



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

February 23, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Waterloo Plan Amendment
DLCD File Number 001-06

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: March 13, 2007

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Marguerite Nabeta, DLCD Regional Representative
Creed Eckert, City of Waterloo

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NOTICE OF ADOPTION

FEB 21 2007

Must Be Filed Within 5 Working Days
See OAR 660-18-040

LAND CONSERVATION

JURISDICTION CITY OF WATERLOO

Local File Number ORD 2007-1

Date Mailed 2.19.07

Date of Adoption 2.13.07

Date Proposal was Provided to DLCD WEEK OF 11-21-06

Type of Adopted Action (Check all that apply)

Comprehensive Plan Amendment

[checked] Land Use Regulation Amendment

New Land Use Regulation

Please complete (A) for text amendments and (B) for map amendments

A. Summary of Adopted Action (A brief description is adequate. Please avoid highly technical terms and zone code abbreviations. Please do not write "see attached."):

AMENDED ZONING + SUBDIVISION REG'S TO REMOVE SPECIFIC \$ AMOUNTS FROM FEES LANGUAGE + PERMIT COUNCIL TO SET FEES BY RESOLUTION.

Describe How the Adopted Amendment Differs from the Proposal (If it is the same, write "Same." If it was not proposed, write "N/A."):

MINOR WORDING TWEAKS PER CWCOG'S TECHNICAL ADVISEMENT - NO SUBSTANTIVE CHANGES.

B. If the Action Amends the Plan or Zone Map, Provide the Following Information for Each Area Which was Changed (Provide a separate sheet for each area. Multiple sheets can be submitted as a single adoption action. Please include street address whenever possible. Do not use tax lot number alone.):

Previous Plan Designation:

New Plan Designation:

Previous Zone:

New Zone:

Location:

Acreage Involved:

Does this Change Include a Goal Exception? Yes No

For Residential Changes Please Indicate the Change in Allowed Density in Units Per Net Acre

Previous Density:

New Density:

DLCD # 001-06(15710)

If Notice of Proposal was Not Sent to DLCD 45 Days Prior to the Final Hearing, Please Indicate Why:

_____ Statewide Planning Goals are inapplicable

_____ Emergency Circumstances Required Expedited Review

List Statewide Goals Which May Apply:

1, 2, 10, 9, 11, 12

List any State or Federal Agencies, Local Government or Local Special Service Districts Which may be Interested in or Impacted by the Adoption:

Direct Questions and Comments To: CREED A. ECKERT, AICP
SENIOR PLANNER
(Phone) 541-908-3834

Send To: Department of Land Conservation and Development
1175 Court Street, N.E
Salem, Oregon 97310-0590

Attach One (1) Copy of the Adopted Action to this Form and/or three (3) Copies of Bound Materials and Maps Larger than 8 1/2 by 11 Inches.

NOTE: If more copies of this form are needed, please contact the DLCD office at 373-0050, or this form may be duplicated on green paper. Failure to provide notice of an adopted plan or land use regulation amendment results in an extension of the appeal period. Appeals may be filed within 21 days of the date the proposal is mailed to DLCD. Statutes require mailing within 5 days of the action becoming final (See OAR 660-18-040).

*** FOR DLCD OFFICE USE ***

DLCD File Number _____

<pa>adoptform

CITY OF WATERLOO
AMENDMENT OF ZONING
AND SUBDIVISION
ORDINANCES

Ordinance No. 2007-1

AMENDING THE ZONING AND SUBDIVISION ORDINANCES TO ALLOW FOR CHANGES IN FEES BY RESOLUTION AND DECLARING AN EMERGENCY.

The City of Waterloo Ordains as Follows:

The unnumbered Waterloo Zoning Ordinance adopted in 1979 and entitled "Unnumbered – Zoning Ordinance" is amended as follows:

**Note: Items that follow that are in bold print are the added (amended) wording. Items that follow that are "~~stricken thru~~" are the words that are to be omitted.*

Section 1. Section 4.080 of the Waterloo Zoning Ordinance is amended to read:

"Section 4.080. Signs. Signs shall not be moving or intermittent flashing, shall not shine or create glare in adjacent dwellings, shall not exceed an area of 15 square feet on each side, and shall provide a clear space not less than 8 feet from the grade to the bottom of the sign. A sign permit shall be approved by the City prior to erecting any new or modifying an existing sign in the city limits. **A fee as determined by resolution of the Waterloo City Council shall accompany an application for sign permit**"

Section 2. Section 5.020 of the Waterloo Zoning Ordinance is amended to read:

"Section 5.020. General Exceptions to Lot Size Requirements. If a property ownership, consisting of the entire contiguous land holdings held in a single ownership at the time of passage of this ordinance, has an area or dimension which does not meet the minimum lot size requirements of the zone in which the property is located, the holdings may be **considered a "legally non-conforming lot"**, and may be occupied by a use permitted in the zone subject to the other requirements of the zone. **A determination whether or not a lot or parcel is legally non-conforming**

under this section shall be made by the City Council upon their receipt of the appropriate evidence, and a fee as determined by resolution of the Council"

- 1- As defined in section 5.020 "legally non-conforming lot" means: If a property ownership, consisting of the entire contiguous land holdings held in a single ownership at the time of passage of the 1979 ordinance, has an area or dimension which does not meet the minimum lot size requirements of the zone in which the property is located, the holdings may be occupied by the use permitted in the zone subject to the other requirements of the zone.
- 2- Appropriate evidence means: A) It existed at the time of the ordinance was adopted (1979) and did not meet the "new" minimum lot size standard at that time; and B) The property owner(s) at the time of the zoning ordinance's adoption (1979) did not own any contiguous property which could have been incorporated, e.g. via a Property Boundary Adjustment, to bring the subject lot to conformance with the applicable lot area standard.

Section 3. Section 5.520 (1) of the Waterloo Zoning Ordinance is amended to read:

"Section 5.520. Procedure for Taking Action on a Variance Application. The procedure for taking action on application for a variance shall be as follows:

- 1) A property owner may initiate a request for a variance by filing an application with the City Recorder. A filing fee of \$50.00 in an amount determined by resolution of the City Council shall accompany the application."

Section 4. Section 7.020 of the Waterloo Zoning Ordinance is amended to read:

"Section 7.020. Application for a Zone Change. An application for an amendment to **this zoning ordinance or the zone map** by a property owner or his authorized agent shall be filed with the City Recorder. A filing fee of \$50.00 in an amount determined by resolution of the City Council shall accompany the application."

Section 5. Section 8.040 (2) of the Waterloo Zoning Ordinance is amended to read:

"Section 8.040. Permits.

- 2) Applications for building permits shall be accompanied by a plot plan showing existing and proposed structures, wells and septic tank and drain field locations-, **along with the applicable fee to facilitate the Council's design review under Section 8.040-1, above, in an amount to be determined by resolution of the City Council"**

The Unnumbered Waterloo Subdivision Regulations adopted in 1979 and entitled "unnumbered—Subdivision Regulations" is amended as follows:

Section 6. Section 4.1 of the Waterloo Subdivision Regulations is amended to read:

"Section 4.1. Filing Fees. At the time of submission of a tentative plan for a subdivision, the City Recorder shall collect a fee of ~~\$150.00,~~ **in an amount determined by resolution of the Waterloo City Council** All fees are non-refundable. "

Section 7. The following section is added as Section 19.0 of the Waterloo Subdivision Regulations:

"**Section 19.0. Filing Fee for Final Plat. A filing fee, in an amount determined by resolution of the Waterloo City Council, shall accompany the submittal of the final subdivision plat**"

Section 8. Section 21.0 (2) of the Waterloo Subdivision Regulations is amended to read:

"Section 21.0 Major Partitioning Procedure.
(2) **Accompanying any application for tentative or final partition plat, the City Recorder shall collect a fee in an amount determined by resolution of the City Council** The City Council may define the circumstances under which an application for partitioning may be given administrative review and approval. Under this procedure..."

Section 9. The first two sentences of Section 35.0 of the Waterloo Subdivision Regulations are amended to read:

"Section 35.0. Variance Application. **Upon receipt of the applicable application materials and fee as determined by resolution of the City Council, the City Council may authorize conditional variances to requirements of this ordinance.** Application for a variance shall be made by a petition of the land divider **in a manner consistent with Sections 5.500 and 5.520 of the Waterloo Zoning Ordinance** stating fully the grounds of the application and the facts relied upon by the petitioner..."

It is hereby declared that conditions in the City of Waterloo are such that this ordinance is necessary for the immediate preservation of the peace, health, safety and general welfare of the City and the residents thereof; and an emergency is hereby declared to exist and this ordinance shall be in full force and effect from after it's passage by the Council and signing by the mayor.

APPROVED, ADOPTED, AND PASSED BY THE CITY COUNCIL, FOR THE CITY OF WATERLOO;

THIS 13th, DAY OF February, 2007.

Mayor,

James Cripe
President of Council, Jim Cripe

Dennis Scott
Councilor, Dennis Scott

Councilor, Glinna White

Cathy Nelson
City Recorder, Cathy Nelson

H. Allen Shearer
Councilor, H. Allen Shearer

Phillip Bohna
Councilor, Phillip Bohna

Jeffrey Wilson
Councilor, Jeffrey Wilson