



Oregon

Theodore R. Kubongski, 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

12/28/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Aumsville Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Thursday, January 07, 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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Maryann Hills, City of Aumsville
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> YA

FORM 2

DLCD NOTICE OF ADOPTION **DEPT OF**

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEC 18 2009
**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: City of Aumsville Local File No.: _____
(If no number, use none)

Date of Adoption: Dec. 14, 2009 Date Mailed: Dec. 17, 2009
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: October 23, 2009

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
Amending the Development Ordinance regarding accessory structures;
conditional uses, including adding single-family-attached dwellings
in the multi-family zone; manufactured home minimum site requirements;
commercial yard regulations; variance criteria; effective date of
annexation, parking and sign regulations, expiration of Land Divisions
approval; final plat effective date; lot design standards; fence height;
landscaping, adding definitions; housekeeping revisions, and updating
the zoning and comprehensive plan maps

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write
"Same." If you did not give notice for the proposed amendment, write "N/A."

maps were revised and zoning corrected on Map 2.1; added definition
for group care facility, conditional uses were clarified and modified
(10.03H); additional clerical revisions

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: Map 81W30C, Parcel 1701; Map 82W25AA, Parcel 1300; Map 82W25AD, Parcel 0100 Acres Involved: _____
Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: Referenced in attached staff reports

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 001-09 (17901) [15909]

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:
If no, do the Statewide Planning Goals apply. Yes: No:
If no, did The Emergency Circumstances Require immediate adoption. Yes: No:
Affected State or Federal Agencies, Local Governments or Special Districts: None

Local Contact: Maryann Hillis Area Code + Phone Number: (503) 749-2030
Address: 595 Main St. Aumsville, OR 97325
City: Aumsville Zip Code+4: 97325-9005

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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will 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 copy this form on to 8-1/2x11 green paper only ; or 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. 593

AN ORDINANCE AMENDING ORDINANCE NO. 465, TO ADD AN AUMSVILLE COMPREHENSIVE PLAN OUT OF CITY LIMITS POLICY AND UPDATE THE COMPREHENSIVE PLAN MAPS.

WHEREAS, the following public notices were given as mandated by The Development Ordinance, The Comprehensive Plan, the Citizen Involvement Policy and state law. Notice of Proposed Action was hand delivered to the Department of Land Conservation and Development on October 23, 2009. The Aumsville Planning Commission and Aumsville City Council public hearings notice was mailed to all property owners whose property would be rezoned on November 19, 2009, as certified by the assessor; and published in the December 2009 Aumsville Newsletter.

The City of Aumsville ordains as follows:

SECTION 1: Comprehensive Plan Maps. Aumsville Comprehensive Plan Map 2.1 and Map 2.2 are amended to include recently annexed Parcel 1701 on Map 81W30C, Parcel 1300 on Map 82W25AA, and Parcel 0100 on Map 82W25AD; as shown on attached Exhibit "A" and Exhibit "B".

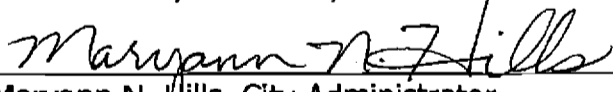
SECTION 2. Chapter II Urbanization Policy Change. The text in Urbanization Policies Number 3 on page 18 is amended to read as follows:

3. The City of Aumsville will not extend City services outside the City limits except in emergency situations. Such extensions must be done for a public purpose, cause no additional burden on existing services, and in all cases waivers for annexation must be obtained.

SECTION 3. Validity. Except as amended herein the remainder of Ordinance No. 465 shall remain in full force and effect.

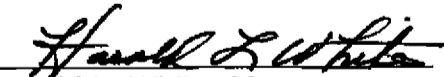
SECTION 4. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

PRESENTED AND PASSED the first reading unanimously on the 14th day of December, 2009. PASSED its second reading unanimously on the 14th day of December, 2009. ADOPTED by the Aumsville City Council by unanimous vote on the 14th day of December, 2009.



Maryann N. Hills, City Administrator

SIGNED by the mayor this 16th day of December, 2009

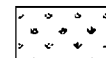

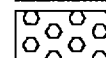


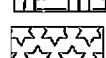
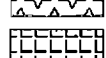


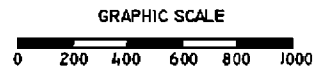
Harold L. White, Mayor

CITY OF AUMSVILLE COMPREHENSIVE PLAN MAP 2.1

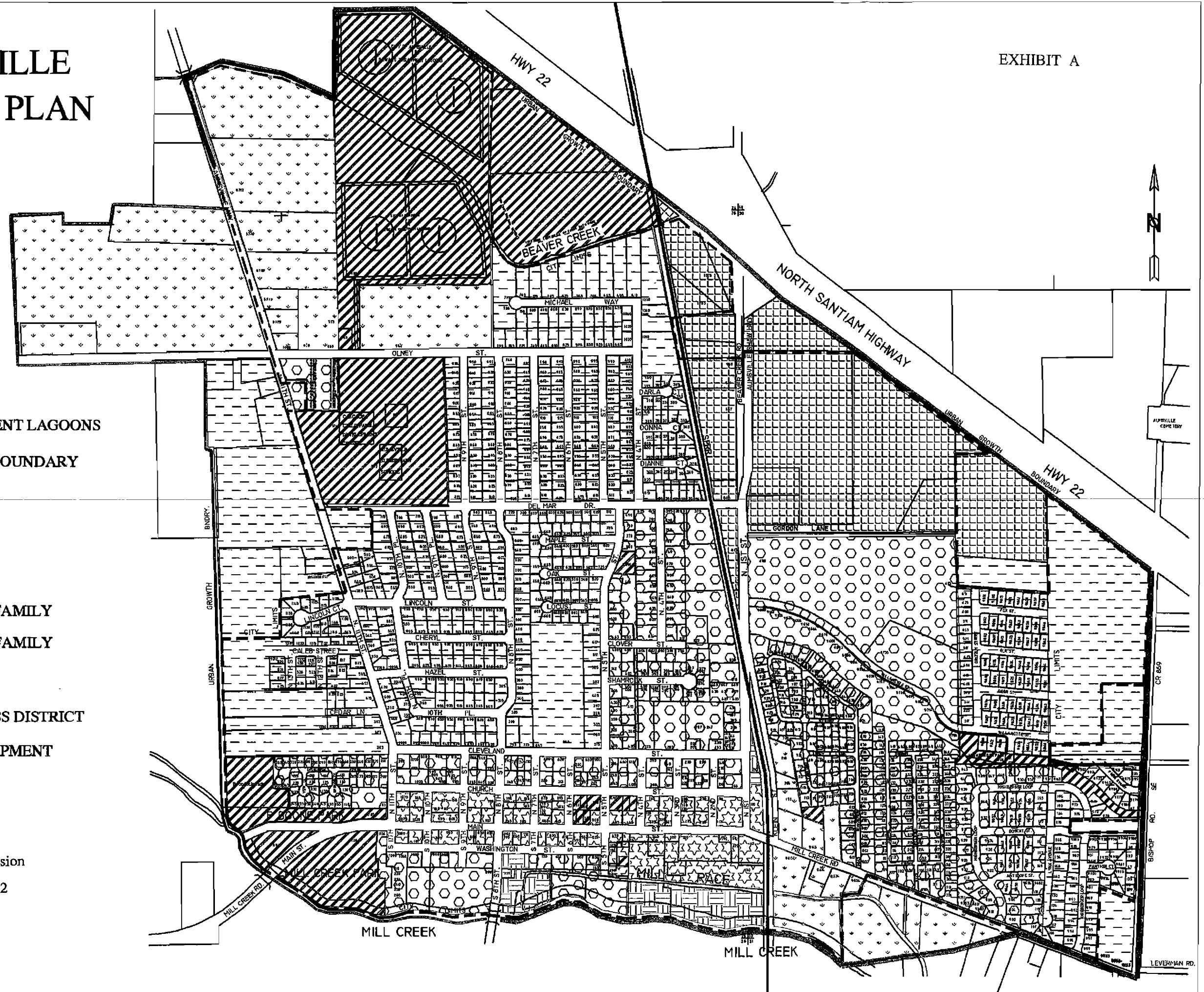
EXHIBIT A

- CITY LIMITS
- SEWAGE TREATMENT LAGOONS
- URBAN GROWTH BOUNDARY
- RAIL ROAD

-  I - INDUSTRIAL
-  P - PUBLIC
-  RM - RESIDENTIAL MULTI-FAMILY
-  RS - RESIDENTIAL SINGLE-FAMILY
-  CL - COMMERCIAL
-  CL - COMMERCIAL/BUSINESS DISTRICT
-  ID - INTERCHANGE DEVELOPMENT



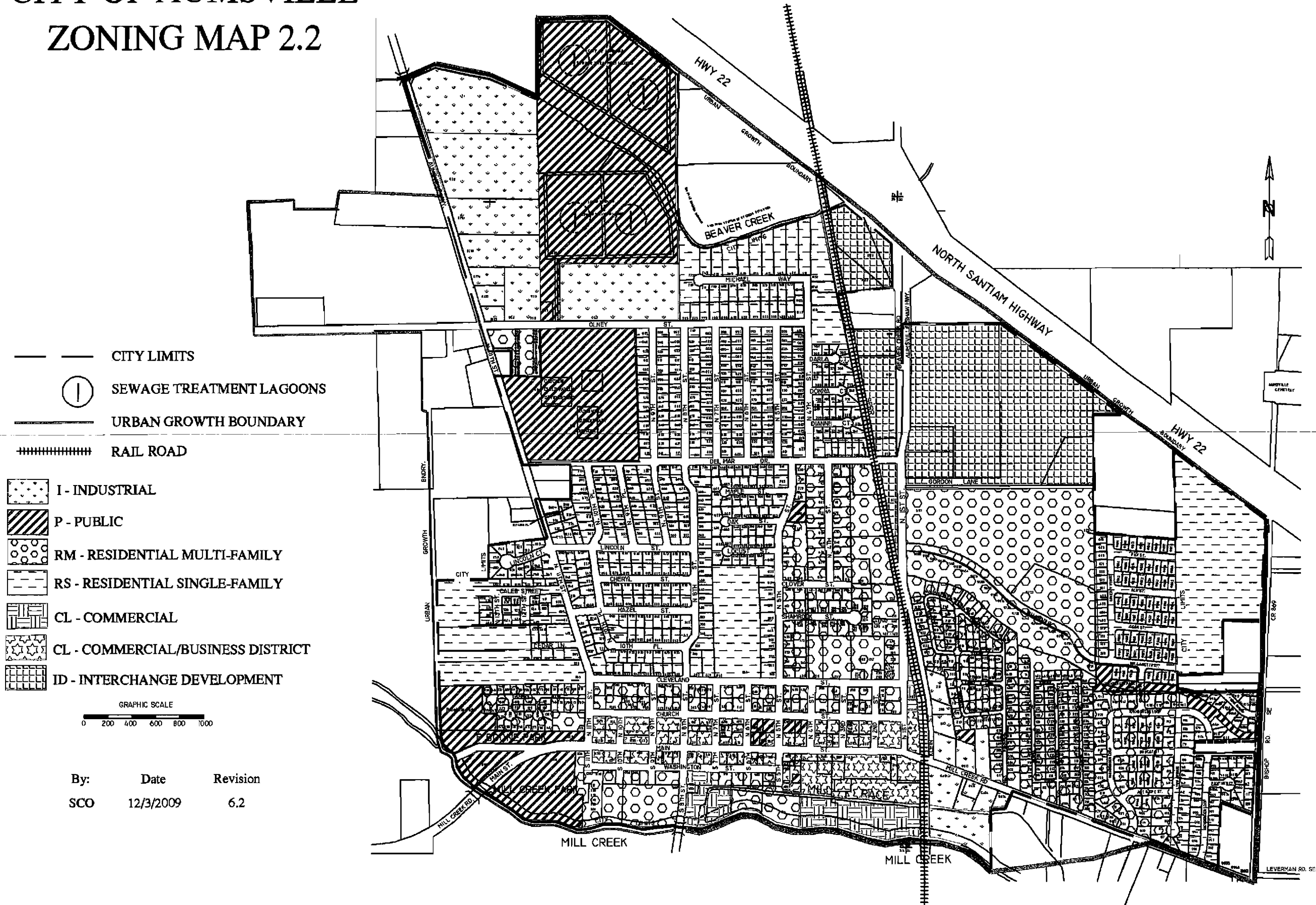
By:	Date	Revision
SCO	12/3/2009	6.2



AUMSVILLE
CITY ISBY

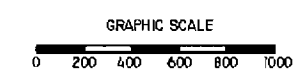
LEVERMAN RD.

CITY OF AUMSVILLE ZONING MAP 2.2



- CITY LIMITS
- | SEWAGE TREATMENT LAGOONS
- - - URBAN GROWTH BOUNDARY
- + + + + + RAIL ROAD

- I - INDUSTRIAL
- P - PUBLIC
- RM - RESIDENTIAL MULTI-FAMILY
- RS - RESIDENTIAL SINGLE-FAMILY
- CL - COMMERCIAL
- CL - COMMERCIAL/BUSINESS DISTRICT
- ID - INTERCHANGE DEVELOPMENT



By:	Date	Revision
SCO	12/3/2009	6.2

ORDINANCE NO. 594

AN ORDINANCE AMENDING ORDINANCE NO. 323, THE DEVELOPMENT ORDINANCE

The city of Aumsville ordains as follows:

SECTION 1: Development Ordinance Zoning Map Change. The Official Zoning Map, as described in Section 2.00 of Ordinance No. 323 is amended to include recently annexed Parcel 1701 on Map 81W30C, Parcel 1300 on Map 82W25AA, and Parcel 0100 on Map 82W25AD; as shown on the attached Exhibit "A".

SECTION 2: Ordinance No. 323, Section 1.00 Definitions. The following definitions are amended and added to read as follows:

Landscaping or Landscaped Area: lawn, ground cover plants, shrubs, annuals, perennials and trees, or desirable native vegetation. It includes landscape elements including any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. It also includes irrigation systems, mulches, decorative rock ground cover, topsoil, and re-vegetation or the preservation, protection and replacement of trees.

Dwelling, Single-Family Attached: A residential dwelling unit designed for and occupied by one family only which is attached by a common wall at the lot line to a similar unit on a separate lot.

Residential Facility: A private institution providing care, treatment, training for six to fifteen individuals who need not be related, but does not include correctional homes, detention facilities, or residential homes.

Substantial Conformance: When a final plat meets all the conditions of a preliminary plat and no characteristic that met City standards in the approved preliminary plan is varied to the extent that a City standard is no longer met. The final plat also has no more lots than approved in the preliminary plan; streets are generally in the same number, location, and alignment as approved in the preliminary plan; and open spaces are generally in the same location and of the same size as was in the approved preliminary plan.

Group Care Facility: A private institution maintained and operated for the care, boarding and training of sixteen or more persons who require special care, but does not include correctional homes, detention facilities, or residential homes.

Yard: Any open space, which is required, created or is maintained on a lot and which is not obstructed from the ground up by any structure or building. (See Section 22.07 Yard Exceptions).

Yard, Front: The yard extending between the front property line and the nearest point of any building on the same lot. On corner lots all yards adjacent to streets shall be considered front yards.

SECTION 3: Ordinance No. 323, Section 4.10 is amended as follows:

- 4.10 Abatement and Penalty: A person violating a provision of this ordinance shall be subject to a fine of not more than \$1,000 dollars per day, as determined by a court of competent jurisdiction. A violation shall be considered a separate violation on each day it continues. The Administrative Official (see Section 11.01) or the chief of police shall each have jurisdiction to enforce this ordinance by letter and/or citation. It is the responsibility of the city attorney to cause a person cited under this ordinance to appear before a court of competent jurisdiction for determination of appropriate action and/or fine.

SECTION 4: Ordinance No. 323, Section 4.14 is amended as follows:

Section 4.14 Landscaping is deleted and incorporated into Landscaping Section 23.

SECTION 5: Ordinance No. 323, Section 5.02 is amended to read as follows:

5.02 Accessory Uses and Structures: (See Setbacks in Section 2208)

- (A) Garages and carports;
- (B) Garden;
- (C) Fences;
- (D) Home occupations;
- (E) Greenhouses, hot houses;
- (F) Utility buildings;
- (G) Accessory Structure Limitation. Accessory structures shall be constructed of the same materials and shall be of the same architectural style as the residential structure if it is:
 - 1. located in a front yard,
 - 2. located within 10 feet of a side property line that adjoins a public right-of-way,
 - 3. located within 20 feet of a rear property line that adjoins a public right-of-way,
 - 4. more than 10 feet tall in building height, unless the structure is without walls or,
 - 5. more than 20 feet tall in building height.

SECTION 6: Ordinance No. 323, Section 5.03 Conditional Uses Subsection G is amended and Subsection H is added as follows:

5.03 Conditional Uses:

- (A) Parks and playgrounds;
- (B) Schools;
- (C) Private swimming pool;
- (D) Public and semi-public uses and structures;
- (E) Child day care center;
- (F) House of worship;
- (G) Residential facility;
- (H) Group care facility;
- (I) Other similar developments that the city may find to be similar to those listed as permitted in this zone and which are not inconsistent with its purpose.

SECTION 7: Ordinance No. 323, Section 5.04 Minimum Lot Area is amended as follows:

- (B) Group care facilities; 8,000 square feet plus 500 square feet for each patient over 4.

SECTION 8: Ordinance No. 323, Section 5.07 Minimum Yard Requirements is amended to read as follows:

5.07 Minimum Yard Requirements:

- (A) Front: 20 feet
- (B) Interior: 5 feet – one story
8 feet – two stories

SECTION 9: Ordinance No. 323, Section 5.11 is amended to read as follows:

5.11 General Requirements: Single-family dwellings and manufactured homes shall meet the following requirements:

- (A) It is required that the owner of the property and of the dwelling be the same person(s).
- (B) Dwellings shall have a pitched roof with a slope of not less than three feet in height for each twelve feet in width.
- (C) Dwellings shall have a garage or carport constructed of like materials consistent with the predominate construction in immediately surrounding dwellings as determined by the local permit approval authority.
- (D) Dwellings shall utilize at least two of the following design features to provide visual relief along the front of the home:
 1. Dormers
 2. Roof gables (excluding dormer gables) with a minimum 18" projection
 3. Recessed entries
 4. Covered porches entry with same roofing as home
 5. Pillar or posts at front entry
 6. Bay or Bow windows
 7. Eaves (minimum 18" projection)
 8. Off sets on building face or roof (minimum 16")
- (E) External systems for heating and cooling shall be installed only at ground level, and not within the required front yard.
- (F) All hitches, travel light/clearance lights, wheels, axles are to be removed from the exterior of dwellings.
- (G) A manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- (H) A manufactured home shall be placed on an excavated, prepared level site and supported on a continuous concrete footing. After setting and blocking, the home shall be enclosed at the entire perimeter with a standard finish concrete block set on the continuous concrete footing. After backfilling as required, the bottom of the home shall be no more than 12" above the surrounding finished grade. All foundation, blocking, pier and footing requirements in addition to those outlined in this paragraph shall conform to Marion County Building Code requirements.
- (I) A manufactured home shall have exterior siding and roofing which in color, material

and appearance is similar to the exterior siding and roofing material commonly used on conventional single-family residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

- (J) A manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

SECTION 10: Ordinance No. 323, Section 6.00 Title Page is amended to read as follows as part of a housekeeping change which moves 6.24 General Requirements to 6.11 and renumbers all sections following:

SECTION 6.00

RM – RESIDENTIAL MULTI-FAMILY

Purpose: It is the intent of the RM – Residential Multi-Family zone to provide for more concentrated and diverse living arrangements.

- 6.01 Uses Permitted Outright
- 6.02 Accessory Uses and Structures
- 6.03 Conditional Uses
- 6.04 Minimum Lot Area
- 6.05 Minimum Lot Width
- 6.06 Maximum Lot Coverage
- 6.07 Yard Requirements
- 6.08 Maximum Height of Structure
- 6.09 [Repealed]
- 6.10 Parking
- 6.11 General Requirements
- 6.12 Manufactured Home Parks General Requirements
- 6.13 Manufactured Home Park Minimum Site Requirements
- 6.14 Standards of Mobile Homes in Manufactured Home Parks
- 6.23 [Repealed]
- 6.24 Renumbered
- 6.25 [Repealed]
- 6.50 [Repealed]

SECTION 11: Ordinance No. 323, Section 6.01 is amended as follows:

- 6.01 Uses Permitted Outright:
 - (A) Single-family dwelling;
 - (B) Duplexes; triplexes;
 - (C) Apartments;

- (D) Rooming and boarding houses;
- (E) Public right-of-way;
- (F) Home occupations;
- (G) Child day care home;
- (H) Residential home;
- (I) Manufactured home, subject to the general requirements of Section 5.11;
- (J) Manufactured home parks; the proposal must satisfy the requirements set forth in Sections 6.12; 6.13; and 6.14 of this ordinance, and these criteria must be addressed at the public hearings by the applicant when processing an application for site development review;
- (K) Residential facilities.

SECTION 12: Ordinance No. 323, Section 6.02 is amended to read as follows:

6.02 Accessory Uses and Structures: (See Setbacks in Section 22.08)

- (A) Garages and carports;
- (B) Off-street parking lots;
- (C) Storage buildings or areas for boats, campers, and trailers;
- (D) Fences, gardens, greenhouses and hot houses;
- (E) Accessory Structure Limitation. Accessory structures, except fences, shall be constructed of the same materials and shall be of the same architectural style as the residential structure if it is:
 1. located in a front yard,
 2. located within 10 feet of a side property line that adjoins a public right-of-way,
 3. located within 20 feet of a rear property line that adjoins a public right-of-way, or
 4. more than 10 feet tall in building height, unless the structure is without walls or,
 5. more than 20 feet tall in building height.

SECTION 13: Ordinance No. 323, Section 6.03 is amended and remaining sections renumbered to read as follows:

6.03 Conditional Uses:

- (A) Group care facilities;
- (B) Public and semi-public uses and structures;
- (C) Hospitals;
- (D) All uses listed under 5.03, Residential Single-Family;
- (E) House of worship;
- (F) Single-family attached dwelling: In addition to the criteria of Section 14, conditionally permitted single-family attached dwellings shall not be approved unless the proposal satisfies the following specific criteria:
 - (1) Prior to building permit approval, attached single-family dwellings require a recorded written agreement between adjoining property owners guaranteeing rights of construction and maintenance; it shall be recorded with the Marion County Clerk.
 - (2) Lot size shall have minimal adverse impact on the livability, value and appropriate development of abutting properties and surrounding area; and in no case shall a lot be smaller than 4200 square feet.

- (3) Attached single-family dwellings shall meet the requirements of enclosing a space of not less than 1,000 square feet.
- (4) Each dwelling shall have a garage;
- (5) Whenever possible, dwellings shall be designed to minimize conflicts between uses on separate lots along the common wall.
- (G) Other similar developments that the city may find to be similar to those listed as permitted in this zone and which are not inconsistent with its purpose.

SECTION 14: Ordinance No. 323, Section 6.04 is amended to add Subsection (D) as follows:

6.04 (D) Single-family attached dwellings: 4,200 square feet, subject to approved conditional use; (See Section 6.03 (G)).

SECTION 15: Ordinance No. 323, Section 6.05 is amended to add Subsection (B) as follows:

(B) Single-family attached dwellings: 40 feet.

SECTION 16: Ordinance No. 323, Section 6.07 is amended to read as follows:

6.07 Minimum Yard Requirements:

- (A) Front: 20 feet;
- (B) Interior Side: One story, 5 feet;
Two story, 7 feet;
Three story, 8 feet;
Four stories and above, 8 feet plus 1 foot for each story over 3.
- (C) Interior Rear Yard: 10 feet plus 1 foot for each story over 3.
- (D) Single-Family Attached Dwelling: No setback is required along the interior lot line where the unit is attached to an adjacent single-family- attached unit on a separate lot.

SECTION 17: Ordinance No. 323, Section 6.10a is deleted because it was clarified in Section 6.01(I) in the 2004 amendment.

SECTION 18: Ordinance No. 323, Section 6.11 Manufactured Home Parks General Requirements is renumbered to Section 6.12 and (E) amended to read as follows:

6.12 Manufactured Home Parks General Requirements:

- (A) All manufactured home parks shall consist of a minimum of 5 acres.
- (B) Each manufactured home space shall contain not less than 2,500 square feet. Streets, play areas, service areas or other areas required by this ordinance shall not be considered as providing any part of the required manufactured home space.
- (C) The maximum density of a manufactured home park shall not exceed 12 manufactured homes per gross acre.
- (D) A manufactured home park shall be built to state and federal standards in effect at the time of construction, including American Disabilities Act standards.
- (E) No manufactured home in the park shall be located closer than 10 feet from another manufactured home or from a general use building in the park. No manufactured home accessory building or other building or structure on a manufactured home space shall be closer than 6 feet from a manufactured home accessory building or other building or structure on another manufactured home space. Accessory buildings

adjacent to property lines see Setback Measurement in Section 22.08(B).(F) There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.

- (G) The land, which is used for park purposes, shall be surrounded except at entry and exit places, by a sight-obscuring fence or hedge not less than 6 feet in height. The fence or hedge shall be maintained in a neat appearance.
- (H) If the park provides spaces for 25 or more manufactured home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets in the city. A map of the named vehicular ways shall be provided to the city for notification to appropriate agencies.
- (I) If a manufactured home space or permanent structure in the park is more than 300 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and fire hydrants shall be provided within 300 feet of such space or structure. Each hydrant within a park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.

SECTION 19: Ordinance No. 323, Section 6.12 is renumbered to Section 6.13 and amended to read as follows:

6.13 Manufactured Home Park Minimum Site Requirements:

- (A) The road system of the park shall be paved, improved with curb and gutter, and connected to an existing public street according to plans approved.
- (B) The improvements of driveways, walkways, streets, drainage, and other utilities shall conform to adopted state standards or to adopted city standards, whichever is more restrictive.
- (C) The minimum surfaced width of the roads within the park shall be:
 - 1. 24 feet where no parking is allowed;
 - 2. 30 feet if parking is allowed on one side only; and
 - 3. 36 feet if parking is allowed on both sides.
- (D) A minimum of 200 square feet per manufactured home space of outdoor recreation area shall be provided which may be in one or more locations in the park.
- (E) A minimum of 100 square feet per manufactured home space for recreational vehicles or other equipment storage used by park residents shall be provided. Such areas are to be surfaced and drained, fenced and lighted and maintained in a neat and orderly manner.
- (F) Each designated lot, recreation building, managers office or other public or private structure shall be serviced by underground services of water, sewer and power.
- (G) A minimum of 4 foot wide walkways shall connect each manufactured home space with public streets, adjacent public sidewalk systems, common areas, and recreation areas.
- (H) All streets and walkways within the park shall be lighted at night to provide a minimum of 0.35 foot candles of illumination.
- (I) Manufactured home pads and placement shall be in accordance with state building codes requirements.
- (J) At each entrance to a manufactured home park, a permanent, non-illuminated sign not to exceed 32 square feet shall be allowed. Such sign shall display the name of the park and shall show by map the layout of the sites and addresses or space

number of each manufactured home.

- (K) Manufactured home spaces shall be indicated on the development plan and each space clearly identified by number of the site. Such spaces shall not exceed the density and coverage limitations of this ordinance. In the design of a manufactured home park, it shall be demonstrated that planned spaces can reasonably accommodate a variety of manufactured home types with accessory structures and required setbacks.
- (L) All common areas within a manufactured home park, exclusive of required buffer areas, buildings and roadways, shall be landscaped and maintained. All manufactured home spaces shall be landscaped within 6 months of manufactured home placement.
- (M) Manufactured home parks shall be designed to include 2 off-street parking spaces for each manufactured home space, which may include a garage or carport space and the driveway. In addition, one guest space shall be provided for every 5 manufactured home spaces in a park, which shall be provided in bays of at least 4 spaces. Office and common buildings shall be provided with 1 space for each 300 square feet of floor area which may be combined with required guest parking if located within 300 feet of such building

SECTION 20: Ordinance No. 323, Section 6.13 is renumbered to Section 6.14 and the Title amended to read as follows:

6.14 Standards of Manufactured Homes in Manufactured Home Parks:

SECTION 21: Ordinance No. 323, Section 6.24 General Requirements is renumbered to Section 6.11 and amended to read as follows:

- 6.11 General Requirements: Single-family dwellings, attached single family dwellings, duplexes and manufactured homes shall meet the following requirements:
- (A) It is required that the owner of the property and of the dwelling be the same person(s).
 - (B) Dwellings shall have a pitched roof with a slope of not less than three feet in height for each twelve feet in width.
 - (C) Dwellings shall have a garage or carport constructed of like materials consistent with the predominate construction in immediately surrounding dwellings as determined by the local permit approval authority.
 - (D) Dwellings shall utilize at least 2 of the following design features to provide visual relief along the front of the home:
 1. Dormers
 2. Roof gables (excluding dormer gables) with a minimum 18" projection
 3. Recessed entries
 4. Covered porches entry with same roofing as home
 5. Pillar or posts at front entry
 6. Bay or Bow windows
 7. Eaves (minimum 18" projection)
 8. Off sets on building face or roof (minimum 16")
 - (E) External systems for heating and cooling shall be installed only at ground level, and not within the required front yard.
 - (F) All hitches, travel light/clearance lights, wheels, axles are to be removed from the

exterior of dwellings.

- (G) A manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- (H) A manufactured home shall be placed on an excavated, prepared level site and supported on a continuous concrete footing. After setting and blocking, the home shall be enclosed at the entire perimeter with a standard finish concrete block set on the continuous concrete footing. After backfilling as required, the bottom of the home shall be no more than 12" above the surrounding finished grade. All foundation, blocking, pier and footing requirements in addition to those outlined in this paragraph shall conform to Marion County Building Code requirements.
- (I) A manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on conventional single-family residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.
- (J) A manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

SECTION 22: Ordinance No. 323, Section 7.01 (P) is deleted (moved to Section 7.03 (J)) and remaining sections renumbered:

7.01 Uses Permitted Outright:

- (A) Beauty or barber shop;
- (B) Medical and dental offices;
- (C) Banks;
- (D) Furniture and appliance stores;
- (E) Drugstores;
- (F) Food stores;
- (G) Sporting goods stores;
- (H) Hardware;
- (I) Television and radio sales and service;
- (J) Self-service laundromat or cleaners or pick-up and delivery station;
- (K) Professional or business office or any use that is demonstrated to the satisfaction of the city to be of a similar character and impact;
- (L) Restaurant;
- (M) Public right-of-way;
- (N) Home occupation;
- (O) Child day care home and center;
- (P) Retail establishment of similar character and impact as the above.

SECTION 23: Ordinance No. 323, Section 7.02 Title is amended to read as follows:

7.02 Accessory Uses and Structures: (See Setbacks in Section 22.08)

SECTION 24: Ordinance No. 323, Section 7.03 (J) is amended to read as follows:

- (J) Group care home, residential facilities, and residential homes not abutting an arterial street and not in the business center which is:
 Properties abutting Main Street, property abutting the south side of Church Street, property on the west side of the railroad tracks through 4th Street between the Mill Race and the south side of Church Street and property on 5th Street through 11th Street between the north side of Washington Street and the south side of Church Street;

SECTION 25: Ordinance No. 323, Section 7.07 Commercial Yard Requirements is amended to read as follows:

7.07 Yard Requirements:

- (A) Front: 3 feet (See Section 22.07 (D));
- (B) Where the commercial zone abuts a residential zone, interior yards shall be provided equal to the minimum of the abutting residential yard(s).

SECTION 26: Ordinance No. 323, Section 10.00 Title Page is amended to read as follows:

SECTION 10.00

ID – INTERCHANGE DEVELOPMENT ZONE

10.01	Purpose
10.02	Permitted Use
10.03	Conditional Uses
10.04	Prohibited Activities
10.05	Performance Standards
10.06	Minimum Lot Area and Dimensions
10.07	Maximum Height of Structure
10.08	Setbacks
10.09	Design Requirements
10.10	Landscaping
10.11	Signs
10.12	Parking and Loading
10.13	Transportation Impact Analysis
10.14	Site Development Review Required

SECTION 27: Ordinance No. 323, Section 10.03 is amended to add Section (H) and read as follows:

- 10.03 Conditional Uses: The following activities are conditionally allowed in the ID zone:
- (A) Convenience stores.
 - (B) Service stations; but excluding repair facilities.
 - (C) Towing services; but excluding storage of vehicles.
 - (D) Eating and drinking places, other than drive through and specialty restaurants.
 - (E) Retail activities that are designed to serve the community or region.
 - (F) Other uses determined by the Planning Commission to be of similar

- character to those specified above.
- (G) In addition to the criteria of Section 14, conditionally permitted uses shall not be approved unless the proposal satisfies the following specific criteria:
 - (1) There is a demonstrated need in the interchange development area for such a use.
 - (2) The use will primarily service interchange development area customers.
 - (3) Traffic will not be generated by the use, which would substantially hinder or impair truck circulation in the area.
 - (4) There is no suitable commercial land located elsewhere within the City.
 - (H) Construction, including building construction general contractors.

SECTION 28: Ordinance No. 323, Section 10.04 (B) is deleted and remaining sections renumbered:

10.04 Prohibited Activities: The following uses are prohibited in the ID Zone

- (A) Agriculture and Forestry:
 - (1) Agriculture production crops;
 - (2) Forest nurseries and tree seed gathering and extracting.
- (B) Tanneries.
- (C) Energy plant.
- (D) Rendering plants.
- (E) Wrecking, demolition, junk yards, including recycling firms.
- (F) Waste transfer stations.
- (G) Chemical manufacturing plants
- (H) Cement, concrete, lime or gypsum manufacturing.
- (I) Asphalt plants; aggregate plants.
- (J) Fertilizer manufacturing or distribution.
- (K) Manufacturing activities involving primary metal industries such as foundries/forge shops, smelters, blast furnaces, boiler-works, and rolling mills; manufacture of flammable, hazardous, or explosive materials; creosote and related products; coal tar and related products
- (L) Storage warehouses for public use.
- (M) Manufacture or storage of oil, gasoline, or petroleum products for distribution, not including service stations.
- (N) Processing and packaging of food products.
- (O) Commercial outdoor recreational uses, amusement parks, or sports arenas, not including golf courses or country clubs.
- (P) Truck, trailer, heavy machinery, or farm equipment storage.
- (Q) Any other use which is or can be operated in such a manner as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt, or other forms of air pollution; electrical or other disturbance; glare; or other substance, condition or element is such amount as to adversely affect the surrounding area or premises, as may be determined by the Planning Commission.

SECTION 29: Ordinance No. 323, Section 10.13 is amended to read as follows:

10.13 Transportation Impact Analysis. In addition to the site development review provisions in Section 21.00, the City may request a transportation impact analysis for development within the ID zone. This study shall be based on the requirements of the Oregon Department of Transportation.

SECTION 30: Ordinance No. 323, Section 12.01 (B) (6) is amended to read as follows:

(6) Site Development Review (Section 21.00)

SECTION 31: General Procedures in Ordinance No. 323, Section 12.02 (B) (11) are amended to read as follows:

Section 12.02 (B) (11) The timing requirements established by this section are intended to allow final action, including resolution of appeals, for all Type II or Type III land use actions (except Annexations and Comprehensive Plan Map amendments) within 120 days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this ordinance.

- (a) The city staff shall notify the Council of the timing conflict by the 95th day. The Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120-day period.
- (b) Public notice shall be mailed to affected parties as specified in Section 12.03(B).
- (c) The Council shall hold a public hearing on the specified date, in accordance with the provisions of Section 12.05 and render a decision approving or denying the request within the 120-day period. Such action shall be the final action by the city on the application.

SECTION 32: Public Notice Requirements in Ordinance No. 323, Section 12.03 (B) Subsections (2) and (3) and (4) are amended to read as follows:

- (2) Written notice of the initial public hearing shall be mailed or delivered at least 20 days prior to the hearing date to the owners of property within 100 feet of the boundaries of the subject property. Where a multiple hearing application is scheduled, only a 10-day written notice shall be required.
- (3) Notice of the hearing shall be printed in the Aumsville Newsletter, except for Annexations. Annexation notice of hearing shall be published in accordance with Oregon Revised Statutes. An affidavit of publication of the notice shall be made a part of the administrative record.
- (4) Applicants for a Type II or III action shall be responsible for providing a certified list of property owners within the notice area, prepared by Marion County or a title company, within 100 feet of the subject property.

SECTION 33: Public Notice Requirements in Ordinance No. 323, Section 12.03 (C) shall be amended to read as follows:

- (C) Type IV Actions. Notice of the time, place and purpose of the first public hearing shall be mailed at least 20 days but not more than 40 days prior to the hearing date to all owners of property within the city whose property would be rezoned by a Type

IV action. "Re-zoned" includes any action that amends or adopts new provisions to the Comprehensive Plan or Development Ordinance in a manner that limits or prohibits land uses previously allowed in an affected zone. Notice of all hearings shall be published in the Aumsville Newsletter. Public notices must also appear 10 days prior to the hearing date in a newspaper of general circulation within the city if it amends any Partition or Subdivision standards and procedures governing approval of plats, and may if it is deemed advisable, or if the current citywide newsletter is discontinued.

SECTION 34: Ordinance No. 323, Section 12.04 (A) (1) shall be amended to read as follows:

A) General Provisions.

- (1) Land use actions which require a public hearing by the Commission under the provisions of this ordinance shall be initially heard by the Commission within 60 days of the receipt of a complete application or appeal.

SECTION 35: Ordinance No. 323, Section 13.00 Variances Purpose is amended to read as follows:

Purpose: It is the purpose of this section, subject to the restrictions and provisions of this ordinance, to vary or modify the strict application of any of the regulations or provisions, except for use of property.

SECTION 36: Ordinance No. 323, Section 13.04 Criteria for Granting a Variance is amended to read as follows:

13.04 Criteria for Granting a Variance: A variance from the terms of this ordinance shall not be granted unless ALL of the following circumstances exist:

- (A) Compliance with the applicable requirement or standard of this ordinance would:
 - (1) Create a hardship due to one or more of the following conditions:
 - (a) The physical characteristics of the land, improvements, or uses that are not typical of conditions in the zoning district; or
 - (b) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district; or
 - (c) That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this ordinance by the applicant.
 - (2) Not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located.
- (B) Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:
 - (1) Granting the variance will not create significant adverse affects to the appearance, function, or safety of the use or uses on the subject property; and
 - (2) Granting the variance will not impose limitations on other properties

in the area, including uses which would be allowed on vacant or underdeveloped properties.

- (C) Approval of this application will allow the property to be used only for the purposes authorized by the zoning district.

SECTION 37: Ordinance No. 323, Section 17.08 Effective Date of Annexation is amended to read as follows:

Effective Date of Annexation: Annexations are final on the date filed with the Oregon Secretary of State. City will file annexation ordinances with the Secretary of State within 30 days of the expiration of the appeal period following the City Council decision. An appeal from the decision of the Council shall withhold the filing of this document until the appeal is legally resolved.

SECTION 38: Ordinance No. 323, Section 18.00 Title Page is amended to add section 18.12 and read as follows

SECTION 18.00

OFF STREET PARKING AND LOADING

- 18.01 New and Existing Facilities to Provide Parking and Loading
- 18.02 Reduction of Required Parking Area
- 18.03 Parking Location and Shared Parking
- 18.04 Off Street Vehicular Parking Requirements
- 18.05 Off Street Automobile and Bicycle Parking Requirements
- 18.06 Off Street Loading Requirements
- 18.07 Exceptions to Loading Requirements
- 18.08 Parking and Loading Development Standards
- 18.09 Parking and Loading Plan Required
- 18.10 Construction
- 18.11 Bicycle Parking
- 18.12 Parking and Storage of Certain Vehicles

SECTION 39: The notation to (See Section 10.08) in Ordinance No. 323, Section 18.03 is deleted, because it is no longer valid or needed.

SECTION 40: Ordinance No. 323, Section 18.04 is amended to read as follows:

18.04 Off-Street Vehicular Parking Requirements:

- (A) If several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately.
- (B) Required parking shall be available for parking of operable passenger vehicles of residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials.

SECTION 41: Ordinance No. 323, Subsection (A) of Section 18.08 Parking and Loading Development Standards is amended to read as follows:

- (A) Location. The required yard areas adjacent to a street shall not be used for parking or loading areas, except a residential driveway. The interior yards, other than those adjacent to a street may be used for parking and loading areas when such yard areas have been developed for that purpose and are not at variance with this ordinance.

SECTION 42: Ordinance No. 323, Subsection (D) of Section 18.08 Parking and Loading Development Standards is amended to read as follows:

- (D) Screening. When any parking or loading area is within or adjacent to any residential zone, such parking or loading area shall be screened from all residential properties within an ornamental fence, wall, hedge, or other form of landscaping of at least 4 feet in height, but not more than 6 feet in height. Screening shall not encroach into vision clearance areas as required and screening shall be continuously maintained and protected from damage from vehicles using the parking areas. (See Section 7.07, 22.01 and 22.02.)

SECTION 43: Ordinance No. 323, Section 18.08 Parking and Loading Development Standards is amended to add the following new subsection (F):

- 18.08 (F) Single-Family Driveways. On a lot developed with a single-family dwelling, only one driveway is allowed per street frontage unless the frontage is over 100 ft in length.

SECTION 44: Ordinance No. 323, Section 18.00 Parking and Loading Development Standards is amended to add the following new subsection 18.12:

- 18.12 Parking and Storage of Certain Vehicles: Automobile vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings or in developed parking areas.

SECTION 45: Ordinance No. 323, Section 19.00 Title Page is amended to read as follows

SECTION 19.00

SIGNS

19.01	Purpose
19.02	Definitions
19.03	General Provisions
19.04	Signs Generally Permitted
19.05	Prohibited Signs
19.06	Signs in Residential Zones
19.07	Signs in Commercial, Industrial, and Interchange Development Zones
19.08	Review Procedures
19.09	Non-conforming Signs
19.10	Variances – Signs

SECTION 46: The title of Ordinance No. 323, Section 19.06 is amended to read as follows:

19.06 Signs in Residential Zones:

SECTION 47: Ordinance No. 323, Section 19.07 is amended to read as follows:

19.07 Signs in Commercial, Industrial, and Interchange Development Zones: The following regulations apply to signs in the Commercial, Industrial and Interchange Development Zones.

- (A) Total allowed area. Total allowed area of 40 square feet per sign, except monument signs, which may be 60 square feet per sign.
- (B) Type, maximum number and size of signs. One freestanding or projecting sign per street frontage, and a total of no more than two wall or canopy signs.
- (C) Maximum sign height:
 - (1) Wall and canopy signs shall not project above the parapet or roof eaves.
 - (2) Freestanding Signs - maximum total height of 20 feet.
 - (3) Projecting Signs. The vertical height of a projecting sign which projects beyond 3 feet 6 inches from the face of a building to which it is attached is limited to 3 feet at 8 feet clearance. An additional 4 inches of sign height is allowed for each additional foot of clearance above 8 feet, up to a maximum sign height of 5 feet. The vertical height of a projecting sign which projects 3 feet 6 inches or less from the face of a building to which it is attached is not limited, except that it shall not project more than 1 foot above the roof line at the wall, or top of the parapet wall, whichever is higher.

- (D) Location:
- (1) Wall signs may project up to 1.5 feet from the building.
 - (2) Freestanding Sign and Monument Signs. No limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.
 - (3) Projecting Sign. Maximum projection of a sign shall be limited to 4 feet 6 inches provided, however, that where you have a projecting sign located on a corner approximately halfway from the 2 building faces serving 2 street frontages, the maximum projection is 5 feet 6 inches.

SECTION 48: Ordinance No. 323, Section 20.00 Title Page is amended to read as follows

SECTION 20.00

LAND DIVISIONS

20.00	LAND DIVISIONS
20.01	General Provisions
20.02	Sales Requirements
20.03	Building Requirements
20.04	Approval of Final Plats and Maps
20.05	Expiration of Land Division Approval, Time Extension and Phasing
20.06	Fees or Land for Parks
20.07 – 20.09	[Repealed]
20.10	PROPERTY LINE ADJUSTMENT REQUIREMENTS
20.11	Property Line Adjustments
20.12	Submittal Requirements
20.13	Decision Criteria
20.14	Review Process
20.15	Effective Date of Final Approval
20.16 – 20.19	Reserved
20.20	Expedited Land Division

20.21 – 20.29 Reserved

20.30 PARTITION REQUIREMENTS

20.31 Partition

20.32 Application

20.33 Public Hearing

20.34 Preliminary Plat

20.35 Decision Criteria

20.36 Process for Final Plat Approval

20.37 Effective Date for Final Plat Approval

20.38 General Provisions

20.39 Reserved

20.40 SUBDIVISION REQUIREMENTS

20.41 Subdivision

20.42 Application

20.43 Public Hearing

20.44 Preliminary Plat

20.45 Decision Criteria

20.46 Process for Final Plat Approval

20.47 Effective Date for Final Plat Approval

20.48 General Provisions

20.49 Reserved

20.50 [Repealed] PLANNED UNIT DEVELOPMENT

20.51 [Repealed]
20.52 [Repealed]
20.53 [Repealed]
20.54 [Repealed]
20.55 [Repealed]

20.56 – 20.59 Reserved

20.60 REPLATTING

20.61 General Provisions

20.62 Process

20.63 Exception

20.64 – 20.69 Reserved

20.70 DESIGN STANDARDS

20.71 Design Standards for Lot and Block

20.72 Public Improvements, General Provisions

20.73 Streets

20.74 Utilities

20.75 Sanitary Sewers

20.76 Storm Drainage

20.77 Water System

20.78 General Provisions

20.79 Pedestrian/Bicycle Accessways

SECTION 49: Ordinance No. 323, Section 20.04 is amended to read as follows:

20.04 Approval of Final Plats and Maps: The Administrative Official shall have the authority to approve final plats where there is substantial conformance with the approved preliminary plan or plat. A review of the Administrative Official's decision on substantial conformance can be requested by Administrative Official or the applicant. This review will be determined by the Planning Commission and the Administrative Official will follow the Planning Commission's recommendation in approving or disapproving the final plat.

SECTION 50: Ordinance No. 323, Section 20.05 is amended to read as follows:

- 20.05 Expiration of Land Division Approval, Time Extension and Phasing: All partitioning and subdivision plats shall be recorded within one year of the date of issuance of an Aumsville Public Works Type B Permit, and within five years of the city land division approval Notice of Decision. This deadline may be extended by the Commission for a period up to one year; provided an extension request is made at least 30 days prior to the one-year Type B Permit or five-year deadline. Only one such time extension shall be granted. Failure to comply with the required deadlines shall require the submittal of a new land division application.
- (A) Phasing of a subdivision shall be permitted. The one-year from issuance of a Type B Permit recordation requirement shall apply to all phases of the development; however, the total time for all stages shall not exceed five years, unless extended in accordance with this section. Portions platted after passage of the first year may require modification to comply with changes in the Comprehensive Plan, Development Ordinance or other implementing regulations.

SECTION 51: Ordinance No. 323, Section 20.11 is amended to read as follows:

- 20.11 Property Line Adjustment: A property line adjustment is a modification to lot lines or parcel boundary that does not result in the creation of new lots. It includes the elimination of a common property line between abutting properties also known as the consolidation. It is recommended that the applicant confer with the city regarding application requirements. It shall be the applicant's responsibility to prepare an application which demonstrates compliance with applicable provisions of the Oregon Revised Statutes and this Development Ordinance.

SECTION 52: Ordinance No. 323, Section 20.13 Decision Criteria is amended to read as follows:

- 20.13 Decision Criteria: The following criteria shall apply to all property line adjustments:
- (A) The property line adjustment cannot create an additional unit of land.
- (B) Following the property line adjustment, all lots or parcels must comply with size and dimensional standards of the applicable land use district. For non-conforming properties, the adjustment shall not increase the degree of non-conformance of the subject property or surrounding properties. Any proposal that will create a non-conformity with zoning standards shall be required to obtain approval of an appropriate variance (Section 13) prior to approval of a property line adjustment.
- (C) If there are existing structures on the parcels, the property line adjustment may not result in a setback violation.

SECTION 53: Ordinance No. 323, Section 20.31 Review is amended to read as follows:

- 20.31 Partition: A partition is the creation of three or fewer lots from one parent lot or tract within a calendar year. It is recommended that the applicant confer with the city regarding application requirements. It shall be the applicant's responsibility to prepare an application which demonstrates compliance with applicable provisions

of the Oregon Revised Statutes and this Development Ordinance.

SECTION 54: Ordinance No. 323, Section 20.32 Application is amended to read as follows:

Application: The applicant shall complete an application on a form provided by the city and pay the appropriate application fee along with 12 copies of a preliminary plan together with 12 copies of any supplementary material.

SECTION 55: Ordinance No. 323, Section 20.41 Review is amended to read as follows:

Subdivision: A subdivision is the creation of four or more lots from one parent lot or tract within a calendar year. It is recommended that the applicant confer with the city regarding application requirements. It shall be the applicant's responsibility to prepare an application, which demonstrates compliance with applicable provisions of the Oregon Revised Statutes and this Development Ordinance.

SECTION 56: Ordinance No. 323, Section 20.46 Process for Final Plat Approval is amended to read as follows:

- 20.46 Process for Final Plat Approval: The applicant shall complete a final plat. The plat shall conform to the survey requirements contained in ORS Chapter 92. Upon receipt of the final plat, the Administrative Official shall determine its substantial conformity with the Council's approval. The Administrative Official shall advise the developer of any changes or additions to be made. The developer shall have a reasonable time in which to correct and resubmit the final plat. When the final plat substantially conforms to all conditions and requirements as set forth by the Council's approval the developer shall take the following actions:
- (A) The final plat shall be signed and dated by the mayor, city administrator, and city engineer.
 - (B) As required by ORS 92.110, obtain the approval signatures of the Board of Director's, or Board's delegate, of any irrigation district, drainage district, water control district or district improvement company if the subdivision is within such district.
 - (C) Obtain the signatures of approval of the County Board of Commissioners.
 - (D) Obtain the approval signature of the County Assessor certifying that all taxes on the property have been paid or bonded for in accordance with state law.
 - (E) Deliver the approved plat and accompanying documents to the County Clerk for recording.
 - (F) Deliver, before submittal of building permit applications, four 11 x 17 photocopies of the recorded plat, a 18 x 24 blueprint, and subdivision as-built drawings to the city.

SECTION 57: Ordinance No. 323, Section 20.47 is amended to read as follows:

- 20.47 Effective Date for Final Plat Approval: The effective date and approval process for a subdivision shall become final upon the recording date of the approved final subdivision plat, recorded in accordance with Oregon Revised Statutes. Signed subdivision plats shall become void one year after signature approval if they are

not recorded. Recording of the final plat and compliance with Section 20.46 (F) constitutes the appropriate approval necessary before a building permit can be issued.

Unless the final plat is recorded within the timelines in Section 20.05, it shall be resubmitted as a new land division application, which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.

SECTION 58: Ordinance No. 323, Section 20.71 (H) Design Standards for Lot and Block is amended to read as follows:

20.71 (H) Lots are required to have frontage on a public right of way. A private access easement does not fulfill this requirement.

SECTION 59: Ordinance No. 323, Section 20.73 Streets General Provisions Subsection (A) (1) is amended to read as follows:

20.73 Streets:

(A) General Provisions.

(1) No land use approval or building permit shall be issued unless the development has an approved irrevocable access to a public street. Streets, sidewalks and bikeways within a development shall be improved in accordance with this ordinance. Any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved in accordance with this ordinance.

SECTION 60: Ordinance No. 323, Section 20.73 (C) Street Extensions is amended to read as follows:

(C) Street Extensions. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed. A barricade shall be constructed at the end of the street by the property owners, the cost of which shall be included in the street construction cost; and it shall not be removed by any party until authorized by the city.

SECTION 61: Ordinance No. 323, Section 21.05 (8) is amended to read as follows:

21.05 (8) Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 21.06.

SECTION 62: Ordinance No. 323, Section 21.06 (4) is amended to read as follows:

(4) The application complies with the supplementary zone regulations contained in Sections 18.00, 19.00, and 22.00;

SECTION 63: Ordinance No. 323, Section 21.03 (A) is amended and renumbered as follows:

21.03 Applicability of Provisions:

(A) Site development review shall be required for all new developments and modifications of existing developments except:

- (1) Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair;
- (2) Single-family detached dwellings (including manufactured homes);
- (3) A single duplex, up to two single-family attached units, or a single triplex which is not being reviewed as part of any other development, and parking on the same lot;
- (4) Building additions in commercial, industrial and public zones of not more than 200 square feet and any residential building addition;
- (5) Interior modification or change in use within an existing building that meets one of the following:
 - (a) The modification or change in use which requires less than a 25% increase in the number of parking spaces required (not existing) for the current use; or
 - (b) The modification or change in use generating less than an average of 100+ trips per day per 1000 gross square feet of building as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
 - (c) The modification or change in use does not include daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight.
- (6) Accessory structures in residential zones with less than 600 or less square feet of floor area are exempt; over 600 square feet is a Type I action. In other zones the city administrator will determine applicability of site development review or Type I action on a case by case basis. (Section 21.06)
- (7) Home occupation;
- (8) Land Divisions and associated public improvements.
- (9) Other development, when required by a condition of approval. Other development, when required by a condition of approval.

SECTION 64: Ordinance No. 323, Section 21.07 (A) and (B) Expiration of Approval is amended to read as follows:

21.07 Expiration of Approval:

(A) Site development review approval shall be effective for a period of 2 years from the date of approval, if the building permit has not been issued within the 2-year period.

(B) The Planning Commission shall upon written request by the applicant and payment of the required fee, grant an extension of the approval period for a period not to exceed a total of 5 years from the original Site Development Review Notice of Decision, provided that:

- (1) No major modifications are made to the approved site development review plan;
- (2) The applicant can show intent to initiate to complete construction on the site within the extension period;
- (3) There have been no changes to the applicable ordinance provisions on

which the approval was based. If there have been changes to the applicable ordinance provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site development review shall be required; and

(4) The applicant demonstrates that failure to obtain building permits and substantially begin construction within 2 years of site development approval was beyond the applicant's control.

(C) Site development review approval shall be voided immediately if development on the site is a departure from the approved plan or development use, or approved modified plan and development as provided for in Section 21.09(B).

SECTION 65: Ordinance No. 323, Section 22 Title Page shall read as follows as part of a housekeeping change:

SECTION 22.00

SUPPLEMENTARY ZONE REGULATIONS

- 22.01 Clear Vision Area
- 22.02 Fences, Hedges and Walls
- 22.03 Exception to Height Regulations
- 22.04 Parking and Storage of Certain Vehicles
- 22.05 Parking in Required Yards
- 22.06 Average Yard Setback Adjacent to a Street
(Front and Exterior Side Yards)
- 22.07 Yard Exceptions
- 22.08 Setback Measurement
- 22.09 Outside Storage

FLOOD HAZARD

- 22.10 Compliance with Ordinance No. 487
- 22.11 Disclaimer of Liability
- 22.12 Time Limit of Flood Plain Development Permit

SECTION 66: Ordinance No. 323, Section 22.01 Clear Vision Area Subsection (C) is amended to read as follows:

- (C) A clear vision area shall consist of a triangular area, 2 sides of which are lot lines or property lines for a distance of 20 feet for corner properties and 20 feet for driveways and railroad intersections. In the case of driveways the 20 feet shall be measured from the centerline of the driveway, or in the case of a dual driveway and parking lot entrances, the centerline of each drive lane. Where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured. The 3rd side of the triangle shall be a line connecting the non-intersecting ends of the other 2 lines. (See Illustrations following Section 23.00).

SECTION 67: The Ordinance No. 323 "How to Calculate Clear-Vision Area" Illustration, following Section 23.00, is updated and attached as Exhibit "B":

SECTION 68: Ordinance No. 323, Section 22.02 (A) (1) and (2) is amended to read as follows:

22.02 (A) Location and Height.

- (1) Residential and Commercial Fences and Walls. Fences and walls shall be constructed within the Clear Vision Area requirements in Section 22.01 and provisions in Section 22.02(B), (C) and (D). Fences and walls shall be up to 8 feet in height except:
- (a) In clear vision areas (See Section 22.01 above); and
 - (b) Front yard fences shall be up to 4 feet in height; except fences located on corner lots having two front yards; in this case only the front yard on which the improvement or contemplated improvements will face must meet the 4 foot requirement; and
 - (c) Front yard walls shall be up to 4 feet in height except walls located on corner lots having two front yards; in this case only the front yard on which the improvement or contemplated improvements will face must meet the 4 foot requirement; and
 - (d) Any fence or wall over 6 feet in height requires a building permit; and
 - (e) Fences and walls constructed on the property line require a written agreement between adjoining property owners, which shall be recorded with the Marion County Clerk.
- (2) Industrial and Public Fences. Fences shall be no higher than 8 feet, including any security barbed wire. A minimum seven foot fence constructed in an industrial or public zone may, for security purposes, have the top one foot of the fence constructed with barbed wire. The wire shall be straight up or slanted into the property and shall be placed only on chain link fences constructed in industrial zones.

SECTION 69: Ordinance No. 323, Section 22.04 is deleted and moved to Section 18.00 Off Street Parking and Loading:

SECTION 70: Ordinance No. 323, Section 22.05 Parking in Required Yards Prohibited is amended to read as follows:

22.05 Parking in Required Yards: See Section 18.08(A).

SECTION 71: Ordinance No. 323, Section 22.07 Yard Exceptions is amended to include a new subsection (D) as follows:

- (D) Commercial Yard Projections. Planters, benches, café-styled tables, temporary free-standing signs, steps, cornices, eaves, gutters, and ornamental features of not more than 24 inches, from main buildings need not be included when determining the setbacks.

SECTION 72: Ordinance No. 323, Section 22.08 Off-Street Parking is deleted because it is covered in Section 18, and the remaining Section 22 sections are renumbered.

SECTION 73: Ordinance No. 323, Section 22.09 Setback Measurement, Subsection (B) is amended to read as follows:

- 22.08 (B) Accessory Structures: Except in front yards, accessory structures with a building height of less than 8 feet, and no openings facing an interior lot line, shall maintain a setback distance of 3 feet from such property lines. (See Manufactured Home Parks – Section 6.12 (E))

SECTION 74: Ordinance No. 323, Section 22.20 Compliance with Ordinance No. 487 is renumbered to Section 22.10.

SECTION 75: Ordinance No. 323, Section 22.2 Disclaimer of Liability is renumbered to Section 22.11.

SECTION 76: Ordinance No. 323, Section 22.22 Time Limit of Flood Plain Development Permit is renumbered to Section 22.12 and amended to read as follows:

22.12 Time Limit of Flood Plain Development Permit: The term of an approved flood plain development permit is 2 years. The city council may extend such term for a period not to exceed 3 additional years, if upon written request, justification can be found and approved by the city council.

SECTION 77: Ordinance No. 323, Section 23.03 (A) is amended to add a new subsection 23.03 (A) (4) as follows:

Section 23.03 (A) (4) Residential Development. All required front yards, exclusive of accessways, shall be devoted to landscaped area for all development in residential zones.

SECTION 78: Ordinance No. 323, Section 23.04 (A) is as follows:

Section 23.04 (A) For purposes of satisfying the minimum requirements of this ordinance, a "landscaped area" is any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses; and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Also includes irrigation systems, mulches, decorative rock ground cover, topsoil, and re-vegetation or the preservation, protection and replacement of trees.

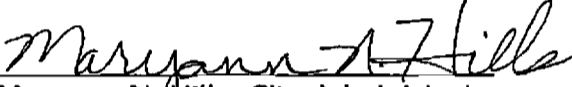
SECTION 79: Ordinance No. 323, Section 23.04 is amended to add a new subsection 23.04 (D) as follows

Section 23.04 (D) Landscape Completion: All required landscaping shall be landscaped within one year of issuance of occupancy permit. Landscaping, including location of materials used, shall not obstruct vision clearance at street or railroad intersections.

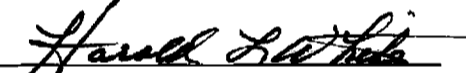
SECTION 80: Validity. Except as amended herein the remainder of Ordinance No. 323 shall remain in full force and effect.

SECTION 81: Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

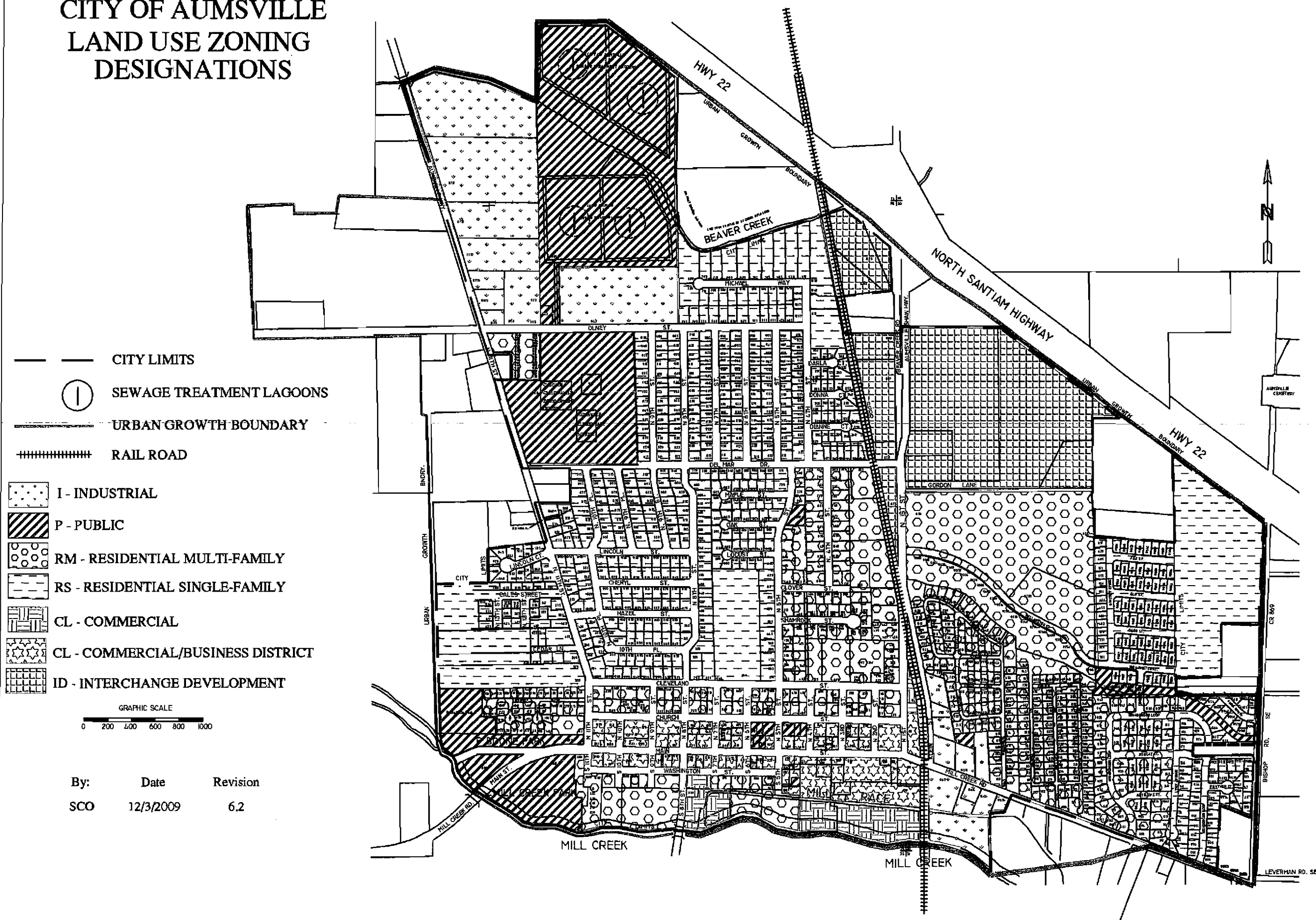
PRESENTED AND PASSED the first reading unanimously on the 14th day of December, 2009. PASSED its second reading unanimously on the 14th day of December, 2009. ADOPTED by the Aumsville City Council by unanimous vote on the 14th day of December, 2009.

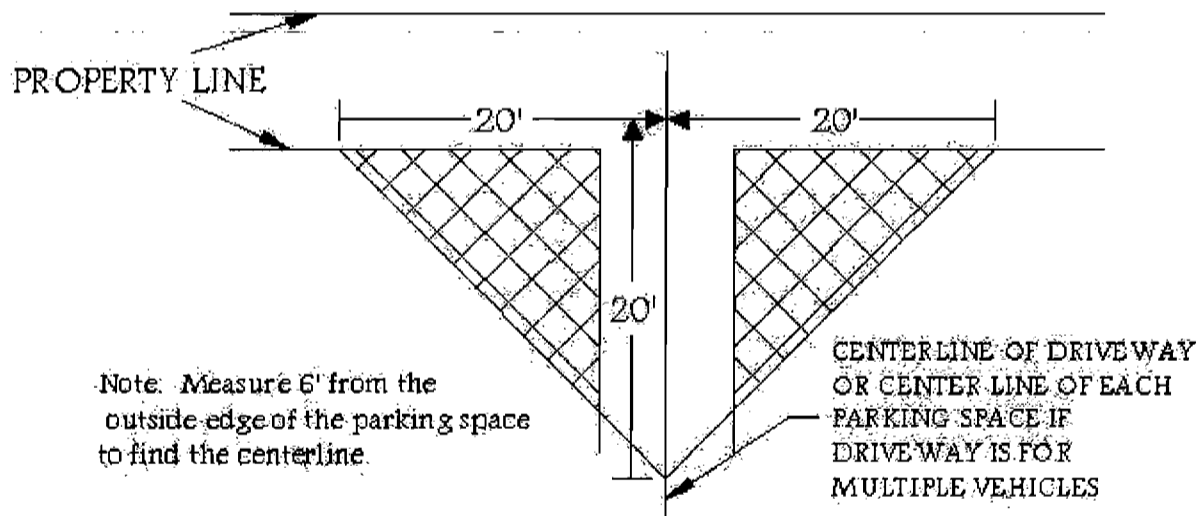
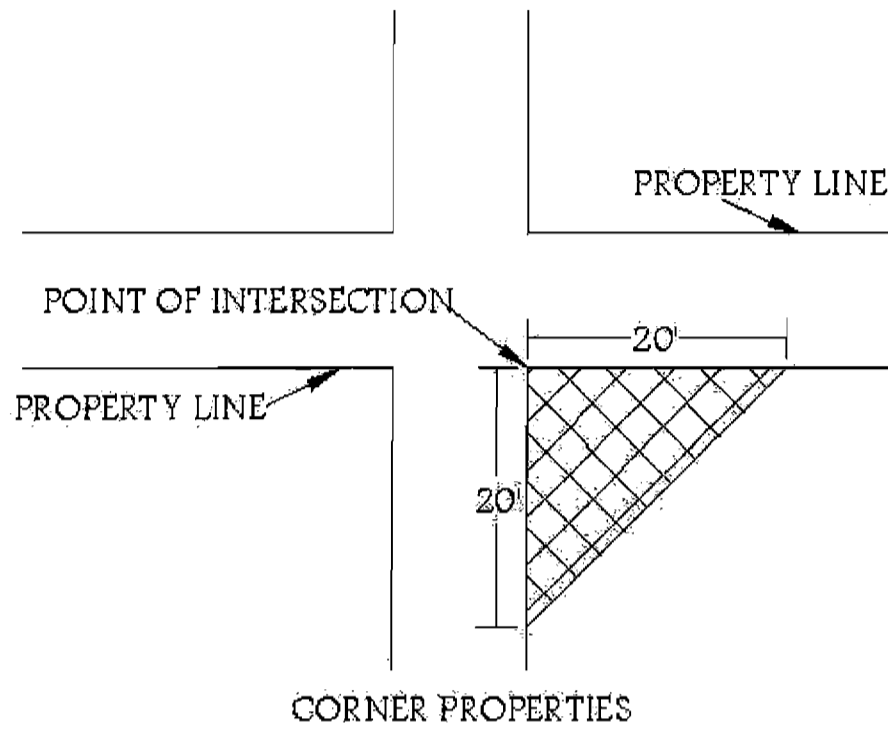

Maryann N. Hills, City Administrator

SIGNED by the mayor this 16th day of December 2009


Harold L. White, Mayor

ZONING MAP CITY OF AUMSVILLE LAND USE ZONING DESIGNATIONS





ACCESS DRIVEWAY FROM PARKING AREAS AND RAILROAD INTERSECTIONS

EXHIBIT B

STAFF REPORT

TO: Aumsville City Council
FROM: Richard Berger, City Planner
SUBJECT: Comprehensive Plan Amendment
DATE: December 11, 2009

I. BACKGROUND

APPLICANT: City of Aumsville

PROPERTY LOCATION: The proposal is a text amendment to the City of Aumsville Comprehensive Plan and as such, does not apply to a specific parcel of land; it generally applies to land outside the city limits and inside the urban growth boundary (UGB).

REQUEST: The proposed plan amendment involves two changes:

1. To amend Policy #3 of the urbanization policies of the Aumsville Comprehensive Plan which deals with the extension of city services outside the city limits. The proposed amended language is attached as an exhibit to this report.
2. The Plan map will be revised to incorporate the new City limits resulting from recent annexations.

PROCEDURE: As specified in the implementation section of the Comprehensive Plan, the City Council approves amendments to the Comprehensive Plan; however, it should consider, but is not bound, by the recommendation of the Planning Commission.

DECISION CRITERIA: The implementation section of the Comprehensive Plan does state criteria that must be met for approval of a Comprehensive Plan amendment.

II. APPLICATION SUMMARY

- A. It came to the attention of staff and the City Council that the Comprehensive Plan does not give a policy opinion on the extension of city services outside city limits. A request was processed last year to expand City services outside of the City limits for a single residence on Bishop Road. Such expansions are an important policy issue for cities and are usually covered in Comprehensive Plan goals and policies. The only reference to such expansions in the Comprehensive Plan is the urbanization policy #3 which states:

The City of Aumsville will not extend City Services outside the City limits unless waivers for future annexation are obtained.

This policy states a condition of approval without giving any direction as when such a request may be acceptable without an adverse impact.

Article 6 Section 1 of the Sewer System Ordinance sets forth four requirements any applicant must prove to the council in order to obtain approval to hookup property outside the city limits. Even so, Article 6 Section 2 states that

Regardless if the applicant meets the requirements set forth in Article 4, (A)-(D), each applicant shall be decided on a case by case basis and approval of the application is at the sole discretion of the council.

This overall lack of a policy direction is difficult for potential developers to plan around and is a burden on staff in administering the planning policy of the city. The proposed Comprehensive Plan amendment does not propose to take away the power of the Council to review such requests on a case by case basis; rather, it will give some direction to staff and future councils on when, and under what conditions, such an approval is to be granted. Making a general policy decision on this issue now will also allow Council to better consider this issue as an overall policy matter without the complications that go along with discussing a policy matter during the process of a specific request.

The proposed amendment to the Plan map is a housekeeping measure and only changes the map to show what in effect already due to previously approvals.

III. STAFF ANALYSIS

- A. Generally it is considered a benefit for cities to have a clear delineation along jurisdictional lines between where city services are provided and where they are not. Providing services to properties outside the jurisdiction can create issues of unfair allocation of costs to taxpayers of the city, and in some cases to those outside the jurisdiction. It also can create conflicts where the city has influence over individuals that have no vote in city elections. Generally such expansions can cause issues for public works departments when they potentially have to service items outside their jurisdiction. Additionally, city services are one of the key incentives for individual properties to voluntarily annex into the city. Even with waivers allowing the city to annex such land without protest, in reality any forced annexation can be difficult and costly for the city and is almost always less desirable than a voluntary one.

For these reasons, the proposed Comprehensive Plan policy limits such service extensions to those times when they are absolutely necessary in cases of emergency. It further specifies that such extensions will be done for a public purpose and are only to be done if they will not create additional burden on existing services. Finally, it reiterates the policy that in all cases waivers for annexation must be obtained. Staff believes this is a reasonable policy for the city which protects taxpayers and provides direction and flexibility to the city in the future.

IV. CRITERIA AND FINDINGS

- A. The implementation section of the Comprehensive Plan states that minor changes to the Comprehensive Plan that do not have a significant effect beyond the immediate area are not to be made more frequently than once a year. It also states that major revisions are not to be made more frequently than every two years. The proposed change is a minor change; however, since no Comprehensive Plan change has been made in the last two years, even if this were a major change, this requirement would be met.
- B. The implementation section of the Comprehensive Plan does state criteria that must be met for approval of a Comprehensive Plan amendment. These criteria are listed below, along with applicable findings for each.

1. Changes to the Comprehensive Plan are to be based on special studies or other resource data and used as a factual basis to support the change.

FINDINGS: The proposed change is built upon the existing studies adopted as part of the Comprehensive Plan. These studies dictate the land needed for future growth and analyze the capacity of the community's public services. The proposed change does not affect or modify the conclusions of these reports; instead it modifies how the report's conclusions are implemented through policy.

2. The public need and justification for the change must be justified and documented.

FINDINGS: The public need for the change is to avoid the negative potential consequences of allowing city services outside the city limits. These potential negative consequences are as follows:

- a.) Unfair allocation of costs for city services to the taxpayers of the city and in some cases to those outside the jurisdiction.
- b.) Conflicts where the city has heavy influence over individuals that have no vote in City elections.
- c.) Jurisdictional and maintenance complications for city staff to potentially be responsible for infrastructure outside of the city's jurisdiction.
- d.) The increased potential for forced annexation which can be costly for the City and property owners.

The proposed amendment does maintain the important public need for the City to expand urban services in emergency situations.

3. Major and minor revisions to the Comprehensive Plan and implementing ordinances must be adopted by the City Council following the forwarding of a recommendation by the Planning Commission based upon citizen involvement, and in coordination with other governmental units and agencies.

FINDINGS: Public hearings on the proposed amendment will be held before both the Commission and City Council. As specified, the Planning Commission will forward a recommendation before the Council will render a decision on the matter.

The procedures for this Comprehensive Plan change conform to the Urban Growth Boundary and Policy Agreement between the City and Marion County. As specified in the agreement, since this update applies to portions of the urban growth area outside the City limits, the change will first be considered by the City and then be referred to the County prior to the final adoption. Both the City and County must approve for the amendment to be adopted.

The findings regarding statewide planning goals are noted below:

Goal 1, Citizen Involvement: Public hearings on proposed amendment will be held before both the Commission and City Council. This is consistent with City adopted procedures regarding citizen involvement.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan.

Goal 3, Agricultural Lands: The proposal does make it minimally more difficult to bring urban services to agricultural land which is outside City limits and inside the urban growth boundaries.

Goal 4, Forest Lands: The proposal does not involve or affect forest land.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The amendments do not preclude the protection of identified Goal 5 resources. Preservation requirements for identified natural resources and significant open space areas will remain in effect.

Goal 6, Air, Water and Land Resource Quality: The amendments are neutral with regard to this Goal. All development is required to comply with local, state and federal regulations regarding air, water and land quality.

Goal 7, Natural Hazards: Development requirements within natural hazard areas are not altered or otherwise affected. The proposed amendment makes provisions to expand services if needed due to an emergency.

Goal 8, Recreational Needs: The amendments will not alter or diminish the City's ability to provide recreational land.

Goal 9, Economic Development: The amendments will have no effect on economic development.

Goal 10, Housing: The amendments do not impact the ability to provide needed housing for the community.

Goal 11, Public Facilities and Services: The amendment will create a more uniform provision for providing services outside the City limits. It will also better meet planning guideline # 6 under goal #11 which states:

A public facility or service should not be provided in an urbanizable area unless there is provision for the coordinated development of all the other urban facilities and services appropriate to that area.

Goal 12, Transportation: The amendment does not preclude provisions or compliance with the Transportation Planning Rule.

Goal 13, Energy Conservation: The amendments will not affect energy conservation.

Goal 14, Urbanization: The amendments will not affect the urbanization requirements of this goal.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposal does not involve land within the Willamette Greenway or coastal areas.

- C. The Comprehensive Plan amendment update incorporates recent changes to the City limits as a result of prior annexations. This proposal merely shows these already approved changes on the plan map.

V. CONCLUSION AND RECOMMENDATION

The Planning Commission finds that the proposed amendments comply with the applicable decision criteria and recommend the City Council approve the proposed amendments to the Aumsville Development Ordinance.

VI. CITY COUNCIL ACTION

- A. Regarding the Plan Amendments, the City Council may either:
1. Approve the Plan amendment, adopting the findings contained in the staff report;
 2. Approve the Plan amendment, adopting modified findings and/or conclusions; or
 3. Approve only certain Plan amendments, adopting modified findings and/or conclusions; or
 4. Deny the application specifying reasons where the proposal fails to comply with the applicable decision criteria.

Staff will prepare an Order for the Mayor's signature based on the decision of the City Council.

STAFF REPORT

TO: Aumsville City Council
FROM: Richard Berger, City Planner
SUBJECT: Development Ordinance Amendment
DATE: December 11, 2009

I. BACKGROUND

- A. APPLICANT: City of Aumsville
- B. PROPERTY LOCATION: The proposal is a text amendment to the Development Ordinance and as such applies to all land within the City of Aumsville
- C. REQUEST: The Planning Commission initiated an amendment to the Development Ordinance, held a public hearing on the matter, and recommended approval of the attached amendment. As specified in Section 15 of the Development Ordinance the City Council approves amendments to the Development Ordinance and should consider but is not bound by the recommendation of the Planning Commission. The current request is for the City Council to decide whether to approve the Development Ordinance changes recommended by the Planning Commission.
- D. DECISION CRITERIA: Aumsville Development Ordinance, Section 15.05 Criteria of Recommending an amendment.

II. APPLICATION SUMMARY

- A. Through the normal course of business, staff continuously notes areas of the Aumsville Development Ordinance that are confusing, redundant, or are not compatible with state law. Some of these changes are minor and some have a more significant impact. Some of the changes have been discussed in staff reports, Planning Commission meetings, and Council meetings. Staff compiled the changes and presented them to the Planning Commission in December 2008. At that time, the Planning Commission modified the initial changes proposed by staff and initiated an ordinance amendment as permitted under section 15.01 of the Aumsville Development Ordinance. Due to the time limitations of staff, a public hearing on the changes initiated by the Planning Commission was not scheduled for a year. During that time staff, the Planning Commission, and the Council have noted additional areas within the development ordinance which required clarification/change. These additional changes were incorporated into the changes reviewed by the Planning Commission in 2008. A public hearing by the Planning Commission on the updated changes was held December 9, 2009. Based on public input the Commission made further revisions to the proposed amendment and recommended to the Council passage of the amendments.

- B. Since the proposed changes affect many parts of the development ordinance, the amendments are reviewed in this staff report in groupings of related changes. The following is a list and description of these groupings.

1. Single Family Attached

Description of change: These changes to the development ordinance make provisions to allow a single family attached use in the Residential Multi-Family zone.

Reason for change: The single family attached use is basically a duplex style living unit where each side of the duplex is on a separate lot. This allows for multiple owners and a style of living that is denser than the traditional single family housing, but does not require non-owner occupancy.

Applicable sections of amending ordinance: Partial Section 2, Partial Section 13, Section 14, Section 15, Partial Section 16.

2. Land Divisions

Description of changes: These changes to the development ordinance clarify and streamline the land division process. Many of the changes are to bring the ordinance into compliance with current state statute while the streamlining provisions were proposed due to the experience gained through the rush of subdivision applications processed by the City over the building boom of the last five years.

Highlight of changes:

- a. Added and defined the term "substantial conformance" to better define how the Administrator Official can approve final plats. Also added a provision for Planning Commission review of substantial conformance definition in controversial cases.
- b. Extended the time required to record final plats to better conform to a more realistic time frame for completing public improvements.
- c. Clarified that lots need frontage on a right of way, and that in order to build on a lot, the lot must have irrevocable access to a public street.

Applicable sections of amending ordinance: Partial Section 2, Section 33, Section 48, Section 49, Section 50, Section 51, Section 52, Section 53, Section 54, Section 55, Section 56, Section 57, Section 58, Section 59, Section 60, Section 61.

3. Landscaping

Description of change: A more detailed definition for landscaping was created and a timeline was added for completing required landscaping.

Reason for change: The development ordinance makes reference in several places to landscaping being required. Since the ordinance does not have a clear definition for landscaping these requirements are difficult to enforce and unclear for

property owners and developers. While the proposed definition will not eliminate all ambiguity of these provisions, it will add greater clarification, at least equivalent to what is found in other jurisdictions.

Applicable sections of amending ordinance: Partial Section 2, Section 78, Section 79.

4. Setbacks

Description of change: Modified the definition of setbacks and modified/clarified some setback requirements.

Highlight of changes:

- a. Changed the definition of front yard.
- b. Removed additional setback requirements which made manufactured home parks have more stringent setback requirements than the underlying zone.
- c. Added a three foot front yard setback requirement to the commercial zone.

Reason for change:

- a. The definition of front yard was changed so it would be consistent with "yard" and "interior yard" definitions.
- b. The additional setback requirements for manufactured home parks were removed due to earlier enforcement issues with this more restrictive provision. This change was requested by the City Council on July 9, 2007.
- c. The three foot front yard setback requirement to the commercial zone was added to create better opportunities for benches, planters, and beautification in the City's core.

Applicable sections of amending ordinance: Partial Section 2, Section 8, Section 16, Partial Section 18, Section 25.

5. Variance

Description of change: Changed the approval criteria for granting a variance.

Reason for change: The current variance approval criteria made it so difficult to obtain a variance that it was nearly impossible, even when it appeared reasonable. The new criteria attempt to balance protecting the City and intent of the development ordinance while making reasonable variances possible.

Applicable sections of amending ordinance: Section 35, Section 36.

6. Miscellaneous Changes

Description of change: These changes are generally smaller in nature than other changes and cover a broad range of topics. Some are necessary to be in compliance with state law, while others are made to clarify existing ordinance language. Many of these changes are as simple as renumbering or reordering current provisions or updating the table of contents for each ordinance chapter.

Although these changes are small, they are changes to city policy and as such are each important.

Highlight of changes:

- a. Changed definition of residential facilities and group home facilities and made residential facilities a permitted use in the RM zone to be in conformance with state law. Group care facilities and residential facilities were added as a conditional uses to the RS zone. It is important to note that residential facilities and group homes do not include detention facilities or correctional homes.
- b. Added infrastructure requirements to new manufactured home parks in order to allow for an easier conversion of the park to a subdivision.
- c. Allowed construction companies within the ID zone.
- d. Remove contradictory parking requirements.
- e. The Zoning map will be revised to incorporate new City limits boundaries and zoning resulting from recent annexations previously approved by the City.

Applicable sections of amending ordinance: Section 1, Partial Section 2, Section 3, Section 4, Section 5, Section 6, Section 7, Section 9, Section 10, Section 11, Section 12, Section 17, Partial Section 18, Section 19, Section 20, Section 21, Section 22, Section 23, Section 24, Section 26, Section 27, Section 28, Section 29, Section 30, Section 31, Section 32, Section 34, Section 37, Section 38, Section 39, Section 40, Section 41, Section 42, Section 43, Section 44, Section 45, Section 46, Section 47, Section 62, Section 63, Section 64, Section 65, Section 66, Section 67, Section 68, Section 69, Section 70, Section 71, Section 72, Section 73, Section 74, Section 75, Section 76, Section 77, Section 80, Section 80, Section 81

III. CRITERIA AND FINDINGS AMENDMENT TO THE TEXT OF THE DEVELOPMENT ORDINANCE

- A. Section 15.00 establishes procedures and criteria for all text amendments involving either the Comprehensive Plan or the Development Ordinance. The specific decision criteria are contained in Section 15.05 and are reviewed in the following sections. Due to the broad scope of the amendments proposed each grouping of ordinance amendments are reviewed against the criteria.

1. Single Family Attached

- A. That the requested change is in conformance with the adopted Comprehensive Plan of the city.

ANALYSIS: By providing a new housing type and by creating specific criteria to manage its implementation, the City is following both of its residential goals. The first is to provide for the housing needs of existing and future residents and the second is to assure that residential areas are pleasant, healthful, and safe places

in which to live. It also specifically implements residential policy #6 of the Comprehensive Plan which states:

The City shall allow for the use of new land development techniques to encourage a variety of living areas and housing types in all residential districts.

FINDINGS: The related amendments meet this criterion

- B. That there was a mistake or an update needed in the original ordinance or map.

FINDINGS: This update is needed to give a variety of housing choices in the City.

- C. That the conditions in the area have changed since adoption of the ordinance and/or zoning map.

FINDINGS: The conditions have changed through the experience of the City in implementing the ordinance since it was adopted.

- D. The amendments will not interfere with the development or value of other land in the vicinity.

FINDINGS: The proposed amendment will have no impact on neighboring developments and will have minimal impact, if any, of land values in the vicinity.

- E. The amendment will not be detrimental to the general interest of the city and that there is a public need for the amendment.

FINDINGS: Providing for a variety of housing options is not detrimental to the general interest and is a public need in the city.

- F. That there is no other appropriately zoned property that could be used.

FINDINGS: This criterion is not applicable because it applies to a map amendment not a text amendment.

- G. That the amendment will not overburden existing and future capacity of public facilities.

FINDINGS: Since the new housing type is within the density range of the current zone, the proposal will have no effect on the capacity of public facilities.

- H. That the amendment shall comply with the applicable state and federal laws and regulations.

FINDINGS: The findings regarding statewide planning goals are noted below:

Goal 1, Citizen Involvement: Public hearings on proposed amendment will be held before both the Commission and City Council. This is consistent with City adopted procedures regarding citizen involvement.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Ordinance. As is

shown elsewhere in this report, the proposal is entirely consistent with these acknowledged documents.

Goal 3, Agricultural Lands: The proposal does not involve or affect farm land.

Goal 4, Forest Lands: The proposal does not involve or affect forest land.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: This amendment does not preclude the protection of identified Goal 5 resources. Preservation requirements for identified natural resources and significant open space areas will remain in effect.

Goal 6, Air, Water and Land Resource Quality: The amendments are neutral with regard to this Goal. All development is required to comply with local, state and federal regulations regarding air, water and land quality.

Goal 7, Natural Hazards: Development requirements within natural hazard areas are not altered or otherwise affected.

Goal 8, Recreational Needs: The amendments will not alter or diminish the City's ability to provide recreational land.

Goal 9, Economic Development: The amendments do not affect economic development.

Goal 10, Housing: The amendments improve the ability to provide needed housing for the community by creating a new unique housing type that is not currently available in Aumsville.

Goal 11, Public Facilities and Services: As stated elsewhere in this report these amendments will have no effect on public facilities and services.

Goal 12, Transportation: The proposal does not preclude provisions or compliance with the Transportation Planning Rule.

Goal 13, Energy Conservation: The amendment will minimally enhance energy conservation by creating an owner occupied housing type with a common wall which is more energy efficient than stand alone units.

Goal 14, Urbanization: This amendment expands housing options within the urban growth boundary enhancing the ability to serve a diverse population within urban areas.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposal does not involve land within the Willamette Greenway or coastal areas.

- I. That the amendment shall comply with the Urban Growth Boundary and Policy Agreement existing between the City and Marion County.

FINDINGS: The proposed amendments are not affected by the Urban Growth Boundary and Policy Agreement existing between the City and Marion County

2. Land Divisions

- A. That the requested change is in conformance with the adopted Comprehensive Plan of the city.

ANALYSIS: The Comprehensive Plan notes that:

Land division regulations play an important part of the ordinance in the achievement of the goals, objectives, and policies of the Comprehensive Plan by prescribing standards for the subdivision of land.

The proposed amendments bring greater clarity and efficiency to the land division process in the City and as such better fulfill this sections important role as noted by the Comprehensive Plan.

FINDINGS: The related amendments meet this criterion

- B. That there was a mistake or an update needed in the original ordinance or map.

FINDINGS: This update is needed due to language in the original development ordinance that was unclear. Additionally, there was a mistake in the original ordinance in not giving adequate time for a developer to install public improvements required by preliminary approval of a subdivision.

- C. That the conditions in the area have changed since adoption of the ordinance and/or zoning map.

FINDINGS: The conditions have changed due to changes in state law and through the experience of the City in implementing the ordinance since it was adopted.

- D. The amendments will not interfere with the development or value of other land in the vicinity.

FINDINGS: The proposed amendment will have no impact on neighboring developments and will have minimal impact if any of land values in the vicinity.

- E. The amendment will not be detrimental to the general interest of the city and that there is a public need for the amendment.

FINDINGS: Having land division regulation within the City which is clear, thorough, and realistic is not detrimental to the general interest of the City and is a public need.

- F. That there is no other appropriately zoned property that could be used.

FINDINGS: This criterion is not applicable because it applies to a map amendment not a text amendment.

- G. That the amendment will not over-burden existing and future capacity of public facilities.

FINDINGS: The proposed amendments will not affect the capacity of public services.

- H. That the amendment shall comply with the applicable state and federal laws and regulations.

FINDINGS: The ordinance amendment changes the definition of property line adjustment, partition, and subdivision to conform with ORS chapter 92. The findings regarding statewide planning goals are noted below:

Goal 1, Citizen Involvement: Public hearings on proposed amendment will be held before both the Commission and City Council. This is consistent with City adopted procedures regarding citizen involvement.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Ordinance. As will be shown elsewhere in this report, the proposal is entirely consistent with these acknowledged documents.

Goal 3, Agricultural Lands: The proposal does not involve or affect farm land.

Goal 4, Forest Lands: The proposal does not involve or affect forest land.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The amendments do not preclude the protection of identified Goal 5 resources. Preservation requirements for identified natural resources and significant open space areas will remain in effect.

Goal 6, Air, Water and Land Resource Quality: The amendments are neutral with regard to this Goal. All development is required to comply with local, state and federal regulations regarding air, water and land quality.

Goal 7, Natural Hazards: Development requirements within natural hazard areas are not altered or otherwise affected.

Goal 8, Recreational Needs: The amendments will not alter or diminish the City's ability to provide recreational land.

Goal 9, Economic Development: The amendments do not affect economic development.

Goal 10, Housing: The amendments do not impact the ability to provide needed housing for the community.

Goal 11, Public Facilities and Services: As stated elsewhere in this report the amendments will have no effect on public facilities and services.

Goal 12, Transportation: The amendments do not preclude provisions or compliance with the Transportation Planning Rule.

Goal 13, Energy Conservation: The amendments will not affect energy conservation.

Goal 14, Urbanization: The amendments will not affect the urbanization requirements of this goal.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposal does not involve land within the Willamette Greenway or coastal areas.

- I. That the amendment shall comply with the Urban Growth Boundary and Policy Agreement existing between the city and Marion County.

FINDINGS: The proposed amendment is not affected by the Urban Growth Boundary and Policy Agreement existing between the city and Marion County

3. Landscaping

- A. That the requested change is in conformance with the adopted Comprehensive Plan of the city.

ANALYSIS: In chapter 3 of the comprehensive plan it notes that landscaping requirements can be a tool to enhance the community appearance. It is a specific goal in the community to enhance the community's appearance. By making landscaping requirements more clear this tool can better be used for the benefit of the community.

FINDINGS: The amendments are in conformance with the Comprehensive Plan.

- B. That there was a mistake or an update needed in the original ordinance or map.

ANALYSIS: There was a mistake in the original ordinance because although reference to landscaping was mentioned in several locations there was no definition give in the ordinance overall. This made the provisions hard to enforce since opinions vary about the exact definition of landscaping.

FINDINGS: There was a mistake in the original ordinance.

- C. That the conditions in the area have changed since adoption of the ordinance and/or zoning map.

FINDINGS: The conditions have changed through the experience of the City in implementing the ordinance since it was adopted.

- D. The amendments will not interfere with the development or value of other land in the vicinity.

FINDINGS: The proposed amendments will have a minimal impact in increasing the value of surrounding areas by ensuring that proper landscaping is completed.

- E. The amendment will not be detrimental to the general interest of the city and that there is a public need for the amendment.

FINDINGS: It is not detrimental to the general interest of the City to make sure the ordinance can be enforced and that the City is landscaped. The comprehensive plan demonstrated that the improved appearance associated with landscaping is a public need.

F. That there is no other appropriately zoned property that could be used.

FINDINGS: This criterion is not applicable because it applies to a map amendment not a text amendment.

G. That the amendment will not over-burden existing and future capacity of public facilities.

FINDINGS: The amendments will have no affect on public facilities.

H. That the amendment shall comply with the applicable state and federal laws and regulations.

FINDINGS: The findings regarding statewide planning goals are noted below:

Goal 1, Citizen Involvement: Public hearings on proposed amendments will be held before both the Commission and City Council. This is consistent with City adopted procedures regarding citizen involvement.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Ordinance. As will be shown elsewhere in this report, the proposal is entirely consistent with these acknowledged documents.

Goal 3, Agricultural Lands: The proposal does not involve or affect farm land.

Goal 4, Forest Lands: The proposal does not involve or affect forest land.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The amendments do not preclude the protection of identified Goal 5 resources. Preservation requirements for identified natural resources and significant open space areas will remain in effect.

Goal 6, Air, Water and Land Resource Quality: The amendments are neutral with regard to this Goal. All development is required to comply with local, state and federal regulations regarding air, water and land quality.

Goal 7, Natural Hazards: Development requirements within natural hazard areas are not altered or otherwise affected.

Goal 8, Recreational Needs: The amendments will not alter or diminish the City's ability to provide recreational land.

Goal 9, Economic Development: The amendments will have a minimal positive effect on economic development by improving Aumsville's appearance thus making it a more inviting place to live, work, and play.

Goal 10, Housing: The amendments do not impact the ability to provide needed housing for the community.

Goal 11, Public Facilities and Services: As stated elsewhere in this report the amendment will have no effect on public facilities and services.

Goal 12, Transportation: The amendment does not preclude provisions or compliance with the Transportation Planning Rule.

Goal 13, Energy Conservation: The amendments will not affect energy conservation.

Goal 14, Urbanization: The amendments will not affect the urbanization requirements of this goal.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposal does not involve land within the Willamette Greenway or coastal areas.

- I. That the amendment shall comply with the Urban Growth Boundary and Policy Agreement existing between the City and Marion County.

FINDINGS: The proposed amendment is not affected by the Urban Growth Boundary and Policy Agreement existing between the City and Marion County

4. Setbacks

- A. That the requested change is in conformance with the adopted Comprehensive Plan of the City.

ANALYSIS: Setbacks are a tool used to accomplish several goals in the comprehensive plan. These include but are not limited to:

Residential Goal #2: To ensure residential areas are pleasant, healthful, and safe places in which to live.

Commercial Goal #2: To develop a business center that is easily accessible, convenient and a pleasant place which to shop.

The proposed amendments continue to use setbacks to accomplish these goals making manufactured home parks setbacks similar to other residential areas and by increasing setback in commercial areas to create a more pleasant place to shop.

FINDINGS: Modification of setback requirements is in conformance with the comprehensive plan.

- B. That there was a mistake or an update needed in the original ordinance or map.

FINDINGS: There was a mistake in the definition of "front yard" which made it inconsistent with other definitions of "yard" in the ordinance. An update to the manufactured home park setback requirements were required to make setbacks for this development type balanced with other residential development. An update was also needed to increase setbacks in commercial zones to increase the availability of benches and beautification measures.

- C. That the conditions in the area have changed since adoption of the ordinance and/or zoning map.

FINDINGS: The conditions have changed through the experience of the City in implementing the ordinance since it was adopted.

- D. The amendments will not interfere with the development or value of other land in the vicinity.

FINDINGS: The amendments are minor changes and have the most effect on the property they apply to. The impact neighboring development or the value of land in the vicinity will be minimal.

- E. The amendment will not be detrimental to the general interest of the city and that there is a public need for the amendment.

FINDINGS: The proposed amendments are will not be detrimental to the general interest of the City. Proper setbacks are a public need in the community.

- F. That there is no other appropriately zoned property that could be used.

FINDINGS: This criterion is not applicable because it applies to a map amendment not a text amendment.

- G. That the amendment will not over-burden existing and future capacity of public facilities.

FINDINGS: This amendment marginally increases the overall amount of manufactured home park housing in the community and marginally decreases the overall amount of commercial use in the community. In balance there will be minimal impact on the capacity of public services.

- H. That the amendment shall comply with the applicable state and federal laws and regulations.

FINDINGS: The findings regarding statewide planning goals are noted below:

Goal 1, Citizen Involvement: Public hearings on proposed amendment will be held before both the Commission and City Council. This is consistent with City adopted procedures regarding citizen involvement.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Ordinance. As is shown elsewhere in this report, the proposal is entirely consistent with these acknowledged documents.

Goal 3, Agricultural Lands: The proposal does not involve or affect farm land.

Goal 4, Forest Lands: The proposal does not involve or affect forest land.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The amendments do not preclude the protection of identified Goal 5 resources. Preservation requirements for identified natural resources and significant open space areas will remain in effect.

Goal 6, Air, Water and Land Resource Quality: The amendments are neutral with regard to this Goal. All development is required to comply with local, state and federal regulations regarding air, water and land quality.

Goal 7, Natural Hazards: Development requirements within natural hazard areas are not altered or otherwise affected.

Goal 8, Recreational Needs: The amendments will not alter or diminish the City's ability to provide recreational land.

Goal 9, Economic Development: The amendments will have a minimal positive effect on economic development by making the commercial areas a more pleasant area to shop and work.

Goal 10, Housing: The amendments do not impact the ability to provide needed housing for the community.

Goal 11, Public Facilities and Services: As stated elsewhere in this report the amendment will have no effect on public facilities and services.

Goal 12, Transportation: The amendment does not preclude provisions or compliance with the Transportation Planning Rule.

Goal 13, Energy Conservation: The amendments will not affect energy conservation.

Goal 14, Urbanization: The amendments will not affect the urbanization requirements of this goal.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposal does not involve land within the Willamette Greenway or coastal areas.

- I. That the amendment shall comply with the Urban Growth Boundary and Policy Agreement existing between the City and Marion County.

FINDINGS: The proposed amendment is not affected by the Urban Growth Boundary and Policy Agreement existing between the City and Marion County

5. Variance

- A. That the requested change is in conformance with the adopted Comprehensive Plan of the city.

FINDINGS: A reasonable variance process is an important part of land use planning and as such is creating such a variance process in Aumsville is consistent with the Comprehensive plan.

- B. That there was a mistake or an update needed in the original ordinance or map.

FINDINGS: The change in the variance criteria was a needed update since the current criteria have been too high of a burden to meet for even reasonable variance requests.

- C. That the conditions in the area have changed since adoption of the ordinance and/or zoning map.

FINDINGS: The conditions have changed through the experience of the City in implementing the ordinance since it was adopted. This experience has allowed the City to understand the effect of the current variance approval criteria.

- D. The amendments will not interfere with the development or value of other land in the vicinity.

FINDINGS: The amendments should have a minor impact on neighboring development or the value of land in the vicinity.

- E. The amendment will not be detrimental to the general interest of the city and that there is a public need for the amendment.

FINDINGS: The proposed amendments are will not be detrimental to the general interest of the City. Being able to approve reasonable variance applications is a public need in the community.

- F. That there is no other appropriately zoned property that could be used.

FINDINGS: This criterion is not applicable because it applies to a map amendment not a text amendment.

- G. That the amendment will not over-burden existing and future capacity of public facilities.

FINDINGS: The amendments will have no affect on public facilities.

- J. That the amendment shall comply with the applicable state and federal laws and regulations.

FINDINGS: The findings regarding statewide planning goals are noted below:

Goal 1, Citizen Involvement: Public hearings on proposed amendment will be held before both the Commission and City Council. This is consistent with City adopted procedures regarding citizen involvement.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Ordinance. As is shown elsewhere in this report, the proposal is entirely consistent with these acknowledged documents.

Goal 3, Agricultural Lands: The proposal does not involve or affect farm land.

Goal 4, Forest Lands: The proposal does not involve or affect forest land.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The amendments do not preclude the protection of identified Goal 5 resources. Preservation requirements for identified natural resources and significant open space areas will remain in effect.

Goal 6, Air, Water and Land Resource Quality: The amendments are neutral with regard to this Goal. All development is required to comply with local, state and federal regulations regarding air, water and land quality.

Goal 7, Natural Hazards: Development requirements within natural hazard areas are not altered or otherwise affected.

Goal 8, Recreational Needs: The amendments will not alter or diminish the City's ability to provide recreational land.

Goal 9, Economic Development: The amendments will have a minimal effect on economic development by allowing certain development that may otherwise not be allowed the community.

Goal 10, Housing: The amendments do not impact the ability to provide needed housing for the community.

Goal 11, Public Facilities and Services: As stated elsewhere in this report the amendment will have no effect on public facilities and services.

Goal 12, Transportation: The amendment does not preclude provisions or compliance with the Transportation Planning Rule.

Goal 13, Energy Conservation: The amendments will not affect energy conservation.

Goal 14, Urbanization: The amendments will not affect the urbanization requirements of this goal.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposal does not involve land within the Willamette Greenway or coastal areas.

- H. That the amendment shall comply with the Urban Growth Boundary and Policy Agreement existing between the City and Marion County.

FINDINGS: The proposed amendment is not affected by the Urban Growth Boundary and Policy Agreement existing between the City and Marion County

6. Miscellaneous Changes

- A. That the requested change is in conformance with the adopted Comprehensive Plan of the city.

ANALYSIS: The proposed changes relate to several goals in the comprehensive plan. The most applicable goal is Urbanization goal # 2 which states "To establish a land use-planning framework for application of goals, policies, and proposals of the Aumsville comprehensive plan."

The proposed amendments implement this land use planning framework by bringing the development ordinance in conformance with the state law, by clarifying areas where the ordinance is unclear, and by making minor logical changes which allow the ordinance to better serve the community.

The amendments which change the infrastructure requirements of manufactured home parks implement several public infrastructure goals of the comprehensive plan. These include but are not limited to the following:

Transportation Goal #1: Provide a circulation system which is safe and efficient for vehicle users, pedestrians, and bicyclists.

Storm Drainage Goal #1: That existing and future development areas be provided with an adequate storm drainage system.

FINDINGS: The amendments are in conformance with the Comprehensive Plan.

- B. That there was a mistake or an update needed in the original ordinance or map.

FINDINGS: The proposed amendments are updates needed to say in conformance with state law and to have a logical and reasonable development ordinance.

- C. That the conditions in the area have changed since adoption of the ordinance and/or zoning map.

FINDINGS: The conditions have changed due to changes in state law and through the experience of the City in implementing the ordinance since it was adopted. The recent annexations have already been approved by the City which in effect reflects the change in conditions requiring the necessary map amendments.

- D. The amendments will not interfere with the development or value of other land in the vicinity.

FINDINGS: The amendments should have a minor impact on neighboring development. The changes should have a minor but positive effect on land values in the City by having an ordinance that does not contradict state law and can be implemented effectively.

- E. The amendment will not be detrimental to the general interest of the city and that there is a public need for the amendment.

FINDINGS: The amendment will not be detrimental to the general interest of the city and that there is a public need for the development ordinance to conform to state law in order to be properly implemented. There is also a public need for the ordinance to be clearly written, easy to understand and to not have contradictory statements.

- F. That there is no other appropriately zoned property that could be used.

FINDINGS: This criterion is not applicable because the proposed map amendment merely shows annexations which were previously approved by the City.

- G. That the amendment will not over-burden existing and future capacity of public facilities.

FINDINGS: Most of the amendments will have little or no effect on the City's public facilities. One exception is the additional infrastructure requirements in manufactured home parks which will enhance the capacity of the City's public

facilities by more efficiently dealing with storm water and pedestrian traffic. It will also enhance public infrastructure if in the future manufactured home parks are converted to subdivisions.

H. That the amendment shall comply with the applicable state and federal laws and regulations.

FINDINGS: The ordinance amendments change the definition of residential facilities to match ORS 197.660. It also makes residential facilities permitted in the RM zone to be in conformance with ORS 197.667. The findings regarding statewide planning goals are noted below:

Goal 1, Citizen Involvement: Public hearings on proposed amendment will be held before both the Commission and City Council. This is consistent with City adopted procedures regarding citizen involvement.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Ordinance. As is shown elsewhere in this report, the proposal is entirely consistent with these acknowledged documents.

Goal 3, Agricultural Lands: The proposal does not involve or affect farm land.

Goal 4, Forest Lands: The proposal does not involve or affect forest land.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The amendments do not preclude the protection of identified Goal 5 resources. Preservation requirements for identified natural resources and significant open space areas will remain in effect.

Goal 6, Air, Water and Land Resource Quality: The amendments are neutral with regard to this Goal. All development is required to comply with local, state and federal regulations regarding air, water and land quality.

Goal 7, Natural Hazards: Development requirements within natural hazard areas are not altered or otherwise affected.

Goal 8, Recreational Needs: The amendments will not alter or diminish the City's ability to provide recreational land.

Goal 9, Economic Development: The amendments will have a minimal effect on economic development. The most significant change effecting economic development is allowing construction companies into the ID zone which may contribute to growth in this zoning designation.

Goal 10, Housing: The amendments will have a minimal impact the ability to provide needed housing for the community. The most significant change effecting housing is the new infrastructure requirements in a manufactured home parks. These changes will likely increase the cost of developing manufactured home parks but will improve the quality of housing in the

parks and in the community as a whole by creating a better pedestrian and road networks.

Goal 11, Public Facilities and Services: Most of the amendments will have minimal impact on public facilities and services. The most significant change to public facilities is associated with the new infrastructure requirements in manufactured home parks. As stated elsewhere in this report these new requirements will enhance the public facilities of the community.

Goal 12, Transportation: The amendment does not preclude provisions or compliance with the Transportation Planning Rule. The sidewalk connectivity requirements for manufactured home parks will improve transportation connectivity and will better meet the requirements of goal 12.

Goal 13, Energy Conservation: The amendments will not affect energy conservation.

Goal 14, Urbanization: The amendments will not affect the urbanization requirements of this goal.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposal does not involve land within the Willamette Greenway or coastal areas.

- I. That the amendment shall comply with the Urban Growth Boundary and Policy Agreement existing between the City and Marion County.

FINDINGS: The proposed amendment is not affected by the Urban Growth Boundary and Policy Agreement existing between the City and Marion County

V. CONCLUSION AND RECOMMENDATION

The Planning Commission finds that the proposed amendments comply with the applicable decision criteria and recommend the City Council approve the proposed amendments to the Aumsville Development Ordinance.

Since there are 81 different ordinance changes in this proposal including some with multiple parts staff notes that it is reasonable for the City Council to request further clarification or information from staff on any of the changes before a decision is made. Staff can provide further written explanations for any of the proposed changes and can provide alternative ordinance language at the City Council's request.

VI. CITY COUNCIL ACTION

- A. Regarding the ordinance amendments, the City Council may either:
1. Approve the ordinance amendment, adopting the findings contained in the staff report;
 2. Approve the ordinance amendment, adopting modified findings and/or conclusions; or
 3. Approve only certain ordinance amendments, adopting modified findings and/or conclusions; or
 4. Deny the application specifying reasons where the proposal fails to comply with the applicable decision criteria.

Staff will prepare an Order for the Mayor's signature based on the decision of the City Council. .

CITY OF AUMSVILLE
595 MAIN STREET
AUMSVILLE, OR 97325



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