

ORDINANCE NO 325-20

AN ORDINANCE AMENDING ORDINANCE NO. 24 (ZONING ORDINANCE) ARTICLE 10 ADMINISTRATIVE PROVISIONS, SECTION 10.020 REVIEW CATEGORIES, SECTION 10.025 REVIEW PROCEDURES, SECTION 10.030 AMENDMENTS, AND SECTION 10.040 AMENDMENT PROCEDURE STANDARDS FOR REVIEW

WHEREAS, the Depoe Bay Planning Commission last amended Article 10 May 4, 2010, by Ordinance 287; and

Whereas, the Depoe Bay Planning Commission held public hearings on November 13, 2019, to obtain public comment on proposed revisions to the zoning ordinance; and

Whereas, the Depoe Bay City Council held a public hearing on May 19, 2020, and has concluded deliberations on the recommended changes to the Zoning Code, including considering public testimony and staff recommendations.

NOW, THEREFORE, the City Council of the City of Depoe Bay ordains as follows:

Section 10.020. Review Categories: The following table defines how applications will be categorized and processed:

Application Type	Review Authority	Affected Owners Notified	Public Hearing	Review Procedure	Appeal To
Building Permit*	Planner	No	No	10.025(1)	Plan Comm
Development in a Special Flood Hazard Area	Planner	No	No	10.025(1)	Plan Comm
Sign Permit	Planner	No	No	10.025(1)	Plan Comm
Clearing, Filling, Excavating, Grading Permit	Planner	No	No	10.025(1)	Plan Comm
Property Line Adjustment	Planner	Yes	No	10.025(2)	Plan Comm
Final Approval of Partition	Planner	No	No	10.025(1)	Plan Comm
New/Substantial Const. In Non-Residential Zones**	Plan Comm	No	No	10.025(1.e)	City Council
Stream, Pond, Wetland, Riparian Area Development	Plan Comm	Yes	Yes	10.025(3)	City Council
Coastal Shorelands	Plan Comm	Yes	Yes	10.025(3)	City Council
Geotech Report	Plan Comm	Yes	Yes	10.025(3)	City Council
Tentative Approval of Partition	Plan Comm	Yes	Yes	10.025(3)	City Council
Time Extension Request	Plan Comm	No	No	10.025(1)(e)	City Council
Renovation, Extension or Expansion of Non-conforming Uses and Structures	Plan Comm	Yes	Yes	10.025(3)	City Council

Conditional Uses	Plan Comm	Yes	Yes	10.025(3)	City Council
Variances	Plan Comm	Yes	Yes	10.025(3)	City Council
Tentative Approval of Subdivision	Plan Comm	Yes	Yes	10.025(3)	City Council
Master Plan Approval of Planned Development	Plan Comm	Yes	Yes	10.025(3)	City Council
Preliminary Plan Approval of Planned Development	Plan Comm	Yes	Yes	10.025(3)	City Council
Final Approval of Subdivision and Planned Development	Plan Comm	No	Yes	10.025(3)	City Council
Comp Plan or Zoning ORD Text and Map Amendment	Plan Comm/ City Council	Yes	Yes	10.030,10.040	LUBA***
Appeal Planner Decision	Plan Comm	Yes	Yes	10.070(1)	City Council
Appeal Planning Comm Decision	City Council	Yes	Yes	10.070(2)	LUBA***
LUBA*** Remand	Plan Comm	Yes	Yes	10.070(2)	City Council

* For building permits requiring land use applications, refer to a specific type of land use application.

** Those that involve new or substantial construction in Commercial, Light Industrial, Marine Commercial, or Marine Planned Zones. Substantial construction is defined as more than 20% change in footprint, an increase in building height, or change in use.

*** LUBA= Oregon Land Use Board of Appeals

Section 10.025 Review Procedures:

3. e. Written testimony shall be submitted to the City a minimum 24 hours in advance of the meeting in order to be copied and distributed to the Planning Commission. Anybody may attend the hearing and provide testimony.

f. Decision of the Planning Commission may be appealed to the City Council pursuant to Section 10.070(2).

Section 10.030 Amendments

Deleted in its entirety

Section 10.040

1. Legislative Amendments: A legislative amendment creates and adopts as law general policies and regulations for future land use within a jurisdiction. Examples include the adoption or revision of a comprehensive plan or zoning regulations.

Legislative amendments may be made for the establishment of policy. Such an amendment may be initiated only by the City Council or Planning Commission. A person may petition the City Council to initiate such a legislative amendment but may not initiate the amendment by making a direct

application. Prior to proceeding with the public hearing process, the Planning Commission shall receive authorization to proceed from the City Council. Legislative amendments shall be made only after public notice and hearing have been held pursuant to Section 10.040 and Section 10.050.1.

For legislative amendments, the Planning Commission shall hold a public hearing and make a recommendation to the City Council. The City Council shall then hold a public hearing to consider the adoption of the legislative amendment.

2. Quasi-Judicial Amendments: A quasi-judicial amendment applies the law to one or more particular parcels of land. The quasi-judicial amendment process typically includes a land-use application for a specific property, e.g. a zone change, subdivision, planned development, partition, conditional use, variance, coastal shorelands, or geological hazards permit.

An application for an amendment by an owner or authorized agent shall be made in accordance with the application procedure specified in Section 10.015, and shall be reviewed for compliance with the standards of Section 10.040 after the notice required by 10.050.2, and after the conduct of a public hearing according to 10.060.

WHEREAS, the adoption of this ordinance is necessary to preserve the peace, health, safety, and welfare of the citizens of the City of Depoe Bay. This ordinance shall be in full force and in effect thirty days upon its adoption by the City Council of the City of Depoe Bay.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay on this 7TH day of JULY, 2020.

Passed at the second reading, placed on final passage, and adopted by the City Council of the City of Depoe Bay on this 7TH day of JULY, 2020.

Approved by the Mayor of the City of Depoe Bay this 7TH day of JULY, 2020.

City of Depoe Bay



Mayor

Attest: 

City Recorder