



# Oregon

Theodore R. Kubangoski, 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](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

02/25/2009

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Arlington Plan Amendment  
DLCD File Number 001-09

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, March 11, 2009

This amendment was not submitted to DLCD for review prior to adoption Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Planning Director, City of Arlington  
Doug White, DLCD Community Services Specialist

<paa>

FORM 2

# DLCD

## Notice of Adoption

**THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

In person  electronic  mailed

**DEPT OF**

**FEB 19 2009**

**LAND CONSERVATION  
AND DEVELOPMENT**

DATE STAMP

For DLCD Use Only

Jurisdiction: **City of Arlington**

Local file number: **001-09**

Date of Adoption: **2/4/2009**

Date Mailed: **2/18/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **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".

The purpose of the adopted emergency ordinance is to provide a mechanism to allow individual RV's to be used for temporary housing on individual lots in the City. The City is currently experiencing a housing shortage due to the influx of construction workers involved in the wind farm construction on the lands near the City.

Does the Adoption differ from proposal? Please select one

N/A

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-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 # 001-09 (NOA)**

Proposed 001-09(17421)[15405]

**DLCD file No.** \_\_\_\_\_

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

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Local Contact: **Pam Rosenbalm, City Recorder**

Phone: (541) 454-2743 Extension:

Address: **PO Box 68**

Fax Number: - -

City: **Arlington**

Zip: **97812-**

E-mail Address:

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webserver.lcd.state.or.us](http://webserver.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

**CITY OF ARLINGTON ORDINANCE  
ORDINANCE NO. 401**

**AN ORDINANCE AMENDING THE  
CITY OF ARLINGTON ZONING ORDINANCE TO  
ESTABLISH A TEMPORARY CONDITIONAL USE PERMITTING  
PROCESS AND DECLARING AN EMERGENCY**

**LEGISLATIVE FINDINGS**

The City is experiencing a severe shortage of temporary housing availability, and in order to respond to this identified need, has determined the best course of action is to amend the City's Zoning Ordinance to establish a process for issuance of Temporary Conditional Use Permits.

Now Therefore: The City of Arlington hereby ordains:

The following language is added to the City's Zoning Ordinance as Section 5.1(10)

**SECTION 5.1 (10) TEMPORARY CONDITIONAL USE PERMIT**

(1) Purpose: The City of Arlington was one of the first jurisdictions to be acknowledged for being in Compliance with the Statewide Planning Goals, in 1978. The City has always maintained an active and responsive Land Use Planning Program. From time to time, land use issues arise that have no simple solutions, but where immediate action is required. The City has determined that the use of a Temporary Conditional Use Permit would provide the means to resolve citywide issues that are anticipated to be short-term in nature. Such is the case now, in the early part of 2009, as the City finds a significant shortage of short-term housing to meet temporary housing needs. The solution that best fits the city is a short-term one that will sunset at the end of this specific need. The City does not wish to amend its Zoning Ordinance to affect a long-term change in the City's Land Use, but recognizes a short-term solution must follow a well defined process. Therefore, a Temporary Conditional Use procedure is judged to be the best solution for the City. Now, there may be other issues, over time, which require an immediate response by the City. The following criteria must be met:

1. The City Council must adopt a Resolution outlining the issue to be addressed and the basic standards that will govern the temporary use of the land. The Resolution must indicate the emergency is Citywide.
2. The Resolution shall direct the Planning Commission to adopt siting standards for the land use being considered.
3. Generally, an Administrative Review Process is acceptable if all TCUP standards adopted by the Planning Commission are met by the applicant. A quasi-judicial public hearing must be conducted when the standards are not met by the applicant.

- 4. The approval criteria shall be the same as that of a Conditional Use Permit, shown in Section 5.1(2).

**EMERGENCY CLAUSE**

This ordinance being enacted by the Common Council in the exercise of its police power and for the purpose of meeting an emergency, and being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect immediately upon being enacted.

ADOPTED this 4 day of Feb, 2009.

CITY OF ARLINGTON

\_\_\_\_\_
   
 (Mayor)

ATTEST:

\_\_\_\_\_
   
 (City Recorder)



**TENNESON**

**ENGINEERING CORPORATION**

3313 WEST SECOND STREET, SUITE 100  
THE DALLES, OR 97058



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**\$0.59**

02/18/09

Mailed From 97058

US POSTAGE

nepost

PLAN AMENDMENT SPECIALIST  
DEPT. OF LAND CONSERVATION & DEVL.  
635 CAPITOL STREET NE, SUITE 150  
SALEM OR 97301-2540

97301-2540

