

**ORDINANCE BILL NO. 3 FOR 1990**

**ORDINANCE NO. 1012**

ORDINANCE AMENDING CERTAIN SECTIONS OF ZONING ORDINANCE NO. 644 IN ACCORDANCE WITH PERIODIC REVIEW REQUIREMENTS; AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

Section 1. Purpose. The purpose of this ordinance is to promote the public health, safety, and welfare of the City of Sweet Home and to assist in implementing new or revised statewide planning goals and guidelines. Specifically, this ordinance is a response to Oregon law as codified in OAR 660 - Division 19 which requires all cities and counties in Oregon to conduct a periodic review of their land use regulations and amend them as necessary to meet state and federal requirements.

Section 2. Amendment of Section 1.030 - Definitions

(1) The following text is added to the definition of a mobile home:

"Mobile homes constructed between January 1, 1962 and June 15, 1976 must have met the construction requirements' of Oregon mobile home law then in effect. Units constructed after June 15, 1976 must meet federal manufactured housing and safety regulations in effect at the time of construction."

(2) The definition of a mobile home park is amended to read:

"Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership. The primary purpose of which is to rent space or to offer space free in conjunction with securing the trade or patronage of such persons."

(3) The definition of a residential facility is added:

"Residential facility. A facility where physically or mentally handicapped, or socially dependent individuals, receive care, training, or treatment."

(4) The definition of a residential home is added :

"Residential Home. A specific type of residential facility which provides a residence for five or fewer unrelated physically or mentally handicapped

**Section 3. Amendment of Section 4.010(2) - Permitted Uses in Residential Low Density Zone.**

The following uses are added to those uses permitted outright in the residential low density zone.

- (1) "Family day care providers which accommodate fewer than 13 children in the providers home."
- (2) "Any residential home which provides a residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or any other home resident."

**Section 4. Amendment of Section 4.030(3) - Conditional Uses in the Residential High Density Zone (R-2)**

The following use is added to those uses which are conditionally permitted in the R-2 zone:

"A residential facility which provides for eleven or fewer physically handicapped or socially dependant individuals, residential care in one or more buildings on continuous properties."

**Section 5. Amendment of Section 4.110(2) - Permitted uses in the Commercial Central Zone (C-1)**

The following uses are added to those permitted outright in the C-1 zone:

- (1) "Family day care center"
- (2) "Residential home"

**Section 6. Amendment of Section 4.120 - Conditional Uses Permitted in the Highway Commercial Zone (C-2)**

"Mobile home Park" is deleted from those uses conditionally permitted in the C-2 zone.

Section 7. Amendment of Section 5.020 - Authorization to Grant or deny a Conditional Use Permit

Section 5.020 is amended to read as follows:

"Conditional uses listed in this ordinance may be permitted, altered or enlarged upon authorization of the planning commission in accordance with the standards and procedures set forth in Sections 5.010 to 5,080 of this ordinance. **Excepting that 5.020(2) and 5.020(3) will not apply to review of applications for mobile home parks.**"

Section 8. Amendment of Section 10.040 - Appeals

- (1) "At the appeals hearing, the ordinances and criteria must be stated, and the applicant or appellant must address these criteria with sufficient specificity to allow resolution."
- (2) "Upon appeal or review, the appellate authority must consider the record of the action or ruling which resulted in appeal."
- (3) "An aggrieved party in a proceeding for a zone change or discretionary permit may appeal the decision to LUBA."

Section 9. Amendment of Section 10.060 - Filing Fees

Section 10.060 is amended to read as follows:

"Section 10.060. Filing Fees. The following fees shall be paid to the City Manager upon filing of an application. Such fees shall not be refundable. **By state law, these fees are no more than the actual or average cost of providing that service. Also, fees for transcript preparation shall not exceed the actual cost, up to \$500.00 plus one-half of the actual cost over \$500.00.**

(1)	Zoning Map or Ordinance Amendment	\$100
(2)	Conditional Use Permit	\$ 50
(3)	Variance	\$ 50
(4)	Appeal to the Planning Commission	\$ 25
(5)	Appeal to the City Council	\$ 25
(6)	Zoning Permit	\$ 10
(7)	Comprehensive Plan Amendment unless simultaneous with zoning amendment	\$100
(8)	Home Occupation Permit	\$ 25"

Section 10. Amendment of Section 10.070 - Notice of Public Hearing

- (1) Section 10.070(2) final sentence is amended to read "The notice shall be mailed at least 20 days prior to the date of hearing."
- (2) The following subsections are added:
  - (5) When a zone change is proposed for a mobile home park, the residents of the mobile home park shall be given between 20 to 40 days notice of the required public hearing.
  - (6) There shall be at least one public hearing on each application, except that an application may be approved or denied without a hearing if notice and appeal provisions are provided to those persons who would have had a right to a hearing if a hearing has been held, or who are adversely affected by the decision.
  - (7) Notice of a public hearing on a zone change shall be provided to the owner of an airport if:
    - (a) The name and address of owner has been supplied to the city planning authority; and
    - (b) The property subject to the zone change is within 5,000 feet of the side or end of an airport runway; and
    - (c) The zone change would allow a structure of 35 feet or greater in height and the property is located inside the runway approach surface.
  - (8) All notices of public hearing which are mailed to applicant and nearby property owners shall be mailed at least 20 days before the hearing and contain the following information:
    - (a) List of applicable criteria from the ordinance and the comp plan that apply to the application at issue;
    - (b) Set forth the street address or other easily understood geographic identifier;
    - (c) State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;
    - (d) State the date, time and location of the hearing;
    - (e) Include the name and telephone number of a local government representative to contact;
    - (f) Explain the nature of the application and the proposed use(s) which could be authorized;
    - (g) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost;

- (h) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost; and
- (i) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

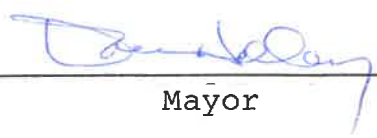
**Section 11. Establishes Section 10.090 - General Administrative Provisions**

Section 10.090 is hereby created and does contain the following provisions:

- "(1) An applicant may apply at one time for all permits or zone changes needed for a development project.
- (2) The city shall take final action on all permits or zone change applications including all appeals, within 120 days of completion of the application. Applications or appeals which require consideration by agencies or entities outside the city jurisdiction are excepted from this deadline. The 120-day deadline may be extended for a reasonable amount of time at the request of the applicant.
- (3) If an application is incomplete, the city shall notify the applicant within 30 days of receipt of the application and allow the applicant to submit the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete, at least for the purpose of Section 10.090 (2), on the 31st day after the city received the application. If the applicant agrees to supply the missing information, the application shall be deemed complete for the purpose of Section 10.090 (2) when the missing information is supplied.
- (4) If the application was complete when first submitted, or if the applicant supplies any missing information within 180 days of initial submittal, approval or denial of the application shall be based upon the standards and conditions which were in effect at the time of submittal.
- (5) If an application is not acted upon within 120 days after completion, the applicant may seek a writ of mandamus to compel action.
- (6) Ex parte contacts with a member of the decision making body shall not invalidate a final decision or action of the decision making body, provided that the member receiving the contact places the substance of the content of the ex parte communication in the record of the hearing and makes a public announcement of the content of the communication and of the right of parties to rebut the content at the first hearing where action will be considered or taken."

Section 12. Emergency Clause. Whereas, it is necessary, and it is for the interest and benefit of the City that this ordinance become effective immediately, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect after the passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 27th day of February, 1990.



\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Manager - Ex Officio City Recorder