ORDINANCE NO. 975

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF JUNCTION CITY (ORD. NO. 950); AMENDING THE ZONING MAP; AND DECLARING AN EMERGENCY.

THE CITY OF JUNCTION CITY DOES ORDAIN AS FOLLOWS:

Section 1. Section 2, DEFINITIONS, of the Zoning Ordinance of the City of Junction City, is amended to add the following:

"Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (ORS 196.800(16)). Wetlands generally include swamps, marshes, bogs and similar areas."

Section 2. New sections 112, 113 and 114 will be added to ADMINISTRATION, ENFORCEMENT AND INTERPRETATION in the Junction City Zoning Ordinance and subsequent sections will be renumbered. The new sections will read as follows:

Section 3. Section 9 is amended to include the following:

(3) Manufactured homes provided they conform to the following:

(a) It shall be multisectional and inclose a space of no less than 1000 square feet.
(b) The dwelling shall be place on an excavated and backfilled foundation and inclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade.
(c) The dwelling shall have a pitched roof of at least one foot in height for every three feet of width.
(d) Exterior siding and roofing shall be similar on color, material, appearance to that of surrounding dwellings.
(e) The exterior thermal envelope shall meet performance standards required of single family dwelling built under the state building codes.
(f) The dwelling shall provide on-site covered parking consistent with the predominant construction patterns of immediately surrounding dwellings.

Section 22 is amended to include the following:

(7) Mini-Storage, under the following provisions:

1) they be located no closer than 250-feet of any U. S. Highway, and on a recognized collector or arterial street in residential zones;
2) all lands fronting any street be fully landscaped with a minimum setback of 10-feet with solid ground cover of grass or bark dust, solid screen of living vegetation reaching a height of at least five feet at maturity, and at least two feet at the time of planting. Such vegetative requirements may be waived or reduced by providing decorative fencing such as wrought iron;
3) a residence for security personnel may be provided as an accessory to the use.

Section 39 is amended to include the following:

(12) Mini-Storage.
Section 44 is amended to include the following:

(7) Mini-Storage.

"Section 112. Notice

(1) Notice required. Notice of hearing on all quasi-judicial land use matters shall be mailed to the applicant and to all owners and abutting property owners, including owners of property which would be abutting if there were not intervening streets, of the property which is the subject of the notice. In addition, notice shall be provided to all owners of record of property on the most recent property tax assessment roll within 300 feet of the subject property.

(2) Notice of hearing. Notice of a hearing shall be reasonably calculated to give actual notice, and other than for a legislative action, shall contain the following information.

(a) Explain the nature of the application and the proposed use or uses which could be authorized.

(b) List the applicable criteria from the ordinance and the plan that apply to the application at issue.

(c) Set forth the street address or other easily understood geographical reference to the subject property.

(d) State the date, time, and place of the hearing.

(e) State that 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 Oregon Land Use Board of Appeals based on that issue.

(f) Include the name of a local government representative to contact and the telephone number where additional information may be obtained.

(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 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 will be provided at reasonable cost.

(i) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

(3) Procedure for mailed notice. A person whose name is not in the tax records at the time of filing of an application or of initiating other action not based on an application, may only receive a notice if the person provides the Planning Commission with the necessary address(es). Any deficiency in the form of notice prescribed in this Subsection 2 or a failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this section for notice. In addition to persons receiving notice as required by the matter under consideration, the City Administrator may provide notice to others he/she has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development.
(a) A notice of hearing shall be mailed at least:

1. Twenty days before the evidentiary hearing; or

2. If two or more evidentiary hearings are allowed, 10 days before the first evidentiary hearing.

(c) When an application is received to change the zone of property which includes all or part of a mobile home park, written notice by first class mail shall be sent to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application.

(d) Cost of notice mailings shall be included in the application fee.

(4) Published or Posted Notice.

(a) Each notice of a hearing authorized by this Ordinance shall be published in a newspaper of general circulation in the City at least five days prior to the date of the hearing.

(b) Notice shall be posted in at least one conspicuous place within the area containing the affected property.

(5) Validity of Notice.

(a) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

(b) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, radio, or television.

Section 113. Public Hearing Procedures.

(1) No less than one public hearing shall be held on all permits, zone changes, and quasi-judicial amendments to the Comprehensive Plan for Junction City, Oregon. This public hearing shall be held within 45 days of when the application has been deemed complete.

(2) All documents or evidence relied upon by the applicant shall be submitted to the secretary of the Planning Commission or the city recorder, whichever is applicable, and be made available to the public at least twenty days before the hearing, or if two or more evidentiary hearings are allowed, at least 10 days before the first evidentiary hearing.

(3) Any staff report used at the first hearing shall be available at least seven days prior to the hearing.

(4) If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing provided such continuance is requested before the close of the hearing.

(5) At the commencement of a quasi-judicial hearing required by this ordinance, a statement shall be made to those in attendance that:

(a) Lists the applicable substantive criteria.

(b) States that testimony and evidence must be directed toward the applicable substantive criteria or other criteria believed to apply to the decision.
(c) States that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals on that issue.

(6) Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open at least seven days after the hearing.

(7) When the record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony, or criteria for decision making which apply to the matter at issue.

Section 114. Decision

(1) Following the hearing procedure described above, the hearing body shall approve, table, or deny the application; or if the hearing is in the nature of an appeal, either affirm, reverse, or remand the decision that is on appeal. A decision on a hearing or an application for a development permit may be continued for a reasonable period of time as determined by the hearing body, but not to exceed the requirements of subsection (2), below.

(2) Except as provided in this subsection, the City shall take final action on an application for a permit or zone change, including resolution of all appeals, within 120 days after the application is deemed complete. Exceptions to the 120 time limit are as follows:

(a) The time limit may be extended by the applicant;

(b) The time limit only applies to decisions wholly within the authority and control of the City and does not apply if the parties have agreed to mediation to resolve the issue;

(c) The time limit does not apply to an amendment to the Comprehensive Plan or land use regulations or to adoption of a new land use regulation that was forwarded to the State Department of Land Conservation and Development for postacknowledgment review.

(3) If an application for a permit or zone change is incomplete, the City shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt of the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete on the 31st day after the application was first received.

(4) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

Section 4. The City Administrator is authorized to administratively correct any reference errors contained herein, or in other provisions of the other ordinances of the City, to the provisions amended, added, or repealed herein.

Section 5. The City of Junction City Official Zoning Map dated 1993 is hereby adopted.

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Section 6. Since this ordinance is necessary to make the Zoning Ordinance for Junction City, Oregon consistent with current state law, an emergency is hereby declared to exist, and this ordinance is effective upon its passage by the Council and signing by the Mayor.

Passed by the Council this 10th day of August, 1993.

Approved by the Mayor this 10th day of August, 1993.

APPROVED:

[Signature]
Mayor

ATTEST:

[Signature]
City Recorder

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