



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/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

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

NOTICE OF ADOPTED AMENDMENT

December 6, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist *297 12-6-07*

SUBJECT: Waldport Plan Amendment
DLCD File Number 001-07

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. This adoption was adopted by the City on November 8, 2007, and passed the 21-day appeal period from the date of the adoption.

Appeal Procedures*

DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final. 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Doug White, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative
Larry Lewis, City of Waldport

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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

In person electronic mailed

DEPT OF
NOV 28 2007
LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Waldport**

Local file number: **NA**

Date of Adoption: **11/8/2007**

Date Mailed: **11/26/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/15/2007

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".

1. The lot area and density calculations for ocean and bay front properties are revised; 2. Development is restricted within the zone of riparian vegetation and 25 feet landward from the top of bluff; 3. Siting standards for manufactured homes are updated; 4. Land partition approval process is clarified; 5. Street width standards are modified.

Does the Adoption differ from proposal? Yes, Please explain below:

For street width standards the location of sidewalks and utility/landscape strips was reversed.

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **Citywide**

Acres Involved: **0**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
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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 # 001-07 (16108)

DLCD file No. _____

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

DLCD and City of Waldport

Local Contact: **Larry Lewis, City Planner**

Phone: (541) 563-3561 Extension: 103

Address: **PO Box 1120**

Fax Number: **541-563-5810**

City: **Waldport**

Zip: **97394**

E-mail Address: **larry.lewis@waldport.org**

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.

ORDINANCE NO. 716

AN ORDINANCE OF THE CITY OF WALDPOROT REVISING TITLE 16 OF THE WALDPOROT MUNICIPAL CODE BY AMENDING CHAPTER 16.04, SECTION 16.04.030; CHAPTER 16.12, SECTION 16.12.030(A)(5); CHAPTER 16.16, SECTION 16.16.030(A)(4); CHAPTER 16.20, SECTION 16.20.030(A)(4); CHAPTER 16.24, SECTION 16.24.030(A)(4); CHAPTER 16.64, SECTION 16.64.050, SUBSECTIONS (2) AND (4); CHAPTER 16.72, SECTION 16.72.120 AND SECTION 16.72.120(C); CHAPTER 16.96, SECTION 16.96.030; AND CHAPTER 16.100 SECTIONS 16.100.020 AND 16.100.100, AND DECLARING AN EMERGENCY.

WHEREAS, the Waldport Planning Commission has worked for many months on the above-noted code amendments, conducting numerous work sessions to refine the language and produce the proposed ordinance language; and

WHEREAS, duly noticed public hearings were held and testimony received in July of 2007 by the Waldport Planning Commission and in October of 2007 by the Waldport City Council,

NOW, THEREFORE, THE CITY OF WALDPOROT ORDAINS AS FOLLOWS:

Section 1. Section 16.04.030 "Definitions" is hereby amended to add the following definition: "Top of bank" for oceanfront/bayfront lots means the uppermost break in slope."

Section 2. Section 16.12.030(A)(5), 16.16.030(A)(4), 16.20.030(A)(4) and 16.24.030(A)(4) are all hereby amended to read as follows: "Lot area, for ocean and bay front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the landward boundary of the riparian vegetation zone to the landward extent of the property".

Section 3. Section 16.64.050 (A), Subsection (2) is hereby amended to read as follows: "Except as provided in subsection (A)(1) of this section, no development shall be located within the zone of riparian vegetation as defined below or 25 feet landward from the top of bluff, whichever is greater.

The top of bluff is the uppermost break in slope. Where there is no coastal bluff or no clear break in slope, for example on a smoothly sloping lot, no development shall be located less than 50 feet landward (measured on the horizontal) from the line of mean higher high water."

Section 4. Section 16.64.050(A), Subsection (4) (a) is hereby amended to read as follows: "Ocean and Estuary. The area between the point of mean higher high water and fifty (50) feet landward measured horizontal."

Section 5. Section 16.72.120 is hereby amended to read as follows: "Manufactured

homes must be permitted and installed in accordance with the current edition of the Oregon Manufactured Dwelling Specialty Code (OMDSC) and the following standards. Where the OMDSC and the following standards conflict, the more restrictive standard shall apply.

Section 6. Section 16.72.120(C) is hereby amended to read as follows: "The manufactured home shall have a pitched roof of at least three (3) feet in height for each twelve (12) feet in width."

Section 7. Section 16.96.030(D)(1) is hereby amended to read as follows: "Oceanfront/Bayfront lots. A site specific geotechnical analysis by a qualified registered professional geologist or engineering geologist (will be required) except when 1) the only known or suspected hazard is coastal recession and minor slope sloughing which can be compensated for by using the established minimum setbacks as set forth in the Environmental Hazard Inventory; RNKR (page 35); 2) no development is proposed within 50 feet landward (measured on the horizontal) from the line of mean higher high water; and 3) no development is proposed within 35 feet from the top of bank. Rates of coastal erosion are identified on the comprehensive plan hazard maps. Deviations from required shore front setbacks may be permitted upon submission of a site specific geotechnical analysis prepared and stamped by a professional geologist or certified engineering geologist which specifies adequate safeguards to compensate for the reduced setback.

Section 8. Section 16.100.020 is amended to remove subsection A and to renumber subsections B, C and D as A, B and C.

Section 9. Section 16.100.100(A), "Street Widths" is amended to read as follows:

Type of street	Min. Right-of-Way Width	Min. Surface Width
1. Collector streets and all business streets other than arterials:	60' - 80'+	36' - 48'+
2. Local streets in residential areas:	56'++	28'++
3. Circular ends of cul-de-sacs:	90'+++	70'+++
4. Hammerheads	++++	++++

+ The City may require a width within the limits shown based upon adjacent physical conditions, safety of the public and the traffic needs of the community. The standard street section for collector and business streets is two 16-22' travel lanes, 2' curb and gutter, 5' sidewalk and 7' utility strip. This may be altered upon approval by the Waldport Public Works Department, utility companies, and the Planning Commission.

++ The standard street section for local streets is two 14' travel lanes, 2' curb and gutter, 5' sidewalk and 7' utility strip. This may be altered upon approval by the Waldport Public Works Department, utility companies, and the Planning Commission.

+++ Measured by diameter of circle constituting circular end.

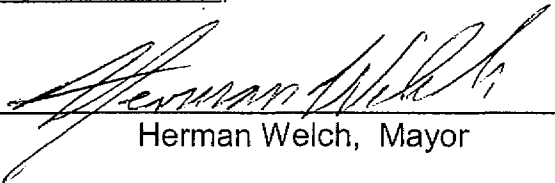
++++ Hammerheads will be of such width and length as to allow for adequate turn-around of all emergency vehicles as determined by the Public Works Department.

Section 10. Emergency clause. Inasmuch as it is the duty of the City Council to maintain the public health, safety and welfare, and because it is important to implement this change in the Code as soon as practicable to avoid confusion and to resolve any issues of which language applies, now, therefore, an emergency is declared to exist and this Ordinance shall go into full force and effect immediately upon its passage and approval.

ADOPTED by the Common Council of the City of Waldport this 8th day of November, 2007 by the following vote:

AYES 6 NAYS 0 ABSENT 0 ABSTAIN 0

SIGNED by the Mayor this 8th day of November, 2007.



Herman Welch, Mayor

ATTEST:



Reda A. Quinlan, City Clerk