



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

05/01/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Waldport Plan Amendment  
DLCD File Number 001-11

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, May 15, 2012

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 Waldport  
Gordon Howard, DLCD Urban Planning Specialist  
Dave Perry, DLCD Regional Representative  
Christine Shirley, DLCD Natural Hazards/Floodplain Specialist  
Gary Fish, DLCD Transportation Planner

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

DEPT OF

APR 25 2012

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 Waldport**

Local file number:

Date of Adoption: **4/12/2012**

Date Mailed: **4/16/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 12/5/2011

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".

Five amendments:

- A. Street Hammerheads (Vehicle Turnaround) required by the City and Fire District.
- B. Chickens and Ducks allowed with restrictions.
- C. Geologic Hazards Report required on slopes of 20% or greater.
- D. Landscaping and underground utility requirements in commercial zones.
- E. Townhouses allowed as a conditional use.

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

Original landscape and underground utility requirement was for industrial zone as well as commercial zones.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **Citywide**

Acres Involved: **0**

Specify Density: Previous: **NA**

New: **NA**

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>
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

DLCD File No. 001-11 (19080) [17015]



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:

*City of Waldport, Oregon Dept. of Land Conservation & Development*

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

Phone: (541) 264-7417 Extension: 3

Address: PO Box 1120

Fax Number: 541-264-7418

City: Waldport

Zip: 97394-

E-mail Address: [larry.lewis@waldport.org](mailto:larry.lewis@waldport.org)

## ADOPTION SUBMITTAL REQUIREMENTS

**ordinance(s) must be submitted to DLCD within 5 working days after the ordinance has been signed by**  
**per ORS 197.615 and OAR Chapter 660, Division 18**

2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. \_\_\_\_\_  
address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. ~~Submit one complete paper copy via United States Postal Service, express, return or hand~~  
Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

SALEM, OREGON 97301-2540

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

**ORDINANCE NO. 735**

AN ORDINANCE OF THE CITY OF WALDPORT REVISING TITLE 16 OF THE WALDPORT MUNICIPAL CODE BY AMENDING CHAPTER 16.04, SECTION 16.04.030; CHAPTER 16.12, SECTION 16.12.010(D); CHAPTER 16.16, SECTION 16.16.020; CHAPTER 16.28, SECTION 16.28.030(F); CHAPTER 16.30; CHAPTER 16.72; CHAPTER 16.84; CHAPTER 16.96, SECTIONS 16.96.020 AND 16.96.030; AND 16.100, SECTION 16.100.100(A) 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 January and February of 2012 by the Waldport Planning Commission and in March of 2012 by the Waldport City Council,

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

- Section 1. Section 16.04.030 "Definitions" is hereby amended to add the following definitions: "Townhouse" means a residential dwelling, attached or detached, in which each residential dwelling unit has a minimum of two accesses to the outside, no unit or portion thereof is located over another unit or portion thereof, each unit is either detached from any other unit or separated from any other unit by one or more common walls, and each unit has its own underlying townhouse lot. "Townhouse Lot" means the underlying real estate associated with a townhouse. "Townhouse Parent Lot" means the legal lot or lots in existence prior to the townhouse development.
- Section 2. Section 16.12.010(D) is hereby amended to read as follows: "Agricultural use of land provided that no livestock shall be raised or kept on the premises and provided further that no commercial structure shall be constructed or maintained on the premises. For purposes of this Section 16.12.010, chickens and ducks are not considered to be livestock. The keeping of chickens and ducks are subject to provisions of Chapter 16.72, Supplementary Regulations."
- Section 3. Section 16.16.020 is hereby amended to read as follows: "Conditional Uses Permitted. In an R-2 zone, the following uses and their accessory uses may be conditionally permitted subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title: A. A use permitted as a conditional use in the R-1 zone; B. Townhouses; and C. Bed and Breakfast Inns."
- Section 4. Section 16.28.030(F) is hereby amended to read as follows: "Landscaping and Underground Utilities Required. 1. Applicability. At the time a building is



erected, enlarged, or the use is changed to the point of requiring additional approval from the City, landscaping shall be provided in the C-1, C-2, and D-D zones. Where landscaping is required, the property owner or applicant shall submit a landscaping plan at the time of application for development.

2. Landscaping Plan Required. All landscape plans shall show the following:

- a. The location and height of existing and proposed fences, buffering or screening materials;
- b. The location of existing and proposed terraces, retaining walls, decks, patios, and shelters;
- c. The location, size, and species of the existing and proposed plant materials;
- d. Existing and proposed building and pavement outlines;
- e. Anticipated planting and maintenance schedule.

3. Landscape Area Standards. The minimum percentage of required landscaping equals:

- a. D-D Downtown District Zone: 0 percent of the site.
- b. C-1 Retail Commercial Zone: 10 percent of the site.
- c. C-2 General Commercial Zone: 10 percent of the site.

4. Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers (bark dust, chips, aggregate, etc.), and outdoor hardscape features (patios, decks, plazas, etc.).

- a. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements.
- b. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers may be used for all planted areas, the selection of which shall be based on climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth. New vegetation shall be of sufficient size when planted to have an immediate visual enhancement of the property.
- c. "Non-native Invasive" Plants currently listed as non-native invasive plants by the Oregon State University (OSU) Extension Service for Lincoln County, shall be removed during site development. The planting of invasive species is prohibited.
- d. Storm Water Treatment Facilities (e.g., detention/retention ponds and swales) shall be landscaped with water-tolerant, native plants.

5. Landscape Guidelines and Design Standards. All yards, parking lots, and required street planter strips shall be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, and wind buffering, based on the following criteria:

- a. Yard Setback Landscaping. Landscaping in yards shall:
  - 1) Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
  - 2) Retain natural vegetation;
  - 3) Pedestrian facilities shall be provided
    - 1) within adjacent right-of-way along the property frontage that abuts a street,
    - 2) between primary building entrances and pedestrian facilities within adjacent right-of-way or other designated pedestrian facilities.Define pedestrian pathways and open space areas with landscape materials.
- b. Parking areas. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall conform to the criteria in Section 5.a above. "Evenly distributed" means that the trees

and other plants are distributed around the parking lot perimeter and between parking bays. c. Buffering and Screening Required. Buffering and screening are required under the following conditions: 1. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure 3-4 feet in height shall be established between street and driveway. 2. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing, service and delivery areas, and outdoor garbage containers shall be screened from view from all public streets and adjacent residential districts. When these or other areas are required to be screened, such screening shall be provided by: a) a decorative wall (i.e., masonry or similar quality material), b) evergreen hedge, c) opaque fence, or d) a similar feature that provides an opaque barrier. Walls, fences and hedges shall comply with the vision clearance requirements in accordance with Section 16.72.010 and 16.72.040(B) for standards specific to fences and walls. 6. Planting Schedule and Maintenance. Planting shall occur within one year following substantial completion of building construction. Plants shall be maintained in a healthy and groomed condition. Planting shall be maintained so as to not create a hazard to the public or to persons or property on or near the property. If the plantings fail to survive, the property owners shall replace them with an equivalent specimen. All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. 7. Underground Utilities. All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.”

Section 5. Section 16.30 “Downtown District D-D” is hereby amended by adding the following: “16.30.110 Landscaping and Underground Utility Standards. In addition to standards required in this section, Section 16.28.030(F) Landscaping and Underground Utilities shall apply in the D-D Zone.”

Section 6. Section 16.72 “ Supplementary Regulations” is hereby amended by adding the following: “16.72.130 Standards for the Keeping of Chickens and Ducks. The purpose of this section is to allow for a limited number of chickens and/or ducks on certain properties with standards in order for chickens and/or ducks to assist in insect control and provide eggs for food. The following standards shall be required for the keeping of chickens and/or ducks as allowed by Section 16.12.010 of this title. A. A permit shall be



obtained from the City prior to the keeping of chickens and ducks on properties within the City. B. The keeping of chickens and ducks shall be permitted on properties used for single-family and two-family residential purposes or on C-1 and C-2 properties. Chickens and ducks shall be contained on the same premises where the owner of the birds resides. C. Properties that are one-half acre or less are allowed no more than a combination of six (6) chickens and ducks. Properties exceeding one-half acre are allowed no more than a combination of ten (10) chickens and ducks. D. The keeping of roosters and drakes shall be prohibited. E. Chickens and ducks shall be contained within the premises throughout the day. Chickens and ducks shall be contained throughout the night within an enclosed coop or other structure to prevent dogs, coyotes, cats, raccoons, and other predators and pests from accessing the birds. Enclosures containing the chickens and/or ducks that are separated from the main building may be located within five (5) feet of a rear property line if the structure is no more than fifteen (15) feet in height. Structures over fifteen (15) feet must meet the standard setbacks. F. Food for chickens and ducks shall be stored in a secure area free of vermin and not accessible to bears, raccoons, or other scavengers. When food is secured for the night, all food containers shall be secured. G. Chicken and/or duck enclosures shall be kept in a good working and sanitary condition, and shall not cause odor or noise nuisances.”

Section 7. Section 16.84 “Conditional Uses” is hereby amended by adding the following: “N. Townhouses. The purpose of townhouse developments is to encourage and promote creativity and innovation in site planning, design and development through the application of flexible land development standards. Application of the townhouse development procedure is intended to: + Allow for different ownership patterns by allowing townhouses in certain zones subject to specific development standards, to regulate the development of townhouses, and to outline specific development criteria and design parameters to protect public health, safety, and welfare; + Allow for and encourage development designs which provide suitable recognition of the physical, topographic, cultural, historical and natural resource values and constraints present on a particular site; + Permit greater flexibility in the siting of buildings and other physical improvements and in the mixing of housing types in order to accomplish desirable design objectives; and + Ensure that development occurs in a manner consistent with the intent and purpose of the goals and policies of the Comprehensive Plan. Townhouses are subject to the standards identified below: 1. Overall residential density shall be as provided for in the applicable use zone or zones, i.e. the maximum number of townhouse dwelling units shall not exceed that allowed by the applicable zone. Density shall be computed based on the total gross land area of the subject property, excluding area devoted to commercial or other nonresidential uses. 2. Yards, setbacks, lot area, lot width, and lot depth

requirements may be reduced, adjusted or otherwise modified. The exception to this is that all perimeter yards of the townhouse development that abut a lot in a residential zone shall adhere to the minimum yard requirements. 3. The lot coverage for individual lots may exceed the maximum lot coverage of the applicable zone. The maximum lot coverage of the parent lot may not exceed the maximum lot coverage allowed in the underlying zone. 4. All electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground. Satellite dishes, solar panels, and similar facilities that are only able to operate aboveground are exempted from this provision. 5. The City may require easements necessary for orderly extension of public utilities to future adjacent developments. 6. Common areas and structures reserved for use by owners or tenants and their guests must be subject to an association of owners or tenants created to form a non-profit corporation under the laws of the State of Oregon. Said association shall be formed and continued for the purpose of maintaining such common areas and structures. 7. Townhouse developments shall provide sidewalks along street frontages. Sidewalks shall be of a design and location acceptable to the City for the purpose of pedestrian use and drainage control. 8. Townhouse developments that include division of land are subject to applicable provisions of Chapter 16.100 Land Divisions.”

Section 8. Section 16.96.020 “Scope” is hereby amended to read as follows: “Development guidelines shall apply to those areas of concern delineated on the City of Waldport zoning map and in its comprehensive plan and plan inventories or any area determined potentially hazardous by the Planning Commission and shall also apply to any property that has a 20% slope or greater. A. A property has a 20% slope or greater if: 1. The average slope from the highest to lowest point of the property has a slope of 20% or greater or; 2. The average slope of the building footprint or area to be disturbed is 20% or greater. B. Development guidelines shall also apply to those properties where a 30% or greater slope is within 100 feet of the property. C. Development guidelines shall not apply to a building footprint that is over 100 feet from a 20% slope.”

Section 9. Section 16.96.030 (D) is amended to read as follows: “Standards. The following shall be required in identified hazard areas: 1. Oceanfront/Bayfront lots. A site specific geotechnical analysis by an Oregon certified engineering geologist 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 25 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 an Oregon certified engineering geologist which specifies adequate safeguards to compensate for the reduced setback. 2. Geologically recent landslide areas. A site specified geotechnical analysis by an Oregon certified engineering geologist including all property outside of the known or suspected hazard that is within one hundred (100) feet. The geotechnical analysis, which shall be stamped by the Oregon certified engineering geologist, shall identify the nature and extent of the hazard or hazards present and shall provide specific recommendations for measures adequate to safeguard the proposed development from the identified hazard or hazards. 3 Weak foundation soils. In areas known to have weak foundation soils for construction of buildings and roads, a detailed soils analysis shall be made by a qualified soils expert. The analysis shall include recommendations to overcome identified limitations prior to development approval. 4. Slopes greater than twenty (20) percent. A site specified geotechnical analysis by an Oregon certified engineering geologist is required. The analysis, which shall be stamped by the Oregon certified engineering geologist, shall determine the suitability of the site for development and shall recommend specific measures which may be required to safeguard life and property.

Section 10. 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.

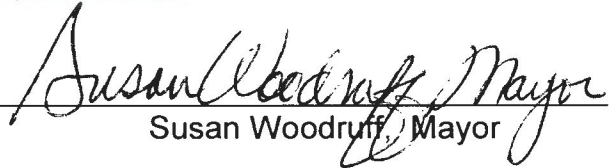
++++ Hammerheads will be of such width and length as to allow for adequate turn-around of all emergency vehicles as determined by the Public Works Director and the Central Oregon Coast Fire and Rescue District.

Section 11. 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 12<sup>th</sup> day of April, 2012 by the following vote:

AYES 7      NAYS           ABSENT           ABSTAIN     

SIGNED by the Mayor this 12<sup>th</sup> day of April, 2012.

  
Susan Woodruff, Mayor

ATTEST:

  
Reda Q. Eckerman, City Recorder



City of Waldport  
PO Box 1120  
Waldport, OR 97394

PLAN AMENDMENT SPECIALIST  
DLCD  
635 CAPITOL ST, NE, SUITE 150  
SALEM, OR 97301-2540

APR 25 2012

DEPT OF

LAND  
AM  
AGENT



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