



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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

Date: May 20, 2015  
Jurisdiction: City of Sublimity  
Local file no.: None  
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/15/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 46 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



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

FOR DLCD USE

File No.: 001-15 {23615}

Received: 5/15/2015

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: Sublimity

Local file no.:

Date of adoption: May 11, 2015

Date sent: 5/15/2015

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): 02/12/15

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:

**Minor adjustment coming from the hearing and deliberation process**

Local contact (name and title): John Morgan, City Planner

Phone: 503-304-9401

E-mail: john@morgancps.com

Street address: PO Box 146

City: Sublimity

Zip: 97385-

**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:

Sections 1.203; 2.101.05.H; 2.101.06.C; 2.101.06.D; 2.101.06.F; 2.103.02; 2.103.04; 2.103.05.A; 2.103.05.D; 2.103.06.A; 2.102.02.G; 2.103.02.H; 2.401.09; 2.401.12

**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:
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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: N/A

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.

ORDINANCE NO. 701B

AN ORDINANCE AMENDING THE CITY OF SUBLIMITY DEVELOPMENT CODE TO INCORPORATE 2015 CODE UPDATE AMENDMENTS

WHEREAS, the Planning Commission has been developing a package of proposed amendments to the Sublimity Development Code, and

WHEREAS, whereas those amendments are intended to update code provisions so as to better encourage economic development, as well as clean up poor and out-of-date provisions, and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendments on March 30, 2015 and voted to recommend the amendments to the City Council, and

WHEREAS, the City Council conducted a public hearing on the proposed amendments on April 13, 2015 and subsequently directed the City Attorney to prepare the necessary ordinance for adoption, and

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

**SECTION 1.** The City Council adopts the attached Exhibit A, the Planning Commission recommended amendments to the Development Code.

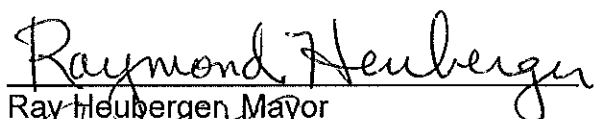
**SECTION 2.** The City Council adopted the attached Exhibit B, Findings of Fact, in support of this action.

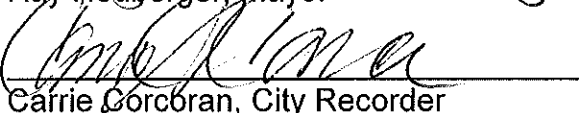
**SECTION 3.** The City Recorder is directed to incorporate the adopted amendments into the Development Code making any needed changes to correct scrivener's errors, if any.

Passed by the City Council this 11<sup>th</sup> day of May, 2015, by the following vote:

First Reading Ayes: 4 Nays: 1  
Second Reading Ayes: 4 Nays: 1

APPROVED BY THE MAYOR, this 11<sup>th</sup> day of May, 2015

  
Ray Heuberger, Mayor

  
Carrie Corcoran, City Recorder

## EXHIBIT A

### ***Amend Section 1.203 – Definitions as follows:***

**Residential Care Facility:** A facility licensed by the State of Oregon for the care of six (6) or more unrelated physically handicapped, mentally handicapped, socially dependent, or mentally, emotionally, or behaviorally disturbed individuals and for staff persons in addition to residents who need not be related to each other or to any other resident.

**Residential Care Home:** ~~A single family residence for the care of five (5) or fewer unrelated physically handicapped, mentally handicapped, socially dependent, or mentally, emotionally, or behaviorally disturbed individuals and for staff persons in addition to residents who need not be related to each other or to any other resident.~~ Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for five (5) or fewer individuals who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

### ***Amend 2.101.05.H – Accessory Structures by adding the following new subsection 5:***

5. No more than three accessory structures between 50 square feet and 200 square feet in size may be located on a residential lot.

### ***Amend Section 2.101.06.C – Single Family (R-1) Zone Design Standards as follows:***

- C. Roofing materials: composition asphalt, fiberglass shingles, wood shake, tile, metal shakes, or standing rib metal roof or other roofing material approved by the Planning Commission.

### ***Amend Section 2.101.06.D – Single Family (R-1) Zone Design Standards as follows:***

- D. Exterior siding: standard wood siding, T - 111, brick, stucco, rock, cement plank, or a siding of equivalent appearance.

**Amend Section 2.101.06 – Single Family (R-1) Zone Design Standards by adding a new Section F as follows:**

Section 2.101.06.F. The following standards will be applied to all single-family and duplex dwellings, whether modular or manufactured homes or site-built homes, to be constructed or located in any zone. All single-family homes or duplexes shall utilize at least three of the following design features to provide visual relief along the front of the home:

1. Dormers;
2. Gables;
3. Recessed entries;
4. Covered porch entries;
5. Cupolas;
6. Pillars or posts;
7. Bay or bow windows;
8. Eaves (minimum 6" projection);
9. Off-sets on building face or roof (minimum 16")

**Amend Section 2.103.02 – Permitted Uses in the Commercial District by adding a new section J as follows:**

J. Single Family Residential Home or Duplex on existing lots between Johnson Street and Center Street and not fronting on Center Street, south of Starr Street and north of Division Street, and meeting all lot size and setback standards of the R-1 zone

**Amend Section 2.103.04 – Dimensional Standards in the Commercial District as follows:**

2.103.04 Dimensional Standards

The following minimum and maximum dimensional standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the Commercial District.

- A. Minimum lot area: No Limitation  
Maximum lot area: ~~10,000 square feet~~  
~~(Larger development may use the Planned Unit Development process.)~~
- B. Minimum yard setbacks:
1. Front Yard ~~(minimum and maximum)~~ 40 0 feet
  2. Rear Yard

Abutting a non-residential district	None
Abutting a residential district	10 feet
3. Side Yard	
Abutting a non-residential district	None
Abutting a residential district	10 feet
Abutting a street	10 feet
C. Minimum Building Size	10 percent of the lot's square footage
Maximum Building Size	4,000 <u>100,000</u> Square feet
D. Maximum structure height:	Two-stories not exceeding 24 feet

***Amend Section 2.103.05.A – Dimensional Standards in the Commercial District as follows:***

- A. Off-Street Parking. Off street parking shall be as specified in Section 2.203. ~~Due to the required ten (10) feet front yard setback businesses are strongly encouraged to provide parking areas behind the commercial structures.~~
- a. No parking or loading areas shall be located between the primary building and the street.

***Amend Section 2.103.05.D – Dimensional Standards in the Commercial District as follows:***

- D. Design Review. All new development and expansion of an existing structure or use by 20% or more in first floor area in the Commercial District shall be subject to the Site Development Review procedures of Section 2.103.6 and 3.105.

***Amend Section 2.103.06.A – Center Street Corridor Design Standards Types and Sizes of Windows as follows:***

- A. Types and Sizes of Windows. All businesses shall install windows that:
1. Cover 60 percent\* of the front building wall, and
    - \* See definitions, Section 1.200, and accompanying graphic in Appendix A.
  2. Are translucent or “slightly” tinted.

The Planning Commission may approve exceptions to items 1 and 2 above through the Site Design Review process if the exceptions are consistent with the intent and purpose of this zone.

***Amend Section 2.102.02.G and the footnote – Permitted Uses in the Medium Density R-2 Zone as follows:***

G. Residential care home and residential care facility<sup>#</sup>

# Uses marked with a pound sign (#) are subject to the standards in Section 2.102.07, "Special Standards for Certain Uses." Residential care home and residential care facility are subject to the standards in Section 2.101.07.B.

***Amend Section 2.103.02.H – Permitted Uses in the Commercial General Zone as follows:***

H. Residential care home and residential care facility subject to the standards in Section 2.102.07

***Amend Section 2.401.09 – Fences, Walls, and Hedges as follows:***

Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area. A fence or wall or hedge may not exceed eight feet in height in a residential zone and 10 feet in height in a commercial, public, or industrial zone without approval of a variance.

Fences and walls shall not exceed a height of ~~three and one-half (3 1/2)~~ four feet along the front property line or within a front yard setback.

***Add a new Section 2.401.12 to read as follows:***

**2.401.12 Light Gauge Metal Buildings**

Structures built from frameworks of light-gauge metal, including carports, patio covers, swimming pool covers, etc., which exceed 200 square feet in exterior dimensions shall meet all applicable setbacks as set forth in Section 2.101.04.B and 2.101.05.H.



## **EXHIBIT B**

### ***Findings of Fact***

The procedure for a Type IV Action, which includes any amendment to the text of the Development Code, is laid out in Section 3.207.02. No criteria are given for use in considering such an amendment. There are also no criteria establishes as policy within the Sublimity Comprehensive Plan. Therefore findings will be made that area general in nature, and that respond to the Statewide Planning Goals.

#### **Finding on Commercial Development**

The City Council finds the Development Code provisions for development in the downtown area, which were developed in the late 1990's, have not proven to be useful in encouraging investment in the area, and may be so restrictive as to discourage economic development. The changes to the Development Code retain the intent of the work from the 1990's, but moderate some of the provisions so as to better encourage new investment. There is a significant public need for this change.

#### **Finding on General Code Updates**

The City Council finds, upon the recommendation of the Planning Commission, the Development Code includes a number of provisions inconsistent with current community values, overly complex in regulatory process, and inconsistent with applicable state law. The Code changes rectify these inconsistencies.

#### **Finding on Statewide Planning Goal One – Citizen Involvement**

As the proposed changes were being developed, they were the subject of several announced Planning Commission meetings at which any citizen was given the opportunity to offer comments and ideas. The Planning Commission and City Council both held public hearings in accordance with the requirements of the City Municipal and Development Codes.

#### **Finding on Statewide Planning Goal Two – Land Use Planning**

The Planning Commission and Council followed all appropriate and required procedures.

#### **Finding on Statewide Planning Goal Three – Agriculture**

Goal 3 is not relevant as it only applies outside Urban Growth Boundaries

#### **Finding on Statewide Planning Goal Four – Forest Lands**

Goal 4 is not relevant as it only applies outside Urban Growth Boundaries

**Finding on Statewide Planning Goal Five – Natural Resources**

The proposed amendments have no impact on protected resources as identified in the Comprehensive Plan and related documents.

**Finding on Statewide Planning Goal Six – Air, Water and Land Quality**

The proposed amendments have no impact on air, water, or land quality as identified in the Comprehensive Plan and related documents.

**Findings on Statewide Planning Goal Seven – Natural Hazards**

The proposed amendments do not address or compromise any areas of natural hazards.

**Findings on Statewide Planning Goal Eight – Recreational Needs**

The proposed amendments do not address any issue involving recreational needs

**Findings on Statewide Planning Goal Nine – Economic Development**

The proposed amendments help to implement Goal Nine by creating a regulatory structure in the Development Code designed in increase the possibility of economic investment in the downtown area.

**Findings on Statewide Planning Goal Ten – Housing**

The proposed amendments do not address any housing issues.

**Findings on Statewide Planning Goal Eleven – Public Facilities**

The proposed amendments have no relevance to public facilities.

**Findings on Statewide Planning Goal Twelve – Transportation**

The proposed amendments have no relevance to transportation.

**Findings on Statewide Planning Goal Thirteen – Energy Conservation**

The proposed amendments have no relevance to energy conservation.

**Findings on Statewide Planning Goal Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, and Nineteen**

These Statewide Planning Goals do not apply to Sublimity.