



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

05/14/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sodaville Plan Amendment
DLCD File Number 001-01

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, May 30, 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: Michelle Kirkman, City of Sodaville
Gordon Howard, DLCD Urban Planning Specialist

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FORM **2**

DLCD

Notice of Adoption

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: **Sodaville**

Local file number:

Date of Adoption: **11/24/1998**

Date Mailed: **2/27/2001**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 1/5/2001

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".

Zoning ordinance text amending standards and procedures for review and approval of common driveways serving 2-4 residences.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

Acres Involved:

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**

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. 001-01 (11203) [17446]

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

DLCD

Local Contact: **Judy Smith**

Phone: (541) 258-8882 Extension:

Address: 30723 Sodaville Rd

Fax Number: - -

City: **Lebanon, OR**

Zip: 97355-

E-mail Address: sodaville@centurytel.net

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

ORDINANCE NO. 01-01

AN ORDINANCE AMENDING SODAVILLE ZONING
ORDINANCE NO. 43 BY SETTING STANDARDS
AND PROCEDURES FOR REVIEW AND APPROVAL
OF COMMON DRIVEWAYS SERVING 2-4 RESIDENCES

THE CITY OF SODAVILLE ORDAINS AS FOLLOWS:

Section 1 Section 4.120 of Sodaville Zoning Ordinance No. 43 shall be amended as follows:

Section 4.120 Driveway Permits. For purposes of this section, driveways are defined as that portion of the private road serving a lot or lots, which extends from the property line to the roadway of the abutting street. An exception to this definition pertains to common driveways intended to serve 2-4 residences, in which case the driveway standards shall apply to the entire length of the driveway. A driveway permit is required for the construction of a new driveway, for the relocation or realignment of an existing driveway, and for major improvements to existing driveways. Standards and procedures for driveway permits are in the following sub-sections of this section:

- 1) Purpose of Driveway Permit. Driveway permits are required in order to assure that driveways are
 - a) Wide enough to handle the anticipated traffic and types of vehicle expected to use the driveway
 - b) Located far enough from street intersections to minimize potential traffic safety hazards
 - c) Located in order to assure that there is adequate sight distance along the adjacent street to minimize the creation of potential safety hazards
 - d) Designed and constructed with materials and methods to prevent the creation of traffic safety hazards and to assure that driveway conditions will not result in drainage or roadway maintenance problems.

- 2) General Driveway Standards
 - a) The driveway should intersect with the street at as close to a right angle as possible
 - b) The maximum grade of the driveway should be ten per cent (10%), except where the steepness of the slope requires a steeper grade. In all circumstances the grade of the driveway should be as flat as possible
 - c) Driveways should be located at least 75 feet from the nearest intersecting street. Driveways on the same side of the street should be at least 25 feet from each other

- d) Each property in the city is entitled to a driveway. However, under some circumstances the joint or multiple use of a driveway shall be encouraged as long as there is a joint use and maintenance agreement between affected property owners. In the event the driveway is intended to serve 2-4 residences, the development of a common driveway to serve all residences shall be required.
 - e) The City shall adopt driveway road access design, construction, and materials standards including standards related to drainage and drainage structures such as culverts, as the basis for review and action on driveway permit requests.
- 3) Driveway Permit Process. Driveway permits shall be issued by the Zoning Official. After submittal, the Zoning Official shall transmit the permit to the City Engineer or another party with professional engineering credentials for review and action. Driveway road access permits shall meet the City's adopted standards and shall be approved and inspected by the City Engineer or other designated party with professional engineering credentials. Copies of the approved driveway permit shall be transmitted to the applicant and to the City Recorder. The City Recorder shall retain the approved permit on file.
(Amended by Ordinance No. 98-6)
- 4) Standards for Common Driveways Intended to Serve 2-4 Residences
- a) The minimum pavement width shall be 20 feet.
 - b) The driveway radius at the approach to the street shall be 25 feet.
 - c) Common driveways shall serve no more than 4 residences; if more than 4 residences are to be served, the driveway shall be constructed to a public street standard.
 - d) The driveway shall be paved for its entire length.
 - e) Prior to the installation of the driveway, provision shall be made for the handling of drainage in conjunction with driveways, and for the installation of water lines to serve the lots. The City shall approve plans for drainage and for installation of the water lines.
 - f) The end of the driveway shall be provided with an emergency turn-around that meets the standards of the Lebanon Rural Fire Protection District. Normally a hammerhead turn-around will be adequate.
 - g) The owners of all properties to be served by the driveway shall sign a maintenance agreement indicating that it is the responsibility of each property owner to maintain the driveway in satisfactory condition. Before any building permits may be issued for construction of residences on the property, evidence shall be provided to the City that all affected property owners shall be made aware of the maintenance agreement and property owner responsibilities under the agreement.
 - h) The general standards of Section 4.120 and the permit standards that are a part of the Sodaville Driveway Permit apply to common use residential driveways serving 2-4 residences.

Section 2 Emergency. It is hereby declared that conditions in the City of Sodaville 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 and after its passage by the City Council and signing by the Mayor

Ayes 10

Nays 0

Passed by the Council this 27 day of Jul in the year 2001

Approved by the Mayor this 27 day of Jul in the year 2001

Robert J. Cunningham
Mayor

Michelle Kubina
Attest