



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

02/18/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Central Point Plan Amendment  
DLCD File Number 002-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, February 26, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Tom Humphrey, City of Central Point  
Gordon Howard, DLCD Urban Planning Specialist  
Josh LeBombard, DLCD Regional Representative

<paa> YA



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 002-13 (19992)

[17753]  
Received: 2/10/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: **Central Point**Local file no.: **13017**

Date of adoption: 1/23/14

Date sent: 2/4/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 8/30/13

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

The adopted changes include changes to Chapter 17.16, 17.57, 17.60, 17.65 and 17.77. Changes to the sign code originally proposed are being continued for an indeterminate period of time.

Local contact (name and title): Tom Humphrey, AICP, Planning Director

Phone: 541-423-1025

E-mail: Tomhumphrey@centralpointoregon.gov

Street address: 140 S. 3<sup>rd</sup> Street

City: Central Point

Zip: 97502-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from to Acres:

Change from to Acres:

Change from to Acres:

Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.



**AN ORDINANCE AMENDING THE CENTRAL POINT MUNICIPAL CODE ZONING SECTIONS 17.16.020; 17.57.020; 17.60.030; 17.60.100; 17.65.050; AND 17.77.070 TO CORRECT ERRORS AND INCONSISTENCIES**

**RECITALS:**

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. On November 5, 2013, by unanimous decision, the Central Point Planning Commission recommended approval of code amendments to Chapter 17.16 R-L Zoning; 17.57 Fences; 17.60 General Regulations; 17.65 TOD Districts and Corridors; and 17.77 Accessory Dwelling Units (ADU).
- C. On January 9, 2014, the City of Central Point City Council held a property advertised public hearing; reviewed the Staff Report and findings; heard testimony and comments, and deliberated on approval of the Municipal Code Amendments.

**THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 17.16, (Exhibit "A") deletes the minimum unobstructed street frontage of 25 feet in favor of a distance approved by the fire district that the use of the standard was intended to satisfy.

SECTION 2. Chapter 17.57, (Exhibit "B") changes the side yard setback requirements for fences which are not the same for buildings and which should be allowed on the property line.

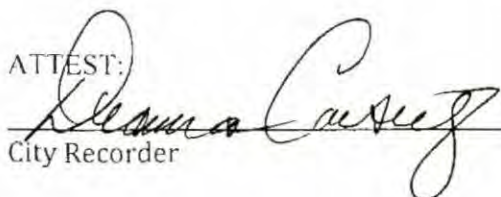
SECTION 3. Chapter 17.60, (Exhibit "C") deletes the minimum square footage building permit requirement for accessory building, deferring instead to the building code.

SECTION 4. Chapter 17.65, (Exhibit "D") corrects an error to the zoning regulations for multifamily and senior housing so that the maximum density is not limited by the land area per unit.

SECTION 5. Chapter 17.77, (Exhibit "E") adds Accessory Dwelling Units to the R-L, Residential Low-Density District which has historically allowed guesthouses already. Standards for ADUs are referenced to Chapter 17.77.

**PASSED** by the Council and signed by me in authentication of its passage this 23 day of January 2014.

  
Mayor Hank Williams

ATTEST:  
  
City Recorder

## Chapter 17.16 R-L, RESIDENTIAL LOW-DENSITY DISTRICT

### 17.16.020 Permitted uses.

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The following uses and their accessory uses are permitted in the R-L district:

A. Single-family dwelling;

B. Single-family manufactured home, as defined in Section 17.08.010, and subject to the following conditions:

1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand square feet.
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve inches above grade.
3. The manufactured home shall have a pitched roof, with a minimum slope of three feet in height for each twelve feet in width.
4. The 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 residential dwellings within Central Point or which is comparable to the predominant materials used on surrounding dwellings as determined by the city.
5. The 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.
6. The manufactured home shall have a garage or carport constructed of like material. The city may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of dwellings in the immediately surrounding area.
7. In addition to the foregoing, a manufactured home and the lot upon which it is sited shall comply with any and all development standards, architectural requirements and minimum size

requirements with which conventional single-family residential dwellings on the same lot would be required to comply.

C. Accessory uses are permitted as follows:

1. Guesthouse, ~~not rented or otherwise conducted as a business~~ /Accessory Dwelling Unit as defined in Chapter 17.77;
2. Greenhouse for domestic noncommercial gardening;
3. Personal hobby or work shop;
4. Garage and other storage buildings for personal, noncommercial use.

D. Residential homes.

E. Residential facilities, as that term is defined in Oregon Revised Statutes 197.660(1); provided, however, the city may require an applicant proposing to site a residential facility to supply the city with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.496 to 192.530. (Ord. 1684 §28, 1993; Ord. 1529 §1(part), 1984; Ord. 1436 §2(part), 1981).



**Chapter 17.57**  
**FENCES**

Exhibit B

Sections:

17.57.010 Chapter application.

17.57.020 General regulations.

17.57.030 Fences in the stream setback area.

17.57.040 Prohibited fence types.

17.57.050 Violation--Penalty.

**17.57.010 Chapter application.**

This chapter will apply to all zone classifications within the city as listed in this title. All of the provisions of Chapter 12.20 and Chapter 17.67 relating to the location, placement, and height of fences are also applicable to fences affected by this chapter. (Ord. 1846 §2(part), 2003).

**17.57.020 General regulations.**

A. Fence Permits. A fence permit is required for all fences constructed within a public right-of-way, per Section 12.20.020. Fences in the floodplain are regulated in accordance with the provisions established in Section 8.24.260(A).

B. Building Permits. A building permit for the following structures shall be accompanied by a permit fee and a plan review fee in an amount based on valuation per the building department fee schedule as adopted by the city:

1. Barriers around swimming pools, as required by the 2003 State of Oregon Dwelling Specialty Code, Chapter 41 and Appendix G; and the 1998 Oregon Structural Specialty Code, Appendix Chapter 4;

2. Fences over six feet tall;

3. Masonry walls;

4. Retaining walls over four feet in height measured from the bottom of the footing to the top of the wall; and

5. Retaining walls, any height, supporting a surcharge.

C. Setbacks and Design Criteria.

**Fence Regulations**

	R-L	R-1	R-2	R-3	C-N	C-2(M)	C-4	C-5	M-1	M-2
Fence Permit Required	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1
Front Yard Setback For 6' Fence	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b
Side Yard Setback	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'
Rear Yard Setback	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'
Corner Lot	10' c	10' c	10' c	10' c	10' c	10' c	10' c	10' c	10' c	10' c
Masonry Walls, Retaining Walls, Fences Over 6' in Height	e	e	e	e	e	e	e	e	e	e
Chain Link Fencing, Space-Board-Type Fencing, etc.	e	e	e	e	e	e	e	e	e	e
Setbacks for Gates	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'
Variances	f	f	f	f	f	f	f	f	f	f

a: A fence permit is required if fence is to be constructed in public right-of-way.

a-1: A building permit is required for fencing around swimming pools, fences over six feet in height, masonry walls and retaining walls.

\*b: Forty-two-inch-high maximum fences allowed within front setback area.

\*c: No fencing will conflict with the sight distance requirements set by the public works department.

\*d: Fence height will be measured from the finished grade on the side nearest the street.

e: See Section 8.24.260(A) for specific fence construction standards for fences located in or adjacent to a recognized floodplain.

f: Requests for variances shall be made by application on such form as designated by the city manager and will be reviewed in accordance with Chapter 17.05.



## Chapter 17.60 GENERAL REGULATIONS

Exhibit C

### 17.60.030 Accessory buildings.

Accessory buildings shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

A. Regardless of the side and rear yard requirements of the district, in a residential (R) district a side or rear yard not adjoining a street may be reduced to three feet, measured from the furthest protrusion or overhang, for an accessory structure erected more than fifty-five feet from the street right-of-way line on which the lot fronts, other than alleys, provided the structure is detached and separated from other buildings by ten feet or more.

B. Canvas-Covered Canopies and Other Temporary Structures. Temporary structures in residential (R) districts shall not be permitted within a front setback and only within a side setback that does not abut a public right-of-way. Temporary structures within a side setback shall be at least three feet from the side lot line measured from the furthest protrusion or overhang. Such structures are to be anchored to the ground in accordance with building code requirements.

C. Structural Dimensions. All accessory buildings ~~totaling one hundred twenty square feet or more will require a building permit and~~ be subject to the requirements of all building specialty codes adopted under the Central Point Municipal Code.

1. Height. Accessory structures in residential (R) districts shall not exceed twenty-five feet if detached from the main structure. Structures greater than fifteen feet but less than twenty-five feet in height shall be set back a minimum of five feet from a side or rear lot line.

2. Width and Length. Garages and carports intended to satisfy the *municipal* code requirement for two off-street covered parking spaces shall be a minimum interior dimension of twenty feet in width by twenty feet in length. Standard garage doors shall be of adequate width to facilitate safe passage and maneuvering of automobile traffic.

3. Alley Setback. Accessory structures in residential (R) districts which abut an alley, are used as garages, and take their access from the alley shall have a setback of fifteen feet from the rear property line. (Ord. 1818 §1(part), 2001; Ord. 1684 §53, 1993; Ord. 1436 §2(part), 1981).

#### **17.60.100 Projections from buildings.**

Bay windows, cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than ~~eighteen~~ twenty four inches into a required yard or into a required open space as established by coverage standards. (Ord. 1436 §2(part), 1981).

## Chapter 17.65 TOD DISTRICTS AND CORRIDORS

Exhibit D

### **17.65.050 Zoning regulations--TOD district.**

A. Permitted Uses. Permitted uses in Table 1 are shown with a "P." These uses are allowed if they comply with the applicable provisions of this title. They are subject to the same application and review process as other permitted uses identified in this title.

B. Limited Uses. Limited uses in Table 1 are shown with an "L." These uses are allowed if they comply with the specific limitations described in this chapter and the applicable provisions of this title. They are subject to the same application and review process as other permitted uses identified in this title.

C. Conditional Uses. Conditional uses in Table 1 are shown with a "C." These uses are allowed if they comply with the applicable provisions of this title. They are subject to the same application and review process as other conditional uses identified in this title.

D. Density. The allowable residential density and employment building floor area are specified in Table 2.

E. Dimensional Standards. The dimensional standards for lot size, lot dimensions, building setbacks, and building height are specified in Table 2.

F. Development Standards.

1. Housing Mix. The required housing mix for the TOD district is shown in Table 2.

2. Accessory Units. Accessory units are allowed as indicated in Table 1. Accessory units shall meet the following standards:

- a. A maximum of one accessory unit is permitted per lot;
- b. The primary residence and/or the accessory unit on the lot must be owner-occupied;
- c. An accessory unit shall have a maximum floor area of eight hundred square feet;
- d. The applicable zoning standards in Table 2 shall be satisfied.



**Table 2**  
**TOD District Zoning Standards**

Standard	Zoning Districts				
	LMR	MMR	HMR	EC	GC
Density--Units Per Net Acre (f)					
Maximum	12	32	NA	NA	NA
Minimum	6	14	30	NA	NA
Dimensional Standards					
Minimum Lot or Land Area/Unit					
Large single-family	5,000 SF	NA	NA	NA	NA
Standard single-family	3,000 SF	NA	NA	NA	NA
Zero lot line detached	2,700 SF	2,700 SF	NA	NA	NA
Attached row houses	2,000 SF	1,500 SF	1,200 SF	NA	NA
Multifamily and senior housing	2,000-SF NA	1,500-SF NA	1,000-SF NA	1,000-SF NA	NA
Average Minimum Lot or Land Area/Unit					
Large single-family	7,500 SF	NA	NA	NA	NA
Standard single-family	4,500 SF	NA	NA	NA	NA
Zero lot line detached	3,000 SF	3,000 SF	NA	NA	NA
Attached row houses	2,500 SF	2,000 SF	1,500 SF	NA	NA
Multifamily and senior housing	2,500-SF NA	2,000-SF NA	1,500-SF NA	1,500-SF NA	NA
Minimum Lot Width					
Large single-family	50'	NA	NA	NA	NA
Standard single-family	50'	NA	NA	NA	NA
Zero lot line detached	30'	30'	NA	NA	NA
Attached row houses	24'	22'	18'	NA	NA

**Chapter 17.77**  
**ACCESSORY DWELLING UNITS (ADU)**

**17.77.070 ADUs detached from single-family dwelling--Special.**

The following provisions shall be applicable to detached ADUs:

- A. Water, sewer and solid waste collection may be by way of connections and service that is completely separate, apart and independently metered from the single-family dwelling to which such ADU is accessory, or by other means approved by the public works department.
- B. All detached ADUs shall comply with all setback and separation requirements for detached accessory buildings except that the minimum rear yard setback shall be ten feet.
- C. Detached ADUs shall be designed in such a manner as to blend with or complement the architectural design of the single-family dwelling to which such ADU is accessory; approval of such design shall be made by the appeal board of adjustment.
- D. Detached ADUs shall share the same hard-surfaced driveway as the single-family dwelling to which such ADU is accessory, and shall have direct access to the street upon which the single-family dwelling fronts, or take access from an alley. No new or additional curb cuts shall be permitted for the ADU, except on corner lots where a new curb cut will be allowed on the street frontage having no existing curb cut.
- E. Detached ADUs shall have an ~~minimum of twenty-five feet of~~ unobstructed street frontage approved by the fire district with no intervening structures to ensure adequate visibility and access for emergency vehicles. (Ord. 1942 §3, 2010; Ord. 1884 (part), 2006).

City of Central Point, Oregon

140 S 3rd Street, Central Point, OR 97502  
541.664.3321 Fax 541.664.6384  
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Community Development

Tom Humphrey, AICP  
Community Development Director

February 4, 2014

FEB 10 2014

Department of Land Conservation  
And Development  
635 Capitol St. NE, Suite 150  
Salem Oregon 97301-2540

RE: Notice of Adopted Change to a Comprehensive Plan or Land Use Regulation

Dear Sirs:

Enclose please find our Notice of Adopted Change to a Comprehensive Plan or Land Use Regulation with regard to our file no. 13017 with attached Ordinance No. 1981.

Sincerely,

A handwritten signature in black ink that reads "Karin Skelton". The signature is fluid and cursive.

Karin Skelton  
Planning Secretary





City  
140 S. Third Street  
Central Point, OR 97502



HASLER  
017H15538784  
**\$2.320**  
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and Development  
635 Capitol St. NE, Ste. 150  
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FEB 10 2014