirements of the zone shall be applicable to structures and other impervious surfaces built on individually owned lots. In the case of multifamily dwellings, zero lot line construction, or other situations involving common ownership of land and/or buildings, the lot coverage shall be calculated on the basis of the total site.

- F. Procedure. Planned developments shall be done in accordance with Section 5.102 through 5.106. Application for planned development, subdivision, or partition shall be made concurrently.
- G. Information Required. Information necessary for tentative and final approval shall be included as specified under Article 4 of this Ordinance.
- H. Final Approval. Planned development final approval shall be in conformance with Section 5.103 of this Ordinance.

Section 15. Delete Sections 5.2, including subsections 5.201, 5.202, 5.203, 5.204 and 5.205, in their entirety.

Section 16. Amend Section 13.010. Definitions (12) Buffer.

(12) Buffer. A horizontal distance intended to provide attractive spaces or distance, to obstruct undesirable views, to serve as an acoustic barrier, to reduce the impact of development on adjacent property or natural features, to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions, or to maintain privacy.

Section 17. Delete Section 13.010 Definitions (19) Cluster Development and renumber Sections 13.010(19) beginning with Common Area through Section 13.010(80) Restoration.

Section 18. Amend Section 13.010 Definitions to add Section 13.010(81) Riparian Area.

(81) Riparian Area

A riparian area is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to terrestrial ecosystem.

Section 19. Amend Section 13.010 Definitions (84) Screen.

(84) Screen.

A vertical barrier consisting of a fence, wall, hedge, tree row, or other dense structure intended to perform a buffering effect in a limited space, particularly for noise reduction or visual separation.

The Bay City Comprehensive Plan shall be amended, as follows:

Section 20. Amend the Bay City Comprehensive Plan, Goal III, Policy (4) To maintain the quiet residential nature of Bay City.

- (4) Flexible development approaches should be promoted to reduce the removal of trees or the disturbance of slopes.

Section 21. Amend and replace the Bay City Comprehensive Plan, Goal VII, Natural Hazards, in its entirety.

To encourage development which is protective of natural topography and vegetation, which avoids natural hazards, and which protects the environmental quality of the surrounding area.

POLICIES:

1. Development Ordinance standards shall be written to encourage high quality development that supports this goal.
2. Information contained in the Hazards Section of the Plan shall be used in the regulation of development and updated as new information becomes available.
3. The City shall use the FEMA Flood Insurance program in the regulation of development in flood areas.
4. Setbacks and buffers from Tillamook Bay, all streams, waterways, and wetlands in the City shall be required for the protection of stream bank vegetation and for the prevention of flooding and erosion.
5. The City Building Official shall use information contained in the Comprehensive Plan and Development Ordinance in conjunction with the State Building Code and Specialty Codes.
6. Site specific geologic hazards assessment and geotechnical engineering reports shall be a prerequisite in all areas zoned or otherwise identified as a geologic hazard for all exterior construction that involves ground disturbing activities, and all development applications subject to Planning Commission review under the provisions of Bay City Development Ordinance Article 5 Subdivisions, Partitions, and Planned Development..
7. Engineered stormwater, grading, and erosion and sedimentation control plans shall be required for all large scale development based on standards in the development ordinance. The City shall rely on the Oregon DEQ and the Non-point Source Pollution Control Guidebook to regulate development which may impact waterways, streams and the Bay.

8. Development and other activities shall not encroach on Tillamook Bay, streams, waterways, or natural drainages; reduce their ability to drain the land, or cause or increase erosion of the banks. Site specific geologic assessment and geotechnical engineering reports and site plans shall be required to mitigate potential adverse impacts.
9. Geologic assessments shall be conducted by an appropriately licensed professional geologist licensed to work in the State of Oregon using the Guidelines for Preparing Engineering Geologic Reports in Oregon, adopted by the Oregon State Board of Geologist Examiners (OSBGE).
10. Geotechnical assessments shall be conducted by an appropriately licensed professional engineer using guidelines adopted by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) standards of care for engineering practices.
11. In cases where both geologic assessments and geotechnical engineering are required, reports shall contain the signatures and stamps of both and shall define for which part each professional is responsible. The extent and detail of the reports shall be commensurate with the degree of the suspected or mapped hazard.

Section 22. Amend Bay City Comprehensive Plan, Goal VIII, Policy (6). To provide a wide variety of housing opportunities in Bay City.

- (6) Planned Developments and subdivisions shall be encouraged as a method of reducing housing and public facilities costs and increasing open space area.

Section 23. Amend and replace Bay City Comprehensive Plan, Goal VIII, Water System Policies and Recommendations, in their entirety:

1. Extensions of the water system shall be paid for by the developer of the property receiving the services. This responsibility shall include any necessary fire hydrants, pumps, and/or other improvements needed to provide adequate storage capacity, pressure, and service to the property.
2. The City's water rates shall be indexed and adjusted annually to provide sufficient funds for system maintenance and improvement.
3. The Kilchis Regional Water District may serve all property within its service area.
4. New water lines shall be adequately sized to support projected development and future growth in the area.

5. The cost of extensions of water lines, water mains and upgrading the water reservoir capacity and treatment system through agricultural, forest and other resource lands shall not fall on those properties until they are developed.
7. Plans for all water system improvements and water line extensions shall be submitted to the Oregon State Health Division, or other appropriate regulatory authority, for review and approval prior to construction.
8. The City shall make reasonable efforts to work toward compliance with Federal Safe Drinking Water Act requirements by encouraging regional participation of other water providers.
9. All costs of extension of water lines and upgrades to the water treatment system shall be borne by those property owners or developers benefiting from the extension or development.
10. No development of any site shall be permitted until all costs for review, inspection and upgrades to the system necessary to provide adequate capacity to serve the proposed development have been paid.

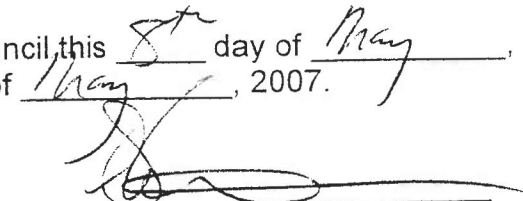
Section 24. Amend Bay City Comprehensive Plan, Land Use Categories (2) The Moderate Intensity Zone (B)

- (B) It is the intention of the Plan that the moderate intensity area develop at moderate density residential levels, at 4-8 dwelling units per acre. These can develop on a lot by lot basis, on 10,000 square foot lots, or 5,000 square foot lots if the site was platted prior to the adoption of the City zoning ordinance requiring 10,000 square foot minimum lot area. The development ordinance should provide incentives during subdivision and development in order to preserve open space and reduce public facility costs.

Section 25. Continued Effect. All other provisions of Bay City Development Ordinance #374 and the Bay City Comprehensive Plan not specifically modified herein, shall continue unchanged and in full force and effect.

Section 26. Emergency. The City declares an emergency to exist and finds that immediate adoption of the Ordinance is necessary to protect the health, safety and welfare of its residents. This Ordinance shall become effective immediately after its adoption by the City Council and approval of the Mayor.

PASSED AND ADOPTED by the Bay City Council this 8th day of May, 2007 and APPROVED by the Mayor this 8th day of May, 2007.


Shaena E. Peterson, Mayor

ATTEST:

Linda Dvorak

Linda Dvorak, City Recorder

First Reading: April 10, 2007

Second Reading: May 8, 2007

Adoption: May 8, 2007

Ayes: 5

Nays: 0

Abstentions: 1