



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/12/2013

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

FROM: Plan Amendment Program Specialis

SUBJECT: City of Halsey Plan Amendment
DLCD File Number 001-07

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: Thursday, March 28, 2013

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: Michael Howard, City of Halsey
Gordon Howard, DLCD Urban Planning Specialist

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

MAR 7 2013

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

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

Jurisdiction: **Halsey**

Local file number: **CA-07-01**

Date of Adoption: **11/13/2007**

Date Mailed:

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

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the development code to clarify specific definitions and terms, and clarify requirements related to certain commercial and residential standards.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **Citywide**

Acres Involved: **0**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-07 (16385) [17379]

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

DLCD

Local Contact: **Judy Cleeton**

Phone: (541) 369-2522 Extension:

Address: PO Box 10

Fax Number: 541-369-2521

City: Halsey

Zip: 97348-

E-mail Address: judy@cityofhalsey.com

ADOPTION SUBMITTAL REQUIREMENTS

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

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

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

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

CITY OF HALSEY
ORDINANCE #2007-381

AN ORDINANCE AMENDING THE HALSEY DEVELOPMENT CODE TO IMPROVE THE LAND USE CODE BY ADDING CODE LANGUAGE REVISIONS TO PROVIDE MORE CLARITY TO SPECIFIC DEFINITIONS AND TERMS; PROVIDE CHANGES TO THE RESIDENTIAL DESIGN STANDARDS FOR SINGLE FAMILY HOMES AND ENCOURAGE DEVELOPMENT OF SINGLE FAMILY HOMES; ALTER THE STANDARDS FOR ESPRESSO STANDS IN ORDER TO ENCOURAGE THEIR DEVELOPMENT; CHANGE THE STANDARDS FOR VEHICULAR ACCESS TO ENHANCE THE SAFETY OF THE PUBLIC RIGHT-OF-WAY; CHANGE THE STANDARDS FOR SIGNS TO PROVIDE MORE CODE SPECIFICITY; AND CHANGE THE LIMITATIONS FOR ON-STREET LEVEL HOUSING TO THE FRONT OF THE BUILDING WHICH FACES THE MAIN STREET AND HAS THE MAIN ENTRY, AND DECLARING AN EMERGENCY.

Whereas, the City adopted a new Development Code in 2001 based on the State's Model Development Code for small cities; and

Whereas, the City has monitored how the Development Code has been working since its adoption; and

Whereas, the Council received a recommendation from the Halsey Planning Commission to approve the above development code amendments;

Whereas, the proposed amendments are found to be consistent with the Statewide Planning Goals and in the interest of the citizens of Halsey; and

Whereas, the Halsey City Council has considered these recommended development code amendments at a duly noticed public hearing on November 13, 2007, heard testimony on the matter, and deliberated on the issues;

The general welfare of the public will be promoted if this Ordinance takes place immediately, therefore an emergency is declared and this Ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

NOW, THEREFORE,

THE CITY OF HALSEY ORDAINS AS FOLLOWS:

The Development Code of the City of Halsey is hereby amended as contained in the attached Exhibit "A."

Passed by the Halsey City Council this 13th day of NOVEMBER, 2007

Approval by the Mayor this 13th day of NOVEMBER, 2007

Larry Nelson

Larry Nelson, Mayor, City of Halsey

ATTEST:

Judy Cleeton

Judy Cleeton, City Administrator

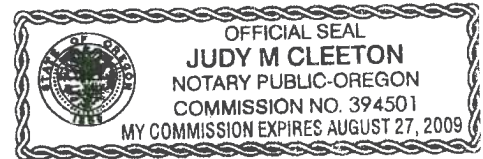
State of Oregon
County of Linn

This instrument was acknowledged before me on June 10, 2003 by the above named Larry Nelson, Mayor of Halsey.

Judy M. Cleeton

Notary Public for Oregon

My Commission expires: August 27, 2009



ATTACHMENT A

CA 07-01

2007 Halsey Development Code Amendments Planning Commission's Recommendation

Text proposed to be added is shown in **bold** text and text to be deleted is shown in ~~strikethrough~~ text.

Halsey Development Code

Definitions:

Disputes over terms within definitions are subject to the interpretation of the Halsey City Council.

Dead Storage. Storage of inactive items, including automobiles, for a certain period (e.g., a mini-warehouse).

Outdoor display and sales. A principle commercial use that requires the outdoor display of materials, parts, inventory or goods including, but not limited to, lumber and builder supply yards, landscape materials, automobile and truck sales, recreational vehicle sales, boat sales, farm implement sales and manufactured housing sales, excluding flea markets and auctions.

1. Outdoor display and sales uses must be maintained in an orderly manner with no trash, junk or debris.
2. Outdoor display and sales uses must effectively screen the side and rear of the display area from adjacent properties that are zoned to allow residential uses.
3. Outdoor display and sales areas must be outside any parking, traffic circulation, right of way or landscaping area that serves the site.

Outdoor Storage. A principle use where goods such as recreational vehicles, boats and other large items, are stored outside of a building.

1. Outdoor storage as a principle use must be effectively screened from adjacent properties located outside the area that is appropriately zoned for such use.
2. All outdoor storage areas must maintain adequate emergency access lanes around and through the outdoor storage areas.
3. All outdoor storage use, as a principle use, may include one single family dwelling that is occupied by the owner or operator of the storage use.
4. Outdoor storage uses must be maintained in an orderly manner with no junk, trash, or debris.

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Outdoor commercial use. A use supporting a commercial activity which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobiles sales or services, nurseries, lumber yards and equipment rental businesses. **Prohibited uses include junk yards and storage uses where the product is not sold on-site.**

Junk yard. (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying or selling scrap or waste materials. (2) Any establishment or place of business on which 2 or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal and other recycling processing facilities.

Sign. Any fabricated emblem or display, including its structure, consisting of any letter(s), character, design, figure, line, logo, mark, picture, plane, point, poster, stripe, stroke, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened, or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display.

Sign. area. The entire area within a single continuous perimeter formed by lines joined at right angles which encloses the extreme limits of a sign, and which in no case passes through or between any adjacent elements of the same. However, this perimeter does not include any structural elements lying outside and below the limits of the sign that do not form an integral part

Sign. flashing. Flashing signs are those that intermittently change on a regular basis. Signs that flash at frequencies greater than once every five (5) seconds shall be prohibited. Strobelights are prohibited.

Sign. rotate. Rotating signs are signs that mechanically turn.

Street. Main. The street that the primary (front) entrance to a building is oriented.

Section 2.1.190.C.3 - Architectural Standards, Eyes on the Street

Staff proposes to modify this text as shown below:

Eyes on the Street. ~~Front~~ ~~All building~~ elevations visible from ~~facing~~ a street right of way shall provide doors, porches, balconies, terraces, decks with railings, and/or windows. ~~Side and rear elevations visible from a street right of way shall provide a combination of windows, porches, and/or balconies. For one-story single-family dwellings a~~ A minimum of 50 ~~60~~ percent of the front (i.e., street-

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facing) elevations, and a minimum of 30 percent of street-facing side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces, decks with railings, and/or windows. ~~The standard applies to each full and partial building story.~~ **For multi-family and multi-story single-family dwellings a minimum of 60% of the front elevations shall meet this standard.**

Section 2.1.190.4 – Garages and Carports

4. Garages and Carports. An enclosed private garage or carport is required for each new single-family residence within a new subdivision. For infill-development:

- i. A garage is required if more than 50% of the homes within 150 feet on either side of the lot have a garage. If more than 50% of the homes have a carport, then a carport or garage is required. If there is a mixture of garages or carports for more than 50% of the homes, then a carport or garage is required. The garage or carport shall be of like materials as the home.
- ii. The garage or carport may be attached or detached from the dwelling.
- iii. Temporary carports and garages are not allowed (i.e., canvas carports, etc.)

Section 2.2.180.A.2 - Limitation on street-level housing

2. Limitation on street-level housing. No more than 50 percent of a single ground floor **main** street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories, or behind street-level storefronts.

Section 2.2.180.C and D – Drive-through facilities/Esspresso Stands

2.2.180.C.6

Espresso Stands. Espresso Stands are a permitted ~~only as an accessory use to a primary commercial~~ use in compliance with the above standards **except that a primary use is not required.** They are not permitted in the Main Street sub-district. In addition, the stand must **provide toilet facilities** ~~be connected to City sewer,~~ and placement may not impede safe and efficient access to ~~the~~ a primary use, adjacent properties, or public right-of-way. **If a unit does not have its own toilet facilities displayed on the site plan, then a letter of agreement with the property owner must be filed establishing the use of such facilities for employees during business hours that are either located in the building or in a building adjacent thereto on the same property. The agreement must contain terms requiring that the restrooms be available for use by employees during all hours in which the vendor unit is in business.**

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2.2.180.D.b

Drive-up, drive-in, and drive-through facilities. Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, car washes, and similar uses) are permitted only when accessory to a primary commercial “walk-in” use (**except for Espresso Stands as allowed per 2.2.180.C.6**), and shall conform to all of the following standards:

1. The facility receives access from an alley or driveway, and not a street;
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a corner);
3. The facility is subordinate to a primary permitted use (**except for Espresso Stands as allowed per 2.2.180.C.6**). “Subordinate” means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building; and
4. No more than one drive-up, drive-in, or drive-through facility shall be permitted on one block, or for a distance of 200 linear feet along the same street frontage, whichever is less.
5. **In connection with drive-through establishments, there shall be a specially designed area for vehicle stacking located on private property between the public right-of-way and the pick-up window or service area. The specially designed area shall provide adequate stacking for expected demand. The City Engineer or Planner shall determine the provided stacking area is adequate. This area shall not interfere with safe and efficient circulation on the development site or abutting public right-of-way.**

Section 3.1.2.O - Vehicular Access and Circulation (Driveways)

O. Construction. The following development and maintenance standards shall apply to all driveways and private streets, ~~except that the standards do not apply to driveways serving one single-family dwelling or a duplex with a shared driveway:~~

1. Surface Options. **Except for driveways serving one single-family dwelling, or a duplex with a shared driveway, all driveways, parking areas, aisles, and turn-arounds shall may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. For driveways serving one single-family dwelling, or a duplex with a shared driveway, at least 10 feet of the driveway behind the sidewalk shall be surfaced to prevent tracking of gravel onto the sidewalk and public right-of-way. Paving surfaces shall be subject to review and approval by the City Engineer.**
2. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting

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property. Surface water facilities shall be constructed in conformance with City standards (see Chapter 3.4).

3. Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete or asphalt surfacing. The Planning Commission may waive the paving requirement unless the street segment providing access is paved and has a curb. (See also, Section K.)

Section 3.2.3.E.3.c – Screening of Outdoor Storage

Staff proposes to modify this text as shown below:

Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. **Except for uses outside of the Main Street District that provide on-site outdoor display and sales of automobiles or automobile related goods where storage is provided for public display** All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts. Screening shall be provided by one or more the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non-see through fence, or a similar feature that provides a non-see through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 3.1 - Access and Circulation. (See Section 3.2.5 for standards related to fences and walls.)

Section 3.5.1.C – Prohibited Signs

Staff proposes to modify this text as shown below:

Prohibited signs. The following signs are prohibited: Signs which interfere with traffic visibility or resemble traffic control signs, signs which have not been kept in good repair, signs which flash, or rotate, ~~or have the appearance of movement (except time and temperature signs and traditional barber poles)~~, signs which are excessively bright (determined by considering the size of the sign, the percentage brightness of the white or light colored portions of the sign, the distance to the public right-of-way, and the nature of the surrounding areas), signs mounted on the roof of a building, off-premise signs, signs on a public right-of-way, signs overhanging a public sidewalk at a height of less than eight (8) feet or to within two (2) feet of the edge of the pavement of a public street, signs overhanging a public street at a height of less than sixteen (16) feet above, bulb signs, banners, flags, and pennants, except as allowed herein, signs which unnecessarily block or interfere with existing signs. **No sign shall be permitted that has the appearance of movement (except time and temperature signs and traditional barber poles) within the Main Street District.**