

Irrigon,
City Code

AN ORDINANCE ADOPTING THE IRRIGON, OREGON CITY CODE

By the mayor and city council of the city of Irrigon, Oregon, as **THE CITY OF IRRIGON ORDAINS AS FOLLOWS:**

Section 1: From and after the date of passage of this ordinance, the city code of the city of Irrigon, Oregon prepared by Sterling Codifiers, Inc., containing the compilation of all ordinances of a general nature together with the changes made to said ordinances, under the direction of the governing body of the city, shall be accepted in all courts without question as the official code and law of the city as enacted by the mayor and city council.

Section 2: There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding together with the continuous supplement service, provided by Sterling Codifiers, Inc., whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting provisions of the official city code is identified by the proper catchline and is inserted in the proper place in each of the official copies, one copy of which shall be maintained in the office of the city clerk, certified as to correctness and available for inspection at any and all times that said office is regularly open.

Section 3: All ordinances of a general nature included in this official city code shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said official city code. All ordinances of a special nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the city code. Such ordinances are not intended to be included in the official city code.

Section 4: All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

Section 5: This ordinance and the code adopted by the same shall be recorded and shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this 26th day of February, 2008.

APPROVED this 26th day of February, 2008.

SIGNED /s/
Mayor

ATTEST: /s/
City Manager

Subject	Chapter	Page
General Provisions, Administration and Definitions	1	3
Definitions	1A	6
Enforcement	1B	35
Land Use Districts (Zones).....	2	36
Residential Zone	2A	38
Commercial Zone	2B	62
Industrial Zone	2C	77
Recreation Lands District	2E	81
Community Design Standards	3	82
Administration of Land Use and Development	4	125
Types of Review Procedures	4A	125
Permits and Land Use Review	4B	151
Land Divisions and Property Line Adjustments	4C	159
Conditional Use Permits	4D	175
Master Planned Developments	4E	177
Modifications to Approved Plans and Conditions of Approval.....	4F	183
Land Use District Map and Text Amendments.....	4G	185
Code Interpretations	4H	188
Miscellaneous Permits	4I	189
Exceptions to Development Code Standards	5	193
Flood Damage Prevention	6	197

Title 10 - DEVELOPMENT CODE

CHAPTER 1

GENERAL PROVISIONS, ADMINISTRATION AND DEFINITIONS

10-1-1: INTRODUCTION; USE OF PROVISIONS:

A. Introduction: This is a comprehensive land use and development code that governs all of the land within the incorporated limits of the city. This code (hereafter referred to as "this title") is enacted for the purpose of promoting public health, safety, and welfare; to encourage the most appropriate use of property within the city; to stabilize and protect the value of property; to provide adequate light and air; to prevent overcrowding; to lessen traffic congestion; to facilitate adequate and economical provisions for public improvements; to provide a method of administration and to prescribe penalties for violations of the provisions herein.

B. Organization: The chapters of this title are used to review land use applications. They are organized as follows:

1. Chapter 1: In addition to this brief introduction, chapter 1 provides definitions for selected terms, land use classifications and categories, and information on the legal construct of this title. It also explains the city authority to enforce this title.

2. Chapter 2: Every parcel, lot, and tract of land within the city's incorporated boundaries is also within a land use district. (Land use districts are shown on the city's official zoning map.) Chapter 2 identifies the land uses that are permitted within each district, and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use specific design standards). As required by state law, the zones or land use districts conform to the city comprehensive plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

3. Chapter 3: The design standards contained in chapter 3 of this title apply throughout the city. They are used in preparing development plans, and reviewing applications, to ensure compliance with city standards for access and circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

4. Chapter 4: Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this title. Four (4) types of permit procedures are covered: type I (nondiscretionary, ministerial decision); type II (discretionary, administrative decision); type III (quasi-judicial decision with public hearing); and type IV (legislative decisions).

5. Chapter 5: Chapter 5 provides standards and procedures for variances and nonconforming situations (i.e., existing uses or development that does not comply with this title). This title cannot provide standards to fit every potential development situation. The city's varied geography, and complexities of land development, require flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of this title. (Ord. 175-07, 6-19-2007)

10-1-2: SEVERABILITY:

The provisions of this title are severable. If any section, sentence, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this title. (Ord. 175-07, 6-19-2007)

10-1-3: COMPLIANCE AND SCOPE:

A. Compliance Required: Land and structures may be used or developed only as this title or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this title.

B. Obligation By Successor: The requirements of this title apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest.

C. Most Restrictive Regulations Apply: Where this title imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.

D. Variances: Variances shall be governed by the provisions of section [10-5-1](#) of this title.

E. Transfer Of Development Standards Prohibited: No lot area, yard, landscaping, or open space that is required by this title for one use shall be a required lot area, yard, landscaping, or open space for another use, except as otherwise specifically allowed by this title. (Ord. 175-07, 6-19-2007)

10-1-4: CONSISTENCY WITH PLAN AND LAWS:

This title is designed to implement the city comprehensive plan. All provisions of this title shall be construed in conformity with the adopted comprehensive plan and applicable state and federal laws. (Ord. 175-07, 6-19-2007)

10-1-5: USE OF A DEVELOPMENT:

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this title (including nonconforming uses, subject to section [10-5-2](#) of this title), and is not prohibited by law. (Ord. 175-07, 6-19-2007)

10-1-6: PREEXISTING APPROVALS:

A. Legality Of Preexisting Approvals: Developments and uses for which approvals were granted prior to July 19, 2007, may occur pursuant to such approvals; except that modifications to those approvals shall comply with [chapter 4, article F](#), "Modifications To Approved Plans And Conditions Of Approval", of this title.

B. Subsequent Development Applications: All developments and uses begun on or after July 19, 2007, shall conform to the provisions of this title. (Ord. 175-07, 6-19-2007)

10-1-7: BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY:

A. Building Permit: A building permit shall not be issued until the city planning official has issued a land use review or site design review approval in accordance with the provisions of [chapter 4, article B](#) of this title, or has otherwise found that such review is not required.

B. Certificate Of Occupancy Required: To ensure completion of a development or use in the manner approved, a building shall not be occupied and a use shall not begin until the building official has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable approvals and permits.

C. Prior To Final Completion: Prior to the final completion of all work, the building official, at his or her discretion, may issue a certificate of occupancy for a portion of the structure conditioned upon further work being completed by a date certain. (Ord. 175-07, 6-19-2007)

10-1-8: OFFICIAL ACTION:

A. Official Action: The city planning official and his or her designees are vested with authority to issue permits or grant approvals in conformance with this title, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this title.

B. Severability: Any permit or approval issued or granted in conflict with the provisions of this title shall be void, unless it is modified to conform to this title. The city planning official shall determine when an approval is void and he or she may modify the approval, or refer it back to the original decision making body for modification, to make it conform to this title.

C. Notice: The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this title, provided a good faith effort was made to notify all parties entitled to notice. (Ord. 175-07, 6-19-2007)

ARTICLE A. DEFINITIONS

10-1A-1: PURPOSE:

The purpose of this article is to define terms that are used frequently in this title, to assist decision makers in interpreting and applying this title. Some of the terms that are defined herein may have different meanings in other communities. (Ord. 175-07, 6-19-2007)

10-1A-2: APPLICABILITY:

The definitions in this article apply to all actions and interpretations under this title. The meanings given terms in this article may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control. Where a term used in this title is already defined in another part of the city code (e.g., the uniform building code, etc.), the term is not redefined herein for purposes of that other code. Terms not defined in this title shall have their ordinary accepted meanings within the context in which they are used. "Webster's Third New International Dictionary Of The English Language, Unabridged", shall be considered a standard reference. (Ord. 175-07, 6-19-2007)

10-1A-3: DEFINITIONS:

The following definitions are organized alphabetically.

ABUTTING: Contiguous or adjoining. It shall include the terms "adjacent", "adjoining" and "contiguous".

ACCESS: A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.

ACCESS EASEMENT: An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access. Cross access is a service drive providing vehicular access between two (2) or more separate sites, so that the driver need not enter the public street system between sites.

ACCESS MANAGEMENT: The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include, but are not limited to: a) standards such as minimum spacing of driveways and on site vehicle storage requirements; b) mitigations related to site conditions such as right-in/right-out only approaches, medians, dedicated turn lanes, and shared access approaches; and c) provision for future opportunities for mitigation by land dedication or easement.

ACCESSIBLE: Two (2) meanings are possible depending on the specific code provision. In general, "accessible" means approachable by pedestrians, vehicles or other transportation mode, as applicable. "Accessible" may also mean, under approachable and usable by people with disabilities, in conformance with the federal Americans with disabilities act. Either or both definitions may apply in a particular situation.

ACCESSORY: Secondary or incidental to a primary use or structure.

ACCESSORY DWELLING UNIT: A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than, the house, attached house, or manufactured home.

ACCESSORY STRUCTURE: A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are detached from the primary structure. Examples of accessory structures include, but are not limited to: garages, decks, fences, arbors, gazebos, heat pumps, and other structures. See also definition of Primary Structure.

ACCESSORY USE: A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. See also definition of Primary Structure.

ADJACENT: Abutting or located directly across a street right of way.

ADMINISTRATIVE: A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal.

ADULT FOSTER CARE: A family home or facility in which residential care is provided for five (5) or fewer adults who are not related to the provider by blood or marriage. "Provider" means any person operating an adult foster care home.

AFFORDABLE: Housing affordable to a certain percentage of the population earning a specified level of income and spending no more than thirty percent (30%) of their income on housing expenses. For more information, contact the federal department of housing and urban development and the Oregon department of housing and community services.

AGRICULTURAL USES: Agricultural uses are those which raise, produce or keep plants or animals.

ALLEY: A right of way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed, not possible, or not desirable the alley may provide primary vehicle access.

ALTERATION: A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. (See also definition of Interior/Exterior Alteration.) Alteration does include the following:

- A. Changes to the exterior of a building;
- B. Changes to the interior of a building;
- C. Increases or decreases in floor area of a building;
- D. Changes to other structures on the site, or the development of new structures;
- E. Changes to exterior improvements;
- F. Changes to landscaping; and
- G. Changes in the topography of the site.

AMBIENT: Normal or background environmental condition, as in the level of light, dust or noise.

APPLICANT: A person who applies for a land use review or building permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.

ARTERIAL: The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties.

ARTICULATE/ARTICULATION: The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

ATTACHED HOUSE (TOWNHOME OR ROW HOUSE): A dwelling unit located on its own lot which shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least fifty percent (50%) of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a row house or a common wall house.

ATTACHED STRUCTURE: Any structure that is attached to another structure by a common wall, by a roof, or by structural connections that allow pedestrian access to both structures. For example, decks or stairways are attached structures when they are connected to another structure. A garage may be attached to another structure by sharing a wall or by a breezeway. Structures connected by an I-beam or similar connections are not considered attached.

BASIC UTILITIES: Infrastructure services which need to be located in or near the area where the service is provided. Basic utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are basic utilities. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; storm water facilities and conveyance systems; telephone exchanges; suspended cable transportation systems, transit centers; and public safety facilities, including fire and police stations, and emergency communication broadcast facilities.

BED AND BREAKFAST INN: Any establishment located in a structure designed for a single-family residence and structures appurtenant thereto, regardless of whether the owner or operator of the establishment resides in any of the structures, and such establishment:

- A. Has more than two (2) rooms for rent on a daily basis to the public; and
- B. Offers a breakfast meal as part of the cost of the room.

BICYCLE FACILITY: There are different types of bicycle facilities. In general, a bicycle facility is a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multiuse path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel.

BLOCK: All of the property bounded by streets, rights of way, and water features, but is not divided or separated in any way by streets or water features.

BLOCK FRONTAGE: All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines the boundary of the block frontage only on the side of the street that it intercepts.



Block Frontage

BUILD-TO LINE: A maximum front or street yard setback which is typically required along commercial street frontages to promote a storefront character and pedestrian oriented design.

BUILDING: A structure that has a roof and is enclosed on at least fifty percent (50%) of the area of its sides.

BUILDING AREA: The total area of a building, both aboveground and belowground, measured from the exterior faces of a building or structure. Gross building area does not include the following:

- A. Roof area;
- B. Rooftop mechanical equipment; and
- C. Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty two inches (42") in height, for fifty percent (50%) or more of their perimeter.

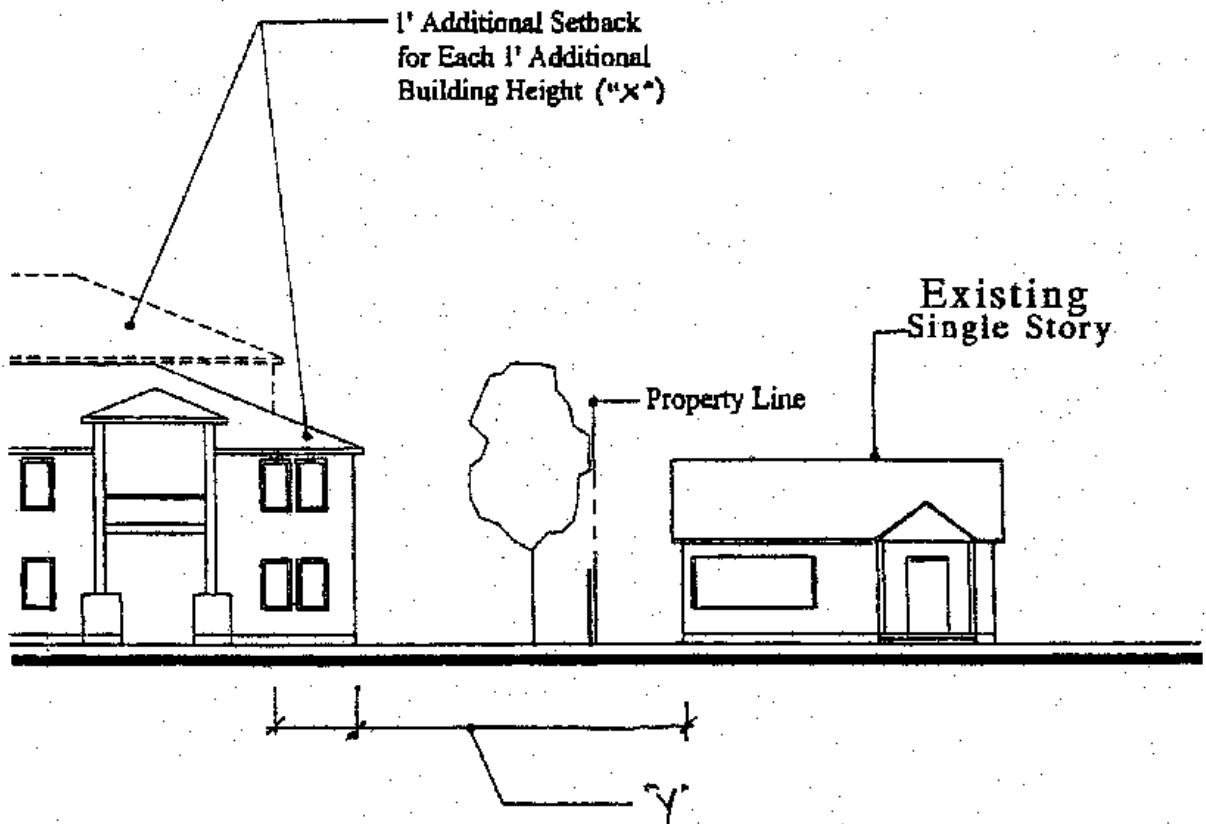
BUILDING COVERAGE: The area that is covered by buildings, and decks, stairways and entry bridges that are more than thirty inches (30") above grade. Eaves are not included in building

coverage.

BUILDING FOOTPRINT: The outline of a building, as measured around its foundation, or building coverage, whichever is greater.

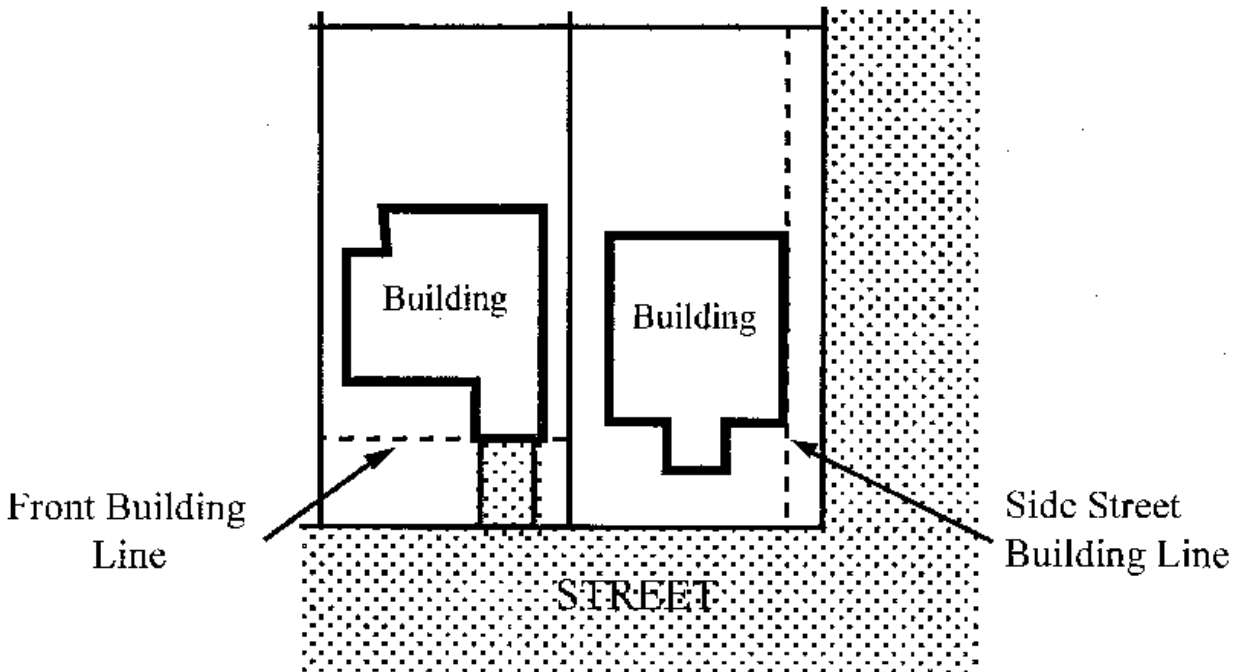
BUILDING HEIGHT: Building height is measured as the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridgeline or highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. See the definition of Grade.

BUILDING HEIGHT STEP DOWN: A development standard that requires a transition in allowable building height, whereby the buildings in a specific land use district must step down in elevation where they abut a lower intensity land use district.



Building Height Step Down

BUILDING LINE: A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site.



Example of a front building line and a side street building line.

Building Lines

BUILDING MASS: The aggregate size of a building, or the total height, width, and depth of all its parts.

BUILDING OFFICIAL: The person who enforces the building ordinances and regulations for the city, and other ordinances and regulations as assigned.

BUILDING PAD: A vacant building site on a lot with other building sites.

BUILDING SCALE: The dimensional relationship of a building and its component parts to other buildings.

CANOPY: A permanent roofed structure that may be freestanding or be partially attached to a building, for the purpose of providing shelter to patrons on foot and/or in motor vehicles; does not include a completely enclosed structure. See also definition of Tree Canopy.

CAPACITY: Maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

CARPOR: A stationary structure consisting of a roof, its supports, not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats.

CERTIFICATE OF OCCUPANCY: A certificate of occupancy or a certificate of inspection issued by the city at the completion of a building permit or change of occupancy.

CHANGE OF USE: Change in the primary type of use on a site.

CHILDCARE CENTER, FAMILY CHILDCARE: Facilities that provide care and supervision of minor children for periods of less than twenty four (24) hours. Family childcare providers provide care for not more than twelve (12) children in a home. See Oregon Revised Statutes chapter 657A for certification requirements.

CLEAR AND OBJECTIVE: Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

CLEARING: Any activity that removes existing vegetation or strips surface material from any portion of the site.

COLLECTOR, MINOR/MAJOR: Type of street that serves traffic within commercial, industrial, and residential neighborhood areas. Connects local neighborhood or district streets to the arterial network. Part of the street grid system. See standards under section [10-3D-2](#) of this title.

COMMERCIAL: Land use involving buying/selling of goods or services as the primary activity.

COMMERCIAL OUTDOOR RECREATION: Commercial outdoor recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting. Examples include amusement parks, theme parks, golf driving ranges, miniature golf facilities, and marinas.

COMMON AREA: Land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by a homeowners' association).

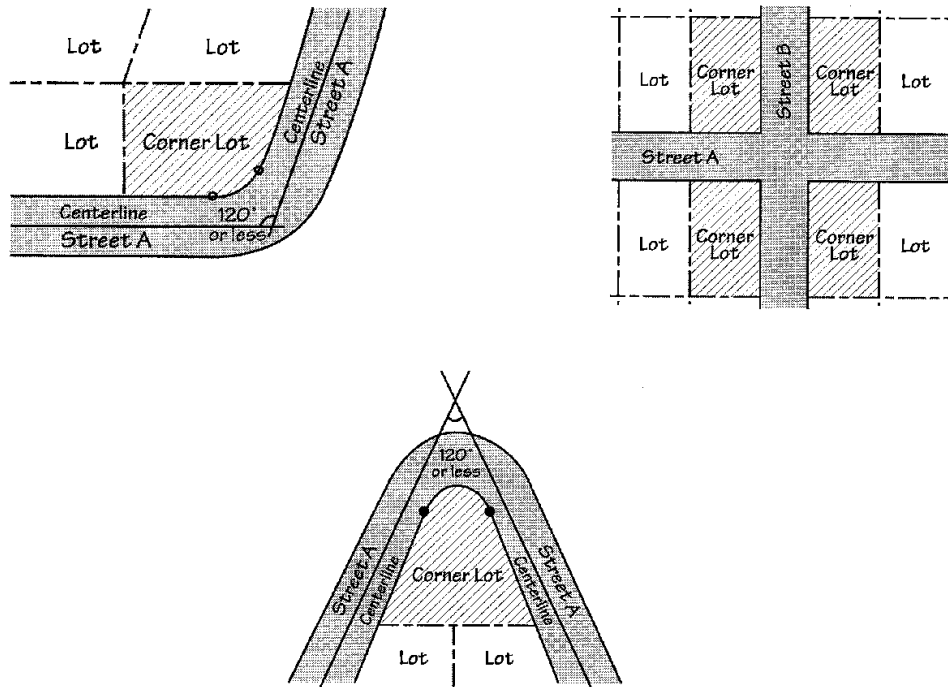
COMMUNITY SERVICES: Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may provide mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or nonprofit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

COMPREHENSIVE PLAN: The current adopted comprehensive plan of the city.

CONDITIONAL USE: A use that requires a conditional use permit. See [chapter 4, article D](#) of this title.

CORNER LOT: A lot that has frontage on more than one intersecting street. A street that curves

with angles that are one hundred twenty degrees (120°) or less, measured from the centerline of the street, is considered two (2) intersecting streets for the purpose of evaluating whether a lot is a corner lot.



Corner Lots

CORNER RADIUS: The radius of a street corner, as measured around the curb or edge of pavement.

CORNICE: The projecting horizontal element that tops a wall or flat roof.

COTTAGE: A small house, generally containing not more than one thousand two hundred (1,200) square feet of floor area that may be used as an accessory dwelling.

COUNCIL: The city council of Irrigon, Oregon.

CURB CUT: A driveway opening delineated by a concrete apron along a street.

DAYCARE: Daycare use includes day or evening care of two (2) or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision. Examples include preschools, nursery schools, latch key programs, and adult daycare programs.

DAYS: Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding holidays.

DEAD END STREET: A street that connects to another street at only one end and does not have a city approved turnaround on its other end. A pedestrian connection may extend from the end of a dead end street to connect with another street of any type, or with another pedestrian connection.

DEDICATION: The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners' association.

DENSITY(IES): A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this title, density is determined based on the gross parcel or lot area, which includes land that will be dedicated as right of way through the development process. It does not include land previously dedicated as right of way. Density is a measurement used generally for residential uses.

DEVELOP: To construct or alter a structure or to make a physical change to the land including excavations and fills.

DEVELOPMENT: All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also definition of Exterior Improvements.

DISABLED PERSON: For the purposes of this title, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in section 504 of the federal rehabilitation act of 1973 and state law.

DISCONTINUED USE: A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See section [10-5-2](#) of this title. A use is considered temporarily discontinued during the first two (2) years after it ceases, after which it is considered permanently discontinued.

DISCRETIONARY: A permit action or decision that involves substantial judgment or discretion.

DOUBLE FRONTAGE LOT: A lot that has frontage on two (2) parallel or approximately parallel streets.

DRAINAGEWAY: An open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.

DRIVE-THROUGH, DRIVE-UP FACILITY: A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a quick vehicle servicing use or a retail sales and service use. Drive-through, drive-up facility also includes facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick lube or

quick oil change facilities; and drive-in theaters.

DRIVEWAY: There are two (2) types of driveways:

A. The area that provides vehicular access to a site from a street. A driveway is the same width as the curb cut excluding any aprons or extensions of the curb cut. This type of driveway begins at the street and extends into the site. A driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and

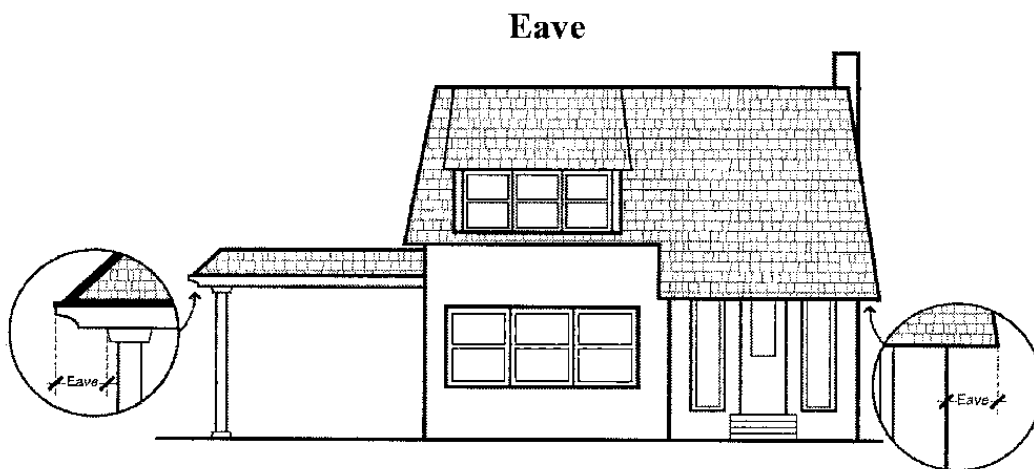
B. The area that provides vehicular circulation between two (2) or more noncontiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a parking area. Where required by code for fire safety, a driveway must be used exclusively for circulation, with no abutting parking spaces.

DUPLEX: A building that contains two (2) primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

DWELLING UNIT: A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill.

EASEMENT: A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities. Recorded and on record with the county.

EAVES: Projecting overhang at the lower border of a roof and extending from a primary wall or support.



ELEVATION: Scaled drawing of the outside wall of a building or structure, from grade to roof

ridgeline, typically specifying materials, color, and dimensions.

EVIDENCE: Application materials, plans, data, testimony and other factual information used to demonstrate compliance or noncompliance with a code standard or criterion.

EXCAVATING OR FILLING: The removal, placement, or replacement of earth, concrete, asphalt, and similar nondecomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

EXTERIOR ALTERATION: An alteration that is outside any buildings.

EXTERIOR DISPLAY: Includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also definition of Exterior Storage.

EXTERIOR IMPROVEMENTS: All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. Exterior improvements include improved open areas such as plazas and walkways, but does not include vegetative landscaping, natural geologic forms, or unimproved land. See also definition of Development.

EXTERIOR STORAGE: Includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off site locations; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Damaged or inoperable vehicles, or vehicles that have missing parts, which are kept outside are also included as exterior storage. Examples of uses that often have exterior storage are lumberyards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities. See also definition of Exterior Display.

FACADE: The front or street facing elevation of a structure.

FAMILY DAYCARE: See definition of Childcare Center, Family Childcare.

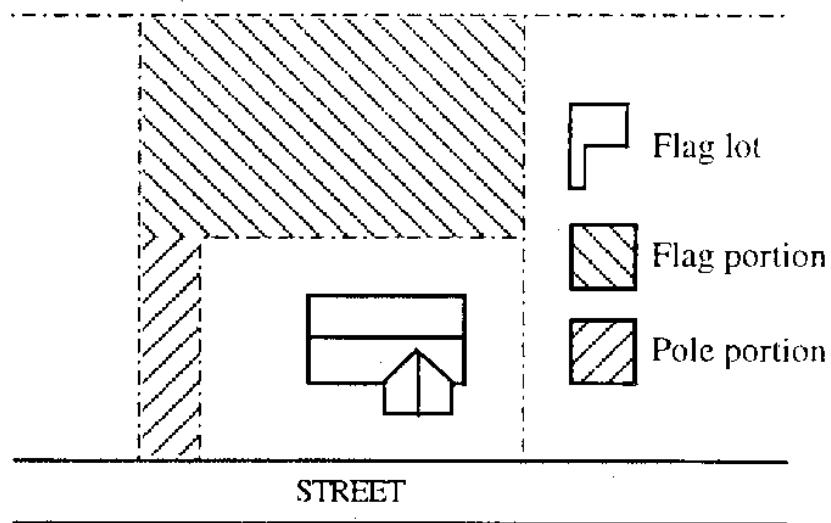
FINAL PLAT: The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division.

FIRE APPARATUS LANE OR FIRE LANE: Unobstructed area or driveway meeting uniform fire code requirements; typically may not be used for parking or loading area.

FLAG LOT: A lot with two (2) distinct parts (see figure below):

A. The flag, which is the only building site; and is located behind another lot; and

B. The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.



Flag Lot

FLOOD HAZARD AREA: Land that is in the 100-year floodplain as currently defined by the federal emergency management agency (FEMA).

FLOODWAY: The active flowing channel during a flood, as designated on flood maps for the city; the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOOR AREA: The total floor area of a building, both aboveground and belowground with a clear ceiling height of at least seven feet (7'). Floor area is measured from the interior walls of a building or structure and does not include the following:

A. Roof area;

B. Rooftop mechanical equipment; and

C. Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty two inches (42") in height, for fifty percent (50%) or more of their perimeter.

FOOT-CANDLE: A unit of illumination (light standards), equal to one lumen per square foot, or the amount of light from a source of one candela directly thrown on a square foot of surface at a distance of one foot (1').

FREIGHT MOVEMENT: See definition of Warehouse.

FRONTAGE: The dimension of a property line abutting a public or private street.

FRONTAGE STREET OR ROAD: A minor street that parallels an arterial street or highway in order to provide access to abutting properties and minimize direct access onto the arterial or highway.

FUTURE DIVISION PLAN OR FUTURE DEVELOPMENT PLAN: A document that shows lot, tract and right of way boundaries for all potential future phases of a land division. The plan is not binding on the city or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting city standards.

GARAGE: A covered structure designed to provide shelter for vehicles, and which is accessory to a use in these structure types: houses, attached houses, duplexes, mobile homes, or houseboats. Carports are considered garages. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor to ceiling walls, is considered part of the garage. A garage may be attached to or detached from another structure.

GRADE: The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building. This is the definition used in the Oregon structural specialty code. (The uniform building code as amended by the state.)

GRADING: All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

GROUND COVER: Living or processed plant material (e.g., mulch, bark chips) that is used to cover bare ground. See [chapter 3, article B](#) of this title.

GROUP LIVING STRUCTURE: A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for group living uses.

HARDSCAPE: Non-vegetative landscape materials or installations, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

HOME OCCUPATION, HOME OCCUPATION SITE: A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the household living use on the site, subject to the provisions of [chapter 2, article B](#) of this title, and section [10-4I-2](#) of this title.

HOTEL, MOTEL: A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals. (See Oregon Revised Statutes 446.310.)

HOUSE: A detached single-family dwelling.

HOUSEHOLD: One or more persons related by blood, marriage, civil union, legal adoption or guardianship, plus not more than five (5) additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the fair housing amendments act of 1988, plus not more than five (5) additional persons, who live together in one dwelling unit.

HUMAN SCALE DESIGN/DEVELOPMENT: Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings that have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those that are primarily intended to accommodate automobile traffic. See also definition of Pedestrian Oriented Development.

IMPERVIOUS SURFACE: Surface area that does not allow for water infiltration, or has a runoff coefficient of 0.90 or more (e.g., nonpermeable pavement, solid rock roofs, foundations, underground tanks and vaults, and similar areas).

INDUSTRIAL SERVICE: Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or byproducts. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off site. Few customers, especially the general public, come to the site.

INFILL: The development of vacant, bypassed lands located in an area that is mainly developed.

JUNKYARD:

A. Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials.

B. Any establishment or place of business on which three (3) or more inoperable motor vehicles or an equivalent volume of waste or refuse is maintained, stored, bought, or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal processing facilities.

KENNEL: Any location where five (5) or more dogs or cats aged six (6) months or older are boarded or bred. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

LAND DIVISION: The process of dividing land to create parcels or lots. See [chapter 4, article C](#) of this title.

LAND USE: The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses.

LAND USE APPROVAL: A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

LAND USE DISTRICT: As used in this title, a land use district is the same as a zoning district.

LAND USE REVIEW: An application for land use approval under subsection [10-4B-2A](#) of this title, or the review of such application.

LANDSCAPING: Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, protection and replacement of trees.

LANE, MIDBLOCK: A narrow, limited use roadway facility, similar to an alley in design, usually used to access a limited number of dwelling units.

LEGISLATIVE: A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See also section [10-4A-5](#) of this title.

LEVEL OF SERVICE (LOS): A quantitative standard for transportation facilities describing operational conditions. Level of service may be described for intersections (signalized or un-signalized) or street segments (between signalized intersections).

LIVESTOCK: Domestic animal types customarily raised or kept on farms. See definition of Agricultural Use.

LIVING AREA: The habitable floor area of a residential structure conforming to applicable building codes; typically does not include garage area, and attic and basement areas with substandard ceiling height or substandard egress.

LOCAL IMPROVEMENT DISTRICT (LID): A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with Oregon Revised Statutes 223.387 through 223.485.

LOT: A legally defined piece of land other than a tract that is the result of a subdivision.

LOT AREA: The total surface area (measured horizontally) within the boundary lines of a lot.

LOT COVERAGE: The total area of a lot covered by building(s) or impervious surfaces, as allowed by the applicable land use district development standards. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plan area) and other structures with surfaces greater than thirty six inches (36") above the finished grade. It does not include paved surface level developments such as driveways, parking pads, and patios.

LOT LINE ADJUSTMENT: See definition of Property Line Adjustment.

LOT LINES/PROPERTY LINES: The property lines along the edge of a lot or site. See figures following this definition.

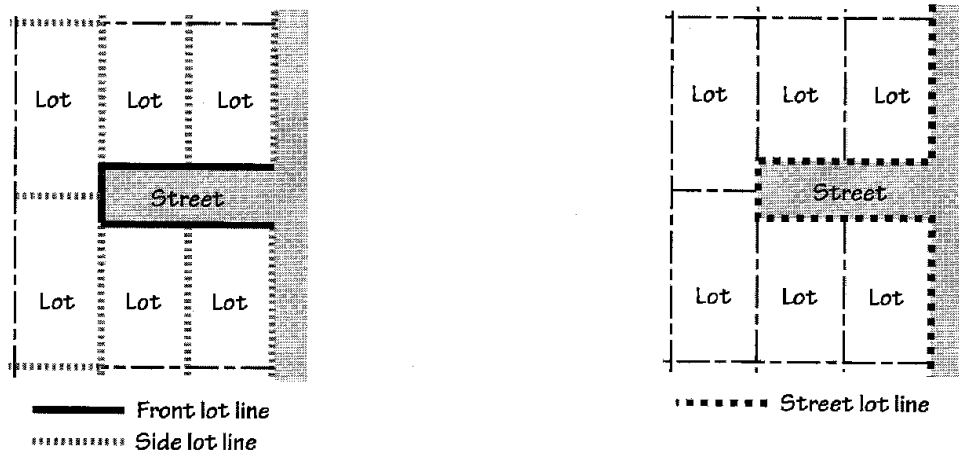
Front Lot Line: A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two (2) or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line. However, a through lot has two (2) front lot lines regardless of whether the street lot lines are of equal or unequal length.

Rear Lot Line: A lot line that is opposite a front lot line. A triangular lot has two (2) side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

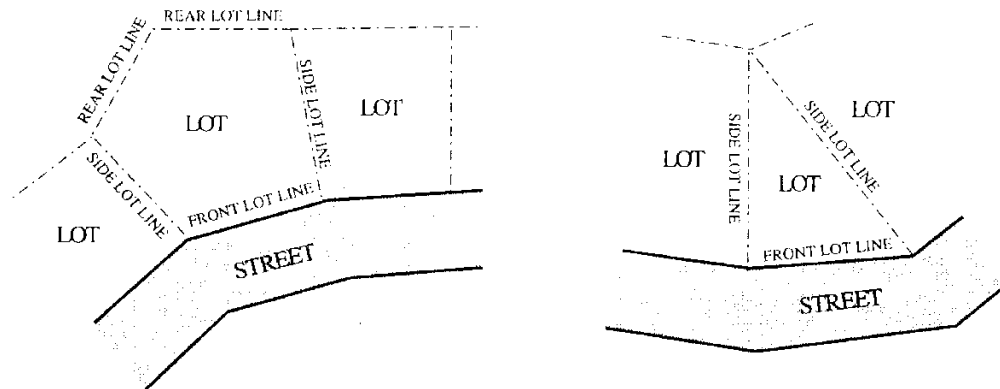
Side Lot Line: A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line.

Side Street Lot Line: A lot line that is both a side lot line and a street lot line.

Street Lot Line: A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (2) (or more) street lot lines. Street lot line can include front lot lines and side lot lines.



Lot Lines on Irregular Lots



LOT OF RECORD: A lot of record is a plot of land:

- A. That was not created through an approved subdivision or partition;
- B. That was created and recorded before (date of ordinance adoption); and
- C. For which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.

MAIN/PRIMARY BUILDING ENTRANCE: A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. In single tenant buildings, main entrances open directly into lobby, reception, or sales areas.

MAJOR REMODELING: Projects where the floor area is being increased by fifty percent (50%) or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

MANUFACTURED DWELLING PARK: Any place where four (4) or more manufactured dwellings are located within five hundred feet (500') of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot. See also, Oregon Revised Statutes chapter 446.

MANUFACTURED HOME: A manufactured home is a mobile home constructed in accordance

with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976.

MANUFACTURING: Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, manmade, raw, secondary, or partially completed materials may be used. Products may be finished or semifinished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

MINISTERIAL: A routine administrative action or decision that involves little or no discretion. The issuance of a building permit is generally such an action. See section [10-4A-2](#) of this title.

MITIGATION: To avoid, rectify, repair, or compensate for negative impacts that result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development).

MIXED USE: The combination on a site of residential uses with commercial (e.g., office, retail, or services), civic, or industrial uses.

MOBILE HOME: A dwelling unit constructed off of the site and which is not constructed to the standards of the uniform building code. Mobile homes include residential trailers and manufactured homes.

MOBILE HOME PARK: Two (2) or more mobile homes that are located on a single site for thirty (30) days or more and intended for residential use. Mobile home park does not include sites where unoccupied mobile homes are offered for sale or lease. See also definition of Recreational Vehicle Park.

MOBILE HOME SPACE: The area occupied by a mobile home and its accessory uses and structures in a mobile home park.

MOTOR HOME: See definition of Recreational Vehicle.

MOTOR VEHICLE: Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles, except all-terrain vehicles, off road vehicles, snowmobiles, and similar vehicles are not allowed on streets.

MULTI-FAMILY DWELLING DEVELOPMENT: A grouping of individual structures where each structure contains one or more dwelling units. The land underneath the structures is not divided into separate lots. A multi-dwelling development project may include an existing single dwelling detached building with one or more new detached structures located to the rear or the side of the existing house. It might also include a duplex in front with either one or more single dwelling houses behind or one or more duplex units or multi-dwelling structures behind. There is no requirement for the structures on the sites to be attached.

MULTI-FAMILY DWELLING STRUCTURE: A structure that contains three (3) or more dwelling

units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.

NATURAL HAZARD: Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, and areas prone to landslides, floodways and floodplains.

NEIGHBORHOOD: A residential area usually having distinguishing character or geography.

NEIGHBORHOOD, COMMERCIAL: See Use Categories, Commercial, in [chapter 2, article B](#) of this title.

NEW DEVELOPMENT: Development of a site that was previously unimproved or that has had previously existing buildings demolished; e.g., not a remodel of an existing building.

NONCONFORMING DEVELOPMENT: An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards. Nonconforming development includes development that is over a maximum allowed amount of floor area, as long as the development does not include an amount of floor area that is specifically prohibited by the current development standards. See section [10-5-2](#) of this title.

NONCONFORMING USE: A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See section [10-5-2](#) of this title.

OFF STREET PARKING: All off street areas designed, used, required or intended to be used for the parking of motor vehicles. See [chapter 3, article C](#) of this title for parking standards.

OFFICE: Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

ON STREET PARKING: Parking in the street right of way, typically in parking lanes or bays. Parking may be parallel or angled in relation to the edge of the right of way or curb. See [chapter 3, article C](#) of this title for parking standards.

OPEN SPACE (PUBLIC, COMMON, PRIVATE, ACTIVE, PASSIVE): Land within a development that has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses. See also definition of Common Area.

OUTDOOR COMMERCIAL USE: A use supporting a commercial activity that provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site.

Examples of outdoor commercial uses include automobile sales or services, nurseries, lumberyards and equipment rental businesses.

OVERLAY ZONE/DISTRICT: Overlay zones impose and/or relax requirements of an underlying land use district, or base zone, where characteristics of the land or neighborhood, or the types of development planned for an area, require special regulations. See [chapter 2, article D](#) of this title.

OWNER: The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the office of the county assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the city a copy of a deed or contract of sale showing date, book, and page of recording.

OWNERSHIP: An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a right of way. See also definitions of Lot and Site.

PARCEL: A legally defined area of land created through a partition.

PARKING AREA: A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. See also definitions of Driveway, Garage, and Vehicle Areas.

PARKING LOT PERIMETER: The boundary of a parking lot area that usually contains a landscaped buffer area.

PARKING VERSUS STORAGE: "Parking" is to leave a motor vehicle for a temporary time, no longer than twenty four (24) hours. "Storage" is to place or leave in a location for maintenance, repair, sale, rental, or future use more than twenty four (24) hours in the future. See also definition of Exterior Display.

PARTITION: To divide an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year¹.

PATHWAY: A walkway conforming to [chapter 3, article A](#) of this title that is not within a street right of way.

PAVED AREA: An uncovered, hard surfaced area or an area covered with a perforated hard surface (such as porous concrete or pavers) that is able to withstand vehicular traffic or other heavy impact uses. Graveled areas are not paved areas but are typically impervious.

PEDESTRIAN AMENITY(IES): Areas and objects that serve as places for public socializing and enjoyment and are usually closed to motorized vehicles. Examples include plazas, building frontage areas (extra wide sidewalks), street furnishings (e.g., benches, drinking fountains, bus waiting shelters), and pocket parks adjacent to a street, and similar areas and objects. Sidewalks designed to meet the minimum sidewalk width standards under section [10-3D-2](#) of this title are not amenities for the purpose of this title.

PEDESTRIAN ORIENTED DEVELOPMENT: Development that is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

PLAT: Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the state law definitions of "partition plat" and "subdivision plat". See also [chapter 4, article C](#) of this title.

PLAZA: An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping for use by pedestrians. See also definition of Pedestrian Amenity(ies).

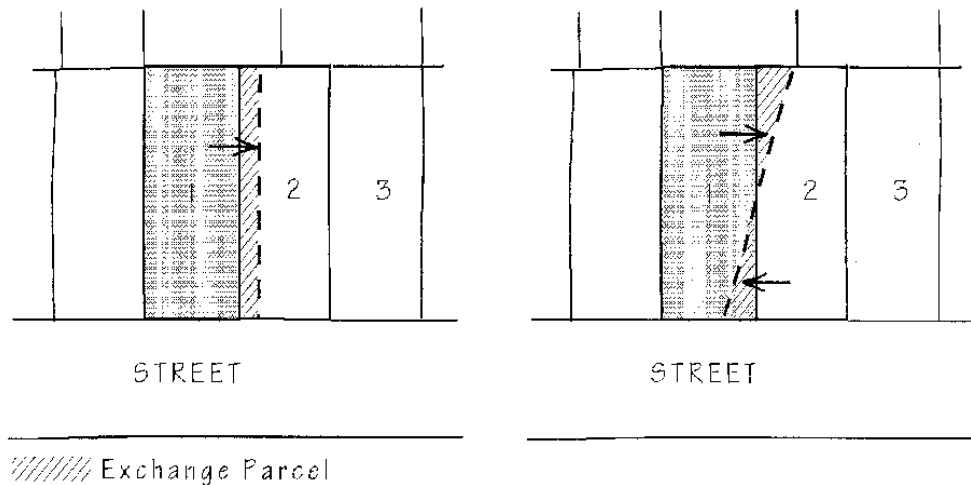
PRIMARY STRUCTURE: A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

PRIMARY USE: An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

PROJECT, MAJOR: A project that requires site design review (sections [10-4B-4](#) through [10-4B-6](#) of this title), subdivision or partition review (chapter 4, article C of this title), conditional use permit review (chapter 4, article D of this title), or master planned development review (chapter 4, article E of this title).

PROJECT, MINOR: A project that requires land use review (subsection [10-4B-2A](#) of this title), but does not require site design review (subsection [10-4B-2B](#) of this title), subdivision or partition review (chapter 4, article C of this title), conditional use permit review (chapter 4, article D of this title), or master planned development review (chapter 4, article E of this title).

PROPERTY LINE ADJUSTMENT: The relocation of a single common property line between two (2) abutting properties, in conformance with Oregon Revised Statutes 92.010(11).



Lot 1 may assume a portion of Lot 2 through a Property Line Adjustment Review.

Lot 1 may assume a portion of Lot 2 and Lot 2 may assume a portion of Lot 1 through one Property Line Adjustment Review.

Property Line Adjustment

PROPERTY LINE, FRONT, REAR, INTERIOR SIDE, STREET SIDE: See definition of Lot Lines/Property Lines.

PUBLIC ACCESS EASEMENT: An easement granted to the public for all the purposes for which a public sidewalk may be used, including, but not limited to, pedestrian and bicycle travel.

PUBLIC IMPROVEMENTS: Development of public infrastructure, as required by the city, county, special district, or road authority, as applicable. See [chapter 3, article D](#) of this title.

PUBLIC SAFETY FACILITY: A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by the city. Public safety facilities include fire and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

PUBLIC USE, SEMIPUBLIC USE: Uses that are maintained by a public (or semipublic) agency and are in place to serve the community. Includes parks, schools and civic use buildings.

QUASI-JUDICIAL: An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this title to the facts of a development proposal, and usually involves a public hearing. See section [10-4A-4](#) of this title.

RECREATIONAL VEHICLE: A vehicle with or without motive power that is designed for sport or recreational use, or that is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two (2) categories as follows:

Accessory Recreational Vehicle: Includes non-motorized vehicles designed for human occupancy

on an intermittent basis such as vacation trailers and fifth wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off road use, such as all-terrain vehicles, dune buggies, and recreational boats.

Motor Home: Includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pickup or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.

RECREATIONAL VEHICLE PARK: A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as recreational vehicle parks. See also definition of Mobile Home Park.

RESIDENCE: Same as definition of Dwelling Unit.

RESIDENTIAL FACILITY/GROUP CARE FACILITY: A residence for six (6) to fifteen (15) physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the state definition of residential facility.

RESIDENTIAL HOME/GROUP CARE HOME: A residence for five (5) or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the state definition of residential home.

RESIDENTIAL TRAILER: A mobile home that was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), in effect after June 15, 1976. This definition includes the state definitions of residential trailers and mobile houses, as stated in Oregon Revised Statutes chapter 446.

RETAIL SALES AND SERVICE: Retail sales and service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

A. Accessory Uses: Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on site sale, and parking.

B. Examples: Examples include uses from the four (4) subgroups listed below:

1. Sales oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.

2. Personal service oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.

3. Entertainment oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as: bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than thirty (30) days.

4. Repair oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop off; tailor; locksmith; and upholsterer.

REVIEW BODY: The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the planning official, planning commission, and the city council.

RIGHT OF WAY: An area that allows for the passage of people or vehicles. Right of way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right of way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right of way that is not dedicated or deeded to the public will be in a tract.

ROAD AUTHORITY: The city or other agency (e.g., Oregon department of transportation, Morrow County, a special purpose district, or other agency) with jurisdiction over a road or street.

ROADWAY: The portion of a right of way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

ROOF PITCH: The slope of a roof, usually described as ratio (e.g., 1 foot of rise per 2 feet of horizontal distance).

SELF-SERVICE STORAGE: Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property. Examples include single story and multi-story facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.

SENIOR HOUSING: Housing designated and/or managed for persons over a specified age. Specific age restrictions vary.

SETBACK, SETBACK YARD: The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback

refers to the minimum distance (yard dimension) from a building to a specified property line.

SHARED DRIVEWAY: When land uses on two (2) or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.

SHARED PARKING: Required parking facilities for two (2) or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities. See [chapter 3, article C](#) of this title.

SIDEWALK: A paved walkway within a public street right of way that is generally located adjacent to and separated from the roadway by a curb or curb and planter strip.

SIGHT DISTANCE: The unobstructed viewing distance measured from one object or location to another object or location, usually required for the purpose of traffic safety.

SIGN: Any outdoor device, or device visible from outdoors, providing identification, advertising or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. Included in this definition of signs are: graphic devices such as logos, trademarks, and attention attracting objects such as wind driven spinners and portable sign devices, logo sculpture, and banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs, laser projected designs/images/copy and other attention attracting media and devices.

SITE: For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

A. If a proposed development includes multiple ownerships, then the site is the combined area of all the ownerships.

B. If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.

C. If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

SITE DESIGN REVIEW: A discretionary review that applies to all developments except those specifically designated for land use review. A development proposal is reviewed in light of the basic [chapter 2](#) of this title, land use district development standards and more detailed design standards and public improvement requirements in [chapter 3](#) of this title. See [chapter 4, article B](#) of this title.

SITE FRONTAGE: The part of a site that abuts a street. See also definition of Block Frontage.

STANDARDS AND CRITERIA: Both are code requirements for how to develop uses and structures on land. A standard is a quantitative requirement, or a qualitative requirement that is used

in interpreting a subjective criterion. (Example. Criterion: All developments subject to site design review shall comply with [chapter 3, article C](#) of this title. Standard: Medical and dental office uses must provide one vehicle parking space for each x square feet of gross floor area.)

STOREFRONT CHARACTER: The character expressed by buildings placed close to the street with ground floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

STORM WATER FACILITY: A facility designed to improve the quality and manage the quantity of storm water runoff. Storm water facilities include vegetated swales and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Storm water facilities do not include conveyance systems that are meant only for conveying the storm water from one place to another and do not affect the quality or quantity of the storm water.

STORM WATER MANAGEMENT SYSTEM: A storm water facility (e.g., conveyance, detention/retention, treatment system or outfall).

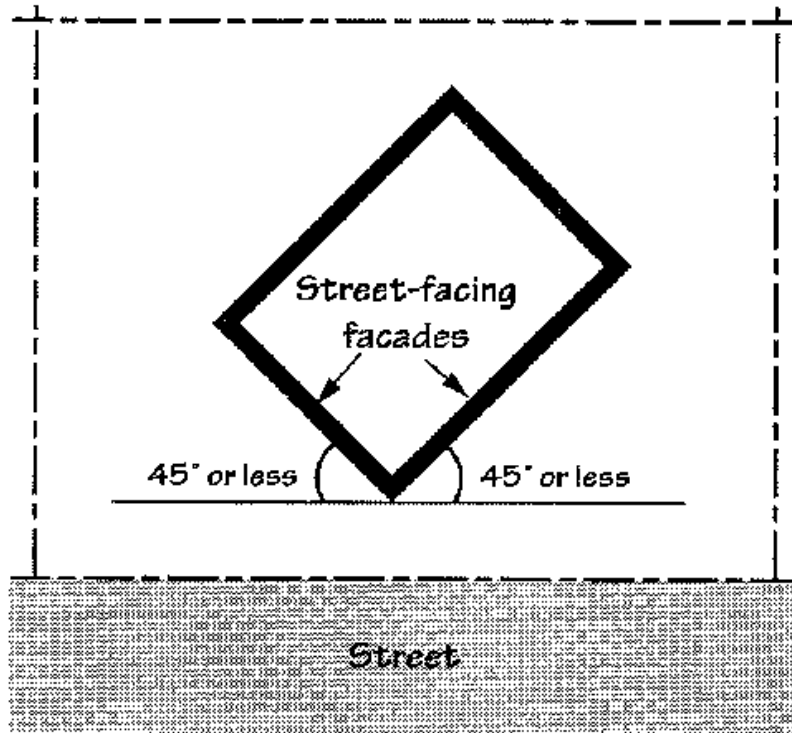
STREAM: An area where enough natural surface water flows to produce a stream channel, such as a river or creek that carries flowing surface water during most of the year. This includes:

- A. The water itself, including any vegetation, aquatic life, or habitat;
- B. Beds and banks below the high water level which may contain water, whether or not water is actually present;
- C. The floodplain between the high water levels of connected side channels;
- D. Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
- E. Stream associated wetlands.

STREET: A right of way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this title, street does not include alleys, rail rights of way that do not also allow for motor vehicle access, or freeways and their on ramps.

STREET CONNECTIVITY: Expressed as the number of street and/or accessway connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

STREET FACING FACADE/WALL: All the wall planes of a structure as seen from one side or view that are at an angle of forty five degrees (45°) or less from a street lot line.



Street Facing Facade

STREET FURNITURE/FURNISHINGS: Benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar pedestrian amenities; may be located within a street furnishings zone or building front zone of a sidewalk or in a plaza. See also definition of Pedestrian Amenity(ies).

STREET STUB: A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop; not a permanent street end or dead end street.

STREET TREE: A tree planted in a planter strip or tree well between the street and sidewalk.

STRUCTURE: Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flagpoles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

STRUCTURE HEIGHT: The height of a structure, and the cumulative height of a building with any appurtenant structures.

SUBDIVISION: To divide land into four (4) or more lots within a single calendar year. See also [chapter 4, article C](#) of this title and Oregon Revised Statutes 92.010(16).

TERRACE: A porch or promenade supported by columns, or a flat roof or other platform on a building.

THROUGH STREET: A street that connects to other streets at both ends.

TOP OF BANK: The first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees (10°) or more. If there is no major change within a distance of fifty feet (50') from the ordinary high water level, then the top of bank will be the elevation two feet (2') above the ordinary high water level.

TRACT: A piece of land within a platted subdivision reserved for open space, utility corridor, recreation facilities, sensitive lands, or other purpose; may be dedicated to a homeowners' association or other entity for maintenance.

TRAVEL TRAILER: A vacation structure or self-propelled vehicle equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink or toilets; used for vacation and recreational purposes; and not used as a residence².

TREE CANOPY: The ground area that, when viewed from above the crown of one or more trees, is mostly covered by the tree(s). For deciduous trees, canopy area is based on the time of year when foliage is present.

TREE WELL: A planter area cut out of a sidewalk within the street furnishing zone, planted with a street tree and including ground cover or a grate cover; typically used in commercial districts where on street parking or pedestrian traffic makes the use of a planter strip impracticable.

TURNAROUND: A vehicle maneuvering area at the end of a dead end street (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around. See section [10-3D-2](#) of this title for related standards.

USE: The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

UTILITIES: For the purposes of this title, utilities are telephone, cable, natural gas, electric, and telecommunication facilities. See also section [10-3F-1](#) of this title.

UTILITY TRAILER: A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is sixteen feet (16') or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than sixteen feet (16') are considered industrial vehicles and are regulated as heavy trucks.

VACATE PLAT/STREET: To abandon a subdivision or street right of way. For example, vacation of a public right of way that is not needed or cannot be used for a street or other public purpose. Vacation of a plat typically returns the property to the adjoining owners and restores it to an undivided condition and ownership.

VACATION HOME RENTAL: A commercial use of a single-family or duplex dwelling unit where the unit is rented for periods of time of twenty eight (28) or fewer consecutive days.

VARIANCE: An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this title. See section [10-5-1](#) of this title.

VEHICLE AREAS: All of the areas on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also definitions of Driveway and Parking Area.

VISION CLEARANCE AREA: Those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety and to maintain adequate sight distance. See standards in section [10-3A-2](#) of this title.

WALKWAY: A sidewalk or pathway, including accessways, providing a pedestrian connection that is improved to city standards, or to other roadway authority standards, as applicable. See also definitions of Pathway, Sidewalk.

WAREHOUSE: Warehouse, freight movement, and distribution involve the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pick ups. There is little on site sales activity with the customer present.

WATER BODIES: Permanently or temporarily flooded lands which may lie below the deep water boundary of wetlands. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, and ponds.

WETLAND: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas.

WHOLESALE SALES: Wholesale sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

WINDOW: A transparent or semitransparent (not more than 50 percent opaque) glazing on a building facade. For the purpose of this title, a window may be a display window (e.g., for merchandise, art, etc.) that is integral to a building design, but a window is not a display box mounted onto the exterior of a building.

YARD: The area defined by setbacks (i.e., between the setback line and nearest property line).

ZERO LOT LINE HOUSE: A single-family detached dwelling with one "0" side yard setback. (Ord. 175-07, 6-19-2007)

ARTICLE B. ENFORCEMENT

10-1B-1: PROVISIONS DECLARED MINIMUM REQUIREMENTS:

A. Minimum Requirements Intended: In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.

B. Most Restrictive Requirements Apply: When the requirements of this title vary from other provisions of this title or with other applicable standards, the most restrictive or that imposing the highest standard shall govern. (Ord. 175-07, 6-19-2007)

10-1B-2: VIOLATION PROHIBITED:

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this title or any amendment thereto. (Ord. 175-07, 6-19-2007)

10-1B-3: PENALTY:

A. Class 1 Penalty: A violation of this title shall constitute a civil infraction and the violator shall be assessed a fine not to exceed an amount of four hundred fifty dollars (\$450.00), which shall be processed accordingly. (Ord. 211-11, 10-18-2011)

B. Each Violation A Separate Infraction: Each violation of a separate provision of this title shall constitute a separate infraction, and each day that a violation of this title is committed or permitted to continue shall constitute a separate infraction.

C. Abatement Of Violation Required: A finding of a violation of this title shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any other remedies available to the city.

D. Responsible Party: If a provision of this title is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section. (Ord. 175-07, 6-19-2007)

10-1B-4: COMPLAINTS REGARDING VIOLATIONS:

A. Filing Written Complaint: Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a signed, written complaint.

B. File Complaint With City Planning Official: Such complaints, stating fully the causes and basis thereof, shall be filed with the city planning official. The city planning official shall properly record such complaints, investigate and take action thereon as provided by this title. (Ord. 175-07, 6-19-2007)

10-1B-5: INSPECTION AND RIGHT OF ENTRY:

Reserved. (Ord. 175-07, 6-19-2007)

10-1B-6: ABATEMENT OF VIOLATIONS:

Any development or use that occurs contrary to the provisions of this title or contrary to any permit or approval issued or granted under this title is unlawful, and may be abated by appropriate proceedings. (Ord. 175-07, 6-19-2007)

10-1B-7: STOP ORDER HEARING:

A. Stop Order Issued: Whenever any work is being done in violation of the provisions of this title or a condition of any permit or other approval granted pursuant hereto, the city planning official or designee may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized in writing by the city to continue.

B. Appeal Opportunity: A person or organization that has been served the stop work order may appeal the decision by submitting a letter to the city planning official or designee requesting a hearing with the city council. The city council shall hold this hearing and make written findings as to the violation within thirty (30) days.

C. Stop Order Hearing:

1. The city planning official may schedule a city council hearing on the stop order. At the discretion of the city planning official, such hearing may be:

- a. Part of a hearing on revocation of the underlying development approval; or
- b. Solely to determine whether a violation has occurred.

2. The city council shall hold this hearing and shall make written findings as to the violation within forty five (45) days. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the city planning official that the violation has been abated. (Ord. 175-07, 6-19-2007)

CHAPTER 2 LAND USE DISTRICTS

10-2-1: CLASSIFICATION OF LAND USE ZONES:

Every parcel, lot, and tract of land within the city limits is designated with a land use (zoning)

district. The use of land is limited to the uses allowed by the applicable land use district and/or overlay zone. The applicable land use districts and overlay zone(s) are based on the land use district map and the provisions of this chapter, which shall be consistent with the city comprehensive plan, as indicated in the following table:

TABLE 10-2-1
IRRIGON LAND USE ZONES

Comprehensive Plan Designation	Applicable Zone
Residential	General residential (R-1)
	Limited residential (R-2)
	Multi-family residential (MF)
Commercial	Downtown commercial (C-1)
	Commercial (C-2)
Industrial	Light industrial (M)
Recreation lands	Recreation lands (reserved)
Overlay zones	Reserved

(Ord. 175-07, 6-19-2007)

10-2-2: ZONING MAP:

A. Consistency With Zoning Map: The boundaries of the land use districts contained within this chapter, shall coincide with the land use district boundaries identified on the city's official zoning map, retained by the city recorder. Said map by this reference is made a part of this title. The official zoning map, and any map amendments, shall be maintained by the city.

B. Applicability Of Land Use Standards: Each lot, tract, and parcel of land or portion thereof within the land use district boundaries designated and marked on the zoning map, is classified, zoned and limited to the uses hereinafter specified and defined for the applicable land use district. (Ord. 175-07, 6-19-2007)

10-2-3: DETERMINATION OF ZONING BOUNDARIES:

Where due to the scale, lack of scale, lack of detail or illegibility of the city zoning map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a district boundary line, the boundary line shall be determined by the city planning official in accordance with all of the following criteria:

A. Rights Of Way: Boundaries indicated as approximately following the centerlines of streets, highways, railroad tracks, alleys, irrigation canals, bridges, or other rights of way shall be construed to follow such centerlines. Whenever any public right of way is lawfully vacated, the lands formerly within the vacated right of way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas. In cases where the right of way

formerly served as a land use district boundary, the lands within the right of way now vacated shall be allocated proportionately among the subject land use districts.

B. Parcel, Lot, Tract: Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.

C. Jurisdiction Boundary: Boundaries indicated as approximately following a city or county boundary, or the urban growth boundary, shall be construed as following said boundary. (Ord. 175-07, 6-19-2007)

ARTICLE A. RESIDENTIAL ZONES

10-2A-1: GENERAL RESIDENTIAL ZONE, R-1:

A. Purpose: The purpose of the R-1 general residential zone is to allow development of single-family homes and two-family dwellings on individual lots provided with urban services at low urban densities. Other uses compatible with residential development are also appropriate.

B. Table Of Allowed Land Uses: This table identifies the land uses that are allowed in the general residential (R-1) zone. The uses are defined in section [10-1A-3](#) of this title.

P	=	Permitted outright
S	=	Permitted with standards
CU	=	Requires a conditional use permit
CU+S	=	Requires a conditional use permit with standards

TABLE [10-2A-1B](#)
ALLOWED USES IN THE R-1 ZONE

Use	Status Of Use
Residential uses:	
Single-family dwelling, detached	P
Single-family dwelling, attached	S
Duplex	P
Multi-family dwelling	CU+S
Accessory dwellings (attached and detached)	S

Modular/manufactured/mobile home	S
Mobile home park	CU+S
Residential home	P
Residential facility	CU
Daycare	CU
Family childcare center	CU
Assisted living/nursing home	CU
Bed and breakfast inns	CU+S
Other uses:	
Accessory structures (with a permitted use)	P
Public or semipublic use	P
Agricultural uses	S
Home occupation	S

Note: If a proposed use is not clearly identifiable and does not match any of the uses listed in the above table, the planning official will make a similar use determination in conformance with the procedure in subsection [10-4H-2G](#) of this title.

C. Table Of Development Standards: The standards in this table apply to all uses, structures, buildings, and development, and major remodels in the general residential zone.

TABLE [10-2A-1C](#)
 DIMENSIONAL STANDARDS FOR R-1 ZONE

Dimension		Standard
Minimum lot area:		
Single-family, not attached		7,500 square

		feet
	Single-family, attached	4,250 square feet
	Duplex	8,500 square feet
	Multi-family and mobile home parks	3,000 square feet per unit
	All other uses	7,500 square feet
Minimum lot width:		
	Residential uses	50 feet
	Nonresidential uses	20 feet
Minimum lot depth ¹		100 feet
Minimum street frontage:		
	All lots not on a cul-de-sac	50 feet
	Lots on a cul-de-sac	30 feet
Maximum building/structure height		35 feet
Maximum height - fences, retaining/garden walls:		
	Front yard	4 feet
	All other yards	6 feet
Maximum building coverage (foundation plane as percent of site area):		
	Single-family dwelling	35 percent
	Single-family attached	60 percent
	Duplex	60 percent
	Multi-family or cottage cluster	60 percent
	Public use	60 percent
Minimum landscape area (Does not apply to single-family detached dwellings. Landscape area may include plant areas and nonplant areas as allowed under subsection 10-3B-2D of		10 percent

this title.)		
Minimum setbacks:		
	Front/street setback, except single-family detached	15 feet
	Front/street setback for single-family detached	10 feet
	Side setback, except on corner lots on street side	10 feet
	Side setback on corner lots, street side	15 feet
	Rear setback, except alley	10 feet
	Alley setback	2 feet

Note:

1. Lot area must conform to the standards above. Lot dimensions may be reduced for flag lots per section [10-4C-4](#) of this title. (Ord. 175-07, 6-19-2007)

10-2A-2: LIMITED RESIDENTIAL ZONE, R-2:

A. Purpose: The purpose of the R-2 limited residential zone is to allow development of single-family homes on individual lots provided with urban services at low urban densities. Other uses compatible with residential development are also appropriate. Two-family and multi-family dwellings are conditional uses.

B. Table Of Allowed Land Uses: This table identifies the land uses that are allowed in the limited residential (R-2) zone. The uses are defined in section [10-1A-3](#) of this title.

P=Permitted outright

S=Permitted with standards

CU=Requires a conditional use permit

CU+S=Requires a conditional use permit with standards

TABLE [10-2A-2B](#)
ALLOWED USES IN R-2 ZONE

Use	Status Of Use
Residential uses:	
Single-family dwelling, detached	P

Single-family dwelling, attached	CU+S
Duplex	CU
Multi-family dwelling	CU+S
Accessory dwellings (attached and detached)	S
Modular/manufactured/mobile home	S
Mobile home park	CU+S
Residential home	P
Residential facility	CU
Daycare	CU
Family childcare center	CU
Assisted living/nursing home	CU
Bed and breakfast inns	CU+S
Other uses:	
Recreational vehicle (RV) park	CU
Accessory structures (with a permitted use)	P
Public or semipublic use	CU
Home occupation	S
Agricultural uses	S

Note: If a proposed use is not clearly identifiable and does not match any of the uses listed in the above table, the planning official will make a similar use determination in conformance with the procedure in subsection [10-4H-2G](#) of this title.

C. Table Of Development Standards: The standards in this table apply to all uses, structures, buildings, and development, and major remodels, in the limited residential zone.

TABLE [10-2A-2C](#)
DEVELOPMENT STANDARDS FOR R-2 ZONE

Dimension	Standard
-----------	----------

Minimum lot area:		
	Single-family, not attached	7,500 square feet
	Single-family, attached	4,250 square feet
	Duplex	8,500 square feet
	Multi-family and mobile home parks	3,000 square feet per unit
	All other uses	7,500 square feet
Minimum lot width:		
	Residential uses	50 feet
	Nonresidential uses	20 feet
Minimum lot depth ¹		100 feet
Minimum street frontage:		
	All lots not on a cul-de-sac	50 feet
	Lots on a cul-de-sac	30 feet
Maximum building/structure height		35 feet
Maximum height - fences, retaining/garden walls:		
	Front yard	4 feet
	Interior side yard	6 feet
	Rear yard	6 feet
	Street side of reverse frontage lot	4 feet (or 6 feet with 5 foot landscape buffer)
Maximum building coverage (foundation plane as percent of site area):		
	Single-family dwelling	35 percent
	Single-family attached	60 percent
	Duplex	60 percent
	Multi-family or cottage cluster	60 percent
	Public use	60 percent

Minimum landscape area (Does not apply to single-family detached dwellings. Landscape area may include plant areas and nonplant areas as allowed under subsection 10-3B-2D of this title.)	10 percent
Minimum setbacks:	
Front/street setback, except single-family detached	15 feet
Front/street setback for single-family detached	10 feet
Side setback, except on corner lots on street side	10 feet
Side setback on corner lots, street side	15 feet
Rear setback, except alley	10 feet
Alley setback	2 feet

Note:

1. Lot area must conform to the standards above. Lot dimensions may be reduced for flag lots per section [10-4C-4](#) of this title. (Ord. 175-07, 6-19-2007)

10-2A-3: MULTI-FAMILY RESIDENTIAL ZONE, MF:

A. Purpose: The purpose of the multi-family residential zone is to allow development of multiple-family residences on a parcel, or attached dwellings on separate lots at medium residential densities close to downtown services along minor collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas. Other uses compatible with residential developments are also appropriate.

B. Table Of Allowed Land Uses: This table identifies the land uses that are allowed in the multi-family residential (MF) zone. The uses are defined in section [10-1A-3](#) of this title.

P=Permitted outright

S=Permitted with standards

CU=Requires a conditional use permit

CU+S=Requires a conditional use permit with standards

TABLE [10-2A-3B](#)

ALLOWED USES IN MF ZONE

Use	Status Of Use
Residential uses:	
Single-family dwelling	CU

Duplex	P
Single-family attached dwellings	S
Multi-family dwelling	S
Mobile home park	CU+S
Daycare	CU
Residential home	CU
Residential facility	S
Assisted living/nursing home	CU
Home occupation	S
Bed and breakfast inns	CU+S
Other uses:	
Accessory structures (with a permitted use)	P
Public or semipublic use	CU

Note: If a proposed use is not clearly identifiable and does not match any of the uses listed in the above table, the planning official will make a similar use determination in conformance with the procedure in subsection [10-4H-2G](#) of this title.

C. Table Of Development Standards: The standards in this table apply to all uses, structures, buildings, and development, and major remodels, in the multi-family residential zone.

TABLE [10-2A-3C](#)
DEVELOPMENT STANDARDS FOR MF ZONE

Dimension	Standard
Minimum lot area:	
Single-family, not attached	4,500 square feet

	Single-family, attached	3,000 square feet
	Duplex	6,000 square feet
	Multi-family	3,000 square feet per unit
Minimum lot width:		
	Residential uses	50 feet
	Nonresidential uses	20 feet
Minimum lot depth		100 feet
Minimum street frontage:		
	All lots not on a cul-de-sac	50 feet
	Lots on a cul-de-sac	30 feet
Maximum building/structure height		35 feet
Maximum height - fences, retaining/garden walls:		
	Front yard	4 feet
	Interior side yard	6 feet
	Rear yard	6 feet
	Street side of reverse frontage lot	4 feet (or 6 feet with 5 foot landscape buffer)
Maximum building coverage (foundation plane as percent of site area)		60 percent
Minimum landscape area (Does not apply to single-family detached dwellings. landscape area may include plant areas and nonplant areas as allowed under subsection 10-3B-2D of this title.)		10 percent
Minimum setbacks:		
	Front/street setback, except single-family detached	15 feet
	Front/street setback for single-family detached	10 feet
	Side setback, except on corner lots on street side	10 feet
	Side setback on corner lots, street side	15 feet
	Rear setback, except alley	10 feet

Alley setback	2 feet
---------------	--------

Note:

1. Lot area must conform to the standards above. Lot dimensions may be reduced for flag lots per section [10-4C-4](#) of this title. (Ord. 175-07, 6-19-2007)

10-2A-4: SUPPLEMENTAL DEVELOPMENT STANDARDS:

A. Intent: This section is intended to supplement or clarify the dimensional standards in sections [10-2A-1](#) through [10-2A-3](#) of this article.

B. Setback Yards; Exceptions, Double Frontage Lots, Flag Lots:

1. Purpose: Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The setback yard standards contained in this article are also intended to promote human scale design and traffic calming by diminishing the visual presence of garages along the street and encouraging the use of pedestrian amenities, such as extra wide sidewalks and street furnishings in multiple-family developments. The standards also encourage the orientation of buildings to provide street visibility for public safety and neighborhood security.

2. Exceptions: The following architectural features may encroach into the setback yards by no more than thirty six inches (36"), provided that a setback of not less than thirty six inches (36") is preserved, all applicable building and fire codes are met, and the clear vision standards in section [10-3A-2](#) of this title are met. Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into a setback yard by not more than thirty six inches (36"). Porches, decks and similar structures not exceeding thirty inches (30") in height may encroach into applicable setbacks. Walls and fences built on property lines are subject to the applicable height standards and the provisions of subsection [10-3A-2L](#) and section [10-3B-4](#) of this title.

3. Double Frontage Lots: Buildings on double frontage lots (through lots) shall be required to meet the street setback standard on only one street. Double frontage lots are subject to the applicable fence height and setback requirements and the landscape buffer requirements in section [10-3B-2](#) of this title.

4. Flag Lots:

a. The front yard of a flag lot shall conform to one of the following two (2) options:

(1) Parallel to the street from which access is taken; or

(2) Parallel to the flagpole from which access is taken.

b. The applicant for a building permit may choose either option 1 or option 2, except as otherwise prescribed by conditions of a partition or subdivision approval. (Note: The city may impose such conditions as provided under section [10-4C-4](#) of this title.)

C. Building Height; Measurement And Exceptions: Building heights shall conform to the applicable standards provided in subsections A and B of this section and the following:

1. Building Height Measurement: Building height is measured as the vertical distance above grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridgeline or highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building.

2. Exclusions From Maximum Building Height Standards: Chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

D. Building Orientation:

1. Purpose: The following standards are intended to orient buildings close to streets to promote pedestrian oriented development where walking is encouraged, and to discourage automobile oriented development. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more "eyes on the street".

2. Building Orientation Standards For All Development: All developments that are subject to land use review or site design review shall comply with the following standards:

a. Compliance with the applicable setback standards.

b. All single-family (attached and not attached) and duplex developments shall have a garage or carport on site. The street facing wall of a garage shall not exceed fifty percent (50%) of the total street facing facade of the residential structure. Garage and carport entrances shall be set back from the front property line by an additional four feet (4'). See figure 1A of this section for example.

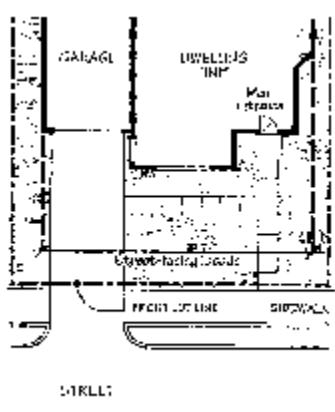


Figure 1A
Street Facing Garage

c. Except as provided in subsection D3 of this section, all buildings in the residential districts shall have at least one primary building entrance (i.e., dwelling entrance, a tenant space entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units or commercial spaces) facing an adjoining street, or if on a side elevation, not more than thirty feet (30') from a street sidewalk. See figure 2A in this subsection.

d. Eyes on the street. All building elevations visible from a street right of way shall provide prominent defined entrances, and a combination of windows, porches, and/or balconies.

e. Driveways shall not cover more than fifty percent (50%) of the total area of any yard facing a public street. Driveways must have a gravel or paved surface.

f. Vehicle parking and storage, including storage of disabled vehicles, is allowed only in driveways, carports and garages.

3. Building Orientation Standards For Site Design Review: All developments that are subject to site design review, including developments that are reviewed as part of a master planned development or conditional use application, shall comply with the following standards. These standards apply in addition to the standards in subsection D2 of this section.

a. Off street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, as per subsection D3b of this section and figure 2A in this subsection; except the following vehicle areas are allowed where the approval body finds that they will not adversely affect pedestrian safety and convenience:

(1) Schools, multiple-family buildings, and other institutional uses may have one driveway not exceeding twenty feet (20') in width, plus parallel parking, including ADA accessible spaces, located between the street and the primary building entrance, provided that the building's primary entrance is connected to an adjacent street by a pedestrian walkway and the driveway/parking area is crossed by a clearly defined pedestrian walkway, as required by section [10-3A-3](#) of this title. The intent of this exception is use driveways that have street like features.

(2) Attached single-family housing developments (townhomes) with street facing garages may have one driveway access located between the street and the primary building entrance for every two (2) dwelling units, provided they meet the following criteria, as generally shown in figure 2B:

(A) Where two (2) abutting townhomes have street facing garages, they shall share one driveway access that does not exceed sixteen feet (16') in width where it crosses the sidewalk and intersects the street;

(B) All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three feet (3') wide;

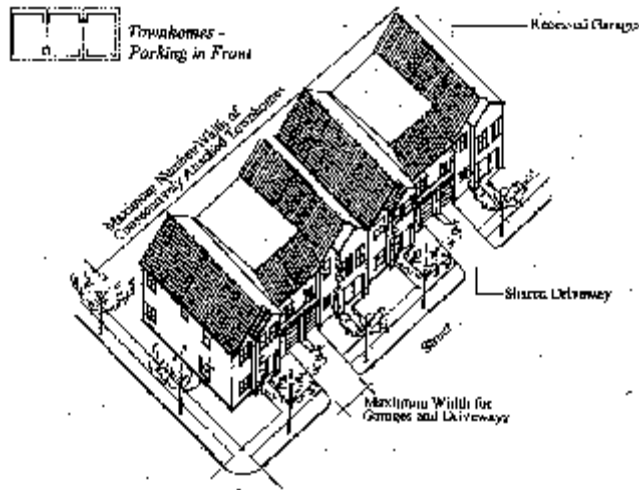
(C) The maximum number of consecutively attached townhomes with garages facing the same street is four (4) (2 driveways); and

(D) Street facing garages shall be set back at least twenty feet (20') from the street; where a building is placed less than twenty feet (20') from the street, the twenty foot (20') garage setback may be accomplished recessing the garage behind the front building elevation.

b. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to a common green, open space, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, open space, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in section [10-3A-3](#) of this title.



*Figure 2A
Residential District Building Orientation*



*Figure 2B
Townhome Building Orientation*

(Ord. 175-07, 6-19-2007)

10-2A-5: ARCHITECTURAL DESIGN STANDARDS:

A. Purpose: The architectural design standards require a minimum level of design on every building, which is intended to promote attention to detail, human scale design and street visibility, while affording flexibility to use a variety of building styles.

B. Applicability: This section applies to all new development that is subject to site design review, except accessory structures.

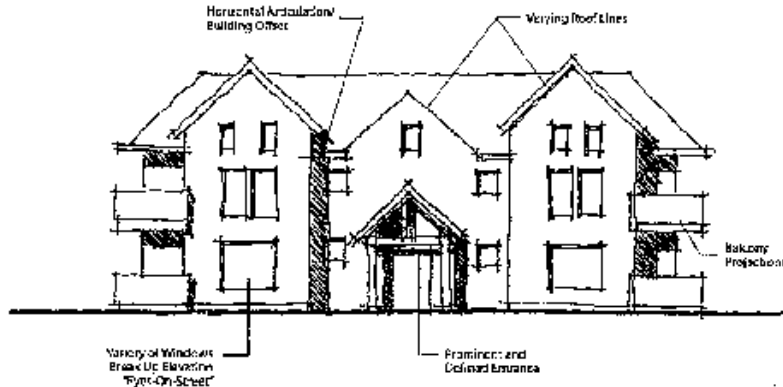
C. Standards: All projects that are subject to this section shall meet all of the standards in subsections C1 through C3 of this section. The graphics provided with each standard are intended to show examples of how to comply and should not be interpreted as requiring a specific architectural style. Other building styles and designs can be used to meet the standards when the approval body finds they are consistent with the text. An architectural feature (i.e., as shown figures 2C and 2D of this subsection) may be used to comply with more than one standard.

1. Building Length: The continuous horizontal distance, as measured from end wall to end wall, of individual buildings shall not exceed one hundred feet (100').

2. Articulation: All buildings shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements to break up large expanses of uninterrupted building surfaces (blank walls). Along the vertical face of a structure, and on all building stories, such elements shall occur at a minimum interval of thirty five feet (35'), and each floor shall contain at least two (2) elements, as generally shown in figure 2D of this subsection:

a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of five feet (5');

- b. Extension (e.g., floor area, deck, patio, entrance, overhang, or similar feature) that projects a minimum of two feet (2') and runs horizontally for a minimum length of four feet (4'); and/or
- c. Offsets or breaks in roof elevation of two feet (2') or greater in height.



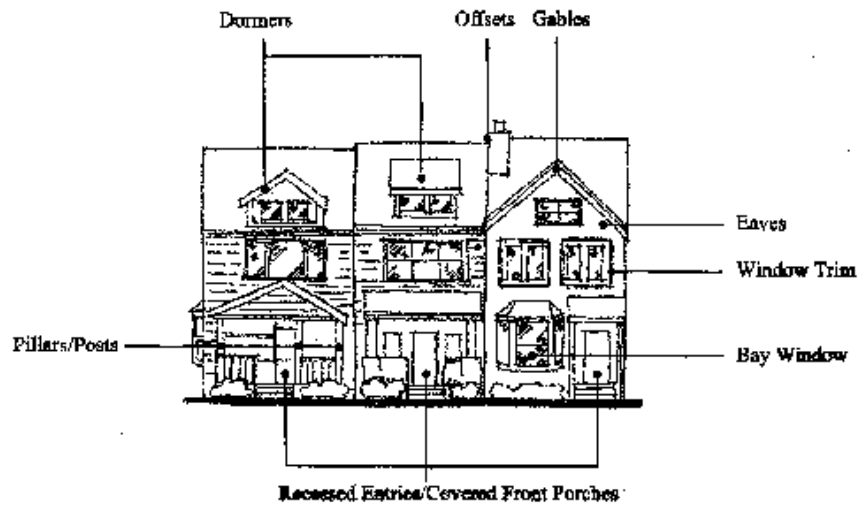
*Figure 2C
Building Length And Articulation
(Multi-Family Housing Example)*

3. Detailed Design: All buildings shall provide detailed design on all street facing walls (45 degrees or less from street lot line). Detailed design shall be provided by using at least six (6) of the architectural features in subsections C3a through C3m of this section, as is appropriate for the proposed building type and style. The applicant may select the elements that he or she wants, and it is not within the approval body's authority to prescribe specific elements; except, when the project is being reviewed as part of a master planned development, conditional use permit, or site design review (subsection C3n of this section), the approval body may require specific design elements or changes to promote compatibility with adjacent uses and to achieve the desired community character or pedestrian orientation.

- a. Dormers.
- b. Gables.
- c. Recessed entries.
- d. Covered porch entries or portico.
- e. Cupolas or towers.
- f. Pillars or posts.
- g. Eaves (minimum 6 inch projection).
- h. Offsets in building face or roof (minimum 16 inches).

- i. Window trim (minimum 3 inches wide).
- j. Bay windows.
- k. Balconies.
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features).
- m. Decorative cornice or pediment (e.g., for flat roofs).
- n. An alternative feature providing visual relief, similar to options in subsections C3a through C3m of this section, as approved through site design review.

Figure 2D
 Examples Of Architectural Elements (Illustrative Only)



Example 1
 Single-Family (e.g., Townhomes)



Example 2
Multi-Family Housing

(Ord. 175-07, 6-19-2007)

10-2A-6: SPECIAL USE STANDARDS:

This section provides standards for specific land uses and building types, as identified in tables [10-2A-1B](#), [10-2A-2B](#) and [10-2A-3B](#) of this article that control the scale and compatibility of those uses within the residential district. The standards in this section supplement (are in addition to and do not replace) other applicable standards. This section applies to the following uses and building types, as specified in subsections A through I of this section:

Accessory dwelling.

Agricultural uses.

Attached single-family (townhouses or row houses) and attached duplexes.

Bed and breakfast inns.

Group living (residential care homes and facilities).

Home occupations.

Manufactured homes.

Manufactured/mobile home parks.

Multiple-family housing.

A. Accessory Dwelling (Attached, Separate Cottage, Or Above Detached Garage): Accessory dwellings shall conform to all of the following standards:

1. Floor Area: Accessory dwellings shall not exceed seven hundred (700) square feet of floor area, or forty percent (40%) of the primary unit, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The unit can also be a manufactured cottage, subject to the standards in subsection G of this section for manufactured homes (all standards apply except subsections G1 and G4 of this section).

2. Oregon Structural Specialty Code: The structure complies with the Oregon structural specialty code.

3. Owner Occupied: The primary residence or accessory dwelling shall be owner occupied. Alternatively, the owner may appoint a family member as a resident caretaker of the principal house and manager of the accessory dwelling.

4. One Unit: A maximum of one accessory dwelling unit is allowed per lot.

5. Building Height: The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed twenty five feet (25').

6. Buffering: The approval body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling, unless the applicant and the owner of the abutting single-family dwelling agree in writing not to install the hedge or fence.

B. Agricultural Uses: Agricultural uses are those activities that raise, produce or keep plants or animals. For the purpose of this title, typical household gardens are not included in this definition and are allowed in all zones. All other agricultural uses shall comply with the following standards:

1. Processing of animal or plant products, including milk, and feed lots are not allowed.

2. Plant nurseries that are oriented to retail sales are not allowed.

3. Cows, horses, sheep and goats shall not be kept on lots with an area less than twenty thousand (20,000) square feet, and under no circumstances shall they be kept for commercial purposes. The total number of all such animals allowed on a lot (not including young less than 6 months old) shall not exceed one per twenty thousand (20,000) square feet of lot area.

4. The total number of chickens, fowl and/or rabbits over the age of six (6) months allowed on a lot shall not exceed one per five hundred (500) square feet of lot area.

5. The total number of bee colonies allowed on a lot shall not exceed one colony per one thousand (1,000) square feet of lot area.

6. Animal runs, barns, pens and colonies shall be located at least seventy feet (70') from the front property line and at least fifty feet (50') from any adjacent residence.

7. All animals, chickens, and fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in rodentproof containers.

C. Attached Single-Family (Townhouses And Row Houses) And Duplexes: Single-family attached housing with three (3) or four (4) dwellings (lots), and attached duplex housing shall comply with the standards in subsections C1 through C3 of this section, which are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. Number And Width Of Consecutively Attached Units: Single-family attached housing and attached duplex housing shall have no more than four (4) consecutively attached units, or shall be no greater than one hundred feet (100') in length, whichever is less.

2. Alley Access Required For Subdivisions Principally Containing Townhomes Or Duplexes: Subdivisions, or phases of subdivisions, proposed to contain three (3) or four (4) consecutively attached single-family dwellings, and developments with two (2) attached duplexes (4 dwelling units), shall provide vehicle access to all such lots and units from an alley or parking court, as described in [chapter 3, article A](#) of this title. Alley(s) and parking court(s) shall be created at the time of subdivision approval, and may be contained in private tracts or, if approved by the city, in public rights of way, in accordance with section [10-3D-2](#) and [chapter 4, article C](#) of this title.

3. Common Areas: Any common areas (e.g., landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas) shall be owned and maintained by a homeowners' association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

D. Bed And Breakfast Inns: Bed and breakfast inns are permitted in the residential districts, and shall comply with all of the following standards:

1. Accessory Use: The use must be accessory to a household already occupying the structure as a residence.

2. Maximum Size: In the R-1 and R-2 zones, four (4) bedrooms for guests, and a maximum of eight (8) guests are permitted per night; in the MF zone, twelve (12) bedrooms are allowed for guests, with a maximum of twenty four (24) guests per night. No separate structures are permitted, except for customary residential accessory structures as defined in subsection A of this section.

3. Length Of Stay: Maximum length of stay is twenty eight (28) days per guest; anything longer is classified as a hotel or commercial lodging.

4. Employees: Up to two (2) nonresident employees. There is no limit on residential employees.

5. Food Service: Food service may be provided only to overnight guests of the business.

6. Owner Occupied: Shall be owner occupied.

7. Signs: Signs shall not exceed a total of four (4) square feet of surface area on all sides.

8. Business License: The conditional use permit for a bed and breakfast use must be renewed every two (2) years.

E. Group Living (Residential Care Homes And Facilities): Residential care homes are residential treatment or training homes or adult foster homes licensed by the state of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for five (5) or fewer individuals ("homes") or six (6) to fifteen (15) individuals ("facilities") who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with Oregon Revised Statutes 197.660 through 197.670:

1. Licensing: All residential care homes and facilities shall be duly licensed by the state of Oregon.
2. Parking: Parking in accordance with [chapter 3, article C](#) of this title.
3. Site Development Review: Site development review shall be required for new structures to be used as residential care homes or facilities, to ensure compliance with the licensing, parking, and other requirements of this title. Residential care homes are exempt from this requirement.

F. Home Occupations And Minor Home Occupations: The purpose of this subsection is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Two (2) types of home occupations are contemplated by this title: 1) minor home occupations meeting the standards in subsections F1 through F8 of this section, are allowed by right, provided the owner has a current business license and all other uses and structures on the subject property are in conformance with the applicable zoning; and 2) major home occupations exceeding any of the threshold standards in subsections F1 through F8 of this section may receive approval through the type III home occupation permit procedure under section [10-4I-2](#) of this title.

1. Minor Home Occupations:

a. Appearance Of Residence:

- (1) The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- (2) The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- (3) The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
- (4) No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

b. Storage:

(1) Outside storage, visible from the public right of way or adjacent properties, that exceeds what is customary for a single-family residence in the vicinity, is prohibited.

(2) On site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.

(3) Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

c. Employees:

(1) Other than family members residing within the dwelling located on the home occupation site, there shall be not more than one full time equivalent employee at the home occupation site at any given time. As used in this article, the term "home occupation site" means the legal lot on which the home occupation is conducted.

(2) Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.

(3) The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

d. Advertising And Signs: Signs shall comply with all applicable sign regulations. In no case shall a sign in the residential district exceed four (4) square feet of surface area on all sides.

e. Vehicles, Parking And Traffic:

(1) One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right of way when parked in the driveway or other location on the home occupation site.

(2) There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of ten o'clock (10:00) P.M. to six o'clock (6:00) A.M.

(3) There shall be no more than one client's or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.

f. Business Hours: There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from eight o'clock (8:00) A.M. to ten o'clock (10:00) P.M. only, Monday through Friday, subject to subsections F1a and F5e of this section.

g. Prohibited Home Occupation Uses:

(1) Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line, is prohibited.

(2) Any activity involving on site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited; except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to subsections F1a through F1f of this section.

(3) The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:

(A) Ambulance service;

(B) Animal hospital, veterinary services, kennels or animal boarding;

(C) Auto and other vehicle repair, including auto painting; and

(D) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on site.

h. Enforcement: The city manager or designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance with [chapter 1, article B](#) of this title.

G. Manufactured Homes: Manufactured homes are permitted on individual lots, subject to all of the following design standards. Exception: The following standards do not apply to units that existed within the city prior to the effective date hereof.

1. Floor Plan: In the R-1 zone, the manufactured home must be a minimum of nine hundred sixty (960) square feet. In the R-2 zone, the manufactured home shall be multisectional and have an enclosed floor area of not less than one thousand (1,000) square feet. A tip out is not considered to fulfill the requirement of "multisectional".

2. Roof: The manufactured home shall have a pitched roof with a slope not less than three feet (3') in height for each twelve feet (12') in width (14 degrees).

3. Residential Building Materials: The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood appearance siding is considered "superior" to metal siding and roofing).

4. Garages And Carports: The manufactured home must have a garage or carport. The garage or carport shall be constructed of materials like those used on the house.

5. Thermal Envelope: The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the state building code. Evidence demonstrating that the manufactured home meets "northwest

energy efficient manufactured home program (NEEM)" or "Energy Star" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required.

6. Placement: The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than sixteen inches (16") above grade, and complies with the minimum setup standards of the adopted state administrative rules for manufactured dwellings, OAR chapter 918. Where the building site has a sloped grade, no more than sixteen inches (16") of the enclosing material shall be exposed on the uphill side of the home.

7. Foundation Skirt: The foundation area of the manufactured home shall be fully skirted.

8. Certification: The manufactured home must be certified to meet the 1976 housing and urban development (HUD) standard and have the Oregon "insigne of compliance" as provided by Oregon Revised Statutes 446.170. However, the city may waive the "insigne of compliance" requirement if the city council determines that construction, equipment, and material installed in the manufactured structure is at least equal to the minimum safety standards prescribed under Oregon Revised Statutes 446.155 through 446.200, and is permanently affixed to real property.

9. Ownership: The owner of the manufactured home shall be the owner in fee simple or contract purchaser of the lot upon which the manufactured home is located and shall agree, in writing, prior to the installation, that if the manufactured home is removed from its foundation, the owner shall remove the foundation and all additions to the home and permanently disconnect and secure all utilities. The agreement shall authorize the city to perform the work above described and place a lien against the property for the cost of the work, in the event the owner fails to accomplish the work within thirty (30) days from the date the manufactured home is removed. This condition shall not apply in the event that another manufactured home is placed on the original foundation within thirty (30) days of the removal of the original manufactured home.

H. Manufactured/Mobile Home Parks: Manufactured/mobile home parks (not including recreational vehicles) are permitted on parcels of one acre or larger, subject to compliance with the following:

1. Permitted Uses: Single-family residences, manufactured home park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance).

2. Space: The minimum size pad or space for each dwelling is two thousand five hundred (2,500) square feet, provided that the overall density of the park does not exceed twelve (12) units per acre. Each space shall be at least thirty feet (30') wide and forty feet (40') long, in accordance with Oregon Revised Statutes 446.100(1)(c).

3. Setbacks And Building Separation: The minimum setback between park structures and abutting properties is five feet (5'). The minimum setback between park structures and public street right of way is fifteen feet (15'). At least a ten foot (10') separation shall be provided between all dwellings. Dwellings shall be placed a minimum of fourteen feet (14') apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five feet (5') to a park

street or sidewalk/pathway. An accessory structure shall not be located closer than six feet (6') to any other structure or dwelling, except that a double carport or garage may be built which serves two (2) dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least three feet (3').

4. Perimeter Landscaping: When manufactured dwellings are oriented with their back or side yards facing a public right of way, the city may require installation of fencing and planting of a ten foot (10') wide landscape buffer between the right of way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.

5. Dwelling Design (For Parks Smaller Than 3 Acres): Manufactured dwellings in parks smaller than three (3) acres shall meet the following design standards, consistent with Oregon Revised Statutes 197.314(6):

a. The manufactured dwelling shall have a pitched roof with a slope not less than three feet (3') in height for each twelve feet (12') in width (14 degrees); and

b. The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance is similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood appearance siding is considered superior to metal siding and roofing).

c. Subsections H5a and H5b of this section do not apply to manufactured homes that existed within the city prior to the effective date hereof (July 19, 2007).

I. Multiple-Family Housing: Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses. Figure 2E located at the end of this subsection provides a conceptual illustration of the requirements listed below.

1. Building Mass: The maximum width or length of a multiple-family building shall not exceed one hundred feet (100') from end wall to end wall, not including outdoor living areas (e.g., porches, balconies, patios, and similar unenclosed spaces).

2. Common Open Space: A minimum of ten percent (10%) of the site area shall be designated and permanently reserved as common open space in all multiple-family developments in accordance with all of the following criteria. This standard is in addition to the ten percent (10%) landscaping requirement in subsection [10-2A-3C](#) of this article.

3. Private Open Space: Private open space areas shall be required for ground floor and upper floor housing units based on all of the following criteria:

a. A minimum of fifty percent (50%) of all ground floor housing units shall have front or rear patios or decks measuring at least forty eight (48) square feet. Ground floor housing means the housing unit entrance (front or rear) is within five feet (5') of the finished ground elevation (i.e., after grading and landscaping).

b. A minimum of forty percent (40%) of all upper floor housing units shall have balconies or porches measuring at least forty eight (48) square feet. Upper floor housing means housing units that are more than five feet (5') above the finished grade.

4. Trash Receptacles: Trash receptacles shall be oriented away from building entrances, set back at least ten feet (10') from any public right of way and adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet (6') in height. Receptacles must be accessible to trash pick up trucks.

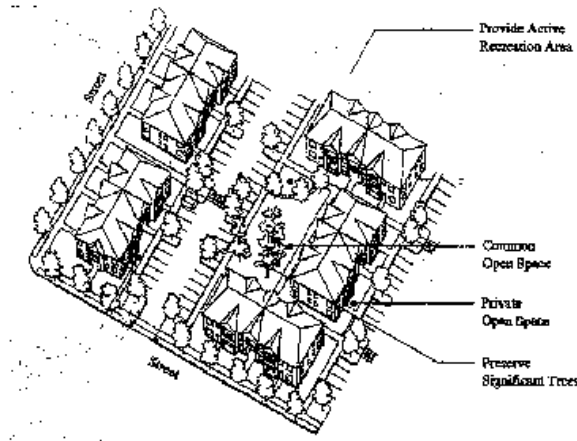


Figure 2E
Examples Of Multiple-Family Open Space (Ord. 175-07, 6-19-2007)

ARTICLE B. COMMERCIAL ZONES

10-2B-1: DOWNTOWN COMMERCIAL ZONE, C-1:

A. Purpose: The purpose of the C-1 commercial zone is to provide areas for downtown and "main street" (along Highway 730) commercial development, including professional and general commercial retail establishments, eating and drinking places and commercial services. Allowing residential uses above the ground floor of commercial establishments promotes development that combines commercial and residential uses in a single building or complex. This development type supports nonautomobile travel, provides a buffer between busy streets and residential neighborhoods, and provides new housing opportunities in the city. In addition, the C-1 zone is intended to promote the efficient use of land and urban services, provide formal and informal gathering places, create a pedestrian friendly downtown area, and emphasize the historic elements of the city.

B. Table Of Allowed Land Uses: This table identifies the land uses that are allowed in the downtown commercial zone. The uses are defined in section [10-1A-3](#) of this title.

P=Permitted outright

S=Permitted with standards

CU=Requires a conditional use permit

CU+S=Requires a conditional use permit with standards

TABLE [10-2B-1B](#)

ALLOWED USES IN C-1 ZONE

Use	Status Of Use
Residential uses:	
All residential uses allowed, if:	
Lawfully existing as of July 19, 2007, not including mobile home parks, or	P
New dwelling built in conjunction with a permitted commercial use (residential use is allowed above ground floor commercial only)	P
Assisted living/nursing home	P
Commercial uses:	
Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities), per section 10-2B-6 of this article	CU+S
Bed and breakfast inn	P
Eating and drinking establishments, less than 20,000 square feet of floor area (see also drive-up uses)	P
Hotels, motels, inns	P
Educational services, not a school (e.g., tutoring or similar services)	P
Entertainment, major event	CU
Offices	P
Outdoor recreation, commercial	CU
Parking lot (when not an accessory use)	CU
Retail sales and service with less than 20,000 square feet of floor area (see also drive-up uses)	P

Mixed use development	P
Institutional uses:	
Basic utilities	P
Community service, including civic centers	CU
Daycare, adult or child daycare; does not include family childcare (12 or fewer children) under Oregon Revised Statutes 657A.250	P
Parks and open space:	
Pedestrian amenities	P
Parks and recreation facilities	CU
Other open space	P
Religious institutions and houses of worship:	
Lawfully existing as of July 19, 2007	P
New	CU
Schools:	
Lawfully existing as of July 19, 2007	P
New	CU
Other categories:	
Accessory structures (with a permitted use)	P
Buildings and structures exceeding the height limits in table 10-2B-1C of this section	CU
Radio frequency transmission facilities	CU
Temporary uses (limited to P and CU uses), per section 10-4I-1 of this title	P/CU
Transportation facilities (operation, maintenance, preservation, and construction)	P

Note: If a proposed use is not clearly identifiable and does not match any of the uses listed in the above table, the planning official will make a similar use determination in conformance with the procedure in subsection [10-4H-2G](#) of this title.

C. Table Of Development Standards: The development standards in this table apply to all new structures, buildings, and development, and major remodels, in the C-1 zone.

TABLE [10-2B-1C](#)
DEVELOPMENT STANDARDS FOR C-1 ZONE

Dimension		Standard
Minimum lot area		No minimum
Minimum lot width		20 feet
Minimum lot depth		40 feet
Maximum building/structure height		35 feet
Maximum height - fences, retaining/garden walls:		
	Front yard	4 feet
	Interior side yard	6 feet
	Rear yard	6 feet
	Street side of reverse frontage lot	4 feet (or 6 feet with 5 foot landscape buffer)
Maximum building coverage (foundation plane as percent of site area)		100 percent
Minimum landscape area		No minimum
Minimum setbacks:		
	Front/street setback	0 feet
	Side setback	0 feet
	Rear setback, except alley	0 feet
	Alley setback	3 feet
	Adjacent to a residential district	10 feet
Maximum front setback		5 feet

(Ord. 175-07, 6-19-2007)

10-2B-2: GENERAL COMMERCIAL ZONE, C-2:

A. Purpose: The purpose of the C-2 commercial zone is to provide areas suitable for auto oriented uses and repair, warehousing, wholesale commercial sales and services with related outdoor storage or retail sales, recreational vehicle (RV) parks and other compatible uses.

B. Table Of Allowed Land Uses: This table identifies the land uses that are allowed in the C-2 commercial zone. The uses are defined in section [10-1A-3](#) of this title.

P=Permitted outright

S=Permitted with standards

CU=Requires a conditional use permit

CU+S=Requires a conditional use permit with standards

TABLE 10-2B-2B
ALLOWED USES IN C-2 ZONE

Use	Status Of Use
Residential uses:	
Assisted living/nursing home	P
All residential uses allowed, if lawfully existing as of July 19, 2007, not including mobile home parks	P
Commercial uses:	
Drive-up, drive-in and drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities), per section 10-2B-6 of this article	S
Bed and breakfast inn	CU
Eating and drinking establishments	P
Hotels, motels	CU
Educational services, not a school (e.g., tutoring or similar services)	P
Entertainment, major event	CU
Offices	CU
Outdoor recreation, commercial	CU
Parking lot (when not an accessory use)	CU
Quick vehicle servicing or vehicle repair (see also drive-up, drive-in and drive-through uses, per section 10-2B-6 of this article):	
Fully enclosed (e.g., garage)	S
Not fully enclosed	CU+S
Recreational vehicle (RV) parks	CU
Retail sales and service (see definition in section 10-1A-3 of this title)	P
Self-service storage	CU
Industrial uses:	
Industrial service (see also drive-up uses):	
Fully enclosed (e.g., office)	P
Not fully enclosed	CU

Manufacturing and production:	
Fully enclosed	P
Not fully enclosed	CU
Warehouse and freight movement	CU
Wholesale sales:	
Fully enclosed, less than 20,000 square feet of floor area	P
Fully enclosed, greater than 20,000 square feet of floor area	CU
Institutional uses:	
Basic utilities	P
Community service, including civic centers	CU
Daycare, adult or child daycare; does not include family childcare (12 or fewer children) under Oregon Revised Statutes 657A.250	P
Parks and open space:	
Pedestrian amenities	P
Parks and recreation facilities	CU
Other open space	P
Recycling center	P
Religious institutions and houses of worship:	
Lawfully existing as of July 19, 2007	P
New	CU
Schools:	
Lawfully existing as of July 19, 2007	P
New	CU
Other categories:	
Accessory structures (with a permitted use)	P
Buildings and structures exceeding the height limits in table 10-2B-1C of this article	CU
Radio frequency transmission facilities	CU
Temporary uses (limited to P and CU uses), per section 10-4I-1 of this title	P/CU
Transportation facilities (operation, maintenance, preservation, and construction [in accordance with the city's transportation system plan])	P

Note: If a proposed use is not clearly identifiable and does not match any of the uses listed in the above table, the planning official will make a similar use determination in conformance with the procedure in subsection [10-4H-2G](#) of this title.

C. Table Of Development Standards: The development standards in this table apply to all new structures, buildings, and development, and major remodels, in the C-2 zone.

TABLE 10-2B-2C
DEVELOPMENT STANDARDS FOR C-2 ZONE

Dimension	Standard
Minimum lot area	No minimum
Minimum lot width	20 feet
Minimum lot depth	40 feet
Maximum building/structure height	35 feet
Maximum height - fences, retaining/garden walls:	
Front yard	4 feet
Interior side yard	6 feet
Rear yard	6 feet
Street side of reverse frontage lot	4 feet (or 6 feet with 5 foot landscape buffer)
Maximum building coverage (foundation plane as percent of site area)	90 percent
Minimum landscape area	10 percent
*Landscape area may include plant areas and nonplant areas as allowed under subsection 10-3B-2D of this title.	
Minimum setbacks:	
Front/street setback	0 feet
Side setback	0 feet
Rear setback, except alley	0 feet
Alley setback	3 feet
Adjacent to a residential district	10 feet
Maximum front setback	5 feet

(Ord. 175-07, 6-19-2007)

10-2B-3: SUPPLEMENTAL DEVELOPMENT STANDARDS:

A. Intent: This section is intended to supplement or clarify the dimensional standards in sections [10-2B-1](#) and [10-2B-2](#) of this article.

B. Maximum Setbacks:

1. Purpose; Fire Code And Clear Vision: Maximum setbacks are intended to encourage pedestrian oriented development, while providing more flexibility in site design than what is possible with large setbacks. With buildings placed close to the street, a development can afford good access for emergency service providers in the case of a fire or other emergency. Where no minimum setback is

required, all structures and buildings shall conform to the vision clearance standards in [chapter 3, article A](#) of this title and the applicable fire and building codes (e.g., for attached structures, firewalls, and related requirements).

2. Setback Yards; Through Lots: Buildings on through lots (lots with frontage on 2 parallel streets) shall be required to meet the maximum setback standard on only one street and as specified below. Through lots are subject to the fence height and setback requirements in subsections [10-2B-1C](#) and [10-2B-2C](#) of this article and the landscape buffer requirements in section [10-3B-2](#) of this title.

a. Through lots with one frontage along Main Street between 10th Avenue and 1st Avenue, are required to meet the maximum setback standard and building orientation standards in subsection C of this section along the Main Street frontage.

b. Through lots with one frontage along the north side of Highway 730 between 10th Avenue and 3rd Avenue, are required to meet the maximum setback standard and building orientation standards in subsection C of this section along the north Highway 730 frontage.

c. Through lots in the C-1 zone with one frontage on 1st Avenue or Columbia Avenue, are required to meet the maximum setback standard and building orientation standards in subsection C of this section along the 1st Avenue or Columbia Avenue frontage.

d. All other through lots must meet the maximum setback standard on either street frontage.

3. Setback Yards; Flag Lots:

a. The front yard of a flag lot shall conform to one of the following two (2) options:

(1) Parallel to the street from which access is taken; or

(2) Parallel to the flagpole from which access is taken.

b. The applicant for a building permit may choose either option 1 or option 2, except as otherwise prescribed by conditions of a partition or subdivision approval. (Note: The city may impose such conditions as provided under section [10-4C-4](#) of this title.)

C. Building Orientation:

1. Purpose: This section orients buildings close to streets to promote pedestrian oriented development where walking is encouraged, and to discourage automobile oriented development. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more "eyes on the street".

2. Applicability: This section applies to developments that are subject to site design review, including those reviewed as part of a master planned development.

3. Building Orientation Standards: Developments subject to this section shall have their buildings oriented to a street, as generally shown in figure 2F of this subsection. This standard is met when all

of the following criteria are met:

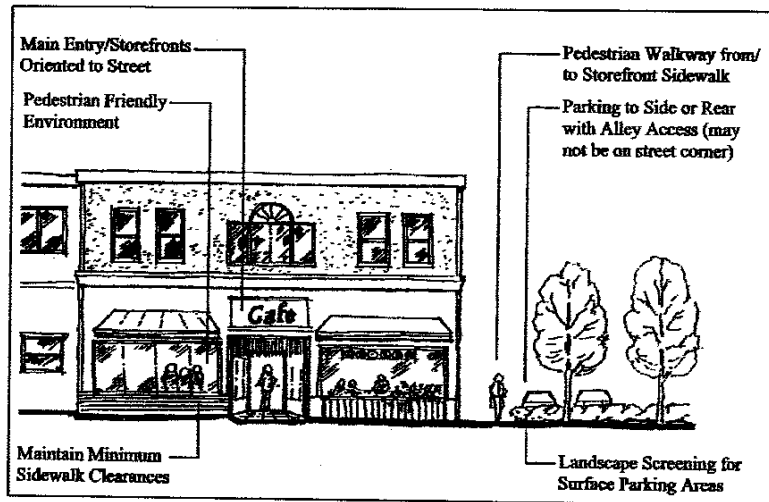


Figure 2F
Building Orientation

a. Compliance with the setback standards in subsections [10-2B-1C](#) and [10-2B-2C](#) of this article, where applicable. The maximum setback may be increased to provide pedestrian amenities between a building and its adjoining street.

b. Except as provided in subsections C3d and C3e of this section, all buildings shall have at least one primary building entrance (i.e., dwelling entrance, a tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line), or if the building entrance is turned more than forty five degrees (45°) from the street (i.e., front door is on a side elevation), the primary entrance shall not be more than thirty feet (30') from a street sidewalk, except to provide pedestrian amenities; a walkway shall connect the primary entrance to the sidewalk in this case.

c. In the C-1 district, off street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented; except as provided under subsection C3d of this section. Off street parking in the C-1 district shall be oriented internally to the site and divided by landscape areas into bays of not more than twenty four (24) parking spaces per bay.

d. In the C-2 district, the building orientation standard may be met with vehicle areas allowed between the street right of way and a building's primary entrance when the approval body finds that the following criteria are met:

(1) Placing vehicle areas between the street right of way and building's primary entrance will not adversely affect pedestrian safety and convenience, based on the distance from the street sidewalk to the building entrance, projected vehicle traffic volumes, and available pedestrian walkways;

(2) The proposed vehicle areas are limited to one driveway of not more than twenty feet (20') in width with adjoining bays of not more than eight (8) consecutive parking spaces per bay (including ADA accessible spaces) on the side(s) of the drive aisle. The intent is to create a drive aisle that is street like, and break up parking into small bays with landscaping; and

(3) The building's primary entrance is connected to an adjoining street by a pedestrian walkway that meets the standards for pedestrian walkways under section [10-3A-3](#) of this title.

e. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in section [10-3A-3](#) of this title. (Ord. 175-07, 6-19-2007)

10-2B-4: ARCHITECTURAL DESIGN STANDARDS:

A. Purpose And Applicability: This section is intended to provide detailed, human scale design that is characteristic of Irrigon while affording flexibility to use a variety of architectural building styles. All new buildings and major remodels shall meet the standards of subsections B through D of this section, which are applied through site design review. The applicant demonstrates that the standards are met by complying with the criteria under each standard.

B. Pedestrian Orientation: The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the approval body finds that all of the criteria in subsections B1 through B7 of this section are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard.

1. The building orientation standards under subsection [10-2B-3C](#) of this article are met.

2. Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk; every building shall have at least one primary entrance that does not require passage through a parking lot or garage to gain access.

3. Corner buildings (i.e., buildings within 20 feet of a corner as defined by the intersecting curbs) shall have corner entrances, or shall provide at least one entrance within twenty feet (20') of the street corner or corner plaza.

4. At least forty percent (40%) of the building's front facade (measured horizontally in linear feet) shall be located no further from the street than the maximum front yard setback.

5. Ground floor windows or window displays shall be provided along at least forty percent (40%) of the building's (ground floor) street facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall.

6. Primary building entrance(s) are designed with weather protection, such as awnings, canopies, overhangs, or similar features.

7. Primary building entrances, parking areas, pathways and other pedestrian areas shall have lighting to provide at least two (2) foot-candles of illumination. Light standards shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential district or use.

8. Drive-up and drive-through facilities, when allowed, shall conform to section [10-2B-6](#) of this article the provisions of which shall not be modified without a variance (section [10-5-1](#) of this title).

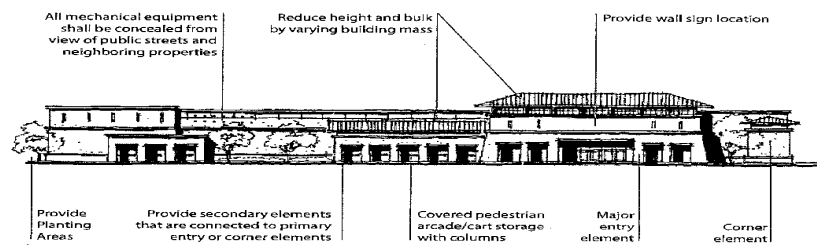
C. Compatibility: All new buildings and major remodels shall be designed consistent with the architectural context in which they are located. This standard is met when the approval body finds that all of the criteria in this subsection are met.

1. There is continuity in building sizes between new and existing buildings.
2. The ground floor and upper floor elevations and architectural detailing are compatible with adjacent commercial buildings.
3. Roof elevation is compatible with adjacent commercial buildings (roof pitch, shape, height step down).
4. There is continuity of building sizes on the site, if more than one building is proposed.
5. There is continuity in the rhythm of windows and doors on the proposed building(s).
6. The relationship of buildings to public spaces, such as streets, plazas, other areas, and public parking, including on street parking, is strengthened by the proposed building(s).

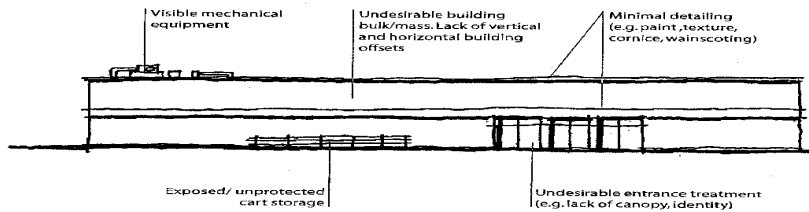
D. Human Scale: The design of all buildings shall be to a human scale. This standard is met when the approval body finds that all of the criteria in subsections D1 through D6 of this section are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard. Figure 2G at the end of this section contrasts examples of building elevations that are consistent/inconsistent with human scale criteria.

1. Regularly spaced and similarly shaped windows are provided on all building stories.
2. Ground floor retail spaces have tall ceilings (i.e., 12 to 16 feet) with display windows on the ground floor.
3. Display windows are trimmed, recessed, or otherwise defined by wainscoting, sills, water tables, or similar architectural features.
4. On multi-story buildings, ground floors are defined and separated from upper stories by appropriate architectural features (e.g., cornices, trim, awnings, canopies, arbors, trellises, overhangs, or other features) that visually identify the transition from ground floor to upper story; such features should be compatible with the surrounding architecture.

5. The tops of flat roofs are treated with appropriate detailing (i.e., cornice, pediment, flashing, trim, or other detailing) that is compatible with the surrounding architecture.
6. Pitched roofs have eaves, brackets, gables with decorative vents, or other detailing that is consistent with the surrounding architecture.
7. Historic design and compatibility requirements, where applicable, are met.
8. Where buildings with greater than twenty thousand (20,000) square feet of enclosed ground floor space are proposed, they shall provide articulated facades on all street facing elevations. This criterion is met when an elevation contains at least one of the following features for every forty feet (40') of building (horizontal length): windows; primary entrances; weather protection (awnings, canopies, arbors, trellises), building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; ornamentation; screening trees; small scale lighting (e.g., wall mounted lighting, or uplighting); and/or similar features as generally shown in figure 2G of this section. Note: Figure 2G of this section should not be interpreted as a required architectural style.



Large Commercial Massing - Acceptable



Large Commercial Massing - Unacceptable

*Figure 2G
Examples Of Large Commercial Design Elements*

(Ord. 175-07, 6-19-2007)

10-2B-5: PEDESTRIAN AMENITIES:

A. Purpose And Applicability: This section provides standards for pedestrian amenities when pedestrian amenities are required as part of new developments and major remodels in the C-1 district, and when pedestrian amenities are provided to meet the requirements of other development

code sections. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment along street frontages and contribute to a walkable district.

B. Standards: New developments and major remodels in the C-1 district and other developments subject to the provisions of this section shall provide one or more of the pedestrian amenities listed below, and as generally illustrated in figure 2H in this section. Pedestrian amenities may be provided within a street furnishing zone, building frontage zone, or plaza, or within the pedestrian through zone, as shown in figure 2H of this section. The planning official may allow increased setbacks for developments that provide pedestrian amenities. Use of the public right of way requires approval by the roadway authority.

1. A plaza, courtyard, square or extra wide sidewalk next to the building entrance (minimum width of 6 feet).
2. Sitting space (i.e., dining area, benches, garden wall or ledges between the building entrance and sidewalk) with a minimum of sixteen inches (16") in height and thirty inches (30") in width.
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).
4. Public art that incorporates seating (e.g., fountain, sculpture).

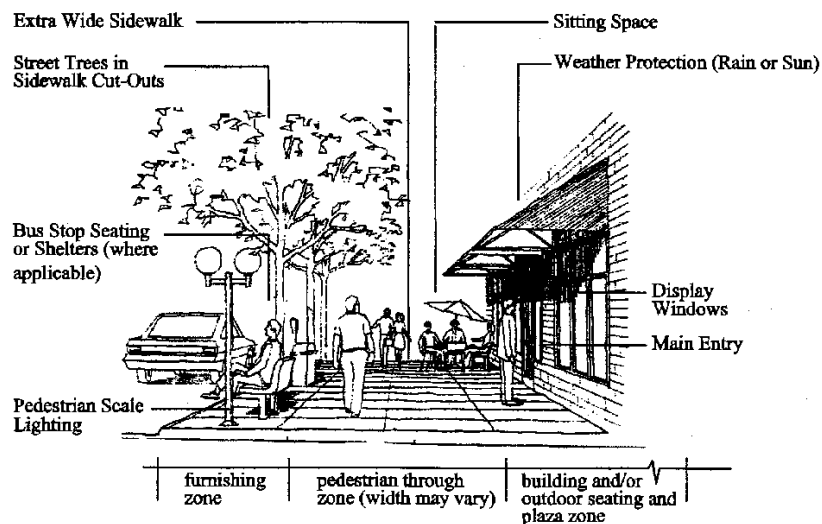


Figure 2H
Examples Of Pedestrian Amenities

(Ord. 175-07, 6-19-2007)

10-2B-6: SPECIAL USE STANDARDS:

A. Intent: This section supplements other applicable standards in this article. It provides standards for the following land uses to control the scale and compatibility of those uses.

B. Drive-Up, Drive-In And Drive-Through Uses And Facilities: When drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety:

1. The drive-up or drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street (figure 2I of this section);
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop boxes, or similar facilities) are located within twenty feet (20') of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner);
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right of way; and
4. No more than one drive-up, drive-in, or drive-through facility shall be permitted for a distance of four hundred (400) linear feet along the same block face (same side of street).

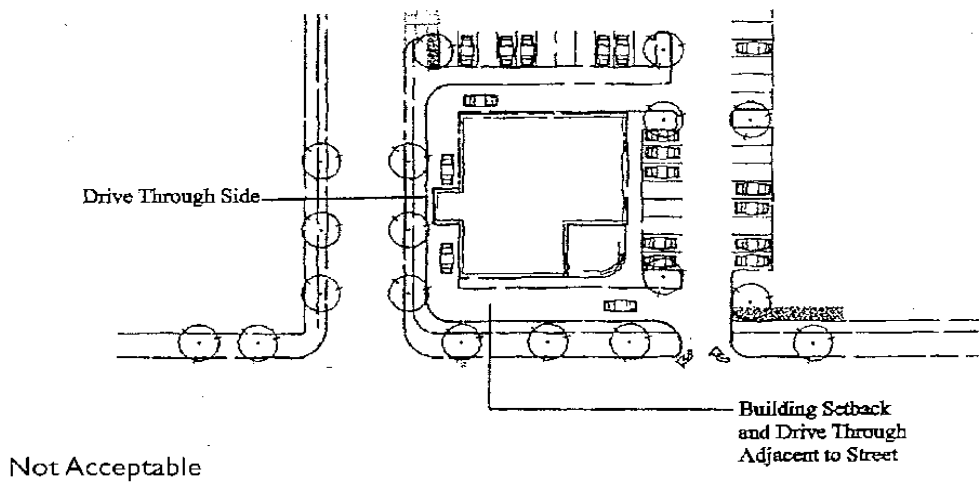
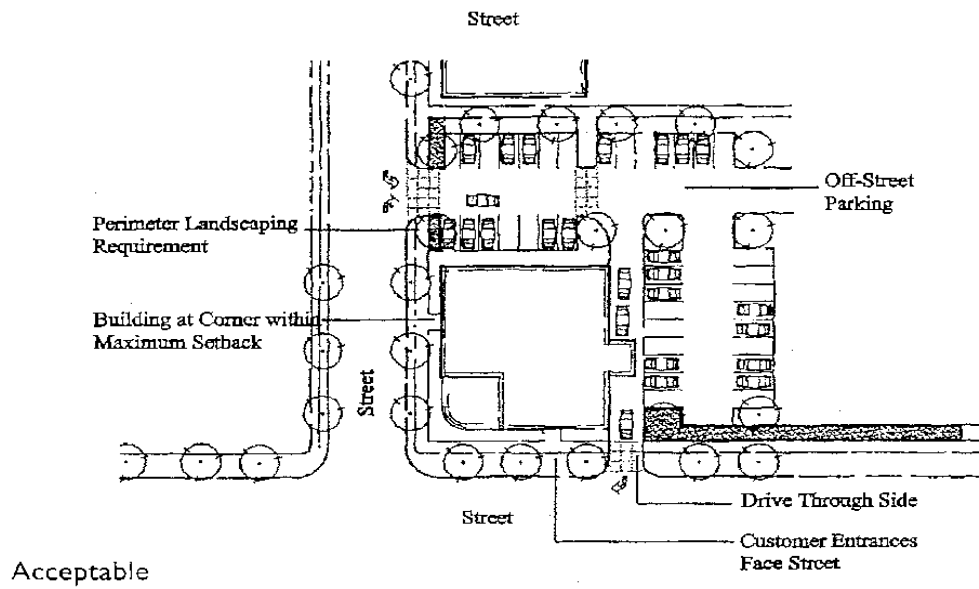


Figure 21
Drive-Up And Drive-Through Facilities
 (Ord. 175-07, 6-19-2007)

ARTICLE C. INDUSTRIAL ZONE

10-2C-1: LIGHT INDUSTRIAL ZONE, M:

A. Purpose: The purpose of the light industrial zone is to accommodate a range of light manufacturing, industrial-office uses, automobile oriented commercial uses (e.g., lodging, restaurants, auto oriented retail), and similar uses which are not appropriate in downtown or main street areas. This article guides the orderly development of industrial areas based on the following objectives:

1. Provide for efficient use of land and public services;
2. Provide appropriately zoned land with a range of parcel sizes for industry;
3. Provide transportation options for employees and customers;
4. Locate business services close to major employment centers;
5. Ensure compatibility between industrial uses and nearby commercial and residential areas;
6. Provide appropriate design standards to accommodate a range of industrial users;
7. Provide attractive locations for business to locate; and
8. Accommodate mixed use development of light industrial areas.

B. Table Of Allowed Land Uses: This table identifies the land uses that are allowed in the light industrial district. The uses are defined in section [10-1A-3](#) of this title.

P=Permitted outright

S=Permitted with standards

CU=Requires a conditional use permit

N=Not permitted

**TABLE 10-2C-1B
LAND USES ALLOWED IN M ZONE**

Use	Status Of Use
All residential uses allowed, if: Lawfully existing as of July 19, 2007	P
Commercial categories:	
Drive-up, drive-in and drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities), per section 10-2B-6 of this title	S
Offices	CU

Quick vehicle servicing or vehicle repair (see also drive-up uses)	S
Self-service storage	CU
Industrial categories:	
Industrial service (see also drive-up uses):	
Fully enclosed (e.g., office)	P
Not enclosed	CU
Manufacturing and production:	
Fully enclosed	P
Not enclosed	CU
Warehouse and freight movement	CU
Waste related	N
Wholesale sales, per subsection 10-2C-2D of this article:	
Fully enclosed	S
Not enclosed	CU
Institutional categories:	
Basic utilities	P
Community service	CU
Daycare, adult or child daycare; does not include family daycare (12 or fewer children) under Oregon Revised Statutes 657A.250	CU
Other categories:	
Accessory structures (with a permitted use)	P
Buildings and structures exceeding the height limits in table 10-2B-1C of this title	CU
Radio frequency transmission facilities:	
Within height limit of district	P
Exceeds height limit (freestanding or building mounted facilities)	CU
Temporary uses (limited to P and CU uses), per section 10-4I-1 of this title	P/CU
Transportation facilities (operation, maintenance, preservation, and construction)	P

Note: If a proposed use is not clearly identifiable and does not match any of the uses listed in the above table, the planning official will make a similar use determination in conformance with the procedure in subsection [10-4H-2G](#) of this title.

C. Table Of Development Standards: The development standards in this table apply to all new structures, buildings, and development, and major remodels, in the M zone.

TABLE 10-2C-1C
DEVELOPMENT STANDARDS FOR M ZONE

Dimension		Standard
Minimum lot area		10,000 square feet
Minimum street frontage		100 feet
Maximum building/structure height		35 feet
Maximum height - fences, retaining/garden walls:		
	Front yard	4 feet
	Interior side yard	6 feet
	Rear yard	6 feet
	Street side of reverse frontage lot	4 feet (or 6 feet with 5 foot landscape buffer)
Maximum building coverage (foundation plane as percent of site area)		80 percent
Minimum landscape area		10 percent
*Landscape area may include plant areas and nonplant areas as allowed under subsection 10-3B-2D of this title.		
Minimum setbacks:		
	Front/street setback	10 feet
	Side setback	10 feet
	Rear setback, except alley	10 feet
	Alley setback	3 feet
	Adjacent to a residential district	40 feet

(Ord. 175-07, 6-19-2007)

10-2C-2: SUPPLEMENTAL DEVELOPMENT STANDARDS:

A. Intent: This section is intended to supplement or clarify the dimensional standards in section [10-2C-1](#) of this article.

B. Limitations On Use:

1. A use, which creates a nuisance because of noise, smoke, odor, dust, or gas, is prohibited.
2. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
3. Any use of property within one hundred feet (100') of a lot in a residential zone shall be subject to the review and approval of the planning commission. The planning commission may impose such limitations as may be required to reduce conflicts between uses.

C. Industrial Buffers:

1. Purpose: Industrial buffers provide separation between industrial and nonindustrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

2. Buffering And Other Yard Requirements:

a. Buffering: The approval body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in [chapter 3, article B](#) of this title when it finds through site design review (chapter 4, article B of this title), conditional use permit review (chapter 4, article D of this title), and/or master planned development review (chapter 4, article E of this title), as applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties.

b. Pedestrian Access: The approval body may require the construction of pedestrian accessways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multiuse pathways. The design of access ways shall conform to section [10-3A-3](#) of this title.

D. Site Layout And Design:

1. Development Compatibility: Industrial uses and developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable. The following standards shall apply to all development in the industrial district:

a. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other nonindustrial areas to the maximum extent practicable; and

b. The city may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in subsection C of this section.

2. Large Scale Commercial Development: Developments containing twenty thousand (20,000) square feet or more commercial, retail, wholesale, or office floor area in the light industrial district shall have pedestrian oriented design. This standard is satisfied when the approval body finds that a development meets the all of the following criteria:

a. The commercial block layout standards in subsection [10-2B-3C](#) of this title are met; and

2. The architectural standards in section [10-2B-4](#) of this title are met.

E. Building And Structure Height: The maximum allowable height of buildings and structures in the M districts is thirty five feet (35'), except that taller buildings and structures are allowed when approved as part of a conditional use permit. (Ord. 175-07, 6-19-2007)

ARTICLE D. OVERLAY (O) DISTRICTS
 Reserved
 (Ord. 175-07, 6-19-2007)

ARTICLE E. RECREATION LANDS DISTRICT

10-2E-1: PURPOSE:

The recreation lands district is intended to provide an area along the Columbia River for destination recreation opportunities that are close to Irrigon's commercial center. The recreation lands zone is intended to promote master planned development that provides a variety of outdoor recreation options along with complementary amenities such as lodging, parks, and limited retail. (Ord. 195-09, 2-17-2009)

10-2E-2: ALLOWED LAND USES:

Table [10-2E-2A](#) of this section identifies the land uses that are allowed in the recreation lands district. The uses are defined in section [10-1A-3](#) of this title.

P	=	Permitted outright
S	=	Permitted with standards
CU	=	Requires a conditional use permit
CU+S	=	Requires a conditional use permit with standards

TABLE [10-2E-2A](#)
 ALLOWED USES

Use	Status Of Use
Public use/semipublic use	P
Public safety facility	P
Parking area	P
Accessory structures (with a permitted use)	P
Agricultural uses	S

Note: If a proposed use is not clearly identifiable and does not match any of the uses listed in the above table, the planning official will make a similar use determination in conformance with the procedure in subsection [10-4H-2G](#) of this title.

(Ord. 195-09, 2-17-2009)

10-2E-3: DEVELOPMENT STANDARDS:

A. Dimensional Standards: The standards in table [10-2E-3A](#) of this section apply to all uses, structures, buildings, and development in the recreation lands district.

TABLE [10-2E-3A](#)
DIMENSIONAL STANDARDS

Dimension	Standard
Maximum building/structure height	35 feet
Maximum height - fences, retaining/garden walls:	
Front yard	4 feet
All other yards	6 feet
Maximum building coverage (foundation plane as percentage of site area)	60 percent
Minimum landscape area	10 percent
Minimum setbacks:	
Front/street setback for structures	15 feet
Side setback, except on corner lots on street side	10 feet
Side setback on corner lots, street side	15 feet
Rear setback, except alley	10 feet
Alley setback	2 feet

(Ord. 195-09, 2-17-2009)

CHAPTER 3
COMMUNITY DESIGN STANDARDS

10-3-1: PURPOSE:

The following provisions of this chapter describe how the community design standards are intended to be applied, and the relationship between this chapter and the supplemental design standards for specific land uses and building types contained in chapter 2, articles A through E, of this title. (Ord. 175-07, 6-19-2007)

10-3-2: APPLICABILITY:

The standards in this chapter are applied based on whether a project is classified as a major project or a minor project. In addition, each article of this chapter contains "applicability directions". In general, the articles are applied as follows:

A. Major Project: Major projects, including developments that require site design review (chapter 4, article B of this title), land division approval (chapter 4, article C of this title), master planned development (chapter 4, article E of this title), and amendments to the comprehensive plan or zoning map (chapter 4, article G of this title), must conform to the applicable sections of:

1. Access and circulation ([article A of this chapter](#)).
2. Landscaping, street trees, fences and walls ([article B of this chapter](#)).
3. Parking and loading ([article C of this chapter](#)).
4. Public facilities ([article D of this chapter](#)).
5. Surface water management ([article E of this chapter](#)).
6. Signs ([article G of this chapter](#)).

B. Minor Project: Minor projects are small developments and land use actions that require only land use review or conditional use approval (no site design review). The following chapters generally apply; however, individual sections will not apply to some projects:

1. Access and circulation ([article A of this chapter](#)).
2. Landscaping, street trees, fences and walls ([article B of this chapter](#)).
3. Parking and loading ([article C of this chapter](#)).
4. Surface water management ([article E of this chapter](#)).
5. Signs ([article G of this chapter](#)).

C. Nonconforming Situations: See section [10-5-2](#) of this title for provisions related to nonconforming uses and developments. (Ord. 175-07, 6-19-2007)

ARTICLE A. ACCESS AND CIRCULATION

10-3A-1: PURPOSE:

The purpose of this article is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. Section [10-3A-2](#) of this article provides standards for vehicular access and circulation. Section [10-3A-3](#) of this article provides standards for pedestrian access and circulation. Standards for streets and other transportation system improvements are provided in section [10-3D-2](#) of this chapter. (Ord. 175-07, 6-19-2007)

10-3A-2: VEHICULAR ACCESS AND CIRCULATION:

A. Intent And Purpose: The intent of this section is to manage access to land uses and on site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This section implements the access management policies of the city's transportation system plan.

B. Applicability: This article applies to all public streets within the city and to all properties that abut these streets. The standards apply when lots are created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation, and when properties are subject to land use review or site design review.

C. Access Permit Required: Access to a public street (e.g., a new curb cut or driveway approach) requires an access permit. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, approval of an access permit shall follow the procedures and requirements of the applicable road authority, as determined through the review procedures in [chapter 4](#) of this title.

D. Traffic Study Requirements: The city may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with section [10-4A-9](#) of this title.

E. Conditions Of Approval: The city may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

F. Corner And Intersection Separation; Backing Onto Public Streets: New and modified accesses shall conform to the following standards:

1. Except as provided under subsection F3 of this section, the distance from a street intersection to a driveway or other street access shall meet the minimum spacing requirements for the street's classification in the city's transportation system plan, as shown in the following table:

TABLE 10-3A-2F1a
MINIMUM INTERSECTION SPACING STANDARDS

Functional Classification	Public Street (Feet)	Private Access Drive (Feet)
Regional highway	1/4 mile	600
Arterial	600	600
Collector	300	60
Local	300	15

TABLE 10-3A-2F1b
HIGHWAY ACCESS MANAGEMENT STANDARDS
(1999 OREGON HIGHWAY PLAN)

Classification	Intersection				Signal Spacing	Median Control
	Public Road		Private Drive			
	Type	Spacing	Type	Spacing		
Regional highway	At grade/ interchange	1/4 mile	Left/right turns	600 feet	1/2 mile	Partial/ none

2. Access to and from off street parking areas shall not permit backing onto a public street, except for single-family dwellings.

3. Access points not meeting the specified spacing requirements for the facility will require an access variance. The access variance will be reviewed by the city and county for all other facilities within the urban growth boundary. Variances will be allowed under the following conditions:

a. The parcel's street frontage, topography, or location would otherwise preclude issuance of a conforming access point;

b. Alternative access (crossover easement, shared, side street, and/or rear access) is not available to a parcel; and

c. An approved access variance will provide the parcel with a conditional access permit. The conditional access permit will remain valid until a neighboring (adjacent or across the street) piece of property goes through a land use action or alternative access is provided. The city or county will then have the right to either relocate the conditional access driveway to align with an opposing driveway, eliminate the access and provide crossover access, or consolidate the access with an adjacent parcel.

G. Site Circulation: New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian connections on the site, including connections

through large sites, and connections between sites (as applicable) and adjacent sidewalks, must conform to the provisions in section [10-3A-3](#) of this article.

H. Joint And Cross Access:

1. Requirement: The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the city may require joint access and/or shared driveways in the following situations as follows:

a. For shared parking areas.

b. For adjacent developments, where access onto an arterial is limited.

c. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:

(1) A continuous service drive or cross access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards.

(2) A design speed of ten (10) miles per hour and a maximum width of twenty feet (20'), in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles.

(3) Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross access driveway.

2. Reduction In Required Parking Allowed: When a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provisions of subsection [10-3C-3D](#) of this chapter.

3. Easement And Use And Maintenance Agreement: Pursuant to this section, property owners shall:

a. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive.

b. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the city and preexisting driveways will be closed and eliminated after construction of the joint use driveway.

c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

I. Access Connections And Driveway Design: All driveway connections to a public right of way (access) and driveways shall conform to all of the following design standards:

1. Driveway Width: Driveways shall meet the following standards:

a. One-way driveways (one way in or out) shall have a minimum driveway width of ten feet (10'), and a maximum width of twelve feet (12'), and shall have appropriate signage designating the driveway as a one-way connection.

b. For two-way access, each lane shall have a minimum width of nine feet (9') and a maximum width of eleven feet (11').

TABLE 10-3A-2I
PRIVATE ACCESS DRIVEWAY WIDTH STANDARDS

Land Use	Minimum (Feet)	Maximum (Feet)
Single-family residential	10	20
Multi-family residential	12	24
Commercial	20	40
Industrial	20	40

2. Driveway Approaches: Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas.

3. Driveway Construction: Driveway aprons (when required) shall be constructed of asphalt, concrete, or comparable surfacing, or a durable nonpaving or porous paving material, and shall be installed between the street right of way and the private drive, as shown in figure 3A of this section. Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than three feet (3') in width, with a cross slope not exceeding two percent (2%), and providing for landing areas and ramps at intersections.

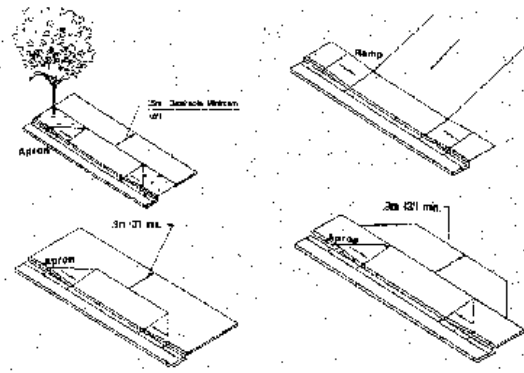


Figure 3A
Examples Of Acceptable Driveway
Openings Next To Sidewalks/Walkways

J. Fire Access And Turnarounds: When required under the uniform fire code, fire access lanes with turnarounds shall be provided. Except as waived in writing by the fire marshal, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than one hundred fifty feet (150') from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed adequate aisle width (14 to 20 feet) and turnaround area for emergency vehicles. The fire marshal may require that fire lanes be marked as "No Stopping/No Parking". For requirements related to cul-de-sacs or dead end streets, please refer to subsection [10-3D-2N](#) of this chapter.

K. Vertical Clearances: Driveways, private streets, aisles, turnaround areas and ramps shall have a minimum vertical clearance of thirteen feet six inches (13'6") for their entire length and width.

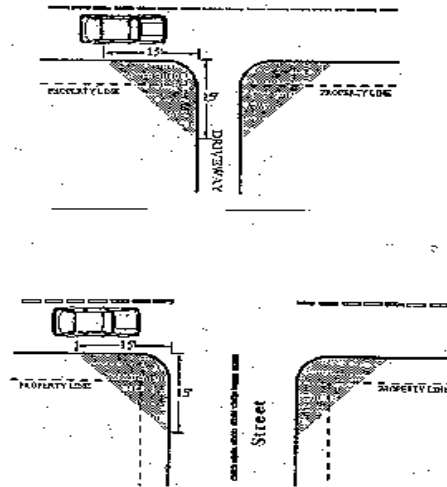
L. Clear Vision Areas: These requirements pertain to all zones. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets or a street and a railroad.

1. A clear vision area shall consist of triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for distance specified in this regulation, or where the lot has rounded corners, the lot line extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two (2) sides. See the example in figure 3B of this section.

2. A clear vision area shall contain no planting, fences, wall, structure, or temporary or permanent obstruction exceeding two and one-half feet (2¹/₂') in height, measured from the top of the curb, or where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet (8') above the grade.

3. The following measurements shall establish clear vision areas:

- a. In residential zone, the minimum distance shall be thirty feet (30') or, at intersections including an alley, ten feet (10').
- b. In all other zones the minimum distance shall be fifteen feet (15'), or at intersections including an alley, ten feet (10'), except that when the angle of intersection between streets other than an alley is less than thirty degrees (30°), the distance shall be twenty five feet (25').
- c. In the C-1 zone, buildings may be built in the clear vision area in order to build to the property line (0 front setback).



*Figure 3B
Clear Vision Area Example*

M. Construction: The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:

1. Surface Options: Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or a durable nonpaving or porous paving material may be used to reduce surface water runoff and protect water quality. Driveway and street materials shall be subject to review and approval by the city planning official or designee.
2. Surface Water Management: When nonporous paving is used, all driveways, parking areas, aisles, and turnarounds shall have on site collection of surface waters to eliminate sheet flow of such waters onto public rights of way and abutting property. Surface water facilities shall be constructed in conformance with [article E of this chapter](#) and applicable engineering standards.
3. Driveway Aprons: When driveway approaches or "aprons" are required to connect driveways to the public right of way, they shall be paved with asphalt, concrete, or comparable surfacing, or a durable nonpaving or porous paving material and conform to the city's engineering design criteria and standard specifications. (See general illustrations in subsection I of this section.) (Ord. 175-07, 6-19-2007)

10-3A-3: PEDESTRIAN ACCESS AND CIRCULATION:

A. Site Layout And Design: To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections A1 through A3 of this section.

1. Continuous Walkway System: The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of section [10-3A-2](#) of this article and section [10-3D-2](#) of this chapter.

2. Safe, Direct, And Convenient: Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:

PRIMARY ENTRANCE: a. For commercial, industrial, mixed use, public, and institutional buildings, is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

b. For residential buildings, is the front door (i.e., facing the street). For multi-family buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.

REASONABLY DIRECT: A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out of direction travel for likely users.

SAFE AND CONVENIENT: Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

3. Connections Within Development: Connections within developments shall be provided as required in the following subsections A3a through A3c of this section:

a. Walkways shall connect all building entrances to one another to the extent practicable;

b. Walkways shall connect all on site parking areas, storage areas, recreational facilities and common areas, and shall connect off site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and

c. Large parking areas shall be broken up so that no contiguous parking area exceeds three (3) acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian accessways (i.e., at least 20 feet total width), streets, or driveways with street like features. Street like features, for the purpose of this section, means a raised sidewalk of at least four feet (4') in width, six inch (6") curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian oriented lighting.

B. Walkway Design And Construction: Walkways, including those provided with pedestrian accessways, shall conform to all of the standards in this subsection, as generally illustrated in figure 3C at the end of this subsection:

1. Vehicle/Walkway Separation: Except for crosswalks (subsection B2 of this section), where a walkway abuts a driveway or street, it shall be raised six inches (6") and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

2. Crosswalks: Where walkways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (e.g., light color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermoplastic striping and similar types of nonpermanent applications may be approved for crosswalks not exceeding twenty four feet (24') in length.

3. Walkway Width And Surface: Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the city planning official or designee, and will conform to the following widths:

a. At least six feet (6') wide in the residential zones when bordering a public street.

b. At least ten feet (10') wide in the commercial zones when bordering a public street. When street trees are required in sidewalk tree wells, walkway width shall be increased to twelve feet (12'). In the C-1 zone, all walkways shall be constructed of concrete.

c. Multiuse paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, and at least twelve feet (12') wide. (See also section [10-3D-2](#) of this chapter, for public, multiuse pathway standard.)

4. Accessible Routes: Walkways shall comply with applicable Americans with disabilities act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

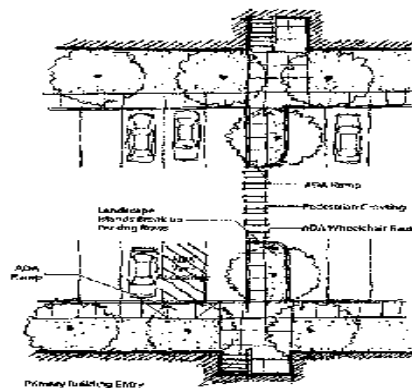


Figure 3C
Pedestrian Walkway Detail (Typical)

(Ord. 175-07, 6-19-2007)

ARTICLE B. LANDSCAPING, STREET TREES, FENCES AND WALLS

10-3B-1: PURPOSE:

The purpose of this article is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences, and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces. This article is organized into the following sections:

A. Section [10-3B-2](#), "Landscaping", of this article sets standards for and requires landscaping of all development sites that require site design review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other relevant standards are provided in [chapter 2](#) of this title, for specific types of development.

B. Section [10-3B-3](#), "Street Trees", of this article sets standards for planting of trees along designated streets for shading, comfort, and aesthetic purposes.

C. Section [10-3B-4](#), "Fences And Walls", of this article sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics. (Ord. 175-07, 6-19-2007)

10-3B-2: LANDSCAPING:

A. Applicability: This section shall apply to all new developments requiring site design review.

B. Landscaping Plan Required: A landscape plan is required. All landscape plans shall conform to the requirements in section [10-4B-5](#) of this title.

C. Landscape Area Standards: The minimum percentage of required landscaping equals:

1. All residential zones: Ten percent (10%) of the site.

2. Downtown commercial (C-1) zone: Five percent (5%) of the site.

3. General commercial (C-2) zone: Ten percent (10%) of the site.

4. Light industrial (M) zone: Fifteen percent (15%) of the site.

D. Landscape Materials: Permitted landscape materials include trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.

1. Existing Vegetation: Existing noninvasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required by a ratio of one inch (1") caliper of new tree(s) for every one inch (1") caliper of existing tree(s) protected.

2. Plant Selection: A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.

3. Removal Of Certain Plants: "Nonnative, invasive" plants, as per subsection B of this section, shall be removed during site development, and the planting of new invasive species is prohibited.

4. Hardscape Features: Hardscape features, i.e., patios, decks, plazas, etc., may cover up to twenty five percent (25%) of the required landscape area; except in the downtown commercial zone (C-1) where hardscape features may cover up to one hundred percent (100%) of the landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

5. Ground Cover Standard: All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with nonplant material (subsection D8 of this section), shall have ground cover plants that are sized and spaced as follows: a minimum of one plant per twelve inches (12") on center in triangular spacing, or other planting pattern that is designed to achieve sixty percent (60%) coverage of the area not covered by shrubs and trees.

6. Tree Size: Trees shall have a minimum diameter or caliper four feet (4') above grade of two inches (2") or greater at time of planting.

7. Shrub Size: Shrubs shall be planted from one gallon containers or larger.

8. Nonplant Ground Covers: Bark dust, chips, aggregate, or other nonplant ground covers may be used, but shall cover no more than thirty five percent (35%) of the area to be landscaped and shall be confined to areas underneath the tree canopy. Those areas must be separated from vehicle maneuvering areas (parking lots, driveways, etc.) by curbs, bollards or other approved elements. Nonplant ground covers cannot be a substitute for ground cover plants.

9. Existing Vegetation: The street tree standards of section [10-3B-3](#) of this article may be waived by the city when existing trees protected within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.

10. Storm Water Facilities: Storm water treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under section [10-3D-5](#) of this chapter, shall be landscaped with water tolerant, native plants, and may be counted towards the minimum landscape requirement.

E. Landscape Design Standards: All yards, parking lots, and required street tree planter strips shall be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:

1. Yard Setback Landscaping: Landscaping in yards shall:

a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes.

b. Use shrubs and trees as wind breaks.

c. Define pedestrian pathways and open space areas with landscape materials.

d. Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants.

e. Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided.

f. Use a combination of plants for year-long color and interest.

g. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.

2. Parking Areas:

a. A minimum of ten percent (10%) of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of "evenly distributed" shade trees with shrubs and/or ground cover plants that conform to the criteria in subsection E1 of this section. The parking area landscaping is in addition to any other applicable landscaping requirements in this article.

b. To encourage the use of shared parking, designated shared parking areas (per subsection [10-3C-3D](#) of this chapter) shall have a minimum of five percent (5%) landscaping.

c. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per six (6) parking spaces on average shall be planted to create a partial tree canopy over and around the parking area.

d. All parking areas with more than fifteen (15) spaces shall include landscape islands with trees to break up the parking area into rows of not more than twelve (12) contiguous parking spaces.

e. All parking area landscapes shall have dimensions of not less than twenty four (24) square feet of area, or not less than four feet (4') in width by six feet (6') in length, to ensure adequate soil, water, and space for healthy plant growth.

3. Buffering And Screening Required: Buffering and screening are required under the following conditions:

a. Parking/Maneuvering Area Adjacent To Streets And Drives: Where a parking or maneuvering area is adjacent and parallel to a street or off site driveway, an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure three (3) to four feet (4') in height shall be established between street and driveway. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security. Evergreen hedges used to comply with this standard shall be a minimum of thirty six inches (36") in height at maturity, and shall be of such species, number, and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative ground cover.

b. Parking/Maneuvering Area Adjacent To Building: Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five feet (5') in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles. Where parking areas are located adjacent to residential ground floor living space, a four foot (4') wide landscape buffer with a curbed edge may fulfill this requirement.

c. Screening Of Mechanical Equipment, Outdoor Storage, Service And Delivery Areas, And Other Screening When Required:

(1) All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and adjacent residential districts. When these or other areas are required to be screened, such screening shall be provided by:

(A) A decorative wall (i.e., masonry or similar quality material);

(B) Evergreen hedge;

(C) Opaque fence complying with section [10-3B-4](#) of this article; or

(D) A similar feature that provides an opaque barrier.

(2) Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with [article A of this chapter](#). (See section [10-3B-4](#) of this article for standards specific to fences and walls.)

d. Flag Lot Screen: In approving a flag lot, the city may require a landscape screen and/or fence be installed along property line(s) of the flag lot, for privacy of adjoining residents, in accordance with the provisions of section [10-4C-4](#) of this title. A flag lot screen shall not be required if the abutting property owner(s) indicate in writing that they do not want a screen or fence; however, the owner may install one at his or her discretion.

F. Maintenance And Irrigation: The use of drought tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All manmade features required by this title shall be maintained in good condition, or otherwise replaced by the owner. (Ord. 175-07, 6-19-2007)

10-3B-3: STREET TREES:

Street trees shall be planted for all new developments in a commercial district that are subject to subdivision or site design review. Requirements for street tree planting strips are provided in table [10-3D-2F](#) of this chapter. Planting of street trees shall generally follow construction of curbs and sidewalks; however, the city may defer tree planting until final inspection of completed structures to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and any applicable road authority requirements:

A. Growth Characteristics: Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the city:

1. Provide a broad canopy where shade is desired, except where limited by available space or except in subsection A4 of this section.
2. Use low growing trees for spaces under low utility wires.
3. Select trees which can be "limbed up" to comply with vision clearance requirements.
4. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage and trees that produce excessive seeds or fruit.

7. Select trees that are well adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought resistant trees should be chosen where they suit the specific soil type.

8. Select trees for their seasonal color, if desired.

9. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.

10. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.

B. Caliper Size: The minimum diameter or caliper size at planting, as measured four feet (4') above grade, shall be two inches (2").

C. Spacing And Location: Street trees shall be planted within the street right of way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, four feet by four feet (4' x 4'). In general, trees shall be spaced no more than thirty feet (30') apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements.

D. Soil Preparation, Planting And Care: The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and irrigation. (Ord. 175-07, 6-19-2007)

10-3B-4: FENCES AND WALLS:

Construction of fences and walls shall conform to all of the following requirements:

A. General Requirements: All fences and walls shall comply with the height limitations of the respective zoning district ([chapter 2](#) of this title) and the standards of this section. The city may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. When required through one of these types of approvals, no further land use review is required. If not part of a prior land use approval, new fences and walls require land use review (type I) approval; if greater than six feet (6') in height, a building permit is also required. (See also, section [10-3B-2](#) of this article for landscape screening wall requirements.)

B. Dimensions:

1. Except as provided under subsections B2 and B3 of this section, the height of fences and walls within a front yard setback shall not exceed four feet (4') as measured from the grade closest to the street right of way.

2. A retaining wall exceeding four feet (4') in height within a front yard setback, which is necessary for site grading and development, may be approved through a land division or site development review.

3. One arbor, gate, or similar garden structure not exceeding eight feet (8') in height and four feet (4') in width is allowed within the front yard, provided that it is not within a clear vision triangle.

4. Walls and fences to be built for required buffers shall comply with this section.

5. Fences and walls shall comply with the vision clearance standards of section [10-3A-2](#) of this chapter.

C. Maintenance: For safety and for compliance with the purpose of this article, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.

D. Materials:

1. Permitted fence and wall materials shall be wood; metal; bricks, stone; stucco, or similar masonry, and nonprohibited evergreen plants.

2. Prohibited fence and wall materials shall be concrete blocks; straw bales; barbed or razor wire; scrap lumber, metal, or other scrap materials; hedges higher than eight feet (8').

3. Fences or walls constructed of brick or masonry exceeding four feet (4') in height shall be subject to review and approval by the city engineer. Those that are taller than six feet (6') also require a building permit. (Ord. 175-07, 6-19-2007)

ARTICLE C. PARKING AND LOADING

10-3C-1: PURPOSE:

The purpose of this article is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize storm water runoff, and maintain the visual character of the community. This article recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e.,

minimum and performance based standards). This article also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community. (Ord. 175-07, 6-19-2007)

10-3C-2: APPLICABILITY:

All developments subject to site design review (chapter 4, article B of this title), including development of parking facilities, shall comply with the provisions of this article. (Ord. 175-07, 6-19-2007)

10-3C-3: AUTOMOBILE PARKING STANDARDS:

A. Minimum Standards By Use:

1. There is no minimum parking standard for development within the C-1 zone. All other standards must comply with the minimum parking standard.
2. The number of required off street vehicle parking spaces shall be determined in accordance with the standards in table [10-3C-3A](#) of this section, or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a type II land use review (or type III review if the request is part of an application that is already subject to type III review).
3. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above.
4. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, shared parking, and designated on street parking.

**TABLE 10-3C-3A
MINIMUM REQUIRED PARKING BY USE**

Use	Minimum Parking Per Land Use (Fractions Rounded Down To The Closest Whole Number)
Residential uses:	
Accessory dwelling	None
Single-family dwelling, including attached and detached dwellings and manufactured homes	2 spaces per unit for detached single-family dwellings and manufactured homes 1 space per unit for attached single-family dwellings

Duplex	3 spaces per duplex
Multi-family	1 space per studio or 1 bedroom unit 1.5 spaces/unit per 2 bedroom unit 2 spaces/unit per 3 bedroom or larger unit
Group living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per 4 bedrooms
Commercial uses:	
Drive-up, drive-in and drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities), per section 10-2B-6 of this title	No requirement. See section 10-2B-6 of this title for queuing area requirements
Bed and breakfast inn	1 space per bedroom
Educational services, not a school (e.g., tutoring or similar services)	2 spaces per 1,000 square feet of floor area
Entertainment, major event	Per CU review (chapter 4, article D of this title)
Offices	2 spaces per 1,000 square feet of floor area
Outdoor recreation, commercial	Per CU review (chapter 4, article D of this title)
Parking lot (when not an accessory use)	Per CU review (chapter 4, article D of this title)
Quick vehicle servicing or vehicle repair (see also drive-up, drive-in and drive-through uses, per section 10-2B-6 of this title)	2 spaces, or per CU review (chapter 4, article D of this title)
Retail sales and service (see also drive-up uses):	
Retail	2 spaces per 1,000 square feet, except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 per 1,000 square feet
Restaurants and bars	8 spaces per 1,000 square feet of floor area
Health clubs, gyms, continuous entertainment (e.g., bowling alleys)	3 spaces per 1,000 square feet
Lodging (hotels, motels, inns) (see also bed and breakfast inns)	0.75, per rentable room; for associated uses, such as restaurants, entertainment uses, and bars, see above
Theaters and cinemas	1 per 6 seats
Self-service storage	No standard
Industrial uses:	

Industrial service (see also drive-up uses)	1 space per 1,000 square feet of floor area
Manufacturing and production	1 space per 1,000 square feet of floor area
Warehouse and freight movement	0.5 space per 1,000 square feet of floor area
Waste related	Per CU review (chapter 4, article D of this title)
Wholesale sales	
Fully enclosed	1 space per 1,000 square feet
Not enclosed	Per CU review (chapter 4, article D of this title)
Institutional uses:	
Basic utilities	None
Community service	1 space per 200 square feet of floor area
Daycare, adult or child daycare; does not include family daycare (12 or fewer children) under Oregon Revised Statutes 657A.250	1 space per 500 square feet of floor area
Parks and open space	Determined per CU review (chapter 4, article D of this title) for active recreation areas, or no standard
Religious institutions and houses of worship	1 space per 75 square feet of main assembly area; or per CU review, as applicable
Schools:	
Grade, elementary, middle, junior high schools	1 space per classroom, or per CU review (chapter 4, article D of this title)
High schools	7 per classroom, or per CU review (chapter 4, article D of this title)
Other uses:	
Accessory uses (with a permitted use)	No standard, except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through land use review, conditional use permit review, or site design review
Agricultural uses	None, or per CU review (chapter 4, article D of this title)
Mining	Determined per CU review (chapter 4, article D of this title)
Radio frequency transmission facilities	None
Temporary uses (limited to P and CU uses), per section 10-4I-1 of this title	As determined per section 10-4I-1 of this title
Transportation facilities	None

B. Minimum Accessible Parking:

1. Accessible parking shall be provided for all uses in accordance with the standards in table [10-3C-3A](#) in this section; parking spaces used to meet the standards in table [10-3C-3B](#) in this section shall be counted toward meeting off street parking requirements in table [10-3C-3A](#) in this section.
2. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway.
3. Accessible spaces shall be grouped in pairs where possible.
4. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces.
5. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than forty two inches (42") and no more than seventy two inches (72") above pavement level. Van spaces shall be specifically identified as such.

TABLE 10-3C-3B
MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES
Source: ADA Standards For Accessible Design 4.1.2(5)

Total Number Of Parking Spaces Provided (Per Lot)	Total Minimum Number Of Accessible Parking Spaces (With 60 Inch Access Aisle, Or 96 Inch Aisle For Vans¹)	Van Accessible Parking Spaces With Minimum 96 Inch Wide Access Aisle	Accessible Parking Spaces With Minimum 60 Inch Wide Access Aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
100 or greater	5	1	4

Note:

1. Vans and cars may share access aisles.

C. On Street Parking: On street parking shall conform to the following standards:

1. Dimensions: The following constitutes one on street parking space:

- a. Parallel parking, each twenty two feet (22') of uninterrupted curb.
- b. Forty five degree (45°) diagonal, each with twelve feet (12') of curb.
- c. Ninety degree (90°) (perpendicular) parking, each with twelve feet (12') of curb.

2. Location: On street parking may be counted toward the minimum standards in table [10-3C-3A](#) in this section when it is on the block face abutting the subject land use. An on street parking space must not obstruct a required clear vision area and it must not violate any law or street standard.

3. Public Use Required For Credit: On street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on street spaces are prohibited.

D. Shared Parking: Required parking facilities for two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. The city may approve owner requests for shared parking through land use review.

E. Off Site Parking: Except for single-family dwellings, the vehicle parking spaces required by this article may be located on another parcel of land, provided the parcel is within one-fourth ($\frac{1}{4}$) mile of the use it serves and the city has approved the off site parking through land use review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

F. General Parking Standards:

1. Location: Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this title. [Chapter 2](#) of this title prescribes parking location for some land uses (e.g., the requirement that parking for some multiple-family and commercial developments be located to side or rear of buildings), and [article A of this chapter](#), provides design standards for driveways. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right of way, pedestrian accessway, landscape, or other undesignated area.

2. Mixed Uses: If more than one type of land use occupies a single structure or parcel of land, the total requirements for off street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). The city may reduce the total parking required accordingly through land use review.

3. Availability Of Facilities: Owners of off street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs shall conform to the standards of [article G of this chapter](#).

4. Lighting: Parking areas shall have lighting to provide at least two (2) foot-candles of illumination over parking spaces and walkways. Light standards shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential district or use.

5. Screening Of Parking Areas: Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses, per subsection [10-3B-2E](#) of this chapter.

G. Parking Stall Design And Minimum Dimensions: All off street parking spaces shall be improved to conform to city standards for surfacing, storm water management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in figure 3D, and table [10-3C-3F](#) in this subsection:

1. Motor vehicle parking spaces shall measure nine feet six inches (9'6") wide by twenty feet (20') long or by eighteen feet (18') long, with not more than a two foot (2') overhang when allowed.

2. All parallel motor vehicle parking spaces shall measure nine feet six inches by twenty four feet (9'6" x 24').

3. Parking area layout shall conform to the dimensions in figure 3D and table [10-3C-3F](#) in this subsection.

4. Parking areas shall conform to Americans with disabilities act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to federal ADA guidelines.

5. Bicycle parking shall be on a two foot by six foot (2' x 6') minimum concrete pad per bike, or within a garage or patio of residential use.

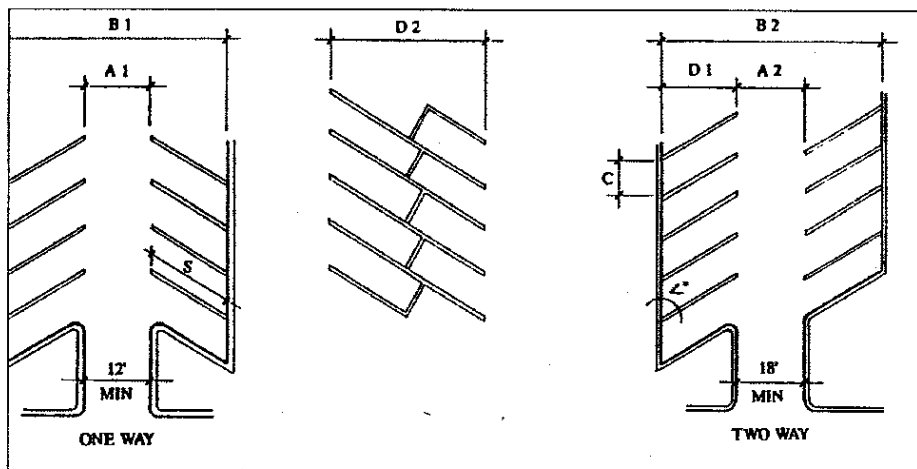


Figure 3D
Parking Area Layout

TABLE 10-3C-3F
PARKING AREA LAYOUT¹

	Parking Angle <°	Curb Length	Stall Depth		Aisle Width		Bay Width		Stripe Length
			Single D1	Double D2	One-Way A1	Two-Way A2	One-Way B1	Two-Way B2	
Standard Space	90°	8'6"	18'	36'	23'	23'	59'	59'	18'
	60°	10'	20'	40'	17'	18'	57'	58'	23'
	45°	12'	18'6"	37'	13'	18'	50'	55'	26'6"
	30°	17'	16'6"	33'	12'	18'	45'	51'	32'8"
	0°	22'	8'6"	17'	12'	18'	29'	35'	8'6"

Note:

1. See also [chapter 2](#), land use district standards of this title, for parking location requirements for some multi-family and commercial land uses; article A, "Access And Circulation", of this chapter for driveway standards; and article B, "Landscaping, Street Trees, Fences And Walls", of this chapter.

(Ord. 175-07, 6-19-2007)

10-3C-4: BICYCLE PARKING STANDARDS:

All uses that are subject to site design review shall provide bicycle parking, in conformance with the standards in table [10-3C-4A](#) and subsections A through G of this section.

A. Minimum Required Bicycle Parking Spaces: Uses shall provide bicycle parking spaces, as designated in the following table:

TABLE 10-3C-4A
MINIMUM REQUIRED BICYCLE PARKING SPACES

Use	Specific Uses	Required Number Of Spaces (Near Building Entry)

Residential categories:		
Household living	Multi-family	2, or 1 per 20 units
Commercial categories:		
Retail sales and service		2
Office		2
Institutional categories:		
Community service		2
Parks (active recreation areas only)		8, or per CU review
Schools	Grades 2-5	1 per classroom, or per CU review
	Grades 6-12	4 per school, or per CU review
Religious institutions and places of worship		2

B. Exemptions: This section does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses.

C. Location And Design: Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty feet (50'), whichever is less. Covered bicycle parking should be incorporated whenever possible into building design. When allowed within a public right of way, bicycle parking should be coordinated with the design of street furniture, as applicable.

D. Visibility And Security: Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

E. Lighting: For security, bicycle parking shall be at least as well lit as vehicle parking.

F. Reserved Areas: Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

G. Hazards: Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards ([article A of this chapter](#)). (Ord. 175-07, 6-19-2007)

10-3C-5: LOADING AREAS:

A. Purpose: The purpose of this section is to provide standards: 1) for a minimum number of off street loading spaces that will ensure adequate loading areas for large uses and developments; and 2) to ensure that the appearance of loading areas is consistent with that of parking areas.

B. Applicability: This section applies to nonresidential and mixed use buildings with twenty thousand (20,000) square feet or more total floor area.

C. Number Of Loading Spaces:

1. Residential Buildings: Buildings where all of the floor area is in residential use shall meet the following standards:

a. Fewer than fifty (50) dwelling units on a site that abuts a local street: No loading spaces are required.

b. All other buildings: One space.

2. Nonresidential And Mixed Use Buildings: Buildings where any floor area is in nonresidential use shall meet the following standards:

a. Less than twenty thousand (20,000) square feet total floor area: No loading spaces required.

b. Twenty thousand (20,000) to fifty thousand (50,000) square feet of total floor area: One loading space.

c. More than fifty thousand (50,000) square feet of total floor area: Two (2) loading spaces.

D. Size Of Spaces: Required loading spaces shall be at least thirty five feet (35') long and ten feet (10') wide, and shall have a height clearance of at least thirteen feet (13').

E. Placement, Setbacks, And Landscaping: Loading areas shall conform to the setback and perimeter landscaping standards in [chapter 2](#) of this title and this chapter. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right of way through site design review or conditional use permit review, as applicable, where it finds that loading and unloading operations are short in duration (i.e., less than one hour), do not obstruct traffic during peak traffic hours, and do not interfere with emergency response services. (Ord. 175-07, 6-19-2007)

ARTICLE D. PUBLIC FACILITIES

10-3D-1: PURPOSE AND APPLICABILITY:

A. Purpose: The purpose of this article is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this article is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth

and provide a range of transportation options, including options for driving, walking and bicycling. This article is also intended to implement the city's transportation system plan.

B. When Standards Apply: Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the city shall occur in accordance with the standards of this article. No development may occur unless the public facilities related to development comply with the public facility requirements established in this article.

C. Engineering Design Criteria, Standard Specifications And Details: The standard specifications for public works construction, Oregon chapter APWA, shall be a part of the city's adopted installation standards; other standards may also be required upon recommendation of the city engineer. The design criteria, standard construction specifications and details maintained by the city engineer, or any other road authority with jurisdiction, shall supplement the general design standards of this title. The city's specifications, standards, and details are hereby incorporated into this title by reference.

D. Conditions Of Development Approval: No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this title. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact. (Ord. 175-07, 6-19-2007)

10-3D-2: TRANSPORTATION STANDARDS:

A. Development Standards: The following standards shall be met for all new uses and developments:

1. All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street.
2. Streets within or adjacent to a development shall be improved in accordance with the transportation system plan and the provisions of this article.
3. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable road authority.
4. New streets and drives shall be paved as appropriate with asphalt, concrete, or comparable surfacing, or a durable non-paving or porous paving material.

B. Guarantee: The city may accept a future improvement guarantee (e.g., owner agrees not to object to the formation of a local improvement district in the future) in lieu of street improvements, if one or more of the following conditions exist:

1. A partial improvement may create a potential safety hazard to motorists or pedestrians;
2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
3. The improvement would be in conflict with an adopted capital improvement plan; or
4. The improvement is associated with an approved land partition in the R-1, R-2 or MF district, and the proposed land partition does not create any new streets.

C. Creation Of Rights Of Way For Streets And Related Purposes: Streets shall be created through the approval and recording of a final subdivision or partition plat; except the city may approve the creation of a street by acceptance of a deed, provided that the street is deemed in the public interest by the city council for the purpose of implementing the transportation system plan, and the deeded right of way conforms to the standards of this title.

D. Creation Of Access Easements: The city may approve an access easement when the easement is necessary to provide for access and circulation in conformance with [article A of this chapter](#). Access easements shall be created and maintained in accordance with the uniform fire code section 10.207.

E. Street Location, Width And Grade: Except as noted below, the location, width and grade of all streets shall conform to the transportation system plan and an approved street plan or subdivision plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the city engineer in accordance with the design standards in subsection O of this section; and
2. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
 - a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this article; or
 - b. Conform to a street plan adopted by the city if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan

shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.

F. Minimum Rights Of Way And Street Sections: Street rights of way and improvements shall be the widths in table [10-3D-2F](#) in this subsection. A variance shall be required to vary the standards in said table. The variance shall address unique and specific conditions as determined by the decision making authority based upon the following factors:

1. Street classification in the transportation system plan;
2. Anticipated traffic generation;
3. On street parking needs;
4. Sidewalk and bikeway requirements based on anticipated level of use;
5. Requirements for placement of utilities;
6. Street lighting;
7. Minimize drainage and slope;
8. Street tree location, as provided for in [article B of this chapter](#);
9. Safety and comfort for motorists, bicyclists, and pedestrians;
10. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
11. Access needs for emergency vehicles; and
12. Transition between different street widths (i.e., existing streets and new streets).

TABLE 10-3D-2F
STREET STANDARDS

Classification	Right Of Way	Turn Lanes	Travel Lanes	Bike Lanes	Sidewalks	On Street Parking	Landscape Strip/Street Trees
Commercial main street	60'	No	10'	Shared roadway	10' on both sides	7' on both sides	5' swale (drainage). Street trees required per section 10-3B-3 of this chapter
Local residential street	50'	No	10'	Shared roadway	6' on both sides	7' on both sides	7' swale (parking, drainage). Street trees required per section 10-

G. Subdivision Street Connectivity: All subdivisions shall conform to all the following access and circulation design standards, as applicable:

1. **Connectivity To Abutting Lands:** The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turnaround, unless specifically exempted by the public works director, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

2. **When Abutting An Arterial Street:** Property access to abutting arterials shall be minimized. Where such access is necessary, shared driveways may be required in conformance with section [10-3A-2](#) of this chapter. If vehicle access off a secondary street is possible, then the road authority may prohibit access to the arterial.

3. **Continuation Of Streets:** Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in subsection G4 of this section, and to avoid or minimize through traffic on local streets. Appropriate design and traffic control and traffic calming measures, as provided in subsection H of this section, are the preferred means of discouraging through traffic.

4. **Street Connectivity And Formation Of Blocks:** In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments of more than two (2) acres shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two (2) streets or a street and its nearest accessway):

a. **Residential districts:** Minimum of one hundred foot (100') block length and maximum of six hundred foot (600') length; maximum one thousand four hundred foot (1,400') block perimeter;

b. **Downtown commercial district:** Minimum of one hundred foot (100') length and maximum of four hundred foot (400') length; maximum one thousand two hundred foot (1,200') perimeter;

c. **General commercial districts:** Minimum of one hundred foot (100') length and maximum of six hundred foot (600') length; maximum one thousand four hundred foot (1,400') perimeter;

d. Not applicable to the industrial districts.

5. **Accessway Standards:** Where a street connection in conformance with the maximum block length standards in subsection C4 of this section is impracticable, an accessway shall be provided at or

near the middle of a block in lieu of the street connection. The city may also require developers to provide an accessway where a cul-de-sac or other street is planned and the accessway would connect the streets or provide a connection to other developments. Such accessways shall conform to all of the following standards:

- a. Accessways shall be no less than ten feet (10') wide and located within a right of way or easement allowing public access and, as applicable, emergency vehicle access;
- b. If the streets within the subdivision or neighborhood are lighted, all accessways in the subdivision shall be lighted. Accessway illumination shall provide at least two (2) foot-candles;
- c. A right of way or public access easement provided in accordance with subsection G5b of this section that is less than twenty feet (20') wide may be allowed on steep slopes where the decision body finds that stairs, ramps, or switchback paths are required;
- d. All accessways shall conform to applicable ADA requirements;
- e. The city may require landscaping as part of the required accessway improvement to buffer pedestrians from adjacent vehicles; provided, that landscaping or fencing adjacent to the accessway does not exceed four feet (4') in height; and
- f. Accessway standards may be modified by the decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists.

H. Traffic Signals And Traffic Calming Features:

1. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the highway capacity manual and manual of uniform traffic control devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed in conformance with the road authority's requirements. The developer's cost and the timing of improvements shall be included as a condition of development approval.
2. When an intersection meets or is projected to meet traffic signal warrants, the city may accept alternative mitigation, such as a roundabout, in lieu of a traffic signal, if approved by the city engineer and applicable road authority.
3. The city may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

I. Future Street Plan And Extension Of Streets:

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the

pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within three hundred fifty feet (350') surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development.

2. Streets shall be extended to the boundary lines of the parcel or tract to be developed when the city determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to subsections I2a through I2c of this section.

a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.

b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the city or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.

c. Temporary street ends shall provide turnarounds constructed to uniform fire code standards for streets over one hundred fifty feet (150') in length. See also section [10-3A-2](#) of this chapter.

J. Street Alignment, Radii, And Connections:

1. Staggering of streets making "T" intersections at collectors and arterials shall be designed so that offsets are at least three hundred feet (300'), as measured from the centerline of the street.

2. Spacing between local street intersections shall have a minimum separation of one hundred twenty five feet (125'), except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (offset) intersections.

3. All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this title. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than fifteen percent (15%) for a distance of two hundred fifty feet (250') or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

4. Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.

5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to block length standards in this section.

6. Corner curb radii shall be at least twenty feet (20'), except where smaller radii are approved by the city engineer.

K. Sidewalks, Planter Strips, Bicycle Lanes: Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in table [10-3D-2F](#) of this section, applicable provisions of transportation system plan, the comprehensive plan, and adopted street plans. Maintenance of sidewalks and planter strips in the right of way is the continuing obligation of the adjacent property owner.

L. Intersection Angles: Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:

1. Streets shall have at least twenty five feet (25') of tangent adjacent to the right of way intersection unless topography requires a lesser distance;
2. Intersections which are not at right angles shall have a minimum corner radius of twenty feet (20') along the right of way lines of the acute angle; and
3. Right of way lines at intersection with arterial streets shall have a corner radius of not less than twenty feet (20').

M. Existing Rights Of Way: Whenever existing rights of way adjacent to a proposed development are less than standard width, additional rights of way shall be provided at the time of subdivision or development, subject to the provisions of this section.

N. Cul-De-Sacs: A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this title preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

1. The cul-de-sac shall not exceed a length of three hundred feet (300'); the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;
2. The cul-de-sac shall terminate with a circular or hammerhead turnaround meeting the uniform fire code. Circular turnarounds shall have a radius of no less than forty feet (40'), and not more than a radius of forty five feet (45') (i.e., from center to edge of pavement); except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane of twenty feet (20') in width; and
3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle accessway connection between it and adjacent streets accessways, parks, or other rights of way. Such accessways shall conform to section [10-3A-3](#) of this chapter.

O. Grades And Curves: Grades shall not exceed ten percent (10%) on arterials, twelve percent (12%) on collector streets, or twelve percent (12%) on any other street, and:

1. Centerline curve radii shall not be less than seven hundred feet (700') on arterials, five hundred feet (500') on major collectors, three hundred fifty feet (350') on minor collectors, or one hundred feet (100') on other streets; and

2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent (5%) or less. Landings are that portion of the street within twenty feet (20') of the edge of the intersecting street at full improvement.

P. Curbs, Curb Cuts, Ramps, And Driveway Approaches: Concrete curbs, curb cuts, wheelchair ramps, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified in [article A of this chapter](#).

Q. Residential Subdivisions Adjoining Arterial Streets: Where a residential subdivision adjoins or is crossed by an existing or proposed arterial street, the subdivision design shall separate residential access from through traffic and minimize traffic conflicts. (See also the access requirements under section [10-3A-2](#) of this chapter.) The subdivision design shall include one or more of the following:

1. A parallel access street (frontage road) along the arterial with a landscape median (raised curbs) of not less than ten feet (10') in width separating the two (2) streets;

2. Deep lots (120 feet or greater) abutting the arterial or major collector to provide adequate buffering with frontage along another street;

3. Screen planting within a nonaccess reservation (e.g., public easement or tract) of not less than five feet (5') in width at the rear or side property line along the arterial; or

4. Other treatment approved by the city that is consistent with the purpose of this section.

R. Alleys, Public Or Private: Alleys shall conform to the standards in table [10-3D-2F](#) in this section. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than twelve feet (12').

S. Private Streets: Private streets shall conform to city standards of construction and shall provide sidewalks or pathways as approved by the city. Private streets shall not be used to avoid public access connectivity required by this article. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited; and

T. Street Names: No new street name shall be used which will duplicate or be confused with the names of existing streets in Morrow County. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.

U. Survey Monuments: Upon completion of a street improvement and prior to acceptance by the city, it shall be the responsibility of the developer's registered professional land surveyor to provide

certification to the city that all boundary and interior monuments shall be reestablished and protected.

V. Street Signs: The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

W. Mailboxes: Plans for mailboxes shall be approved by the United States postal service.

X. Streetlight Standards: Streetlights shall be installed in accordance with city standards. (Ord. 175-07, 6-19-2007)

10-3D-3: PUBLIC USE AREAS:

A. Parks, Playgrounds, And Recreation Areas:

1. Recreation Standards: Land shall be reserved for parks and playgrounds or other recreation purposes. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access, for the particular purposes envisioned by the city. When recreation areas are required, the number of acres to be reserved shall be determined from table [10-3D-3A](#) in this subsection, which has been prepared on the basis of providing three (3) acres of recreation area for every one hundred (100) dwelling units. The developer shall dedicate all such recreation areas to the city as a condition of final subdivision or partition approval.

2. Other Recreation Reservations: The provisions of this section are minimum standards. None of the above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this subsection.

TABLE 10-3D-3A
TABLE OF RECREATION REQUIREMENTS

Size Of Lot	Percentage Of Total Land In Subdivision To Be Reserved For Recreation Purposes
80,000 and greater square feet	1.5 percent
50,000 square feet	2.5 percent
40,000 square feet	3.0 percent
35,000 square feet	3.5 percent
25,000 square feet	5.0 percent
15,000 square feet or less	8.0 percent

B. Other Public Uses:

1. Plat To Provide For Public Uses: Whenever a tract to be subdivided includes a school, recreation uses in excess of the requirements of table [10-3D-3A](#) of this section or other public uses as indicated on the comprehensive plan or any portion thereof, such space shall be suitably incorporated by the applicant into his sketch plan. After proper determination of its necessity by the city council and the appropriate local government official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the tentative plan and final plat.

2. Referral To Public Body: The city council shall refer the sketch plan to the public body concerned with acquisition for its consideration and report. The city council may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

3. Notice To Property Owner: Upon a receipt of an affirmative report the city council shall notify the property owner and shall designate on the tentative plan and final plat that area proposed to be acquired by the public body.

4. Duration Of Land Reservation: The acquisition of land reserved by a public agency on the final plat shall be initiated within twelve (12) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a sketch plan of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed twelve (12) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations. (Ord. 175-07, 6-19-2007)

10-3D-4: SANITARY SEWER AND WATER SERVICE IMPROVEMENTS:

A. Sewers And Water Mains Required: Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the city's sanitary sewer master plan, water system master plan, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the city engineer.

B. Sewer And Water Plan Approval: Development permits for sewer and water improvements shall not be issued until the city engineer has approved all sanitary sewer and water plans, in conformance with city standards.

C. Oversizing: The city may require, as a condition of development approval, that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable water, sewer and/or storm drainage master plan, provided that the city may grant the developer credit toward any required system development charge for the same.

D. Inadequate Facilities: Development permits may be restricted by the city where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

E. Sanitary Sewer General Requirements:

1. The applicant shall install sanitary sewer facilities in a manner prescribed by this title. All plans shall be designed in accordance with the rules, regulations and standards of the city and appropriate state and federal agencies. Plans shall be approved by such agencies. Necessary action shall be taken by the applicant to provide sewerage facilities to the subdivision.

2. Sanitary sewerage facilities shall connect with the public sanitary sewerage system. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted.

3. Where public sanitary sewerage systems are not reasonably accessible, the applicant may construct a central sewerage system, the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains.

4. If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

F. Water Facility General Requirements:

1. Action To Provide System: Necessary action shall be taken by the applicant to provide a water supply system capable of adequately meeting domestic water use and fire protection requirements.

2. Installation Of Facilities: Where a public water main is accessible, the applicant shall install adequate water facilities (including fire hydrants) subject to the specifications of state law. All water mains shall be at least six inches (6") in diameter or larger as designated by the city engineer.

3. Conformance With Construction Standards: All water improvements shall conform to the construction standards and specifications adopted by the city council, upon recommendation of the city engineer, and shall be incorporated into the construction plans required to be submitted by the developer for plan approval.

4. Plan And Costs: The location of all fire hydrants and all water supply improvements shall be shown on the tentative plan, and the cost of installing same shall be included in the performance bond or other appropriate guarantee of financial security furnished by the developer.

5. Individual Wells And Central Water Systems:

a. In low density residential zones, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision or partition. Water samples shall be tested, and individual well and central water systems shall be approved in accordance with state requirements. Orders of approval shall be submitted to the city council.

b. If the city council requires that a connection to a public water main eventually be provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat or map has received final approval. Performance or cash bonds may be required to ensure compliance.

6. Fire Hydrants: Fire hydrants shall be required for all subdivisions and partitions except those coming under this subsection. Fire hydrants shall be located no more than five hundred feet (500') apart and within five hundred feet (500') of any structure and shall be approved by the city and appropriate fire district. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat or partition map. (Ord. 175-07, 6-19-2007)

10-3D-5: STORM DRAINAGE IMPROVEMENTS:

A. Oversizing: The city may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable water, sewer and/or storm drainage master plan, provided that the city may grant the developer credit toward any required system development charge for the same.

B. General Requirements:

1. Drainage System Required: All subdivisions or major partitions shall have adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, if constructed shall be designed by a state certified engineer, or other methods as approved by the city council, and a copy of the design computations shall be submitted along with the plans.

2. Accommodation Of Upstream Drainage Areas: A storm water drainage system shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or partition.

3. Effect On Downstream Drainage Areas: Where it is anticipated that the additional runoff incident to the development of the subdivision or partition will overload an existing downstream drainage facility, the city council may withhold approval of the subdivision or partition until provision has been made for the improvement of said potential condition in such sum as the city council shall determine. No subdivision or partition shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

4. Areas Of Poor Drainage: Whenever a plan, plat or map is submitted for an area which is subject to flooding, the city council may approve such subdivision or partition; provided, that the applicant fills the affected area of the subdivision or partition to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve inches (12") above the elevation of the maximum probable flood, as determined by the city engineer. The plan, plat or map or the subdivision or partition shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the city engineer. Development will be discouraged in areas of extremely poor drainage.

5. Floodplain Areas: The city council, when it deems necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, may prohibit the subdivision or partition of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the city council.

6. Dedication Of Drainage Facility:

a. General Requirements: Where a subdivision or partition is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of such watercourse, and of such width and construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

b. Drainage Easements:

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights of way, perpetual unobstructed easements at least fifteen feet (15') in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

(2) When a proposed drainage system will carry water across private land outside the subdivision or partition, appropriate drainage rights must be secured and indicated on the plat.

(3) The applicant shall dedicate, either in fee or by drainage or conservation, easement of land on both sides of existing watercourses, to a distance to be determined by the city council.

(4) Low lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainageways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot. (Ord. 175-07, 6-19-2007)

10-3D-6: UTILITIES:

A. Underground Utilities:

1. Generally: All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed aboveground, temporary utility service facilities during construction, and high capacity electric lines operating at fifty thousand (50,000) volts or above.

2. Subdivisions: The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all aboveground equipment does not obstruct vision clearance areas for vehicular traffic ([article A of this chapter](#)). Wherever existing utility facilities are located aboveground, except those located on public roads and rights of way, they shall be removed and placed underground;

b. The city reserves the right to approve the location of all surface mounted facilities;

c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and

d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

B. Exception To Undergrounding Requirement: The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography or existing development conditions.

C. Easements:

1. Easements centered on rear lot lines shall be provided for utilities (private and municipal); such easements shall be at least ten feet (10') wide. Proper coordination shall be established between the developer and the appropriate utility companies for the establishment of utility easements established in adjoining properties.

2. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten feet (10') in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plan, plat, or map.

3. As determined by the city engineer, all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat. See chapter 4, articles B and C of this title. (Ord. 175-07, 6-19-2007)

10-3D-7: CONSTRUCTION PLAN APPROVAL AND ASSURANCES:

A. Plan Approval And Permit: No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the city, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the city for construction and other services in connection with the improvement. The permit fee shall be set by city council.

B. Performance Guarantee: The city may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See sections [10-4B-4](#) and [10-4C-11](#) of this title. (Ord. 175-07, 6-19-2007)

10-3D-8: INSTALLATION:

A. Conformance Required: Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the city.

B. Adopted Installation Standards: The standard specifications for public works construction, Oregon chapter APWA, shall be a part of the city's adopted installation standard(s); other standards may also be required upon recommendation of the city engineer.

C. Commencement: Work shall not begin until the city has been notified in advance, in writing.

D. Resumption: If work is discontinued for more than one month, it shall not be resumed until the city is notified, in writing.

E. City Inspection: Improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to review under [chapter 4, article F](#), "Modifications To Approved Plans And Conditions Of Approval", of this title. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

F. Engineer's Certification And As Built Plans: A registered civil engineer shall provide written certification in a form required by the city, that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to city acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of as built plans, in conformance with the city engineer's specifications, for permanent filing with the city. (Ord. 175-07, 6-19-2007)

ARTICLE E. SURFACE WATER MANAGEMENT

Reserved

(Ord. 175-07, 6-19-2007)

ARTICLE F. OTHER STANDARDS

10-3F-1: TELECOMMUNICATION FACILITIES:

Reserved for standards for telecommunication facilities, as may be adopted in conformance with the federal telecommunication act (1996). (Ord. 175-07, 6-19-2007)

ARTICLE G. SIGNS

10-3G-1: RESIDENTIAL ZONE REQUIREMENTS:

In a residential zone, the following regulations shall apply:

- A. No sign shall be illuminated in any manner.
- B. One nameplate or home occupation sign shall be allowed per residential unit and shall not exceed four (4) square feet in area.
- C. One sign per lot shall be allowed for advertising the property for sale, lease or rent; no sign shall exceed six (6) square feet in area. A "for sale" sign shall not be allowed to remain on the property after the property is sold.
- D. One sign shall be allowed per subdivision for the purpose of advertising lots or homes for sale. Such sign shall not exceed fifty (50) square feet in area and shall be set back at least twenty feet (20') from the nearest street. (Ord. 175-07, 6-19-2007)

10-3G-2: COMMERCIAL ZONE REQUIREMENTS:

In a commercial zone, the following regulations shall apply:

- A. Signs shall be set back at least ten feet (10') from any residential property line.
- B. Moving or flashing signs are prohibited.
- C. Total area of all signs for a development shall not exceed one square foot per one hundred (100) square feet of the building's ground floor area.
- D. No sign shall project above the roof edge of the building containing the business, which the sign identifies.

E. Signs visible from residential properties shall be shielded or directed so as not to constitute a nuisance to residential property owners and shall not interfere with, confuse, or mislead a vehicle operator. (Ord. 175-07, 6-19-2007)

10-3G-3: INDUSTRIAL ZONE REQUIREMENTS:

In an industrial zone, the following regulations shall apply:

A. Signs shall be set back at least ten feet (10') from any residential property line.

B. Moving or flashing signs are prohibited.

C. Signs visible from residential properties shall be shielded or directed so as not to constitute a nuisance to residential property owners and shall not interfere with, confuse, or mislead a vehicle operator. (Ord. 175-07, 6-19-2007)

CHAPTER 4
ADMINISTRATION OF LAND USE AND DEVELOPMENT

ARTICLE A. TYPES OF REVIEW PROCEDURES

10-4A-1: PURPOSE AND APPLICABILITY OF REVIEW PROCEDURES:

A. Purpose: The purpose of this chapter is to establish standard decision making procedures that will enable the city, the applicant, and the public to reasonably review applications and participate in the local decision making process in a timely and effective way. Table [10-4A-1](#) of this section provides a key for determining the review procedure and the decision making body for particular approvals.

B. Applicability Of Review Procedures: All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure type assigned to each application governs the decision making process for that permit or approval. There are four (4) types of permit/approval procedures: type I, II, III, and IV. These procedures are described in subsections B1 through B4 of this section. Table [10-4A-1](#) of this section lists all of the city's land use and development approvals and their required review procedure(s).

1. Type I Procedure (Administrative): Type I decisions are made by the city planning official, or someone he or she officially designates, without public notice and without a public hearing. All type I decisions must be forwarded to the chair or vice chair of the planning commission for final approval. The type I procedure is used when there are clear and objective approval criteria, and applying city standards and criteria requires no use of discretion.

2. Type II Procedure (Administrative): Type II decisions are made by the city planning official or designee with public notice, and an opportunity for a public hearing, if appealed. All type II decisions must be forwarded to the chair or vice chair of the planning commission for final approval. The appeal of a type II decision is heard by the planning commission.

3. Type III Procedure (Quasi-Judicial): Type III decisions are made by the planning commission after a public hearing, with appeals reviewed by the city council. Type III decisions generally use discretionary approval criteria.

4. Type IV Procedure (Legislative): Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are considered initially by the planning commission with final decisions made by the city council.

TABLE 10-4A-1
SUMMARY OF APPROVALS BY TYPE OF REVIEW PROCEDURE

Approvals ¹	Review Procedures	Applicable Regulations
Building permit	n/a	Building code
Code interpretation	Type II	Article H of this chapter
Code amendment	Type IV	Article G of this chapter
Comprehensive plan amendment	Type IV	Comprehensive plan
Conditional use permit	Type III	Article D of this chapter
Home occupation - major, exceeding the criteria in subsection 1-2A-6F of this title	Type III	Article I of this chapter
Master planned development	Type III	Article E of this chapter
Modification to approval	Type II/III (minor or major)	Article F of this chapter
Land use district map change		
Quasi-judicial (no plan amendment required)	Type III	Article G of this chapter
Legislative (plan amendment)	Type IV	Article G of this chapter
Property line adjustments and lot consolidations	Type I	Article C of this chapter
Lot of record determination	Type I	Section 10-5-3 of this title
Nonconforming use or development confirmation	Type I	Section 10-5-2 of this title
Partition	Type II	Article C of this chapter
Sign permit	Type I	Chapter 3, article G of this title
Land use review	Type I	Article B of this chapter
Site design review	Type III	Article B of this chapter
Subdivision		
Preliminary plan	Type III	Article C of this chapter
Final plat	Type I	Article C of this chapter
Temporary use permit	Type II	Article I of this chapter

Tree removal	Type I	Chapter 3, article B of this title
Variance	Type III	Section 10-5-1 of this title

Note:

1. The applicant may be required to obtain approvals from other agencies, such as a road authority for some types of approvals. The city notifies agencies of applications that may affect their facilities or services.

(Ord. 175-07, 6-19-2007)

10-4A-2: TYPE I PROCEDURE (ADMINISTRATIVE):

A. Application Requirements:

1. Application Forms: Type I applications shall be made on forms provided by the city planning official or designee.

2. Application Requirements: Type I applications shall:

- a. Include the information requested on the application form;
- b. Address the criteria in sufficient detail for review and action; and
- c. Be filed with the required fee.

B. Administrative Decision Requirements: The city planning official or designee's decision shall address all of the approval criteria, including applicable requirements of any road authority. Based on the criteria and the facts contained within the record, the city planning official shall approve or deny the requested permit or action.

C. Final Decision: All type I decisions shall be forwarded to the chair or vice chair of the planning commission for final approval. A written record of the decision shall be provided to the applicant and kept on file at city hall.

D. Effective Date: A type I decision is final on the date it is made. (Ord. 175-07, 6-19-2007)

10-4A-3: TYPE II PROCEDURE (ADMINISTRATIVE):

A. Preapplication Conference: A preapplication conference is required for type II reviews. Preapplication conference requirements and procedures are in section [10-4A-6](#) of this article.

B. Application Requirements:

1. Application Forms: Type II applications shall be made on forms provided by the city planning official or designee.

2. Submittal Information: The application shall:

a. Include the information requested on the application form.

b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision making. Note: Additional information may be required under the specific application requirements for each approval, e.g., article B, "Land Use And Site Design Review", article C, "Land Divisions And Property Line Adjustments", article F, "Modifications To Approved Plans And Conditions Of Approval", article H, "Code Interpretations", and article I, "Miscellaneous Permits", of this chapter.

c. Be accompanied by the required fee.

d. Include one set of prestamped and preaddressed envelopes for all real property owners of record who will receive a notice of the application as required in subsection [10-4A-4C](#) of this article. The records of the Morrow County assessor's office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the city's fee list, the city shall prepare the public notice mailing list. The city or the applicant shall use the most current county real property assessment records to produce the notice list. The city shall mail the notice of application.

C. Notice Of Application For Type II Administrative Decision:

1. Before making a type II administrative decision, the city planning official or designee shall mail notice to:

a. All owners of record of real property within a minimum of two hundred fifty feet (250') of the subject site;

b. All city recognized neighborhood groups or associations whose boundaries include the site;

c. Any person who submits a written request to receive a notice; and

d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city. The city may notify other affected agencies. The city shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.

2. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the type II decision is made. The goal of this notice is to invite people to participate early in the decision making process.

3. Notice of a pending type II administrative decision shall:

- a. Provide a fourteen (14) day period for submitting written comments before a decision is made on the permit.
- b. List the relevant approval criteria by name and number of code sections.
- c. State the place, date and time the comments are due, and the person to whom the comments should be addressed.
- d. Include the name and telephone number of a contact person regarding the administrative decision.
- e. Describe proposal and identify the specific permits or approvals requested.
- f. Describe the street address or other easily understandable reference to the location of the site.
- g. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the land use board of appeals or circuit court on that issue. Only comments on the relevant approval criteria are considered relevant evidence.
- h. State that all evidence relied upon by the city planning official or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the city.
- i. State that after the comment period closes, the city planning official or designee shall issue a type II administrative decision, and that the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
- j. Contain the following notice:

Notice to mortgagee, lien holder, vendor, or seller: The City of Irrigon Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

D. Administrative Decision Requirements: The city planning official or designee shall make a type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the city planning official or designee shall approve, approve with conditions, or deny the requested permit or action.

E. Notice Of Decision:

1. Within five (5) days after the city planning official or designee signs the decision, a notice of decision shall be sent by mail to:

a. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;

b. Any person who submits a written request to receive notice, or provides comments during the application review period;

c. Any city recognized neighborhood group or association whose boundaries include the site; and

d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city, and other agencies that were notified or provided comments during the application review period.

2. The city planning official or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.

3. The type II notice of decision shall contain:

a. A description of the applicant's proposal and the city's decision on the proposal (i.e., may be a summary);

b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;

c. A statement of where the city's decision can be obtained;

d. The date the decision shall become final, unless appealed;

e. A statement that all persons entitled to notice may appeal the decision; and

f. A statement briefly explaining how to file an appeal, the deadline for filing an appeal, and where to obtain further information concerning the appeal process.

F. Final Decision And Effective Date: All type II decisions shall be forwarded to the chair or vice chair of the planning commission for final approval. A type II decision is final for purposes of appeal, when it is mailed by the city. A type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

G. Appeal: A type II administrative decision may be appealed to the planning commission as follows:

1. Who May Appeal: The following people have legal standing to appeal a type II administrative decision:

- a. The applicant or owner of the subject property.
- b. Any person who was entitled to written notice of the type II administrative decision.
- c. Any other person who participated in the proceeding by submitting written comments.

2. Appeal Filing Procedure:

a. Notice Of Appeal: Any person with standing to appeal, as provided in subsection G1 of this section, may appeal a type II administrative decision by filing a notice of appeal according to the following procedures.

b. Time For Filing: A notice of appeal shall be filed with the city planning official or designee within fourteen (14) days of the date the notice of decision was mailed.

c. Content Of Notice Of Appeal: The notice of appeal shall contain:

- (1) An identification of the decision being appealed, including the date of the decision.
- (2) A statement demonstrating the person filing the notice of appeal has standing to appeal.
- (3) A statement explaining the specific issues being raised on appeal.
- (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
- (5) Filing fee.

3. Scope Of Appeal: The appeal of a type II administrative decision by a person with standing shall be a hearing de novo before the planning commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the type II administrative review. The planning commission may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

4. Appeal Procedures: Type III notice, hearing procedures and decision process shall also be used for all type II administrative appeals, as provided in subsections [10-4A-4C](#) through E of this article.

5. Further Appeal To City Council: The decision of the planning commission regarding an appeal of a type II administrative decision is the final decision of the city unless appealed to city council. An appeal to city council shall follow the same notification and hearing procedures as for the planning commission hearing. The decision of the city council on an appeal is final and effective on the date it is mailed by the city. The city council's decision may be appealed to the state land use board of appeals pursuant to Oregon Revised Statutes 197.805 through 197.860. (Ord. 175-07, 6-19-2007)

10-4A-4: TYPE III PROCEDURE (QUASI-JUDICIAL):

A. Preapplication Conference: A preapplication conference is required for all type III applications. The requirements and procedures for a preapplication conference are described in subsection [10-4A-6C](#) of this article.

B. Application Requirements:

1. Application Forms: Type III applications shall be made on forms provided by the city planning official or designee; if a type II application is referred to a type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.

2. Submittal Information: When a type III application is required, it shall:

a. Include the information requested on the application form.

b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision making. Note: Additional information may be required under the specific application requirements for each approval, e.g., article B, "Land Use And Site Design Review", article C, "Land Divisions And Property Line Adjustments", article F, "Modifications To Approved Plans And Conditions Of Approval", article H, "Code Interpretations", and article I, "Miscellaneous Permits", of this chapter.

c. Be accompanied by the required fee.

d. Include one set of prestamped and preaddressed envelopes for all real property owners of record who will receive a notice of the application as required in subsection C of this section. The records of the Morrow County assessor's office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the city's fee list, the city shall prepare the public notice mailing list. The city or the applicant shall use the most current county real property assessment records to produce the notice list. The city shall mail the notice of application.

C. Notice Of Hearing:

1. Mailed Notice: The city shall mail the notice of the type III action. The records of the Morrow County assessor's office are the official records for determining ownership. Notice of a type III action shall be given by the city planning official or designee in the following manner:

a. At least twenty (20) days before the hearing date, notice shall be mailed to:

(1) The applicant and all owners or contract purchasers of record of the property that is the subject of the application.

(2) All property owners of record within two hundred fifty feet (250') of the site.

(3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city. The city may notify other affected agencies. The city shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting

their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.

(4) Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with Oregon Revised Statutes 227.175.

(5) Any neighborhood or community organization recognized by the city council and whose boundaries include the property proposed for development.

(6) Any person who submits a written request to receive notice.

(7) For appeals, the appellant and all persons who provided testimony in the original decision.

(8) For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with Oregon Revised Statutes 227.175.

b. The city planning official or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.

c. At least fourteen (14) business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the city. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

2. Content Of Notice: Notice of a type III action mailed and published per subsection C1 of this section shall contain the following information:

a. The nature of the application and the proposed land use or uses that could be authorized for the property;

b. The applicable criteria and standards from this title that apply to the application;

c. The street address or other easily understood geographical reference to the subject property;

d. The date, time, and location of the public hearing;

e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the state land use board of appeals;

f. The name of a city representative to contact and the telephone number where additional information on the application may be obtained;

g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at city hall at no cost and that copies shall be provided at a reasonable cost;

h. A statement that a copy of the city's staff report and recommendation to the hearings body shall be available for review at no cost at least seven (7) days before the hearing, and that a copy shall be provided on request at a reasonable cost;

i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

j. The following notice:

Notice to mortgagee, lien holder, vendor, or seller: The City of Irrigon Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

D. Conduct Of Public Hearing:

1. In General: At the commencement of the hearing, the hearings body shall state to those in attendance:

a. The applicable approval criteria and standards that apply to the application or appeal.

b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision.

c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the state land use board of appeals on that issue.

d. Before the conclusion of the initial evidentiary hearing, any participant may ask the planning commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a continuance) per subsection D2 of this section, or by leaving the record open for additional written evidence or testimony per subsection D3 of this section.

2. Continuance: If the planning commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven (7) days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven (7) days, so that they can submit additional written evidence or testimony in response to the new written evidence.

3. Additional Evidence Or Testimony: If the planning commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days after the hearing. Any participant may ask the city in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the planning commission shall reopen the record.

a. When the planning commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony.

b. An extension of the hearing or record granted pursuant to this subsection is subject to the limitations of Oregon Revised Statutes 227.178 ("120 day rule"), unless the continuance or extension is requested or agreed to by the applicant.

c. If requested by the applicant, the city shall allow the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

d. The record shall contain all testimony and evidence that is submitted to the city and that the hearings body has not rejected.

e. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts.

f. The review authority shall retain custody of the record until the city issues a final decision.

4. Review Authority: Participants in a type III action are entitled to an impartial review authority as free from potential conflicts of interest and prehearing ex parte contacts (see subsection D5 of this section) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:

a. At the beginning of the public hearing, hearings body members shall disclose the substance of any prehearing ex parte contacts (as defined in subsection D5 of this section) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly.

b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two (2) years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken.

c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify.

d. If a member of the hearings body abstains or is disqualified, the city shall provide a substitute in a timely manner subject to the impartiality rules in this subsection D4 and subsection D5 of this

section. In this case, a member of the city council appointed by a majority vote of the city council may substitute for a member of the planning commission.

e. If all members of the planning commission abstain or are disqualified, the city council shall be the hearings body. If all members of the city council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be requalified to make a decision.

f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

5. Ex Parte Communications:

a. Members of the hearings body shall not:

(1) Communicate directly or indirectly with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing without giving notice per subsection C of this section.

(2) Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.

b. No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:

(1) Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and

(2) Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.

c. A communication between city staff and the hearings body is not considered an ex parte contact.

6. Presenting And Receiving Evidence:

a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence.

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in this subsection.

c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

E. The Decision Process:

1. **Basis For Decision:** A decision on a type III action shall be based on standards and criteria in this title. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the city as a whole.

2. **Findings And Conclusions:** Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.

3. **Form Of Decision:** The planning commission shall issue a final written order containing the findings and conclusions stated in subsection E2 of this section, which either approves, denies, or approves with specific conditions. The planning commission may also issue appropriate intermediate rulings when more than one permit or decision is required.

4. **Decision Making Time Limits:** A final order for a type III action shall be filed with the city planning official or designee within ten (10) business days after the close of the deliberation.

5. **Notice Of Decision:** Written notice of a type III decision shall be mailed to the applicant and to all participants of record within ten (10) business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

F. Final Decision And Effective Date: The decision on a type III action is final on the date it is mailed by the city. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the city council. The notification and hearings procedures for type III applications on appeal to the city council shall be the same as for the initial hearing.

G. Appeal: Appeals of type III decisions are heard by city council as follows:

1. **Who May Appeal:** The following people have legal standing to appeal a type III decision:

- a. The applicant or owner of the subject property.
- b. Any other person who participated in the proceeding by submitting oral or written comments.

2. **Appeal Filing Procedure:**

a. **Notice Of Appeal:** Any person with standing to appeal, as provided in subsection G1 of this section, may appeal a type III decision by filing a notice of appeal according to the following procedures.

b. Time For Filing: A notice of appeal shall be filed with the city planning official or designee within twelve (12) days of the date the notice of decision was mailed.

c. Content Of Notice Of Appeal: The notice of appeal shall contain the following:

- (1) An identification of the decision being appealed, including the date of the decision.
- (2) A statement demonstrating the person filing the notice of appeal has standing to appeal.
- (3) A statement explaining the specific issues being raised on appeal.
- (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
- (5) Filing fee.

3. Scope Of Appeal: The appeal of a type III decision by a person with standing shall be a hearing de novo before the city council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the planning commission proceedings. The city council may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue raised in the notice of appeal.

4. Appeal Procedures: Type III notice, hearing procedures and decisions process shall also be used for type III appeals, as provided in subsections C through E of this section.

5. Appeal To LUBA: The decision of the city council on appeal of a type III action is the final decision of the city. An appeal of the decision to the land use board of appeals may be filed within twenty one (21) days of the city council's final action pursuant to Oregon Revised Statutes 197.805 through 197.860. (Ord. 175-07, 6-19-2007)

10-4A-5: TYPE IV PROCEDURE (LEGISLATIVE):

A. Preapplication Conference: A preapplication conference is required for all type IV applications initiated by a party other than the city. The requirements and procedures for a preapplication conference are described in subsection [10-4A-6C](#) of this article.

B. Application Requirements:

1. Application Forms: Type IV applications shall be made on forms provided by the city planning official or designee.

2. Submittal Information: The application shall contain:

- a. The information requested on the application form;

b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

c. The required fee; and

d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

C. Notice Of Hearing:

1. Required Hearings: A minimum of two (2) hearings, one before the planning commission and one before the city council, are required for all type IV applications, except annexations where only a hearing by the city council is required.

2. Notification Requirements: Notice of public hearings for the request shall be given by the city planning official or designee in the following manner:

a. At least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with Oregon Revised Statutes 227.186, and mailed to:

(1) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment).

(2) Any affected governmental agency.

(3) Any person who requests notice in writing.

(4) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with Oregon Revised Statutes 227.175.

(5) Owners of airports shall be notified of a proposed zone change in accordance with Oregon Revised Statutes 227.175.

b. At least ten (10) days before the scheduled planning commission public hearing date, and fourteen (14) days before the city council hearing date, public notice shall be published in a newspaper of general circulation in the city.

c. The city planning official or designee shall:

(1) For each mailing of notice, file an affidavit of mailing in the record as provided by subsection C2a of this section; and

(2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection C2b of this section.

d. The Oregon department of land conservation and development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least forty five (45) days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD certificate of mailing.

e. Notifications for annexation shall follow the provisions of this chapter.

3. Content Of Notices: The mailed and published notices shall include the following information:

a. The number and title of the file containing the application, and the address and telephone number of the city planning official or designee's office where additional information about the application can be obtained;

b. The proposed site location;

c. A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;

d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the council and available at city hall (see subsection E of this section); and

e. Each mailed notice required by subsection D of this section shall contain the following statement:

Notice to mortgagee, lien holder, vendor, or seller: The Irrigon Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

4. Failure To Receive Notice: The failure of any person to receive notice shall not invalidate the action, providing:

a. Personal notice is deemed given where the notice is deposited with the United States postal service.

b. Published notice is deemed given on the date it is published.

D. Hearing Process And Procedure:

1. Unless otherwise provided in the rules of procedure adopted by the city council:

a. The presiding officer of the planning commission and of the city council shall have the authority to:

(1) Regulate the course, sequence, and decorum of the hearing;

(2) Direct procedural requirements or similar matters; and

(3) Impose reasonable time limits for oral presentations.

b. No person shall address the commission or the council without:

(1) Receiving recognition from the presiding officer; and

(2) Stating their full name and address.

c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.

2. Unless otherwise provided in the rules of procedures adopted by the council, the presiding officer of the commission and of the council shall conduct the hearing as follows:

a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision making, and whether the decision which will be made is a recommendation to the city council or the final decision of the council;

b. The city planning official or designee's report and other applicable staff reports shall be presented;

c. The public shall be invited to testify;

d. The public hearing may be continued to allow additional testimony or it may be closed; and

e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

E. Continuation Of Public Hearing: The planning commission or the city council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

F. Decision Making Criteria: The recommendation by the planning commission and the decision by the city council shall be based on the following factors:

1. Approval of the request is consistent with the statewide planning goals;

2. Approval of the request is consistent with the comprehensive plan; and

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

G. Approval Process And Authority:

1. The planning commission shall:

a. After notice and a public hearing, vote on and prepare a recommendation to the city council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and

b. Within fourteen (14) business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the city planning official or designee.

2. Any member of the planning commission who votes in opposition to the planning commission's majority recommendation may file a written statement of opposition with the city planning official or designee before the council public hearing on the proposal. The city planning official or designee shall send a copy to each council member and place a copy in the record.

3. If the planning commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within sixty (60) days of its first public hearing on the proposed change, the city planning official or designee shall:

a. Report the failure together with the proposed change to the city council; and

b. Provide notice and put the matter on the city council's agenda for the city council to hold a public hearing and to make a decision. No further action shall be taken by the commission.

4. The city council shall:

a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the planning commission for rehearing and reconsideration on all or part of the application;

b. Consider the recommendation of the planning commission; however, the city council is not bound by the commission's recommendation; and

c. Act by ordinance, which shall be signed by the mayor after the council's adoption of the ordinance.

H. Vote Required For Legislative Change:

1. A vote by a majority of the qualified voting members of the planning commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.

2. A vote by a majority of the qualified members of the city council present is required to decide any motion made on the proposal.

I. Notice Of Decision: Notice of a type IV decision shall be mailed to the applicant, all participants of record, and the state department of land conservation and development, within five (5) business days after the city council decision is filed with the city planning official or designee. The city shall also provide notice to all persons as required by other applicable laws.

J. Final Decision And Effective Date: A type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

K. Record Of Public Hearing:

1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record.

2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

3. The official record shall include:

a. All materials considered by the hearings body;

b. All materials submitted by the city planning official or designee to the hearings body regarding the application;

c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;

d. The final ordinance;

e. All correspondence; and

f. A copy of the notices that were given as required by this article. (Ord. 175-07, 6-19-2007)

10-4A-6: GENERAL PROVISIONS; TIME LIMITS; REVIEW; APPEALS:

A. One Hundred Twenty Day Rule: The city shall take final action on type I, II, and III permit applications that are subject to this article, including resolution of all appeals, within one hundred twenty (120) days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of Oregon Revised Statutes 227.178. (The 120 day rule does not apply to type IV legislative decisions [plan and code amendments] under Oregon Revised Statutes 227.178.)

B. Time Computation: In computing any period of time prescribed or allowed by this article, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

C. Preapplication Conferences:

1. Participants: When a preapplication conference is required, the applicant shall meet with the city planning official or his/her designee(s) and other parties as appropriate.

2. Information Provided: At such conference, the city planning official or designee shall:

a. Cite the comprehensive plan policies and map designations applicable to the proposal;

b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;

c. Provide available technical data and assistance that will aid the applicant;

d. Identify other governmental policies and regulations that relate to the application; and

e. Reasonably identify other opportunities or constraints concerning the application.

3. Disclaimer: Failure of the city planning official or his/her designee to provide any of the information required by this subsection shall not constitute a waiver of any of the standards, criteria or requirements for the application.

4. Changes In Law: Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

D. Acceptance And Review Of Applications:

1. Initiation Of Applications:

a. Applications for approval under this article may be initiated by:

(1) Order of city council.

(2) Resolution of the planning commission.

(3) The city planning official or designee.

(4) A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.

b. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.

2. Consolidation Of Proceedings: When an applicant applies for more than one type of land use or development permit (e.g., type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the council, the commission, or the city planning official or designee.

b. When proceedings are consolidated:

(1) The notice shall identify each application to be decided.

(2) The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions.

(3) Separate findings and decisions shall be made on each application.

3. Check For Acceptance And Completeness: In reviewing an application for completeness, the following procedure shall be used:

a. Acceptance: When an application is received by the city, the city planning official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant:

(1) The required form.

(2) The required fee.

(3) The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

b. Completeness:

(1) Review And Notification: After the application is accepted, the city planning official or designee shall review the application for completeness. If the application is incomplete, the city planning official or designee shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant one hundred eighty (180) days to submit the missing information, or fourteen (14) days to submit a refusal statement.

(2) Application Deemed Complete For Review: In accordance with the application submittal requirements of this article, the application shall be deemed complete upon the receipt by the city

planning official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the city planning official or designee in subsection D3b(1) of this section. For the refusal to be valid, the refusal shall be made in writing and received by the city planning official or designee no later than fourteen (14) days after the date on the city planning official or designee's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on the thirty first day after the city planning official or designee first accepted the application.

(3) Standards And Criteria That Apply To Application: Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.

(4) Coordinated Review: The city shall also submit the application for review and comment to the city engineer, road authority, and other applicable county, state, and federal review agencies.

4. Changes Or Additions To Application During Review Period: Once an application is deemed complete:

a. All documents and other evidence relied upon by the applicant shall be submitted to the city planning official or designee at least seven (7) days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by city planning official or designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation.

b. When documents or other evidence are submitted by the applicant during the review period but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application.

c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see subsection D4d of this section), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change.

d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the city shall take one of the following actions, at the choice of the applicant:

(1) Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates.

(2) Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must

consent in writing to waive the one hundred twenty (120) day rule (subsection A of this section) on the existing application. If the applicant does not consent, the city shall not select this option.

(3) Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The city will complete its decision making process without considering the new evidence.

e. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

E. City Planning Official's Duties: The city planning official or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the city's comprehensive plan, and implementing ordinance provisions.

2. Accept all development applications that comply with this section.

3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or nonconformance with the criteria. The staff report may also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria.

4. Prepare a notice of the proposal decision:

a. In the case of an application subject to a type I or II review process, the city planning official or designee shall make the staff report and all case file materials available at the time that the notice of the decision is issued.

b. In the case of an application subject to a hearing (type III or IV process), the city planning official or designee shall make the staff report available to the public at least seven (7) days prior to the scheduled hearing date, and make the case file materials available when notice of the hearing is mailed, as provided by subsections [10-4A-3C](#) (type II), [10-4A-4C](#) (type III), or [10-4A-5C](#) (type IV) of this article.

5. Administer the hearings process.

6. File notice of the final decision in the city's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law.

7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence;

minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision maker(s) on the application.

8. Administer the appeals and review process.

F. Amended Decision Process:

1. The purpose of an amended decision process is to allow the city planning official or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.

2. The city planning official or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within fourteen (14) business days after the original decision would have become final, but in no event beyond the one hundred twenty (120) day period required by state law. A new ten (10) day appeal period shall begin on the day the amended decision is issued.

3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.

4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures in [article F of this chapter](#). All other changes to decisions that are not modifications under [article F of this chapter](#) follow the appeal process.

G. Resubmittal Of Application Following Denial: An application that has been denied, or an application that was denied and on appeal or review has not been reversed by a higher authority, including the land use board of appeals, the land conservation and development commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least twelve (12) months from the date the final city action is made denying the application, unless there is substantial change in the facts or a change in city policy that would change the outcome, as determined by the city planning official or designee.

H. Appeal Process: An appeal by a person with standing shall be a hearing de novo and following the type III procedure under section [10-4A-4](#) of this article. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the procedures in section [10-4A-7](#) of this article. The planning commission or city council may allow additional evidence, testimony, or argument concerning any standard, criterion, condition, or issue relevant to the original application. (Ord. 175-07, 6-19-2007)

10-4A-7: SPECIAL PROCEDURES:

A. Expedited Land Divisions: An expedited land division (ELD) shall be defined and may be used as provided under Oregon Revised Statutes 197.360 through 197.380.

1. Selection: An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it.

2. Review Procedure: All applications for expedited land divisions shall comply with Oregon Revised Statutes 197.360 through 197.380 and the Irrigon comprehensive plan; Oregon Revised Statutes 197.360 through 197.380 details the criteria, application and notice requirements, and action and appeal procedures for expedited land divisions.

3. Appeal Procedure: An appeal of an ELD shall follow the procedures in Oregon Revised Statutes 197.375. Where the city has not otherwise appointed a hearings officer (referee) for such appeals, and the city attorney is a contractor (not a city employee), the city attorney shall serve as the referee for ELD appeals.

B. Reserved: Reserved for other special procedures, as may be adopted. (Ord. 175-07, 6-19-2007)

10-4A-8: NEIGHBORHOOD MEETINGS:

A. Purpose: The purpose of a neighborhood meeting is to allow neighbors and other interested parties an opportunity to become familiar with the proposal and to identify any associated issues. The neighborhood meeting is intended to assist in producing applications that are responsive to neighborhood concerns, and to reduce the likelihood of delays and appeals.

B. Applicability: Applicants for type III quasi-judicial applications are required to hold a neighborhood meeting with interested parties, including all property owners within a two hundred fifty foot (250') radius of the subject property. The neighborhood meeting must be held within six (6) months prior to submitting the application for development approval.

C. Procedure: Neighborhood meetings shall be held in accordance with the following:

1. The meeting shall be held on a weekday after six o'clock (6:00) P.M., or on a weekend at a reasonable time. The location for the meeting shall be open to the public and ADA accessible.

2. The applicant shall mail written notice of the neighborhood meeting to all property owners within a two hundred fifty foot (250') radius of the subject site, and any other parties requesting notice, not less than twenty (20) days prior to the meeting date. The notice shall include the date, time and location of the meeting and briefly describe the proposed project.

3. The mailing list shall be based on the most recent property tax assessment rolls obtained from Morrow County.

4. At the neighborhood meeting the applicant shall describe the proposal and facilitate any discussion or questions from the attendees. The applicant shall take notes of the discussion to be included with the development application.

5. The applicant shall submit the following information with the development application:

- a. A copy of the mailing list.
- b. A copy of the meeting notice mailed to surrounding property owners.
- c. An affidavit of mailing meeting notices.
- d. A copy of the meeting notes.

6. Failure of a property owner to receive the meeting notice shall not invalidate the neighborhood meeting proceedings. (Ord. 175-07, 6-19-2007)

10-4A-9: TRAFFIC IMPACT STUDIES:

The purpose of this section is to assist in determining which road authorities participate in land use decisions, and to implement section 660-012-0045(2)(e) of the state transportation planning rule that requires the city to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This section establishes the standards for: a) when a proposal must be reviewed for potential traffic impacts; b) when a traffic impact study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; c) what must be in a traffic impact study; and d) who is qualified to prepare the study.

A. When Traffic Impact Study Required: The city or other road authority with jurisdiction may require a traffic impact study (TIS) as part of an application for development, a change in use, or a change in access. A TIS shall be required when a land use application involves one or more of the following actions:

1. A change in zoning or a plan amendment designation;
2. Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies);
3. An increase in site traffic volume generation by three hundred (300) average daily trips (ADT) or more; or
4. An increase in peak hour volume of a particular movement to and from the state highway by twenty percent (20%) or more; or
5. An increase in use of adjacent streets by vehicles exceeding the twenty thousand (20,000) pound gross vehicle weight by ten (10) vehicles or more per day; or
6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the state highway, creating a safety hazard; or

7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street, or greater potential for traffic accidents.

B. Traffic Impact Study Preparation: A traffic impact study shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon department of transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180. (Ord. 175-07, 6-19-2007)

ARTICLE B. LAND USE AND SITE DESIGN REVIEW

10-4B-1: PURPOSE:

The purpose of this article is to:

A. Provide rules, regulations and standards for efficient and effective administration of land use and site development review;

B. Carry out the development pattern and plan of the city and its comprehensive plan policies;

C. Promote the public health, safety and general welfare;

D. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;

E. Encourage the conservation of energy resources; and

F. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human scaled design. (Ord. 175-07, 6-19-2007)

10-4B-2: APPLICABILITY:

Land use review or site design review shall be required for all new developments and modifications of existing developments described in this article. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

A. Land Use Review: Land use review is a review conducted by the city planning official or designee without notice or a public hearing (type I). (See [article A of this chapter](#) for review procedure.) Land use review is for changes in land use and developments that do not require a conditional use permit or site design review approval. Land use review ensures compliance with the basic land use and development standards of the land use district, such as lot area, building setbacks and orientation, lot coverage, maximum building height, and other provisions of [chapter 2](#) of this title. Land use review is required for all of the types of land uses and development listed below.

Land uses and developments not listed below require site design review per subsection B of this section.

1. Change in occupancy from one type of land use to a different land use.
2. Single-family detached dwelling (including manufactured home on its own lot).
3. A single duplex, or up to two (2) single-family attached (townhome) units not requiring a land division, and accessory parking on the same lot.
4. Nonresidential building additions up to five hundred (500) square feet, or twenty percent (20%) of an existing structure, whichever is greater.
5. Minor modifications to development approvals as defined by [article F of this chapter](#).
6. Any proposed development that has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with [article D of this chapter](#).
7. Home occupations requiring a permit under [article I of this chapter](#).
8. Temporary uses requiring a permit under [article I of this chapter](#).
9. Accessory structures (including fences, sheds and utility structures), and accessory parking.
10. Development and land uses that are part of a previously approved site design review or conditional use permit application.
11. Public improvements required by a condition of approval (e.g., transportation facilities and improvements, parks, trails, and similar improvements, as determined by the city planning official).

B. Site Design Review: Site design review is a discretionary review conducted by the planning commission with a public hearing (type III quasi-judicial review). (See [article A of this chapter](#) for review procedure.) It applies to all development in the city, except those specifically listed under subsection A of this section (applications subject to land use review). Site design review ensures compliance with the land use and development standards in [chapter 2](#) of this title (e.g., lot area, building setbacks and orientation, lot coverage, maximum building height), and the design standards and public improvement requirements in [chapter 3](#) of this title. (Ord. 175-07, 6-19-2007)

10-4B-3: LAND USE REVIEW PROCEDURE AND APPROVAL CRITERIA:

A. When land use review is required, it shall be conducted prior to issuance of building permits, occupancy permit, business license, or public improvement permits, as determined by the city planning official. The city shall conduct land use reviews using either a type I or type II procedure, as described in sections [10-4A-2](#) and [10-4A-3](#) of this chapter. A type I procedure shall be used when the planning official finds that the applicable standards are clear and objective and do not require the exercise of discretion. A type II procedure shall be used when the decision is

discretionary in nature. The city planning official shall be responsible for determining the required review procedure. An application for land use review shall be approved only upon meeting all of the following criteria:

1. The proposed land use or development is permitted by the underlying land use district ([chapter 2](#) of this title);
2. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any applicable overlay district(s) are met ([chapter 2](#) of this title); and
3. When development is proposed, the applicable sections of [chapter 3](#) of this title, design standards apply.

B. Land use reviews do not address a project's compliance with applicable building, fire and life safety regulations. (Ord. 175-07, 6-19-2007)

10-4B-4: APPLICATION REVIEW PROCEDURE:

Where site design review is required, it shall be conducted using a type III procedure, consistent with section [10-4A-4](#) of this chapter, and using the application requirements and approval criteria contained in sections [10-4B-5](#) and [10-4B-6](#) of this article. (Ord. 175-07, 6-19-2007)

10-4B-5: APPLICATION SUBMISSION REQUIREMENTS:

All of the following information is required for site design review application submittal:

A. General Submission Requirements: An application for site design review shall contain all of the information required for a type III review under section [10-4A-4](#) of this chapter and provide:

1. Public facilities and services impact study. The impact study shall quantify and assess the effect of the development on public facilities and services. The city shall advise as to the scope of the study during the required preapplication conference (subsection [10-4A-6C](#) of this chapter). The study shall address, at a minimum, the transportation system, including pedestrianways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet city standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.
2. Traffic impact study, if required by the road authority. Traffic impact studies shall conform to the standards and procedures in section [10-4A-9](#) of this chapter.
3. In situations where this title requires the dedication of real property to the city, the city shall either: a) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services; or b) delete the dedication as a condition of approval.

B. Site Design Review Information: In addition to the general submission requirements for a type III review (section [10-4A-4](#) of this chapter) an applicant for site design review shall provide the following additional information, as deemed applicable by the city planning official. The planning official may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the approval body:

1. Site Analysis Map: At a minimum the site analysis map shall contain the following:

a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified.

b. Topographic contour lines at two foot (2') intervals for slopes of less than ten percent (10%), and five foot (5') intervals for steeper slopes.

c. Identification of slopes greater than twenty five percent (25%).

d. The location and width of all public and private streets, drives, sidewalks, pathways, rights of way, and easements on the site and adjoining the site.

e. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the city, county, or state as having a potential for geologic hazards.

f. Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the city or any natural resource regulatory agency as requiring protection.

g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainageways, canals and ditches.

h. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots.

i. The location, size and species of trees and other vegetation having a caliper (diameter) of six inches (6") or greater at four feet (4') above grade.

j. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed.

k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

2. Proposed Site Plan: The site plan shall contain the following information:

a. The proposed development site, including boundaries, dimensions, and gross area.

b. Features identified on the existing site analysis maps that are proposed to remain on the site.

- c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development.
- d. The location and dimensions of all proposed public and private streets, drives, rights of way, and easements.
- e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan.
- f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access.
- g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops).
- h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
- i. Loading and service areas for waste disposal, loading and delivery.
- j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.
- k. Location, type, and height of outdoor lighting.
- l. Location of mailboxes, if known.
- m. Name and address of project designer, if applicable.
- n. Locations of bus stops and other public or private transportation facilities.
- o. Locations, sizes, and types of signs.

3. Architectural Drawings: Architectural drawings showing one or all of the following shall be required for new buildings and major remodels:

- a. Building elevations (as determined by the city planning official) with building height and width dimensions.
- b. Building materials, colors and types.
- c. The name of the architect or designer.

4. Preliminary Grading Plan: A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half ($1/2$) acre or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines,

slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with [chapter 3, article D](#) of this title.

5. Landscape Plan: A landscape plan may be required and, at the direction of the city planning official, shall show the following:

a. The location and height of existing and proposed fences, buffering or screening materials.

b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.

c. The location, size, and species of the existing and proposed plant materials (at time of planting).

d. Existing and proposed building and pavement outlines.

e. Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule.

f. Other information as deemed appropriate by the city planning official. An arborist's report may be required for sites with mature trees that are protected under [chapter 3, article B](#) of this title.

6. Signs: Sign drawings shall be required in conformance with the city's sign code (chapter 3, article G of this title).

7. Deed Restrictions: Copies of all existing and proposed restrictions or covenants, including those for access control.

8. Narrative: Letter or narrative report documenting compliance with the applicable approval criteria contained in section [10-4B-6](#) of this article.

9. Traffic Study: Traffic impact study, when required, shall be prepared in accordance with the road authority's requirements. See sections [10-3D-2](#) of this title and [10-4A-9](#) of this article for relevant standards.

10. Additional Requirements: Other information determined by the city planning official. The city may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this title. (Ord. 175-07, 6-19-2007)

10-4B-6: APPROVAL CRITERIA:

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

A. The application is complete, as determined in accordance with [article A of this chapter](#), types of applications, and section [10-4B-5](#) of this article.

B. The application complies with all of the applicable provisions of the underlying land use district ([chapter 2](#) of this title), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses.

C. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with section [10-5-2](#) of this title.

D. The application complies with all of the design standards in [chapter 3](#) of this title:

1. Article A, "Access And Circulation".
2. Article B, "Landscaping, Street Trees, Fences And Walls".
3. Article C, "Parking And Loading", for automobiles and bicycles.
4. Article D, "Public Facilities".
5. Article E, "Surface Water Management".
6. Article F, "Other Standards", as applicable.

E. Existing conditions of approval required as part of a prior land division ([article C of this chapter](#)), conditional use permit ([article D of this chapter](#)), master planned development ([article E of this chapter](#)) or other approval shall be met. (Ord. 175-07, 6-19-2007)

10-4B-7: BONDING AND ASSURANCES:

A. Performance Bonds For Public Improvements: On all projects where public improvements are required, the city shall require a bond in an amount not greater than one hundred percent (100%) or other adequate assurances as a condition of site development approval in order to guarantee the public improvements.

B. Release Of Performance Bonds: The bond or assurance shall be released when the city planning official finds the completed project conforms to the site development approval, including all conditions of approval.

C. Completion Of Landscape Installation: Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the city planning official or a qualified landscape architect is filed with the city planning official assuring such installation within six (6) months after occupancy. If the installation of the landscaping is not completed within the six (6) month period, the security may be used by the city to complete the installation. (Ord. 175-07, 6-19-2007)

10-4B-8: PERMIT APPROVAL; MODIFICATIONS; PERMIT EXPIRATION:

Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the city has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The city may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off site public improvements), and may require bonding or other assurances for improvements, in accordance with section [10-4B-7](#) of this article. Development review and site design review approvals shall be subject to all of the following standards and limitations:

A. **Modifications To Approved Plans And Developments:** Minor modifications of an approved plan or existing development, as defined in [article F of this chapter](#), shall be processed as a type I procedure and require only land use review. Major modifications, as defined in [article F of this chapter](#) shall be processed as a type II or type III procedure and shall require site design review. For information on type I, type II and type III procedures, please refer to [article A of this chapter](#). For modifications approval criteria, please refer to [article F of this chapter](#).

B. **Approval Period:** Land use review and site design review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

1. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or
2. Construction on the site is in violation of the approved plan.

C. **Extension:** The planning commission shall, upon written request by the applicant, grant a written extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved site design review plan.
2. The applicant can show intent of initiating construction on the site within the one year extension period.
3. There have been no changes to the applicable code provisions on which the approval was based. If there have been changes to the applicable code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required.
4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.

D. **Phased Development:** Phasing of development may be approved with the site design review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the site design review application.
2. The planning commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than two (2) years without reapplying for site design review.
3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
 - a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase.
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require city council approval. Temporary facilities shall be approved only upon city receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with section [10-4C-10](#) of this chapter. A temporary public facility is any facility not constructed to the applicable city or district standard, subject to review by the city engineer.
 - c. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as part of the approved development proposal.
 - d. An application for phasing may be approved after site design review approval as a modification to the approved plan, in accordance with the procedures for minor modifications ([article F of this chapter](#)). (Ord. 175-07, 6-19-2007)

ARTICLE C. LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

10-4C-1: PURPOSE:

The purpose of this article is to:

A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments, as defined below and in section [10-1A-3](#) of this title:

LOT LINE ADJUSTMENTS: Modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).

PARTITIONS: The creation of three (3) or fewer lots within one calendar year.

SUBDIVISIONS: The creation of four (4) or more lots from one parent lot, parcel or tract, within one calendar year.

B. Carry out the city's development pattern, as envisioned by the comprehensive plan.

C. Encourage efficient use of land resources, full utilization of urban services, and transportation options.

D. Promote the public health, safety and general welfare through orderly and efficient urbanization.

E. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.

F. Encourage the conservation of energy resources. (Ord. 175-07, 6-19-2007)

10-4C-2: GENERAL REQUIREMENTS:

A. Subdivision And Partition Approval Through Two Step Process: Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two (2) steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and

2. The final plat must include all conditions of approval of the preliminary plat.

B. Compliance With Statutes: All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statutes (ORS) chapter 92, "Subdivisions And Partitions".

C. Future Redivision Plan: When subdividing or partitioning tracts into large lots (i.e., greater than 2 times or 200 percent the minimum lot size allowed by the underlying land use district), the city shall require that the lots be of such size, shape, and orientation as to facilitate future redivision in accordance with the requirements of the land use district and this title. A redivision plan shall be submitted for large lots identifying:

1. Potential future lot division(s), consistent with the density and lot size standards of [chapter 2](#) of this title.

2. Potential street right of way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights of way.

3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the city or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights of way within the future plan area may be required to provide needed secondary access and circulation.

D. Lot Size Averaging: Single-family residential lot size may be averaged to allow lots less than the minimum lot size in residential districts, as provided by section [10-4C-4](#) of this article, flexible lot size option, or through approval of a master planned development under [article E of this chapter](#).

E. Temporary Sales Office: A temporary sales office in conjunction with a subdivision may be approved as set forth in section [10-4I-1](#) of this chapter.

F. Minimize Flood Damage: All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway and, where possible, allow building outside of the flood fringe. Development in a 100-year floodplain shall comply with the national flood insurance program and state building code requirements, including elevating structures above the base flood elevation. The applicant shall be responsible for obtaining floodplain development permit from the NFIP and local jurisdiction.

G. Determination Of Base Flood Elevation: Where a development site consists of five (5) or more acres or fifty (50) or more lots, and is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation map prepared by a qualified professional as part of the land division application.

H. Need For Adequate Utilities: All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.

I. Need For Adequate Drainage: All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.

J. Floodplain, Park, And Open Space Dedications: Where land filling and/or development is allowed within or adjacent to regulatory floodplain and the comprehensive plan designates the subject floodplain for park, open space, or trail use, the city may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the floodplain for transportation, storm drainage/water quality, or park purposes, in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multiuse pathway in accordance with the city's adopted trails plan or pedestrian and bikeway plans, as applicable. The city shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, or storm water management requirements, consistent with [chapter 3, article D](#) of this title, and assist in obtaining any floodplain permit that may be required. (Ord. 175-07, 6-19-2007)

10-4C-3: PREPLANNING FOR LARGE SITES:

A. Purpose: The purpose of this section is to require preplanning of large sites (i.e., in conjunction with annexation or prior to subdivision approval) and ensure the development of fully integrated, mixed use pedestrian oriented neighborhoods. The intent is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.

B. **Applicability:** This section applies to parcels, and development sites with more than one parcel, in residential district(s) that are twenty (20) acres or larger.

C. **Area Plan Required:** Prior to land division approval, a specific area plan shall be prepared for all sites meeting the criteria in subsection D of this section.

D. **Land Use And Design Standards:** The specific area plan required under subsection C of this section, shall be consistent with the following design criteria:

1. All neighborhoods have identifiable centers and outer boundaries;
2. Edge lots are readily accessible to neighborhood commercial and recreational uses by walking and bicycling (a distance not greater than $\frac{1}{4}$ mile);
3. Uses and housing types are mixed and in close proximity to one another;
4. Streets are connected and blocks are walkable in scale (e.g., 200 to 600 feet in length, with an average perimeter no greater than 1,400 feet), except where topography, existing development, or other physical features require longer blocks;
5. Civic buildings, monuments and open spaces (e.g., parks, squares, greenbelts, natural areas, etc.), and scenic viewing points are given prominent sites throughout the neighborhood;
6. Overall, the master plan achieves a housing density that is consistent with the comprehensive plan; and
7. Land needed for public use (e.g., schools, parks, fire stations, and other facilities) shall be designated on the master plan, in accordance with the comprehensive plan.

E. **Implementation:** Upon approval of a plan under the provisions of this section, the processing of development proposals shall follow the land division procedures in this article, and the land use review and/or site design review procedures in [article B of this chapter](#), as applicable. Any modifications to the approved master plan shall be subject to the standards and procedures in [article F of this chapter](#), modifications. (Ord. 175-07, 6-19-2007)

10-4C-4: FLEXIBLE LOT SIZE; FLAG LOTS; LOTS ACCESSED BY MIDBLOCK LANES:

A. **Flexible Lot Size:** To allow creativity and flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees and other natural and built features, the approval body may grant a ten percent (10%) modification to the applicable lot area and/or lot dimension (width/depth) standards in [chapter 2](#) of this title; provided, that the approval body finds that granting the modification allows for a greater variety of housing types or it improves development compatibility with natural features or adjacent land uses. The approval body may require that standard size lots be placed at the perimeter of the development where the abutting lots are standard size or larger; except that this provision shall not apply where the abutting lots are larger than twenty thousand (20,000) square feet.

B. Midblock Lanes: Lots may be developed without frontage onto a public street when lot access is provided by midblock lanes, as shown below. Midblock lanes or shared driveways, as illustrated in figure 4A of this section, may be required when practicable to provide connectivity between infill developments. Midblock lanes with access easements for adjoining properties may be allowed as an alternative to requiring through streets where block lengths do not necessitate a through street. The lanes shall meet the standards for alleys per [chapter 3, article D](#) of this title, and the standards under subsections C through F of this section.

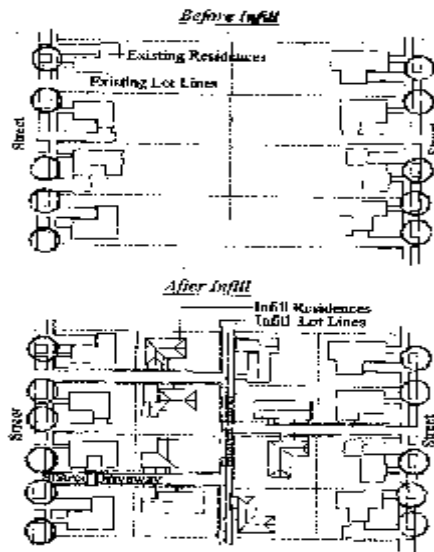


Figure 4A
Midblock Infill

C. Flag Lots: Flag lots may be created only when a through street or midblock lanes cannot be extended to serve abutting uses or future development. A flag lot driveway (flagpole) may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless uniform fire code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be four (4). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The fire marshal may require an emergency turnaround. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).

D. Driveway And Lane Width: The minimum width of all shared drives and lanes shall be twelve feet (12'); the maximum width is twenty feet (20'), except as required by the uniform fire code.

E. Easement And Improvement Of Drive Lane: The property owner shall record a twenty foot (20') easement benefiting all properties that are to receive vehicle access. The drive lane shall be improved with an all weather surface approved by the city. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

F. Maximum Drive Lane Length: The maximum drive lane length is subject to requirements of the uniform fire code, but shall not exceed one hundred fifty feet (150') for a shared side drive, and four hundred feet (400') for a shared rear lane.

G. Future Street Plans: Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in figure 4A in subsection B of this section). (Ord. 175-07, 6-19-2007)

10-4C-5: PRELIMINARY PLAT APPROVAL PROCESS:

A. Review Of Preliminary Plat: Review of a preliminary plat with two (2) or three (3) lots (partition) shall be processed with a type II procedure, under section [10-4A-3](#) of this chapter. Preliminary plats with four (4) or more lots (subdivision) shall be processed with a type III procedure under section [10-4A-4](#) of this chapter. All preliminary plats shall be reviewed using approval criteria in section [10-4C-7](#) of this article. An application for subdivision may be reviewed concurrently with an application for a master planned development under [article E of this chapter](#).

B. Review Of Final Plat: Review of a final plat for a subdivision or partition shall be processed as a type I procedure under section [10-4A-2](#) of this chapter, using the approval criteria in section [10-4C-9](#) of this article.

C. Preliminary Plat Approval Period: Preliminary plat approval shall be effective for a period of three (3) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within the three (3) year period.

D. Modifications And Extensions: The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in [article F of this chapter](#), modifications. The city planning official shall, upon written request by the applicant and payment of the required fee, grant one written extension of the approval period not to exceed one year; provided, that:

1. Any changes to the preliminary plat follow the procedures in [article F of this chapter](#);
2. The applicant has submitted written intent to file a final plat within the one year extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable development code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
5. The extension request is made before expiration of the original approved plan.

E. Phased Development:

1. The city may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be more than two (2) years without reapplying for a preliminary plat.

2. The criteria for approving a phased land division proposal are:

a. Public facilities shall be constructed in conjunction with or prior to each phase.

b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require city council approval. Temporary facilities shall be approved only upon city receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with section [10-4C-11](#) of this article. A temporary public facility is any facility not constructed to the applicable city or district standard.

c. The phased development shall not result in requiring the city or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal.

d. The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary plat application, and the decision may be appealed in the same manner as the preliminary plat. (Ord. 175-07, 6-19-2007)

10-4C-6: PRELIMINARY PLAT SUBMISSION REQUIREMENTS:

A. General Submission Requirements: For all partitions (3 or fewer parcels), the application shall contain all of the information required for a type II procedure under section [10-4A-3](#) of this chapter. For all subdivisions (4 or more lots) the application shall contain all of the information required for a type III procedure under section [10-4A-4](#) of this chapter, and the information in subsections A1 through A3 of this section:

1. Public Facilities And Services Impact Study: The impact study shall quantify and assess the effect of the development on public facilities and services. The city shall advise as to the scope of the study during the required preapplication conference (subsection [10-4A-6C](#) of this chapter). The study shall address, at a minimum, the transportation system, including pedestrianways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet city standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.

2. Traffic Impact Study: Traffic impact study, if required by the road authority. Traffic impact studies shall conform to the standards and procedures in section [10-4A-9](#) of this chapter.

3. Real Property Dedications: In situations where this title requires the dedication of real property to the city, the city shall either: a) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services; or b) delete the dedication as a condition of approval.

B. Preliminary Plat Information: In addition to the general information described in subsection A of this section, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General Information:

a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in Morrow County (check with county surveyor);

b. Date, north arrow, and scale of drawing;

c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;

d. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the designer, and engineer and surveyor, if any, and the date of the survey if submitted; and

e. Identification of the drawing as a "preliminary plat".

2. Site Analysis:

a. Streets: Location, name, present width of all streets, alleys and rights of way on and abutting the site.

b. Easements: Width, location and purpose of all existing easements of record on and abutting the site.

c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards.

d. Ground Elevations: Ground elevations shown by contour lines at five foot (5') vertical intervals for ground slopes exceeding ten percent (10%) and at two foot (2') intervals for ground slopes of less than ten percent (10%) or as required by the city. Such ground elevations shall be related to some established bench mark or other datum approved by the county surveyor. This requirement may be waived for partitions when grades, on average, are less than six percent (6%).

e. Bench Marks: The location and elevation of the closest bench mark(s) within or adjacent to the site (i.e., for surveying purposes).

f. Natural Hazard Areas: Potential natural hazard areas, including any floodplains, areas subject to high water table, landslide areas, and areas having a high erosion potential.

g. Sensitive Lands: Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the city or natural resource regulatory agencies as requiring protection.

h. Site Features: Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainageways, canals and ditches.

i. Historic And Cultural Resources: Designated historic and cultural resources on the site and adjacent parcels or lots.

j. Trees: The location, size and species of trees having a caliper (diameter) of six inches (6") or greater at four feet (4') above grade in conformance with [chapter 3, article B](#) of this title.

k. Orientation: North arrow and scale.

l. Project Designer: Name and address of project designer, if applicable.

m. Other Information: Other information, as deemed appropriate by the city planning official. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

3. Proposed Improvements:

a. Public and private streets, tracts, driveways, open space and park land; location, names, rights of way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified.

b. Easements; location, width and purpose of all proposed easements.

c. Lots and private tracts (e.g., private open space, common area, or street); approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts.

d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use; potential location of future buildings.

e. Proposed improvements, as required by [chapter 3](#) of this title, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.).

f. Preliminary location of development showing that future buildings can meet siting and dimensional standards of the district.

g. The proposed source of domestic water.

h. The proposed method of sewage disposal.

i. Proposed method of surface water drainage and treatment, if required.

j. The approximate location and identity of other utilities, including the locations of street lighting fixtures.

k. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with the affected railroad and the Oregon department of transportation rail division regarding proposed railroad crossing(s).

l. Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable.

m. Identification of the base flood elevation for development of more than two (2) lots or one-half ($\frac{1}{2}$) acre, whichever is less. Written evidence of initiation of a federal emergency management agency (FEMA) floodplain map amendment shall be required when development is proposed to modify a designated 100-year floodplain. FEMA approval of the amendment shall be a condition of city land use approval.

n. Evidence of contact with and approval from the road authority for any development requiring access to its facility(ies).

o. Evidence of written notice to the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands. (Ord. 175-07, 6-19-2007)

10-4C-7: APPROVAL CRITERIA; PRELIMINARY PLAT:

A. General Approval Criteria: The city may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with the applicable sections of this title and all other applicable ordinances and regulations. At a minimum, the provisions of this chapter, and the applicable articles and sections of [chapter 2](#), "Land Use Districts", and [chapter 3](#), "Community Design Standards", of this title shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of [chapter 5](#) of this title.

2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of Oregon Revised Statutes chapter 92.

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat.

4. All proposed private common areas and improvements (e.g., homeowners' association property) are identified on the preliminary plat.

5. Evidence that any required state and federal permits have been obtained, or shall be obtained before approval of the final plat.

6. Evidence that improvements or conditions required by the city, road authority, Morrow County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

7. If any part of the site is located within an overlay zone or previously approved master planned development, it shall conform to the applicable regulations and/or conditions.

B. Layout And Design Of Streets, Blocks And Lots: All proposed blocks (i.e., 1 or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district ([chapter 2](#) of this title), and the standards of subsection [10-3D-2G](#) of this title.

2. Setbacks shall be as required by the applicable land use district ([chapter 2](#) of this title).

3. Each lot shall conform to the standards of [chapter 3, article A](#), of this title.

4. Landscape or other screening may be required to maintain privacy for abutting uses. See [chapter 2](#) and [chapter 3, article B](#), of this title.

5. In conformance with the uniform fire code, a twenty foot (20') wide fire apparatus access drive shall be provided to serve all portions of a building that are located more than one hundred fifty feet (150') from a public right of way or approved access drive. See [chapter 3, article A](#), of this title.

6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.

7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

C. Conditions Of Approval: The city may attach such conditions as are necessary to carry out provisions of this title, and other applicable ordinances and regulations, and may require reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties. See [chapter 3, article D](#), "Public Facilities", of this title. (Ord. 175-07, 6-19-2007)

10-4C-8: VARIANCES AUTHORIZED:

Variations to the standards of this article shall be processed in accordance with section [10-5-1](#) of this title. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted, and the applications shall be reviewed together. (Ord. 175-07, 6-19-2007)

10-4C-9: FINAL PLAT SUBMISSION REQUIREMENTS AND APPROVAL CRITERIA:

A. Submission Requirements: Final plats shall be reviewed and approved by the city prior to recording with Morrow County. The applicant shall submit the final plat within one year of the approval of the preliminary plat as provided by section [10-4C-5](#) of this article. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the city planning official.

B. Approval Criteria: By means of a type I procedure, the city planning official and city engineer shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, rights of way) with the approved preliminary plat, and all conditions of approval have been satisfied.

2. All public improvements required by the preliminary plat have been installed and approved by the city engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with section [10-4C-11](#) of this article.

3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.

4. The streets and roads held for private uses have been approved by the city as conforming to the preliminary plat.

5. The plat and deed contain a dedication to the public of all public improvements including, but not limited to, streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems.

6. The applicant has provided copies of all recorded homeowners association covenants, conditions and restrictions (CC&Rs); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat.

7. The plat complies with the applicable sections of this title (i.e., there have been no changes in land use or development resulting in a development code violation since preliminary plat approval).

8. Certification by the city or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the city that such services will be installed in accordance with [chapter 3, article D](#), "Public Facilities", of this title, and the bond requirements of section [10-4C-11](#) of this article. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the city.

9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by Oregon Revised Statutes chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. geological survey, or giving two (2) or more permanent objects for identifying its location. (Ord. 175-07, 6-19-2007)

10-4C-10: PUBLIC IMPROVEMENTS REQUIRED:

Before city approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with section [10-4C-11](#) of this article. (Ord. 175-07, 6-19-2007)

10-4C-11: PERFORMANCE GUARANTEE:

A. Performance Guarantee Required: When a performance guarantee is required under section [10-4C-10](#) of this article, the subdivider/partitioner shall file an assurance of performance with the city supported by one of the following:

1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the city in writing that it may be terminated; or
3. Cash.

B. Determination Of Sum: The assurance of performance shall be for a sum determined by the city as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. Itemized Improvement Estimate: The developer shall furnish to the city an itemized improvement estimate, certified by a registered civil engineer, to assist the city in calculating the amount of the performance assurance.

D. Agreement: An agreement between the city and developer shall be recorded with the final plat. The agreement may be prepared by the city or prepared by the applicant as a letter. It shall not be valid until it is signed and dated by both the applicant and city planning official. The agreement shall contain all of the following:

1. The period within which all required improvements and repairs shall be completed.
2. A provision that if work is not completed within the period specified, the city may complete the work and recover the full cost and expenses from the applicant.

3. The improvement fees and deposits that are required.

4. (Optional.) A provision for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

E. When Subdivider Fails To Perform: In the event the developer fails to carry out all provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond, cash deposit or letter of credit for reimbursement.

F. Termination Of Performance Guarantee: The developer shall not cause termination of, nor allow expiration of, the guarantee without having first secured written authorization from the city. (Ord. 175-07, 6-19-2007)

10-4C-12: FILING AND RECORDING:

A. Filing Plat With County: Within sixty (60) days of the city approval of the final plat, the applicant shall submit the final plat to Morrow County for signatures of county officials as required by Oregon Revised Statutes chapter 92.

B. Proof Of Recording: Upon final recording with the county, the applicant shall submit to the city a Mylar copy and five (5) paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

C. Prerequisites To Recording The Plat:

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by Oregon Revised Statutes chapter 92;

2. No plat shall be recorded until it is approved by the county surveyor in the manner provided by Oregon Revised Statutes chapter 92. (Ord. 175-07, 6-19-2007)

10-4C-13: REPLATTING AND VACATION OF PLATS:

A. Replatting And Vacations: Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. Procedure: All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See [article A of this chapter](#), types of applications and review procedures.) The road authority(ies) shall be notified of all applications for replats and street vacations. All street vacations shall also conform to Oregon Revised Statutes chapter 271.

C. Basis For Denial: A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys, or if it fails to meet any applicable criteria.

D. Recording Of Vacations: All approved plat vacations shall be recorded in accordance with section [10-4C-12](#) of this article, and the following procedures:

1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications described on the plat.

E. After Sale Of Lots: When lots have been sold, the plat may be vacated only in the manner herein provided; and provided that, all of the owners of lots within the platted area consent in writing to the plat vacation.

F. Street Requirement: Except as prohibited by law (e.g., Oregon Revised Statutes 92.837, manufactured home park), in approving a right of way vacation or replat, the city may require dedication of accessways, paths or trails as a condition of the vacation of any public easement or right of way in order to establish or maintain a safe, convenient and direct pedestrian and bicycle circulation system. Such requirements shall be coordinated with the applicable road authority. (Ord. 175-07, 6-19-2007)

10-4C-14: PROPERTY LINE ADJUSTMENTS:

A property line adjustment is the modification of lot boundaries, when no lot is created or removed. The application submission and approval process is as follows:

A. Submission Requirements: All applications for property line adjustment shall be made on forms provided by the city and shall include information required for a type I application, as governed by section [10-4A-2](#) of this chapter. The application shall include a preliminary lot line map, drawn to scale, identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; existing fences and walls; and any other information deemed necessary by the city planning official or designee for ensuring compliance with city codes.

B. Approval Process:

1. Decision Making Process: Property line adjustments shall be reviewed by means of a type I procedure, as governed by section [10-4A-2](#) of this chapter, using approval criteria contained in subsection C of this section. The road authority(ies) shall be notified of lot line adjustments that may affect property access or traffic volumes or operations on their facilities.

2. Time Limit On Approval: The property line adjustment approval shall be effective for a period of one year from the date of approval, during which time it must be recorded.

3. Lapsing Of Approval: The property line adjustment approval shall lapse if:

- a. The property line adjustment is not recorded within the time limit in subsection B2 of this section;
- b. The property line adjustment has been improperly recorded with Morrow County without the satisfactory completion of all conditions attached to the approval; or
- c. The final recording is a departure from the approved plan.

C. Approval Criteria: The city planning official or designee shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:

1. Parcel Creation: No additional parcel or lot is created or removed by the lot line adjustment.
2. Lot Standards: All lots and parcels conform to the applicable lot standards of the land use district ([chapter 2](#) of this title) including lot area, dimensions, setbacks, and coverage, and no resulting lot is wholly comprised of a flood hazard area or jurisdictional wetland.
3. Access And Road Authority Standards: All lots and parcels conform to the standards or requirements of [chapter 3, article A](#), "Access And Circulation", of this title, and all applicable road authority requirements are met. If a lot is nonconforming to any city or road authority standard, it shall not be made even less conforming by the property line adjustment.

D. Recording Property Line Adjustments:

1. Recording: Upon the city's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with Morrow County within sixty (60) days of approval (or the decision expires), and submit a copy of the recorded survey map to the city, to be filed with the approved application.
2. Time Limit: The applicant shall submit a copy of the recorded property line adjustment survey map to the city within fifteen (15) days of recording and prior to the issuance of any building permits on the reconfigured lots.

E. Extension: The city shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year; provided, that:

1. No changes are made to the original property line adjustment as approved by the city;
2. The applicant can show intent of recording the approved plan within the one year extension period;
3. There have been no changes in the applicable code or plan provisions on which the approval was based. In the case where the property line adjustment conflicts with a code change, the extension shall be denied; and

4. The extension request is made before expiration of the original approved plan. (Ord. 175-07, 6-19-2007)

ARTICLE D. CONDITIONAL USE PERMITS

10-4D-1: PURPOSE:

There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case by case review and analysis. These are identified as conditional uses (CU) in [chapter 2](#) of this title. The purpose of this article is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met. (Ord. 175-07, 6-19-2007)

10-4D-2: APPROVALS PROCESS:

A. Initial Application: An application for a new conditional use shall be processed as a type III procedure (section [10-4A-4](#) of this chapter). The application shall meet submission requirements in section [10-4D-3](#) of this article and the approval criteria contained in section [10-4D-4](#) of this article.

B. Modification Of Approved Or Existing Conditional Use: Modifications to approved or existing conditional uses shall be processed in accordance with [article F of this chapter](#), modifications. (Ord. 175-07, 6-19-2007)

10-4D-3: APPLICATION SUBMISSION REQUIREMENTS:

In addition to the submission requirements required in [article A of this chapter](#), an application for conditional use approval must include the following information, as applicable. For a description of each item, please refer to section [10-4B-5](#) of this chapter, site design review application submission requirements:

A. Existing site conditions.

B. Site plan.

C. Preliminary grading plan.

D. A landscape plan.

E. Architectural drawings of all structures.

F. Drawings of all proposed signs.

G. A copy of all existing and proposed restrictions or covenants.

H. Narrative report or letter documenting compliance with all applicable approval criteria in section [10-4D-4](#) of this article. (Ord. 175-07, 6-19-2007)

10-4D-4: CRITERIA, STANDARDS AND CONDITIONS OF APPROVAL:

The city shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the standards and criteria in the following subsections:

A. Use Criteria:

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.

B. Site Design Standards: The site design review approval criteria (section [10-4B-6](#) of this chapter) shall be met.

C. Conditions Of Approval: The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation.
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust.
3. Requiring larger setback areas, lot area, and/or lot depth or width.
4. Limiting the building or structure height, size or lot coverage, and/or location on the site.
5. Designating the size, number, location and/or design of vehicle access points or parking areas.
6. Requiring street right of way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved.
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas.
8. Limiting the number, size, location, height and/or lighting of signs.
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting.

10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance.
11. Requiring and designating the size, height, location and/or materials for fences.
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, and/or cultural resources.
13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district nonremonstrance agreement for the same. Dedication of land and construction shall conform to the provisions of [chapter 3, article A](#) of this title. (Ord. 175-07, 6-19-2007)

10-4D-5: ADDITIONAL DEVELOPMENT STANDARDS:

- A. Concurrent Variance Application(s): A conditional use permit shall not grant variances to regulations otherwise prescribed by this title. Variance application(s) may be filed in conjunction with the conditional use application, and both applications may be reviewed at the same hearing.
- B. Additional Development Standards: Development standards for specific uses are contained in [chapter 2](#) of this title. (Ord. 175-07, 6-19-2007)

ARTICLE E. MASTER PLANNED DEVELOPMENTS

10-4E-1: PURPOSE:

The purposes of this article are to:

- A. Implement the comprehensive plan and applicable land use district(s) by providing a means for master planning large development sites;
- B. Encourage innovative planning that results in projects that benefit the community (i.e., through compatible mixed use development, improved protection of open spaces, transportation options and consistent application of standards in phased developments);
- C. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;
- D. Facilitate the efficient use of land;

E. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;

F. Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;

G. Encourage energy conservation and improved air and water quality; and

H. Assist the city in planning infrastructure improvements. (Ord. 175-07, 6-19-2007)

10-4E-2: APPLICABILITY:

The master planned development designation is an overlay zone that may be applied over any of the city's land use districts. An applicant may elect to develop a project as a master planned development in compliance with the requirements of this article. In addition, the city may require that the following types of development be processed using the provisions of this article:

A. Subdivisions of large residential sites twenty (20) acres and larger.

B. District designation for large residential sites undergoing annexation.

C. Any development proposed within the recreation lands zone. (Ord. 175-07, 6-19-2007)

10-4E-3: REVIEW AND APPROVALS PROCESS:

A. Review Steps: There are three (3) required steps to planned development approval, which may be reviewed individually or combined into one package for concurrent review:

1. The approval of a planned development overlay zone and concept plan;

2. The approval of a detailed development plan; and

3. The approval of a preliminary subdivision plat(s) and/or site design review application(s).

B. Approval Process:

1. The master planned development (PD) overlay zone and concept plan shall be reviewed together using the type III procedure in section [10-4A-4](#) of this chapter, the submission requirements in section [10-4E-8](#) of this article and the approval criteria in section [10-4E-6](#) of this article.

2. The detailed development plan shall be reviewed using the type III procedure in section [10-4A-4](#) of this chapter, to ensure substantial compliance with the approved concept plan.

3. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a type II procedure, as governed by section [10-4B-4](#) of this chapter.

4. Subsections B1 through B3 of this section, may be combined in any manner, so long as the decision making sequence follows that in subsection A of this section. Notification and hearings may be combined. (Ord. 175-07, 6-19-2007)

10-4E-4: MODIFICATION OF DISTRICT STANDARDS AND DESIGN STANDARDS:

The district standards in [chapter 2](#) and design standards of [chapter 3](#) of this title may be modified through the master plan approval without the need for variances, except that the following standards within chapters 2 and 3 of this title shall not be modified:

A. Public improvement standards and engineering design criteria shall not be modified without variance to such standards approved by the city engineer. The city may grant such variances concurrently with other planned development approvals;

B. Industrial and commercial uses, if not otherwise allowed in a residential district, shall not be allowed in a residential district master plan. (Ord. 175-07, 6-19-2007)

10-4E-5: OVERLAY ZONE AND CONCEPT PLAN SUBMISSION:

A. General Submission Requirements: The applicant shall submit an application containing all of the general information required for a type III procedure, as governed by section [10-4A-4](#) of this chapter. In addition, the applicant shall submit the following:

1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

2. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.

3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.

4. Narrative report or letter documenting compliance with the applicable approval criteria contained in section [10-4E-9](#) of this article.

5. Special studies prepared by qualified professionals may be required by the city planning official, planning commission or city council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

B. Additional Information: In addition to the general information described in subsection A of this section, the concept plan, data, and narrative shall include the following exhibits and information:

1. Existing conditions map, as defined in section [10-4B-5](#) of this chapter.
2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan).
3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated).
4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas).
5. Architectural concept (e.g., information sufficient to describe architectural styles, building heights, and general materials).
6. Sign concept plan (e.g., locations, general size, style and materials of signs).
7. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.). (Ord. 175-07, 6-19-2007)

10-4E-6: OVERLAY ZONE AND CONCEPT PLAN APPROVAL CRITERIA:

The city shall make findings that all of the following criteria are satisfied when approving, or approving with conditions, the overlay zone and concept plan. The city shall make findings that not all of the criteria are satisfied when denying an application:

A. Comprehensive Plan: All relevant provisions of the comprehensive plan are met.

B. Land Division: All of the requirements for land divisions, as applicable, shall be met ([article C of this chapter](#)).

C. Land Use And Design Standards: All of the land use, development, and design standards contained in chapters 2 and 3 of this title are met, except as may be modified in section [10-4E-4](#) of this article.

D. Open Space: Master plans shall contain a minimum of twenty percent (20%) open space. Public open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply:

1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
2. The open space shall be conveyed in accordance with one of the following methods:

a. By dedication to the city as publicly owned and maintained open space. Open space proposed for dedication to the city must be acceptable to the city planning official with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities.

b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the city retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the city. (Ord. 175-07, 6-19-2007)

10-4E-7: ADMINISTRATIVE PROCEDURES:

A. Land Use District Map Designation: After a planned development overlay zone has been approved, the land use district map shall be amended in accordance with [article G of this chapter](#), to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.

B. Time Limit On Filing Of Detailed Development Plan: Within three (3) years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the city a detailed development plan, in conformance with sections [10-4E-8](#) and [10-4E-9](#) of this article.

C. Extension: The city shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

1. No changes have been made on the original conceptual development plan as approved;

2. The applicant can show intent of applying for detailed development plan review within the one year extension period;

3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based; and

4. The extension request is made before expiration of the original approval period. (Ord. 175-07, 6-19-2007)

10-4E-8: DETAILED DEVELOPMENT PLAN SUBMISSION REQUIREMENTS:

The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights of way, building envelopes and other features, prior to approval of a development permit. The detailed development plan may combine land division, development review, site design review, and/or other applications for concurrent review and approval. The detailed development plan shall be reviewed using a type III procedure. (Ord. 175-07, 6-19-2007)

10-4E-9: DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA:

The city shall approve the detailed development plan upon finding that the final plan conforms to

the concept plan and required conditions of approval. If the detailed plan request combines other land use and development applications, as provided in this section, those applications shall additionally be subject to the applicable approval criteria in [chapter 4](#) of this title. Minor changes to the approved concept plan may be approved with the detailed plan, when the approval body finds that the modification(s) is/are consistent with the criteria below. Changes exceeding those in subsections A through H of this section, must be reviewed as major modifications under [article F of this chapter](#).

- A. Reduction in minimum lot size (overall or reallocated between development phases) by no more than twenty percent (20%);
- B. Increase in lot coverage or impervious surface (overall or reallocated between development phases) by no more than fifteen percent (15%) over that which is approved;
- C. Reduction in open space or landscaping by no more than ten percent (10%);
- D. Increase in overall automobile parking spaces by no more than ten percent (10%);
- E. No change in land use shall be permitted without a major modification to the concept plan;
- F. Proposals to add or increase lot coverage within environmentally sensitive areas (sensitive lands) or areas subject to a potential hazard shall require a major modification to the concept plan;
- G. Major changes in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall require a major modification pursuant to [article F of this chapter](#); "major" in this subsection means by more than one hundred feet (100'), or fifteen percent (15%), relative to setbacks; and
- H. Other substantial modifications not listed in subsections A through G of this section, shall require approval of a major modification, in conformance with [article F of this chapter](#). (Ord. 175-07, 6-19-2007)

10-4E-10: LAND USE AND SITE DESIGN REVIEW; FINAL PLAT; BUILDING PERMITS:

- A. Land Use And Site Design Reviews: For projects requiring land use or site design review, all such approvals must be final and appeal periods expired before the city issues building permits. [Article B of this chapter](#) applies to site design review.
- B. Land Divisions: For projects requiring a land division, the preliminary land division plats must be final and appeal periods expired before a final plat is approved and building permits issued. [Article C of this chapter](#) applies to land divisions.
- C. Streamlined Review Option: Applications for preliminary land division plats, land use reviews, and site design review applications that are part of an approved master planned development may be reviewed using a type II procedure, rather than the conventional type III procedure. This shall be the applicant's option. The variation from the standard procedures of [article B of this chapter](#), site design review, and [article C of this chapter](#), land divisions, is intended to streamline review of

projects that have received master planned development approvals, since those projects have previously been subject to public review and hearings. (Ord. 175-07, 6-19-2007)

ARTICLE F. MODIFICATIONS TO APPROVED PLANS AND CONDITIONS OF APPROVAL

10-4F-1: PURPOSE:

The purpose of this article is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve city resources. (Ord. 175-07, 6-19-2007)

10-4F-2: APPLICABILITY:

A. This article applies to all development applications approved through the provisions of [chapter 4](#) of this title, including:

1. Land use review approvals;
2. Site design review approvals;
3. Subdivisions, partitions, and property line adjustments;
4. Conditional use permits;
5. Master planned developments; and
6. Conditions of approval on any of the above permit types.

B. This article does not apply to comprehensive plan amendments, land use district changes, text amendments, annexations, temporary use permits, or other permits not listed in subsection A of this section. (Ord. 175-07, 6-19-2007)

10-4F-3: MAJOR MODIFICATIONS:

A. Major Modification Defined: The city planning official shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A change in land use;
2. A decrease in minimum lot size by more than ten percent (10%);
3. A change in setbacks or lot coverage by more than ten percent (10%), provided the resulting setback or lot coverage does not exceed that allowed by the land use district;

4. A change in the type and/or location of accessways, drives or parking areas affecting off site traffic;
5. An increase in the floor area proposed for nonresidential use by more than fifteen percent (15%) where previously specified;
6. A reduction of more than ten percent (10%) of the area reserved for common open space; or
7. Change to a condition of approval, or a change similar to subsections A1 through A6 of this section, that could have a detrimental impact on adjoining properties. The city planning official shall have discretion in determining detrimental impacts warranting a major modification.

B. Applications; Approval Criteria: An applicant may request a major modification using a type II or type III review procedure, as follows:

1. Upon the city planning official determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The planning official may require other relevant information, as necessary, to evaluate the request.
2. The application shall be subject to the same review procedure (type II or III), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a type III procedure.
3. The scope of review shall be limited to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping. Notice shall be provided in accordance with [article A of this chapter](#).
4. The decision making body shall approve, deny, or approve with conditions an application for major modification based on written findings on the criteria. (Ord. 175-07, 6-19-2007)

10-4F-4: MINOR MODIFICATIONS:

A. Minor Modification Defined: Any modification to a land use decision or approved development plan that is not within the description of a major modification as provided in subsection [10-4F-3A](#) of this article.

B. Review Procedure: An application for approval of a minor modification shall be reviewed by the planning official using a type I or a type II review procedure under section [10-4A-2](#) or [10-4A-3](#) of this chapter. The planning official is responsible for determining the appropriate review procedure based on the following criteria:

1. Minor modifications that involve only clear and objective code standards may be reviewed using a type I procedure;

2. Minor modifications that involve one or more discretionary standards shall be reviewed through type II procedure; and

3. When the code is unclear on whether the application should be a type I or type II review, a type II procedure shall be used.

C. Applications: An application for minor modification shall include an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The planning official may require other relevant information, as necessary, to evaluate the request.

D. Approval Criteria: The planning official shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of this title and conditions of approval on the original decision, and the modification is not a major modification as described in subsection [10-4F-3A](#) of this article. (Ord. 175-07, 6-19-2007)

ARTICLE G. LAND USE DISTRICT MAP AND TEXT AMENDMENTS

10-4G-1: PURPOSE:

The purpose of this article is to provide standards and procedures for legislative and quasi-judicial amendments to this title and the land use district map. These will be referred to as "map and text amendments". Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law. (Ord. 175-07, 6-19-2007)

10-4G-2: LEGISLATIVE AMENDMENTS:

Legislative amendments are policy decisions made by city council. They are reviewed using the type IV procedure in section [10-4A-5](#) of this chapter and shall conform to the transportation planning rule provisions in section [10-4G-6](#) of this article, as applicable. (Ord. 175-07, 6-19-2007)

10-4G-3: QUASI-JUDICIAL AMENDMENTS:

A. Applicability: Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or development code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial district map amendments shall follow the type III procedure, as governed by section [10-4A-4](#) of this chapter, using standards of approval in subsection B of this section. The approval authority shall be as follows:

1. The planning commission shall review and recommend land use district map changes that do not involve comprehensive plan map amendments.

2. The planning commission shall make a recommendation to the city council on an application for a comprehensive plan map amendment. The city council shall decide such applications.

3. The planning commission shall make a recommendation to the city council on a land use district change application that also involves a comprehensive plan map amendment application. The city council shall decide both applications.

B. Criteria: A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the statewide planning goals;

2. Approval of the request is consistent with the comprehensive plan;

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period;

4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and

5. The amendment conforms to the transportation planning rule provisions under section [10-4G-6](#) of this article. (Ord. 175-07, 6-19-2007)

10-4G-4: CONDITIONS OF APPROVAL:

A quasi-judicial decision may be for denial, approval, or approval with conditions; conditions shall be based on applicable regulations and factual evidence in the record. A legislative amendment may only be approved or denied. (Ord. 175-07, 6-19-2007)

10-4G-5: RECORD OF AMENDMENTS:

The city recorder shall maintain a record of amendments to the text of this title and the land use districts map in a format convenient for public use. This shall be located in [article F of this chapter](#). (Ord. 175-07, 6-19-2007)

10-4G-6: TRANSPORTATION PLANNING RULE COMPLIANCE:

A. Review Of Applications For Effect On Transportation Facilities: When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon administrative rule (OAR) 660-012-0060 (the transportation planning rule - TPR) and the traffic impact study provisions of section [10-4A-9](#) of this chapter. "Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a collector street classification, requiring a change in the classification to an arterial street, as identified by the city's transportation system plan; or

2. Change the standards implementing a functional classification system; or
3. As measured at the end of the planning period identified in the road authority's adopted transportation system plan, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the road authority's transportation system plan; or
5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's transportation system plan.

B. Amendments That Affect Transportation Facilities: Except as provided in subsection C of this section, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility. This shall be accomplished by one of the following:

1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
4. Amending the planned function, capacity or performance standards of the transportation facility; or
5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

C. Exceptions: Amendments to the comprehensive plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the road authority's transportation system plan (TSP), may be approved when all of the following criteria are met:

1. The amendment does not include property located in an interchange area, as defined under applicable law;
2. The currently planned facilities, improvements or services are not adequate to achieve the standard;

3. Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and

4. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility. (Ord. 175-07, 6-19-2007)

ARTICLE H. CODE INTERPRETATIONS

10-4H-1: PURPOSE:

Some terms or phrases within this title may have two (2) or more reasonable meanings. This article provides a process for resolving differences in the interpretation of the text of this title. (Ord. 175-07, 6-19-2007)

10-4H-2: PROCEDURE:

A. Requests: A request for a code interpretation shall be made in writing to the city planning official.

B. Decision To Issue Interpretation: The planning official shall have the authority to interpret this title, or refer the request to the planning commission for its interpretation. The planning official shall advise the person making the inquiry in writing within fourteen (14) days after the request is made, on whether or not the city will make an interpretation.

C. Written Interpretation: If the city decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy. The written interpretation shall be issued within fourteen (14) days of the request. The decision shall become effective fourteen (14) days later, unless an appeal is filed in accordance with subsections D and E of this section.

D. Type II Procedure: Development code interpretations shall be made using a type II procedure under section [10-4A-3](#) of this chapter.

E. Appeals: The applicant and any party who received notice or who participated in the proceedings through the submission of written or verbal evidence may appeal the decision to the planning commission for a type III decision. The appeal must be filed within fourteen (14) days after the interpretation was mailed or delivered to the applicant. Initiating an appeal requires filing a notice of appeal with the city planning official pursuant to section [10-4A-4](#) of this chapter.

F. Interpretations On File: The city shall keep on file a record of all development code interpretations.

G. Similar Use Determination: When a use's category is not clearly identifiable, the city planning official, through a type II procedure, determines the applicable use category. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

1. The description of the activity(ies) in relationship to the characteristics of each use category;
2. The relative amount of site or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the activity;
10. Signs;
11. How the use advertises itself; and
12. Whether the activity would function independently of the other activities on the site. (Ord. 175-07, 6-19-2007)

ARTICLE I. MISCELLANEOUS PERMITS

10-4I-1: TEMPORARY USE PERMITS:

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable or fruit stands. Four (4) types of temporary uses require permit approval (see subsections A through D of this section):

A. Seasonal And Special Events: These types of uses occur only once in a calendar year and for no longer a period than thirty (30) days (see exception in subsection A2 of this section).

1. Approval, Denial Of Permit: Using the type II procedure under section [10-4A-4](#) of this chapter, the city shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

a. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);

b. The applicant has proof of the property owner's permission to place the use on his/her property;

c. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under [chapter 3, article C](#) of this title;

d. The use provides adequate vision clearance, as required by section [10-3A-2](#) of this title, and shall not obstruct pedestrian access on public streets;

e. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by section [10-3A-2](#) of this title;

f. The use does not create adverse off site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use; and

g. The use is adequately served by sewer or septic system and water, if applicable (the applicant shall be responsible for obtaining any related permits).

2. Exception: Seasonal fruit stands are allowed to occur for a period of ninety (90) days once in a calendar year.

B. Temporary Sales Office Or Model Home: Using a type I procedure under section [10-4A-2](#) of this chapter, the city may approve, approve with conditions or deny an application for the use of any real property within the city as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the city, but for no other purpose, based on the following criteria:

1. Temporary Sales Office:

a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.

b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.

c. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

2. Model House:

a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and

b. The model house shall be designed as a permanent structure that meets all relevant requirements of this title and other applicable codes and permit requirements.

C. Temporary Building, Trailer, Kiosk, Or Structure: Temporary or permanent placement of a building, trailer, kiosk, or structure, including, but not limited to, prefabricated building(s) for use on any real commercial or industrial property within the city, shall require a development permit. Using a type II procedure, as governed by section [10-4A-3](#) of this chapter, the city may approve, approve with conditions or deny an application for a placement of a building, trailer, kiosk, or structure for temporary use, or temporary placement, such as a temporary commercial or industrial use or space associated with the primary use on the property, based on following criteria:

1. The temporary trailer or building shall be located within the specified property line setbacks of the parcel of land on which it is located.

2. The primary use on the property to be used for a temporary trailer is already developed.

3. Ingress and egress are safe and adequate as demonstrated by an approach permit approved by the road authority, as applicable. See also, section [10-3A-2](#) of this title.

4. There is adequate parking for the customers or users of the temporary use as required by [chapter 3, article C](#) of this title.

5. The use will not result in vehicular congestion on streets.

6. The use will pose no impediment or hazard to pedestrians in the area of the use.

7. The use does not create adverse off site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use.

8. The building complies with applicable building codes.

9. The use can be adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

10. The length of time that the temporary building will be used does not exceed six (6) months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.

11. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

D. Temporary RV (Recreational Vehicle) Residence: Using a type I procedure under section [10-4A-2](#) of this chapter, the city may approve, approve with conditions or deny an application for the use

of an RV as a temporary residence on any residential zoned property within the city, based on the following criteria:

1. The RV is parked on site, in an approved parking area (driveway, carport or garage);
2. The primary use on the property is single-family residential;
3. The use will not create adverse impacts including vehicle and pedestrian traffic, noise, odors, glare or lights that affect adjoining properties;
4. The use can adequately be served by sewer and water systems, if applicable; and
5. The length of time that the RV will be used as a residence does not exceed thirty (30) days. If the use exceeds thirty (30) days, the applicant shall be required to discontinue the use or renew the temporary permit. (Ord. 175-07, 6-19-2007)

10-4I-2: MAJOR HOME OCCUPATION PERMITS:

A. Purpose:

1. The purpose of this section is to encourage those who are engaged in small commercial ventures that do not conform to the special use standards for minor home occupations in section [10-2A-6](#) of this title. The standards referenced in this section allow home occupations as outright permitted uses that do not require land use review or site design review.
2. This section provides a process for more intense home occupations to be allowed with site design review by the planning commission and notice to surrounding property owners. These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute to work trips, daytime eyes on the street at the residence, and a neighborhood scale version of mixed residential and commercial uses.

B. Approval Process And Criteria:

1. Home Occupation Permit: Applications for proposals that cannot meet all of the standards in subsection [10-2A-6F](#) of this title shall be processed using a type III procedure, as governed by section [10-4A-4](#) of this chapter, using the approval criteria in subsection A2 of this section. In addition to the application requirements contained in subsection [10-4A-4B](#) of this chapter, the applicant shall provide:

a. A written narrative or letter:

- (1) Describing the proposed home occupation;

(2) Demonstrating compliance with those standards in subsection [10-2A-6F](#) of this title that can be met, and explaining why the other standards in subsection [10-2A-6F](#) of this title cannot be met; and

(3) Demonstrating compliance with the criteria in subsection B2 of this section.

b. A site plan, not necessarily to scale, of the lot proposed for the home occupation, including:

(1) The property lines and their dimensions;

(2) Outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;

(3) Boundaries and dimensions of driveways and parking areas, indicating areas for use by home occupation employees and customers;

(4) Outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and

(5) Identifying the buildings and areas of those buildings in which home occupation activities will take place, and identifying which activities will take place in which buildings and areas.

2. Criteria: The city shall approve, approve with conditions, or deny an application for a type III home occupation based on all of the following criteria:

a. The proposed use will not be materially detrimental to the stated purposes of applicable development code requirements and to other properties within a radius of two hundred fifty feet (250') of the subject property;

b. Impacts to surrounding properties may exist but can be mitigated;

c. Existing physical and natural systems, such as, but not limited to, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with subsection [10-2A-6F](#) of this title. (Ord. 175-07, 6-19-2007)

CHAPTER 5 EXCEPTIONS TO DEVELOPMENT CODE STANDARDS

10-5-1: VARIANCES:

A. Purpose: This section provides standards and procedures for variances, which are modifications to land use or development standards that are not otherwise permitted elsewhere in this title as exceptions to development code standards. This title cannot provide standards to fit every potential development situation. The city's varied geography, and complexities of land development, require flexibility. This section provides that flexibility, while maintaining the purposes and intent of this title. The variance procedures provide relief from specific development code provisions when they

have the unintended effect of preventing reasonable development in conformance with all other codes.

B. Applicability:

1. **Exceptions And Modifications Versus Variances:** A development code standard or approval criterion ("code section") may be modified without approval of a variance if the applicable code section expressly allows exceptions or modifications. If the code section does not expressly provide for exceptions or modifications, then a variance is required to modify that code section and the provisions of this section apply.

2. **Combining Variances With Other Approvals; Permit Approvals By Other Agencies:** Variance requests may be combined with and reviewed concurrently by the city approval body with other land use and development applications (e.g., development review, site design review, subdivision, conditional use, etc.). However, some variances may be subject to approval by other permitting agencies, such as ODOT in the case of state highway access.

C. Authorization To Grant Or Deny Variances: The planning commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances relating to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of the property for a purpose not authorized within the zone in which the proposed use would be located. In granting variances, the planning commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity or otherwise achieve the purpose of this title.

D. Procedure For Granting Variance: Variances shall be reviewed using a type III procedure, in accordance with [chapter 4, article A](#) of this title. The planning commission shall approve, approve with conditions, or deny an application for a variance based on the following criteria:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and which result from lot size or shape, topography, or other circumstances over which the owner of the property, since the enactment of this title, has no control.
2. The variance is necessary for the preservation of property right of the applicant substantially the same, as owners of other property in the zone or vicinity possess.
3. There is a public need for the purpose to achieve by the variance.
4. The public need is reasonably met by the variance.
5. The variance would not be materially detrimental to the purposes of this title, or to property in the same zone or vicinity in which the property is located and the variance is in compliance with and is not a deviation from the comprehensive plan for the city.
6. The variance requested is the minimum variance, which would alleviate the hardship.

E. Time Limit On Permit For Variance: Authorization for a variance shall be void after one year, unless substantial construction has taken place. However, the planning commission may extend authorization for a period not to exceed one additional year, upon request.

F. Variance Application And Appeals:

1. Application: The variance application shall conform to the requirements for type III applications. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, how the stated variance criteria are satisfied, and why the subject standard cannot be met without the variance.

2. Appeals: Appeals to variance decisions shall be processed in accordance with the provisions of [chapter 4, article A](#) of this title. (Ord. 175-07, 6-19-2007)

10-5-2: NONCONFORMING USES AND DEVELOPMENT:

A. Purpose: This section provides standards and procedures for nonconforming situations (i.e., existing uses or development that do not comply with this title). The standards for nonconforming uses and development are intended to provide some relief from development code requirements for uses and developments that were established prior to the effective date hereof, and do not comply with current standards.

B. Nonconforming Uses: Where at the time of adoption of this title a use of land exists which would not be permitted by the regulations imposed by this title and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

1. Expansion Prohibited: No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this title. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land.

2. Location: No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this title.

3. Discontinuation Or Abandonment: The nonconforming use of land is not discontinued for any reason for a period of more than twelve (12) months. For purposes of calculating the twelve (12) month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

a. On the date when the use of land is physically vacated;

b. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;

c. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or

d. On the date a request for final reading of water and power meters is made to the applicable utility districts.

4. Application Of Title Criteria And Standards: If the use is discontinued or abandoned for any reason for a period of more than twelve (12) months, any subsequent use of land shall conform to the applicable standards and criteria specified by this title for the land use district in which such land is located.

C. Nonconforming Development: Where a development exists at the effective date of adoption or amendment of this title that could not be built under the terms of this title by reason of restrictions on lot area, lot coverage, height, yard, equipment, access, parking, landscaping, its location on the lot or other requirements concerning the development, and the development was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

1. Alterations: No such nonconforming development may be enlarged or altered in a way that increases its nonconformity, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this title or will decrease its nonconformity.

2. Destruction: Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than eighty percent (80%) of its current value as assessed by the Morrow County assessor, it shall be reconstructed only in conformity with this title.

3. Roadway Access: The owner of a nonconforming access connection (i.e., street or highway access) may be required to bring the nonconforming access into conformance with this title and other applicable standards as a condition of the city or other roadway authority approving a new access connection permit, or a change in land use.

4. Relocation Or Removal: Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of this title. (Ord. 175-07, 6-19-2007)

10-5-3: LOTS OF RECORD:

A. Purpose: The purpose of this section is to establish criteria and a process for determining when a lot of record exists.

B. Criteria: A lot of record is a plot of land that was not created through an approved subdivision or partition, was created and recorded before July 11, 1978, and for which the deed or other instrument dividing the land, is recorded with Morrow County. A lot of record shall be entitled to development of no less than one single-family dwelling and, provided all applicable development code standards are met, additional land use or development may be approved.

C. Procedure: A lot of record determination shall be made by the city planning official through a type I procedure (section [10-4A-2](#) of this title). It shall be the property owner's responsibility to demonstrate that his or her plot of land meets the lot of record criteria in subsection B of this section. (Ord. 175-07, 6-19-2007)

**CHAPTER 6
FLOOD DAMAGE PREVENTION**

10-6-1: ADOPTION OF MORROW COUNTY FLOOD STUDY:

The city of Irrigon does hereby adopt the Morrow County flood study of 2007 and the accompanying flood insurance rate map. (Ord. 184-07, 11-20-2007)

10-6-2: AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES:

A. Authorization: The state of Oregon has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city of Irrigon does ordain as follows.

B. Findings Of Fact:

1. The flood hazard areas of the city of Irrigon are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental

services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

C. Statement Of Purpose: It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods Of Reducing Flood Losses: In order to accomplish its purposes, this chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and

5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas. (Ord. 184-07, 11-20-2007)

10-6-3: DEFINITIONS:

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

APPEAL: A request for a review of the interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING: A designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet (3'); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FACILITY: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

ELEVATED BUILDING: For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal insurance administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters, and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of subsection [10-6-6B1b](#) of this chapter.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after the effective date hereof.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of

streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

RECREATIONAL VEHICLE: A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building including a gas or liquid storage tank that is principally aboveground.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

B. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

VARIANCE: A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

WATER DEPENDENT: A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 184-07, 11-20-2007)

10-6-4: GENERAL PROVISIONS:

A. Lands To Which This Chapter Applies: This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Irrigon.

B. Basis For Establishing The Areas Of Special Flood Hazard: The areas of special flood hazard identified by the federal insurance administration in a scientific and engineering report entitled "The Flood Insurance Study For Morrow County", dated December 18, 2007, with accompanying flood insurance maps are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at Irrigon city hall. The best available information for flood hazard area identification as outlined in subsection [10-6-5C2](#) of this chapter shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under subsection [10-6-5C2](#) of this chapter.

C. Penalties For Noncompliance: No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city of Irrigon from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Abrogation And Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation: In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning And Disclaimer Of Liability: The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Irrigon, any officer or employee thereof, or the federal insurance administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 184-07, 11-20-2007)

10-6-5: ADMINISTRATION:

A. Establishment Of Development Permit:

1. Development Permit Required: A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection [10-6-4B](#) of this chapter. The permit shall be for all structures including manufactured homes, as set forth in the "definitions", and for all "development" including fill and other activities, also as set forth in the "definitions".

2. Application For Development Permit: Application for a development permit shall be made on forms furnished by the city of Irrigon and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

b. Elevation in relation to mean sea level to which any structure has been floodproofed;

c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection [10-6-6B2](#) of this chapter; and

d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

B. Designation Of The Floodplain Administrator: The city manager, or his/her designee, is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

C. Duties And Responsibilities Of The Floodplain Administrator: Duties of the floodplain administrator shall include, but not be limited to:

1. Permit Review:

a. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of subsection [10-6-6D1](#) of this chapter are met.

2. Use Of Other Base Flood Data (In A Zone): When base flood elevation data has not been provided (A zone) in accordance with subsection [10-6-4B](#), "Basis For Establishing The Areas Of Special Flood Hazard", of this chapter, the flood hazard administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer subsections [10-6-6B](#), "Specific Standards", and [10-6-6D](#), "Floodways", of this chapter.

3. Information To Be Obtained And Maintained:

a. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection C2 of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

b. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in subsection C2 of this section:

(1) Verify and record the actual elevation (in relation to mean sea level), and

(2) Maintain the floodproofing certifications required in subsection A2c of this section.

c. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Alteration Of Watercourses:

a. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal insurance administration.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation Of FIRM Boundaries: Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the

location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection D of this section.

D. Variance Procedure:

1. Appeal Board:

a. The Irrigon city council shall hear and decide appeals and requests for variances from the requirements of this chapter.

b. The Irrigon city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city in the enforcement or administration of this chapter.

c. Those aggrieved by the decision of the city council, or any taxpayer, may appeal such decision to the courts, as provided by law.

d. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e. Upon consideration of the factors of subsection D1d of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

f. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the federal insurance administration upon request.

2. Conditions For Variances:

a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half ($\frac{1}{2}$) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in subsections D1d(1) through D1d(11) of this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.

c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e. Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection D1d of this section, or conflict with existing local laws or ordinances.

f. Variances as interpreted in the national flood insurance program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except

subsection D2a of this section, and otherwise complies with subsections [10-6-6A1](#) and A2 of this chapter.

h. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 184-07, 11-20-2007)

10-6-6: PROVISIONS FOR FLOOD HAZARD REDUCTION:

A. General Standards: In all areas of special flood hazards, the following standards are required:

1. Anchoring:

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation In Flood Hazard Areas" guidebook for additional techniques).

2. AH Zone Drainage: Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

3. Construction Materials And Methods:

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Utilities:

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

c. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5. Subdivision Proposals:

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

6. Review Of Building Permits: Where elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source (subsection [10-6-5C2](#) of this chapter), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

B. Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided (zones A1-30, AH, and AE) as set forth in subsection [10-6-4B](#), "Basis For Establishing The Areas Of Special Flood Hazard" or subsection [10-6-5C2](#), "Use Of Other Base Flood Data (In A Zone)", of this chapter, the following provisions are required:

1. Residential Construction:

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot (1') above the base flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot (1') above grade.

(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in subsection [10-6-5C3b](#) of this chapter;

d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection B1b of this section;

e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as 1 foot below).

3. Manufactured Homes:

a. All manufactured homes to be placed or substantially improved on sites:

(1) Outside of a manufactured home park or subdivision,

(2) In a new manufactured home park or subdivision,

(3) In an expansion to an existing manufactured home park or subdivision, or

(4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot (1') above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:

(1) The lowest floor of the manufactured home is elevated one foot (1') above the base flood elevation, or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches (36") in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

4. Recreational Vehicles: Recreational vehicles placed on sites are required to either:

- a. Be on the site for fewer than one hundred eighty (180) consecutive days;
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of subsection B3 of this section and the elevation and anchoring requirements for manufactured homes.

C. Before Regulatory Floodway: In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.

D. Floodways: Located within areas of special flood hazard established in subsection [10-6-4B](#) of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If subsection D1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

E. Standards For Shallow Flooding Areas (AO Zones): Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet (3') aboveground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest

grade adjacent to the building, one foot (1') or more above the depth number specified on the FIRM (at least 2 feet if no depth number is specified).

2. New construction and substantial improvements of nonresidential structures within AO zones shall either:

a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot (1') or more above the depth number specified on the FIRM (at least 2 feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in subsection B2c of this section.

3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

4. Recreational vehicles placed on sites within AO zones on the community's FIRM either:

a. Be on the site for fewer than one hundred eighty (180) consecutive days;

b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

c. Meet the requirements of this subsection E and the elevation and anchoring requirements for manufactured homes.

F. Critical Facility: Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet (3') or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. (Ord. 184-07, 11-20-2007)