



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

12/07/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Jefferson Plan Amendment
DLCD File Number 001-10

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, December 21, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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: Jim Jacks, City of Jefferson
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA



FORM 2

DLCD **HAND DELIVERED** DEPT OF

Notice of Adoption

In person electronic mailed

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NOV 30 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Jefferson**

Local file number: **ZTA 2010-01**

Date of Adoption: **8/26/10**

Date Mailed: **11/30/10 hand delivered**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4/20/10

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".

City initiated amendments to the Zone Code to clarify procedures and amend comment, mailing and appeal time periods to be consistent with time periods set forth in ORS 197 and ORS 227.

Does the Adoption differ from proposal? No.

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
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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 file No. _____

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

Local Contact: **Jim Jacks, Mid-Willamette Valley COG** Phone: (503) 540-1619 Extension: NA
Address: 105 High St. SE Fax Number: 503-588-6094
City: Salem, OR Zip: 97301 E-mail Address: jjacks@mwvcog.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD** 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE #668

AN ORDINANCE AMENDING THE JEFFERSON DEVELOPMENT CODE; TO CLARIFY PROCEDURES AND AMEND TIME PERIODS

WHEREAS, on June 3, 2010, the Planning Commission conducted a public hearing regarding Planning File No. Zone Text Amendment 10-01, an application by the City of Jefferson to amend the Jefferson Development Code, to clarify procedures and amend time periods, at which time the public was given a full opportunity to be present and heard on the matter; and

WHEREAS, on June 3, 2010, the Planning Commission considered the information provided by City staff and the public, and upon deliberation, voted to recommend the City Council approve the proposed amendments; and

WHEREAS, on July 22, 2010, the City Council conducted a public hearing regarding Planning File No. Zone Text Amendment 10-01, an application by the City of Jefferson to amend the Jefferson Development Code, to clarify procedures and amend time periods, at which time the public was given a full opportunity to be present and heard on the matter; and

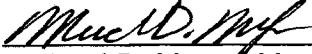
WHEREAS, on July 22, 2010, the City Council considered the information provided by City staff and the public, received the recommendation of the Planning Commission, and upon deliberation, voted to approve the proposed amendments.

NOW THEREFORE, THE CITY OF JEFFERSON, OREGON, ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Jefferson does hereby amend the Jefferson Development Code adopting language for the shown Development Code sections contained in the attached document identified as Exhibit "A" and by this reference made a part hereof.

Section 2. The City Council of the City of Jefferson does hereby adopt those certain findings of fact, conclusionary findings and supporting documentation attached hereto as Exhibit "B" and by this reference made a part hereof.

Enacted by City Council: August 26, 2010
Effective: September 25, 2010



Michael D. Myers, Mayor

ATTEST:



Sarah Cook, City Recorder

EXHIBIT "A"

Zone Code Text Amendments Case No. ZTA 2010-01

12.08.080 Procedures for amending the Development Code and comprehensive land use plan.

- A. A proposal to amend the Development Code or comprehensive land use plan including text, map designations, policies, or urban growth boundary, may be initiated by the Planning Commission, City Council, or by petition of owners as described in Section 12.76.040. Such proposals shall be considered under Type C procedures as outlined in Section 12.72.050 or by legislative action procedures as provided for in Section 12.08.100 -- 12.08.140.

- B. The City Council, with the recommendation of the Planning Commission, may adopt a schedule to limit the number of times annually for consideration of proposals for Comprehensive Plan amendments. If an emergency is declared by a vote of the City Council, amendments may be considered at any time. In determining that an emergency exists, the Council shall adopt findings that the public interest would be best served by considering a Comprehensive Plan amendment request.

12.32.110 City recorder--Permit responsibilities.

- A. Designation of the City Recorder. The City Recorder is appointed to administer and implement this chapter by granting or denying floodplain development permit applications in accordance with its provisions. The City Recorder shall decide floodplain development permits as a Written Comment action, except that no comment period shall be provided and the City Recorder shall mail the decision only to the applicant. No appeal is allowed because the decision maker exercises no discretion in making the decision. If discretion would be used in the decision, the Written Comment process with a comment period shall be used and the decision shall be mailed to the applicant and to those who commented and it shall include information on how to appeal the decision.

- B. Duties and Responsibilities of the City Recorder. Duties of the City Recorder shall include, but not be limited to:
 - 1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 - 2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and
 - 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 12.32.180 are met.

12.60.090 Recreation vehicle (RV) park.

RV parks shall be built to state standards in effect at the time of construction and shall comply with the following additional standards:

- A. The space provided for each RV shall be not less than seven hundred (700) square feet exclusive of any space used for common areas such as roadways, general use structures,

walkways, parking spaces for vehicles other than RVs and landscaped areas.

- B. Roadways shall be not less than thirty (30) feet in width if parking is permitted on the margin of the roadway, or less than twenty (20) feet in width if parking is not permitted on the edge of the roadway, shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each RV space.
- C. A space provided for an RV shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide runoff of surface water. The part of the space which is not occupied by the recreation vehicle, not intended as an accessway to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- D. An RV space shall be provided with piped potable water and sewage disposal service. An RV staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
- E. An RV space shall be provided with electrical service.
- F. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
- G. For an RV that is not occupied as a residential dwelling or is not lawfully connected to water, electrical or sewage systems, the RV shall remain in the park for no more than sixty (60) days in any ninety (90) day period.
- H. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per RV space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
- I. The park shall provide toilets, lavatories and showers for each sex in the following ratios: for each fifteen (15) recreational vehicle spaces or any fraction thereof: one toilet, one urinal, one lavatory and one shower for men; and one toilet, one lavatory and one shower for women. The toilets and shower shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings or, if in the same building, shall be separated by a soundproof wall.
- J. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and fifteen (15) square feet of space for clothes drying lines for each ten (10) recreation vehicle spaces or any fraction thereof.
- K. Building spaces required by subsections I and J of this section shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature no lower than sixty-five (65) degrees Fahrenheit, shall have floor of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall

be provided with adequate floor drains to permit easy cleaning.

- L. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height.
- M. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.
- N. Parks located in a commercial zone are required to comply with the standards for an agricultural zone district for lot area, lot dimensions, lot coverage, and setback/yard requirements.

12.72.020 Application submission.

Completed applications and appropriate fees shall be submitted to the City Recorder.

12.72.030 Type A procedures.

Type A actions are decided by the Planning Commission. A public hearing is not required. The City Recorder shall mail a public notice to all property owners within one hundred (100) feet of the subject property stating a Type A application has been received and if they have written comments, they must be received by the City Recorder within 15 days from the day the notice was mailed. The applicant shall supply the list of names and addresses of property owners to receive the notice. The mailing list must be certified by the applicant as accurate and complete as obtained from current county assessor's records. The City Recorder shall mail notice of a Type A decision to the parties that commented during the 15 day comment period. The notice shall state the parties are provided a 15 day appeal period. An appeal shall be in writing and must be received by the City Recorder within the 15 day appeal period. An appeal is decided by the City Council. If no appeal is filed within the 15 day appeal period, the decision becomes effective on the 16th day after the mailing of the notice of the decision.

12.72.040 Type B hearing procedures.

- A. Type B actions are decided by the Planning Commission. The Planning Commission holds a public hearing pursuant to this chapter before the decision is made. The City Recorder shall mail a public notice of the hearing to all property owners within three hundred (300) feet of the subject property. The applicant shall supply the list of the names and addresses of property owners to receive the notice. The mailing list must be certified by the applicant as accurate and complete as obtained from the current county assessor's records.
- B. At the public hearing, the Planning Commission shall consider the staff report and the applicant and interested persons may present testimony relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved or proposing modifications that are necessary for approval. The Planning Commission may attach conditions in granting an approval if the Planning Commission determines the conditions are necessary for the approval criteria to be met; or to mitigate detrimental effects to others. The Planning Commission shall pass an oral motion directing staff to prepare a Planning Commission Order approving, approving with conditions or denying the application.

The Order shall include findings addressing the relevant criteria of the Development Code. The Planning Commission Chair or Vice-Chair shall sign the Order.

12.72.050 Type C hearing procedures.

- A. Type C actions are decided by the City Council. The Planning Commission holds a public hearing pursuant to this chapter before making a recommendation to the City Council. The City Council holds a public hearing pursuant to this chapter before the decision is made. The City Recorder shall cause a public notice to be published in a newspaper of local circulation pursuant to this chapter, and for quasi-judicial Type C actions, shall mail a public notice for each of the hearings to property owners within three hundred (300) feet of the subject property. The applicant shall supply the list of the names and addresses of property owners to receive the notice. The mailing list must be certified by the applicant as accurate and complete as obtained from current county assessor's records.
- B. At the public hearings, the Planning Commission shall consider the staff report, and the applicant and interested persons may present testimony relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved or proposing modifications they believe are necessary for approval. The Planning Commission shall pass an oral motion directing staff to prepare a Planning Commission Order recommending approval, approval with conditions or denial of the application. The Order shall include findings addressing the relevant criteria of the Development Code. The Planning Commission Chair or Vice-Chair shall sign the Order. The Planning Commission recommendation shall be included in the staff report to the City Council.
- C. The City Council shall conduct a public hearing within 60 days of the signing of the Planning Commission Order.
- D. The City Council shall adopt findings addressing the relevant criteria of the Development Code and in doing so may adopt findings different than the Planning Commission's findings. The City Council may delete, add, or modify any of the provisions pertaining to the application, or attach conditions in granting an approval if the City Council determines the conditions are necessary for the approval criteria to be met or to mitigate detrimental effects.
- E. Type C decisions shall be by passage of a resolution, or an ordinance for amendments to the comprehensive plan text or map or to the development code text.

12.72.060 Type of procedure by application.

Applications submitted to the City shall be processed according to the procedure listed below.

- A. The following changes or activities do not require any application to the City or review:
 - 1. Change in owner, tenant, or occupant without change in use.
 - 2. Change in use within a category of use as listed in the relevant section of the Development Code (e.g. 12.12.040 and 12.30.030)
 - 3. Operation of a group child day care home as defined by ORS 418.805 or a residential home as defined by ORS 443.400 that does not require a building permit.
- B. The following activities shall be reviewed by the development official without notice or

hearing:

1. Construction, alteration or expansion of detached single-family dwellings and duplexes;
 2. Construction of the first accessory building in a residential zone.
 3. Accessory dwellings within the Mixed Use Zone
- C. Written Comment Procedure. This procedure shall be used to process applications for the following activities:
1. Change of use of an existing building from one category of use to a different category of use as listed in the relevant section of the Development Code (e.g. 12.12.040 and 12.30.030).
 2. Expansions of a building (other than a single-family dwelling or duplex) by 400 square-feet or less which comprises less than 25% of the existing area.
- D. Type A Procedure. This procedure shall be used to process applications for the following activities:
1. Site Plan Review for new buildings intended for uses listed as permitted uses, Sections 12.12.040, 12.12.050, and 12.30.030;
 2. Site Plan Review for accessory dwellings outside of the Mixed Use Zone
 3. Site Plan Review for expansions of a building (other than a single-family dwelling or duplex) by more than 400 square-feet or greater than 25% of the existing area; and
 4. Partitions.
 5. Property Line Adjustment.
 6. Time Extension for Restoration of a Nonconformity allowed in Section 12.92.030,D.
- E. Type B Procedure. This procedure shall be used to process the following applications:
1. Conditional Use Permits for activities listed as conditional uses, Sections 12.12.040, 12.12.050 and 12.30.040;
 2. Subdivisions;
 3. Variances to required standards;
 4. Development on nonconforming lots or nonconforming developments; and
 5. Interpretation of the Comprehensive Plan or Development Code.
- F. Type C Procedure. This procedure shall be used to process the following applications:
1. Annexations;
 2. Development Code text amendments;
 3. Zone changes;
 4. Comprehensive Plan amendments, including map designations;
 5. Vacations of publicly owned property; and

12.72.070 Responsibility for hearings.

The City Recorder shall carry out the following duties pertaining to a hearing, all in accordance with other provisions of the Development Code:

- A. Schedule and assign the matter for review and hearing;
- B. Conduct the correspondence of the hearing body;
- C. Mail required notices of public hearings at least twenty (20) days before the evidentiary

hearing or ten (10) days before the first evidentiary hearing if two or more are allowed;

- D. Provide advance notice of all hearings and written decisions to persons requesting the same and not entitled to such by this chapter, provided that such persons pay the actual cost for the service provided as established by the City (applicants excepted).

12.80.010 Partitionings.

The applicant shall submit the original application form and 5 copies; one reproducible copy and 10 copies of the tentative plan; one original and 5 copies of a written narrative; the written narrative shall also be provided in a word processing format accessible by the City and emailed to the City Recorder (a pdf file format is not acceptable); one set of assessor's maps; and the appropriate filing fees to the City Recorder. No partition final plat may be accepted by the City until the Planning Commission has approved the tentative plan. The application and tentative plan materials shall include the following information:

- A. Vicinity map;
- B. Names, addresses and telephone numbers of the landowner(s), developer(s) and mortgagee(s), the engineer or surveyor;
- C. North arrow, scale and date of preparation;
- D. Deed showing the owner of the subject property and a legal description of the subject property;
- E. Statement of proposed use for each parcel;
- F. Location, width and improvements of the street(s) serving the parcel;
- G. Location and size of public services to the proposed parcels, including, but not limited to sanitary sewer, storm sewer, and water, including the associated facilities such as fire hydrants, pumps, pump stations, vaults, manholes, valves, and catch basins;
- H. Location of building(s) to be demolished and to remain, slope of the land, drainage ways, natural features (marshes, rock outcroppings, trees, etc.) and easements;
- I. The proposed parcel lines, dimensions and area of all proposed parcels;
- J. Any areas within the 100-year flood plain;
- K. Tax lot, assessor's map number, township and range of the subject property;
- L. One set of full size (about 2 feet by 2 feet) assessor's maps covering the subject property and the notification area around the subject property;
- M. Location and size of private utilities, including power, telephone, natural gas and cable, and their associated facilities.
- N. A written narrative stating how the proposed partition meets the Development Code

requirements;

- O. The use of the properties abutting the subject property;
- P. Other information deemed by the City to be necessary, including but not limited to a traffic impact analysis, wetlands analysis, geo-technical analysis, homeowners association by-laws, and conditions, covenants and restrictions.

12.80.020 Staff review.

The application shall be reviewed by the city to determine if it is complete.

12.80.030 Planning Commission action.

A. The Planning Commission shall consider the proposed partitioning in a Type A procedure at a meeting (no public hearing required). The Planning Commission may approve, approve with conditions or deny the application. The Planning Commission shall adopt findings and conclusions in support of the decision.

B. The Planning Commission shall deny an application for partitioning when it appears the partitioning is part of a plan or scheme to create more than three parcels over time without going through the subdivision process, or is part of a development pattern having the effect of creating more than three parcels over time without subdividing.

12.80.040 Partitions--Final plat.

A. The applicant shall submit a mylar final plat to the City. The mylar final plat shall comply with the tentative plan approval, the Development Code, Oregon Revised Statute 92, Subdivisions and Partitions, and Oregon Revised Statute 209, County Surveyors, and any Marion County Surveyor's Office requirements.

B. Filing or recording of separate legal documents to achieve compliance with the tentative plan or Development Code may be permitted by the City Recorder when it can be shown that placing such information on the final plat is not required to achieve compliance with the tentative plan or the Development Code. When a separate legal document is filed describing a geographically based restriction (such as an easement) the described areas shall be marked with a colored ink (other than black), on the City's paper copies of the final plat. A description of, or reference to, any other restrictions attached to the partition shall also be noted on the City's paper copies.

12.80.050 Property line adjustment survey.

A property line adjustment may be processed with a site plan approval. After the site plan approval, a draft survey of the adjusted property line shall be submitted to and reviewed by the City to ensure it complies with the Planning Commission's site plan decision and then recorded by the applicant at the County Surveyor's Office.

12.80.060 Approval signatures for partition final plat.

Prior to recordation with the recording officer of Marion County, the applicant shall provide to the City Recorder two full size paper copies (about 18 by 22 inches) of a draft partition final plat prepared by the surveyor. If the draft is in compliance with the tentative plan approval,

and all required public facility improvements have been completed the City Recorder will notify the applicant it is in compliance and the surveyor may prepare the mylar final plat. If it is not in compliance, the City Recorder shall notify the applicant of the needed changes. The applicant shall submit the mylar final plat to the City Recorder and if it complies with the tentative plan approval, the City Recorder may sign the final plat in the signature block, designating the City's approval of the final plat. The signed mylar final plat shall be forwarded to the county surveyor for review and forwarded to the County Recorder for recording. No later than 2 weeks after the recording the applicant shall submit to the City two full size paper copies of the recorded final plat for the City's files. The City shall issue no building permit, construction permit or other permit for the properties shown on the final plat until the City receives the 2 paper copies of the recorded final plat.

12.80.090 Submission of tentative plan.

The applicant shall prepare a tentative plan and other supplemental material as may be required to indicate the general program and objectives of the project, and shall submit the tentative plan and supplemental materials to the City Recorder with the appropriate fee.

12.80.210 Information submittal deadline.

The staff report to the Planning Commission shall be available at least 7 days prior to the Planning Commission meeting.

12.92.030 Partially destroyed nonconforming buildings or structures.

- A. If any nonconforming building or structure in any district established by the Development Code is removed or destroyed voluntarily, every building, structure or use occupying the premises thereafter shall conform to the regulations of the district in which it is located.
- B. Whenever, in any district, a nonconforming building or structure is damaged or destroyed by means in excess of sixty (60) percent of the replacement value of the building or structure, repairs or reconstruction shall be made to conform to all regulations, including use regulations, of the district in which it is located, except for residential uses.
- C. Whenever, in any district, an owner-occupied residence is damaged or destroyed by any means, the owner may repair or replace the structure, provided it remains as a residence of the owner occupant. All repairs or reconstruction may comply with existing building codes and regulations. If the owner occupant determines not to rebuild or repair, but to sell the property in question, then all new buildings or structures must conform with all regulations, including use regulations, of the district in which it is located.
- D. In the event such damage or destruction by any means is sixty (60) percent or less of the replacement value of the building or structure, only the building structure or use which existed at the time of such partial destruction may be restored and continued; provided, however, such restoration is started within a period of six months from the date of such damage or destruction and is diligently prosecuted to completion. The Planning Commission, using the Type A process, upon a written request of the applicant, may extend the period six months, but not in excess of eighteen (18) months from the date of the damage or destruction.

EXHIBIT "B"

Findings Case No. ZTA 2010-01

1. The proposed amendments to the Jefferson Development Code (JDC) are a legislative action, not a quasi-judicial action. Section 12.72.060, F, 2 (Type of Procedure by Application) calls for amendments to the Development Code to be processed as a Type C action (Planning Commission hearing and recommendation to the City Council with a hearing and decision by the City Council).

2. Section 12.08.080 (Procedures For Amending the Development Code, Comprehensive Land Use Plan, and Urban Growth Boundary) calls for a legislative action to be processed in accordance with Sections 12.08.100 to 12.08.140.

3. Section 12.08.090, B, requires amendments to the JDC to be accompanied by findings of compliance with the relevant objectives and policies of the Comprehensive Plan.

Conclusion: The objectives and policies of the Comprehensive Plan were reviewed and none were found to apply to the proposed procedural amendments.

4. The Statewide Planning Goals were reviewed and Goal 2, Land Use Planning, was found to apply. Goal 2 states, in part:

The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units. All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Conclusion: The proposed amendments will ensure the procedural elements of the JDC are consistent with and are adequate to implement the comprehensive plan. The proposed amendments will ensure the implementation measures are coordinated with the comprehensive plan. Some of the current JDC language is not consistent with ORS 197 (Comprehensive Land Use Planning and Coordination) and 227 (City Planning and Zoning). The proposed amendments will bring the JDC into conformance with ORS 197 and 227.

5. On June 3, 2010 the Planning Commission held a public hearing on the proposed amendments. The staff report was presented. No one from the audience testified. Upon close of the hearing the Planning Commission discussed and deliberated on the issues and passed a motion recommending the City Council grant the proposed amendments.

6. Overall conclusion: The comprehensive plan policies were found to not apply and the proposed amendments comply with the applicable Statewide Planning Goals.