



# 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

## AMENDED NOTICE OF ADOPTED AMENDMENT

December 27, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Dayville Plan Amendment  
DLCD File Number 002-07



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: January 9, 2008**

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).

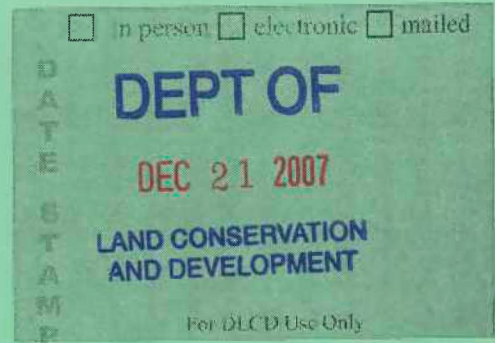
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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  
Ruth Moore, City of Dayville

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# 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 Dayville

Local file number: #07-02

Date of Adoption: 12-12-07

Date Mailed: 12-17-07

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".

Amend Section 4.220 - medical Hardship of <sup>#03-03</sup> Land Use Regulation and replace with #07-02, Section 4.220 - Temporary Living In a Recreational Vehicle. Totally eliminate Section 4.250 - Temporary Use for Construction from our #03-03 Land Use Regulation.

Does the Adoption differ from proposal? Please select one

same

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable statewide planning goals:

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

If no, did Emergency Circumstances require immediate adoption?  Yes  No

DLCD file No. 002-07(16470)

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

---

Local Contact: Ruth Moore

Phone: (541)987-2188 Extension: -

Address: PO Box 321

Fax Number: 541-987-2187

City: Dayville

Zip: 97825

E-mail Address: dville@ortelco.net

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## 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](http://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](mailto: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](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**CITY OF DAYVILLE, DAYVILLE, OREGON**  
**LAND USE AND DEVELOPMENT ORDINANCE AMENDMENT #07-02**

**AN ORDINANCE TO REPLACE LAND USE AND DEVELOPMENT ORDINANCE #03-03, SECTION 4.220-MEDICAL HARDSHIP AND SECTION 4.250-TEMPORARY USE FOR CONSTRUCTION.**

**SECTION 4.220 – TEMPORARY LIVING IN A RECREATIONAL VEHICLE**

It is the intent of the Temporary Use Permit (TUP) section to provide a set of procedures and standards for the temporary use of structures when certain conditions arise that require special consideration for temporary usage after demonstration of temporary need and a finding of no adverse impact to the welfare of adjacent properties and the community as a whole. The provisions of this section are to apply when the proposed use does not qualify as a continuation of a nonconforming use, not permitted by right, nor permitted through an operation of other more pertinent procedures and provision of this zoning ordinance. Provided however, temporary use permits are not to be construed as a means to abrogate the intent, purpose or procedures of the City of Dayville's Comprehensive Plan or Zoning Ordinance regulations.

No temporary permit shall be granted which would have the effect of creating a permanent rezoning or result in a hardship when the use is not permitted to continue at the expiration of the permit periods. Further, no temporary permit may be granted which as the effect of conferring a special privilege for which other property within the same zone may not be equally eligible.

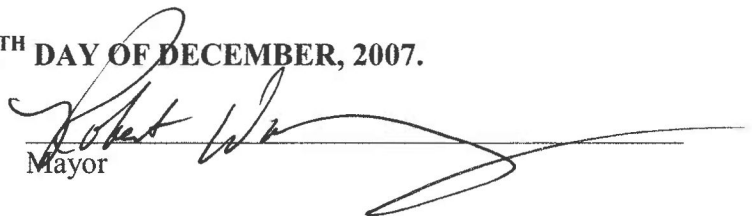
1. A mobile home/recreational vehicle (RV) may be authorized as a temporary residence and shall comply with the following additional provisions.
  - A. The occupant of such mobile home or RV shall submit a Temporary Use Permit (TUP) prior to the placement of the dwelling.
    - a. The applicant shall complete the TUP application form which will be provided by the City Recorder.
    - b. In order for the application to be deemed complete by the Recorder, the application must be completed in its entirety and the applicable fee must be submitted.
    - c. The application will then be submitted to the Dayville City Council at the next regularly scheduled meeting immediately following the submission of the application being deemed complete.
  - B. The approval of the placement of a mobile home or RV will be at the discretion of the Council. The reasons for allowing such a residence may be, but is not limited too:
    - a. Temporary housing during construction of a permanent residence, either on the property for which the housing unit is being constructed or at another location,
    - b. Temporary housing while working within the local area,
    - c. Temporary housing while obtaining a permanent residence within the area, or
    - d. Temporary housing to provide medical care.

- C. In granting a TUP under this section, conditions may be imposed by the Council. These conditions will be imposed to protect the best interest of the surrounding properties or vicinity.
- D. The mobile home/RV shall be occupied only during the period in which satisfactory progress is being made toward the reason why such occupancy is necessary in the first place.
- E. The owner of the RV and the owner of the property in which the RV resides agree that the RV will be removed from the property not later than nine months from the date on which the TUP was issued. If additional time is desired, the Temporary Use Permit will need to be submitted to the Council for their approval, with all terms of the TUP being adhered too once again.
- F. Electric, water and sewer connections shall be made to the mobile home/RV. The property owner in which the mobile home/RV resides will then be assessed the applicable utility rates. These billings will be included on the property owner's monthly bill.
- G. The owner of the property agrees to remove all evidence that the mobile home/RV has been on the property within 30 days after the removal of the mobile home.
- H. If the property in which the mobile home/RV will be located is within a designated RV Park, the mobile home/RV will be permitted outright for 60 days.
- I. The City Council may review permits issued under this section at any time and may revoke the permits when they are found to be not in compliance.

**EMERGENCY DECLARED:** This Ordinance shall be declared an emergency and take effect immediately upon its passage. It is necessary to update the current ordinance in an effort to better accommodate the citizens of Dayville.

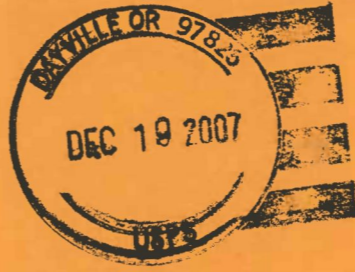
**ENACTMENT:** This Ordinance shall be and is hereby declared to be in full force and effect on the 12<sup>th</sup> day of December, 2007.

**APPROVED AND ENACTED THIS 12<sup>TH</sup> DAY OF DECEMBER, 2007.**

  
\_\_\_\_\_  
Mayor

Attest by the City Recorder this 12<sup>th</sup> day of December, 2007.

  
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FIRST CLASS  
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City of Dayville  
P.O. Box 321  
Dayville, OR 97825

**TO:** DLCD  
Attn: Plan Amendment Spec.  
635 Capitol St. NE,  
Suite 150  
Salem, OR 97301-2540