



# 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

### NOTICE OF ADOPTED AMENDMENT

September 19, 2008

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 001-08



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: October 6, 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).

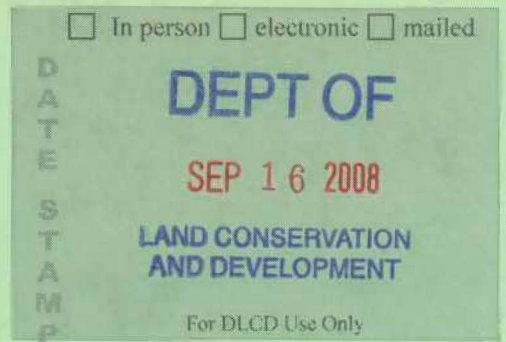
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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  
Laren Woolley, DLCD Regional Representative  
Lin Downey, City of Bay City

<paa> ya

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: Bay City, OR Local file number: CPA 08-01
Date of Adoption: 9/9/2008 Date Mailed: 9/15/2008
Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Select one Date: 01/02/08
[ ] Comprehensive Plan Text Amendment [ ] Comprehensive Plan Map Amendment
[X] 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".

Zero Lot Line Development previously an outright use in the Moderate Intensity Zone will change to a Conditional Use. Deed covenants and restrictions will be required for uniform exterior and physical appearance.

Does the Adoption differ from proposal? Please select one
Yes, the proposed amendment deleted the permitted use and all references to Zero Lot Line Developments.

Plan Map Changed from: to:
Zone Map Changed from: to:
Location: Acres Involved:
Specify Density: Previous: New:

Applicable statewide planning goals:
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
[X] [X] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [X] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

Was an Exception Adopted? [ ] YES [X] NO
Did DLCD receive a Notice of Proposed Amendment...
45-days prior to first evidentiary hearing? [X] Yes [ ] No
If no, do the statewide planning goals apply? [ ] Yes [ ] No
If no, did Emergency Circumstances require immediate adoption? [ ] Yes [ ] No

DLCD # 001-08 (16613)

**DLCD file No.** \_\_\_\_\_

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

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Local Contact: **Linda Downey, City of Bay City**

Phone: (503) 377-2288 Extension:

Address: **PO Box 3309**

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

City: **Bay City**

Zip: **97107-**

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

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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**. 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 # 640

AN ORDINANCE AMENDING THE BAY CITY  
DEVELOPMENT ORDINANCES 374 AND 597  
REGARDING ZERO LOT LINE DEVELOPMENTS AND  
DECLARING AN EMERGENCY

The City of Bay City ordains that the Bay City Development Ordinance #374 and Bay City Ordinance #597 shall be modified, as follows:

Section 1. Section 1.3, Land Use Matrix, (37) Zero Lot Line Development shall be amended from an "O" Outright Permitted Use to a "C" Conditional Use.

Section 2. Section 1.503 shall read as follows:

Single family and duplex development is permitted as an outright use in the moderate intensity zone. Zero Lot Line Developments are permitted as a conditional use in the Moderate Intensity Zone subject to specific standards as long as each lot maintains a minimum lot width of 30 feet and the parent lot is a minimum of 10,000 square feet. Larger developments, including duplexes built as part of a larger Planned Development, and non-residential uses are intended to be reviewed by the Planning Commission. The criteria of a Conditional Use are included in this Ordinance, Article 2 Conditional Uses and under the Zone standards of this ordinance.

Section 3. Section 3.303, Zero Lot Line Setback, shall read as follows:

- (1) In the High Intensity Commercial Zone, through the Conditional Use Procedure, the Planning Commission may permit setbacks from lot lines to be 0' feet provided that the development proposal maintains allowable height, allowable lot coverage, provides required parking and landscaping, meets the requirements of the International Fire Code and meets the requirements of the Building Code and meets all other requirements and standards applicable to it.
- (2) Side yard requirements do not apply to the common property line established to divide an existing two family dwelling unit into separate parcels to create a new zero lot line development, subject to the following standards:

- a. A partition plat has been approved and recorded or an adjusted lot line is surveyed, monumented and the survey is recorded with the County Surveyor.
- b. Deed covenants and restrictions (CC&Rs) applicable to all parcels be recorded with the Tillamook County Clerk to require uniform exterior physical appearance, characteristics and maintenance standards for structures sharing a common lot line and the open space area of the zero lot line development and referenced on the approved partition plat and/or adjusted lot line with the legal descriptions. Copies of each recorded/filed document shall be provided to the City of Bay City.
- c. The property has existing on it a two family dwelling unit:
  - 1) Sharing a common interior fire wall, extending to the roofline;
  - 2) The common interior wall is or will be located on the common boundary line;
  - 3) The common interior fire wall shall extend for the entire height and the length or width of the structure for a distance of at least 20 consecutive feet;
  - 4) The parent lot is comprised of at least 10,000 square foot minimum lot size prior to partitioning the property or the lot line adjustment;
  - 5) The structure meets the applicable building and related code requirements; and
  - 6) Each dwelling unit shall be connected to an independent electrical, sewer, and water service, including electrical meters and water meters.

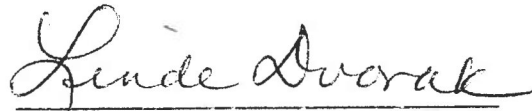
Section 4. Continued Effect. All other provisions of Bay City Development Ordinance #374 and of Bay City Ordinance #597 not specifically modified herein, shall continue unchanged and in full force and effect.

Section 5. 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 9<sup>th</sup> day of September 2008 and APPROVED by the Mayor this 9 day of September 2008.

  
\_\_\_\_\_  
Shaena E. Peterson, Mayor

ATTEST:

  
\_\_\_\_\_  
Linda Dvorak, City Recorder

First Reading:	<u>August 5, 2008</u>
Second Reading:	<u>September 9, 2008</u>
Adoption:	<u>September 9, 2008</u>
Ayes:	<u>5</u>
Nays:	<u>0</u>
Abstentions:	<u>0</u>

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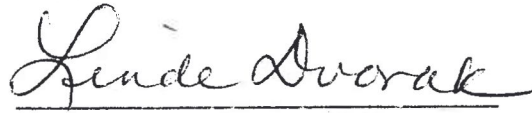
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Shaena E. Peterson, Mayor

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Second Reading:	<u>September 9, 2008</u>
Adoption:	<u>September 9, 2008</u>
Ayes:	<u>5</u>
Nays:	<u>0</u>
Abstentions:	<u>0</u>



POSTNET barcode and other postal markings.



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