



Oregon

Theodore R. Kubongoski, 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

5/18/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Depoe Bay Plan Amendment
DLCD File Number 001-09A

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: Tuesday, June 01, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Larry Lewis, City of Depoe Bay
Gloria Gardiner, DLCD Urban Planning Specialist
Matt Spangler, DLCD Regional Representative
Chris Shirley, FEMA Specialist
Bill Holmstrom, DLCD Regional Representative

<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: **City of Depoe Bay**

Local file number: **NA**

Date of Adoption: **May 4, 2010**

Date Mailed: **May 6, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: July 23, 2009

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".

Amendments to the Depoe Bay Zoning Ordinance:

- A. Revisions to ORS references
- B. Fractional Ownership definition
- C. Manufactured Home added as permitted use in the R-1 zone; Manufactured Dwelling changed to Manufactured Home in the R-2, R-3, R-4, and R-5 zones
- D. Revision to Coastal Shoreland review procedure
- E. Revision to survey requirements
- F. Notice of public hearing revision
- G. Add description of quasi-judicial continuances and time limits
- H. Add time limits on geologic hazards permits
- I. Description of public street maintenance responsibilities
- J. Deletion of performance agreement option
- K. Editorial change to reference appropriate sections in the Land Division ordinance

Does the Adoption differ from proposal? Yes, 3 proposed amendments were not adopted.

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **Citywide**

Acres Involved: **NA**

Specify Density: Previous: **NA**

New: **NA**

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 type="checkbox"/>	<input 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 checked="" 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. 001-09A (17716) [16127]

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

City of Depoe Bay
Oregon Dept. of Land Conservation & Development

Local Contact: Larry Lewis

Phone: (541) 765-3261 Extension:

Address: P.O. Box 8

Fax Number: 503-765-2129

City: Depoe Bay, OR

Zip:97341

E-mail Address: lewis@ci.depoe-bay.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, or by emailing **larry.french@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 **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

ORDINANCE NO. 287

CITY OF DEPOE BAY

AN ORDINANCE AMENDING ORDINANCE NO. 24 (ZONING ORDINANCE), AS AMENDED; ENACTING PROVISIONS REQUESTED AS RESULT OF REVIEW OF THE DEPOE BAY ZONING ORDINANCE BY THE CITY OF DEPOE BAY, PURSUANT TO REVIEW BY THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the Depoe Bay Planning Commission has reviewed the Zoning Ordinance and considered proposed revisions and additions thereto; and

WHEREAS, the Oregon Department of Land Conservation and Development (DLCD) has reviewed proposed revisions to the Zoning Ordinance; and

WHEREAS, the Depoe Bay Planning Commission held public hearings on September 9, 2009, October 14, 2009, November 4, 2009, and December 9, 2009 to obtain public comment on proposed revisions to the Zoning Ordinance; and

WHEREAS, the Depoe Bay Planning Commission, after considering public testimony, approved certain changes to the Zoning Ordinance and has recommended those changes to the Depoe Bay City Council; and

WHEREAS, the Depoe Bay City Council held public hearings on February 16, 2010 and April 6, 2010 and has concluded deliberations on the recommended changes to the Zoning Ordinance, including considering public testimony and staff recommendations;

NOW, THEREFORE, the City Council of the City of Depoe Bay ordains as follows:

Ordinance No. 24, as amended, is hereby amended in the following particulars: / /

- a. References to Oregon Revised Statutes (ORS) are revised to delete the reference to a specific ORS edition and chapter, and replace it by referencing the "applicable statute of the latest ORS". The following sections are revised:

Section 1.030 Definitions:

35. Comprehensive Plan; 36. Condominiums; 39. Day Care Facility; 72. Forest Products; 89. Livestock; 107. Manufactured Dwelling; 125. Partition; 126. Partition Land; 142. Residential Facility; 174. Time-Share Project, Pre-Existing

Section 3.340. Timber Conservation Zone T-C

Opening paragraph; 3.340(1)(e); 3.340(1)(i); 3.340(1)(l); 3.340(1)(n); 3.340(2)(h); 3.340(2)(j); 3.340(2)(k); 3.340(5)(b)

Section 4.400. Standards and Requirements for Condominiums and Time Share Projects

4.400(1); 4.400(2)

Section 4.700. Siting Standards for Manufactured Homes

4.700(1)(e)

Section 4.830. Protection of Historic and Archeological Sites
4.830(2)(b)

Section 6.070. Standards Governing Conditional Uses
6.070(3)(d); 6.070(9)

Section 10.015. Application Procedures

Section 10.050. Notice of Public Hearing
10.050(1)

Section 10.060. Conduct of Quasi-Judicial Public Hearings
10.060(9)

Section 14.090. Procedure for Subdividing, Partitioning or Replatting Land
14.090(10)(c)

Section 14.100. Plat Requirements
14.100(1)

Section 14.110. Standards and Procedures for Property Line Adjustments
14.110(2)(b)(1)

- b. Section 1.030 Definitions is amended by the addition of the following definition, with the definition inserted in alphabetical order and all definitions renumbered accordingly:
- “75. Fractional Ownership: Real property where multiple (two or more) people or entities share the ownership and typically gives the owners certain privileges, such as a number of days or weeks when they can use the property. In residential zones, a fractional ownership shall not be operated as a Tourist Accommodation/or/for Transient or Short-Term Occupancy, i.e. if the periods of occupancy by any person are less than 30 consecutive days and the arrangement provides consideration to the operator.”
- c. Section 1.030 Definitions is amended by inserting existing Subsection 107(a)(3) Manufactured Home as a separate definition numbered 1.030.108, and renumbering all definitions accordingly.
- d. Section 3.010. Residential Zone R-1, Subsection 1 Uses Permitted Outright is amended by adding the following outright permitted use and re-lettering the other outright permitted uses accordingly:
“b. Manufactured home.”
- e. Section 3.020. Residential Zone R-2, Subsection 1 Uses Permitted Outright, Subsection b is amended in its entirety to read:
“b. Manufactured home.”

- f Section 3.030. Residential Zone R-3, Subsection 1 Uses Permitted Outright, Subsection b is amended in its entirety to read:
 "b. Manufactured home, including single-wide mobile homes."
- g Section 3.040. Residential Zone R-4, Subsection 1 Uses Permitted Outright, Subsection b is amended in its entirety to read:
 "b. Manufactured home."
- h Section 3.050. Residential Zone R-5, Subsection 1 Uses Permitted Outright, Subsection b is amended in its entirety to read:
 "b. Manufactured home."
- i Section 3.360. Coastal Shorelands Overlay Zone C-S, Subsection 4 Procedure is amended in its entirety read:
 "4. Procedure: Applicants requesting approval for any development action within the areas subject to the provisions of the C-S zone shall submit, along with any application, a detailed site plan and/or written statement demonstrating how the proposed activities will conform to each of the applicable standards contained in the C-S zone. The Planning Commission shall review the application to determine if each of the applicable criteria are met. Planning Commission review of such applications shall proceed in accordance with the applicable provisions of Articles 6, 7, 8, 9, 10 and 13 of this ordinance. Building permit applications that do not enlarge or extend existing structures nor have any ground disturbing activities are exempt from Planning Commission review."
- j Section 10.017. Survey Requirements, opening paragraph is amended in its entirety to read:
 "At the time an application for a permit is submitted for structural improvements which require compliance with setback requirements, the City may require that the applicant provide a copy of a recorded survey which identifies the location of the property line(s) from which the setback is applicable. At the request of the city, the applicant shall also provide:"
- k Section 10.050. Notice of Public Hearing, Subsection 2 Quasi-Judicial Hearing is amended by adding the following subsection:
 "k. Notice of a quasi-judicial public hearing shall be published in a newspaper of general circulation in the City at least ten days prior to the date of the hearing."
- l Section 13.060. Determination of Compliance is amended by adding the following subsection:
 "5. Authorization of a geologic hazards permit shall be void after five (5) years unless substantial construction pursuant thereto has taken place."
- m Section 14.040. General Requirements and Minimum Standards of Development Design, Subsection 6 Public Streets is amended by adding the following subsection:
 "e. The City of Depoe Bay shall only be responsible for maintenance of a public street when the street is accepted by the City Council through dedication. A street that is accepted by the City Council through dedication shall be referred to as a 'City Street'."

n Section 14.040. General Requirements and Minimum Standards of Development Design, Subsection 2 Performance Agreement is deleted in its entirety and the remaining subsections are renumbered accordingly.

o Section 14.090 Procedure for Subdividing, Partitioning or Replatting Land, Subsection 3 Tentative Plan Application and Review for Subdivisions and Partitions is amended in its entirety to read:

" The procedure for application and review of the tentative plan of a subdivision, and the procedure for application and review of the tentative plan for a partition shall be as set forth in Article 10, Section 10.025(3)."

p Section 14.090. Procedure for Subdividing, Partitioning or Replatting Land, Subsection 7 Certifications Required for Final Approval, Subsection e is amended in its entirety to read:

"e. A plat and one exact copy meeting the requirements of Section 14.100 and the applicable statute of the latest ORS."

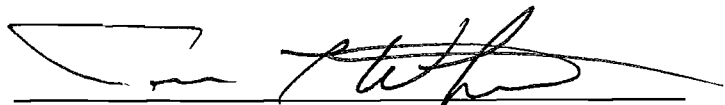
WHEREAS, the adoption of this ordinance is necessary to preserve the peace, health, safety and welfare of the citizens of the City of Depoe Bay, an emergency is hereby declared to exist and this ordinance shall be in full force and effective immediately upon its adoption by the City Council of the City of Depoe Bay and approved by the Mayor.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay, Oregon, on this 4th day of May, 2010.


Passed at the second reading, placed on final passage, and adopted by the City Council of the City of Depoe Bay, Oregon, on this 4th day of May, 2010.

Approved by the Mayor of the City of Depoe Bay, Oregon, this 5th day of May, 2010.

CITY OF DEPOE BAY



Mayor James White

ATTEST: 
City Recorder

CITY OF DEPOE BAY
P.O. Box 8
Depoe Bay, OR 97341

Address Service Requested



ATTENTION: PLAN AMENDMENT SPECIALIST
DEPT OF LAND CONSERVATION AND
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

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