

Title 10

DEVELOPMENT CODE

PREFACE

This Development Code of the City of Irrigon contains ordinances up to and including Ordinance 240-17, passed September 19, 2017. Ordinances of the City adopted after said ordinance supersede noted provisions of this Development Code to the extent that they are in conflict or inconsistent therewith. Consult the City Office in order to ascertain whether any particular provision of this Title has been amended, superseded or repealed since adoption of Ordinance 240-17

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CHAPTER 1

GENERAL PROVISIONS, ADMINISTRATION AND DEFINITIONS

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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 standards for lighting and air; to prevent overcrowding; to lessen traffic congestion; to facilitate 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: Chapter 1 provides definitions for selected terms, land use classifications and categories, and information on the legal construct of 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

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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, requires 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. 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)

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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: PRE-EXISTING APPROVALS:

- A. Legality Of Preexisting Approvals: Developments and uses for which approvals were granted prior to **September 19, 2017** 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", and Section 10-5-2 Non-Conforming Uses and Development of this Title.
- B. Subsequent Development Applications: All developments and uses begun on or after **October 18, 2017**, shall conform to the provisions of this Title. (Ord. 175-07, 6-19-2007, **September 19, 2017**)

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 Zoning Permit or Site 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

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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)

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10-1A-3**CHAPTER 1****GENERAL PROVISIONS, ADMINISTRATION****ARTICLE A. DEFINITONS**

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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.

ACCESS MANAGEMENT: Access management balances access to develop land to promote economic development while ensuring movement of traffic in a safe and efficient manner to minimize conflicts between turning and through vehicles, bicyclists and pedestrians.

Accordingly, access locations on roadway Sections need to be properly located to ensure safe and efficient travel along roadway corridors. Access locations should be placed

appropriately to limit potential conflicting turning movements, weaving maneuvers over short distances, and congestion along facilities.

ACCESSWAY: A paved walkway or multi-use path connecting two rights of way where no motor vehicle connection is made. ORD 228-14

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.

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 and defined by the use zone or conditional use permit.

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.

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.

ADULT BUSINESS: Adult business includes, but is not limited to, any and all of the following specific adult businesses: adult bookstore, adult news rack, adult video store or adult retail establishment; adult motion picture theater; and adult live entertainment business. The term "adult business" does not include a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances covered by the definition of "adult business" were permitted or allowed as part of such art exhibits or performances.

(1) Adult books, video or retail for the significant or substantial barter, display, exchanges, rental or sale of merchandise that is intended for use in connection with specified sexual activities, or that emphasizes matters depicting, describing or relating to specified sexual activities or specified anatomical areas. Significant or substantial is measured by 10% or greater of gross business sales.

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a. Books, magazines, periodicals, pictures, photographs, motion pictures, films, records, audiotapes, videotapes, slides, or other forms of visual or audio

representations or other printed matter, if such establishment is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

b. Sexually oriented toys or novelties.

(2) Adult movie theater, video centers, and video stores where its regular and substantial business purposes in:

a. Providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display specified anatomical areas or specified sexual activities; or

b. Providing of services that are intended to provide sexual arousal or excitement or that allow observation of specified sexual activities or specified anatomical areas ancillary to other pursuits, or allow participation in specified sexual activities ancillary to other pursuits.

c. Providing live adult entertainment that is:

1. Intended to provide sexual stimulation or sexual gratification to the entertainer, an employee or any patrons of the business; or

2. Distinguished by or characterized by an emphasis on matter simulating, describing or relating to specified anatomical areas or the simulation of specified sexual activities; or

3. An establishment which regularly features entertainment of an erotic nature including exotic dancers, strippers, or similar entertainers appearing semi-nude.

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.
AGRICULTURAL USES:	Those activities which utilize property to produce crops or raise non-domestic animals for home, personal or educational use. (Ord. 239-15, 11-17-2015)
ALTERATION:	A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition.
APPLICANT:	A person who applies for a Zoning Permit 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 walls common or abutting 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.
BASEMENT:	A story partly underground. A basement shall be counted as a story in building height measurement when the floor level directly above is more than six (6) feet above the average level of the adjoining ground.
BED AND BREAKFAST:	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: <ul style="list-style-type: none"> 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:	A bicycle facility is a public or private way designed for and dedicated to bicycle use consisting 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 and not the same as “Blocks” noted on Assessment Maps
BUILDING:	A structure that has a roof and is enclosed on at least fifty percent (50%) of the area of its sides.
BUILDING AREA:	<p>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:</p> <ul style="list-style-type: none">A. Roof area;B. Rooftop mechanical equipment; andC. 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 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.
BUILDING OFFICIAL:	The person who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.

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CAPACITY:	Maximum holding or service ability, as used for transportation, utilities, parks and public facilities.
CARPORT:	A stationary structure consisting of a roof, its supports, not more than one wall, that is used to store vehicles, recreational, vehicles, Or boats, and was permitted and installed prior to adoption of Ord. 240-17.
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.
CODE OF FEDERAL CFR REGULATIONS:	Schedule I or Schedule II of the substance of classification of controlled substances under federal regulation.
CONTIGUOUS LAND:	Parcels of land that abut each other.
DRUG STORE:	A store where the primary business is the filling of prescriptions and sale of drugs (see pharmacy), medical devices and supplies, and where non-medical products may be sold as well. Non-medical products may include cards, candy, and cosmetics.
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.
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:	Activity involving the sale of goods or services carried out for profit.
COMMERCIAL/ INDUSTRIAL BUSINESS:	An enterprise where goods and services are provided, created, or sold and where interaction with the general public takes place within business hours at an established location sited in our commercial or light industrial zones.

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COMMON AREA:	Land commonly owned to include open space, landscaping, green space or recreation facilities (e.g., typically owned by a homeowners' association).
COMMUNITY SERVICES:	Uses of a public (e.g. library, health clinic, etc.), nonprofit (e.g. Churches, senior centers, etc.), or charitable nature (e.g. consumer/credit counseling, etc.)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.
CONSTRUCTION:	Projects that increase the floor area or footprint of a structure or where development is taking place that may increase the assessed value of existing improvements on the site, lot or parcel, as shown on the County Assessment and Taxation records.
CORNER RADIUS:	The radius of a street corner, as measured around the curb or edge of pavement.
COUNCIL:	The City Council of Irrigon, Oregon.
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.
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

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land that will be dedicated as right of way through the development process. It does not include land previously dedicated as right of way.

DEVELOPMENT:	All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, areas devoted to exterior display, storage, or activities, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.
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 Federal 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 and are designed for rapid servicing and/or services.
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

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dwelling units, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill.

ENCLOSURE: A small, fenced-in location such as a pen, corral, run, or other non-permanent holding area for an agricultural animal.

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 non-decomposable 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 and does not include the excavation of mineral or aggregate resources authorized by permit under this code. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

EXTERIOR DISPLAY: Includes the outdoor display of products, vehicles, equipment, and machinery for sale. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products OR car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage.

EXTERIOR STORAGE: Includes the outdoor storage of and/or raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; recreational vehicles and/or damaged or inoperable vehicles, or vehicles that have missing parts, which are kept outside are also included as exterior storage.

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

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

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

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FLAG LOT:	A lot or parcel which has access to a road, street, or easement by means of a narrow strip of the lot or an easement. All lots or parcels platted prior to July 19, 2007 are considered pre-existing.
FLOOD HAZARD AREA:	Land that is in a relatively flat area or lowlands adjoining waterways that has been or may be covered by a base flood or 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:	<p>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:</p> <ul style="list-style-type: none">A. Roof area;B. Rooftop mechanical equipment; andC. 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.
FOOTCANDLE:	A unit of illumination produced on a surface and all points of which are one foot from a uniform point source of one candle (light).
FOUNDATION:	CMU blocking or concrete structure that supports, or gives the view of support for manufacture homes, to a building or structure from underneath.
FRONTAGE:	The dimension of a property line abutting a public or private street.
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 with two (2) or more walls designed to provide shelter for vehicles, and which is accessory to a use in these structure types: houses, attached houses (e.g. townhouse), duplexes, multi-plexes, mobile or manufactured homes. 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 detached (defined by conditional use permit) from another structure with a minimum six (6) foot wide breeze-way with no connecting material(s) and enclosed (sided/roofed) of the same material as the dwelling.
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.
GREEN SPACE	Land 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 use that contains vegetation, greenery, and irrigation processes. Green Space may be owned as public, common, or private area and may include active or passive features. See also the definition of Common Area.
GROUND COVER:	Living or processed plant material (e.g., mulch, bark chips) used to cover bare ground.
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.
HOME BUSINESS, 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.
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.

INDUSTRY:	Those fields of economic activity including forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation, communication, electric, gas and sanitary services; and wholesale trade.
INDUSTRY, LIGHT:	Industrial uses that meet the performance standards, bulk controls, and other requirements contained in this ordinance.
INDUSTRIAL PARK:	A tract of land that is planned, developed, and operated as a coordinated and integrated facility for a number of separate industrial uses, with consideration for circulation, parking, signage, utility needs, aesthetics, and compatibility.
JUNKYARD:	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, scrap metal processing facilities, and a property where the breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials
KENNEL:	Any property where seven (7) or more dogs are kept, whether such animals are kept as personal property of the property owner or as a business venture. It is not deemed a kennel when one of the dogs is a female with a litter under the age of six months. (Ord. 239-15, 11-17-2015)
LANDSCAPING:	Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, including structural features such as dry-scapes, walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like, irrigation systems, mulches, topsoil, and revegetation or the preservation, protection and replacement of trees.
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).
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).

LIGHT PLAN:	A plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light proposed.
LIGHT TRESSPASS:	The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
LIQUOR STORE:	A store that sells alcohol beverages for consumption elsewhere and is licensed by the Oregon Liquor Control Commission. This may include dining or other establishments that also allow sales for off premises consumption.
LIVESTOCK:	Domestic animal types customarily raised or kept on farms.
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 and Parcel are interchangeable for most purposes. See definition of Parcel.
LOT AREA:	The total surface area (measured horizontally) within the boundary lines of a lot.
LOT COVERAGE:	The total area of a lot 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 including paved surface level developments such as driveways, parking pads, and patios.
LOT LINE ADJUSTMENT:	The relocation of a single common property line between two (2) abutting properties.
LOT OF RECORD:	<p>A lot of record is a plot of land:</p> <p>A. That was not created through an approved subdivision or partition;</p> <p>B. That was created and recorded before (date of ordinance adoption); and</p> <p>C. For which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.</p>
MAIN/PRIMARY BUILDING ENTRANCE:	A main entrance is the entrance to a building that most pedestrians are expected to use.

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MAJOR REMODELING:	Projects within an existing footprint/floor area that do not change any existing load-bearing walls/supports and where the project or cost of the remodeling is greater than the assessed value as shown on the County Assessment and Taxation records of the existing improvements on the site.
MANUFACTURED DWELLING PARK:	Any commercial 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 and 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.
MANUFACTURED/MOBILE HOME:	A manufactured home is a mobile home constructed in accordance with federal and state manufactured housing construction and safety standards, that was manufactured no earlier than 1996.
MARIJUANA:	All parts of the plant of the Cannabis family Moraceae, whether growing or not, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist, or may be from time to time be amended.
MEDICAL MARIJUANA:	All parts of the marijuana plants that may be used to treat or alleviate a qualified patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.
MEDICAL MARIJUANA: DISPENSARY OR FACILITY:	A facility that dispenses medical marijuana, meeting the requirements set by the Oregon Health Authority and being registered to do business with the Office of the Secretary of State.
MEDICAL MARIJUANA: GROW FACILITY:	A facility that grows medical marijuana as allowed under Oregon Revised Statute and as regulated by the Oregon Health Authority.
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.
MOBILE HOME PARK:	Three (3) 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.

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MULTI-FAMILY DWELLING DEVELOPMENT:	A grouping of individual structures where each structure contains three or more dwelling units on a single parcel of land.
MULTI-FAMILY DWELLING STRUCTURE:	A structure that contains three (3) or more dwelling units that share common walls or floor/ceilings and the land underneath the structure is not divided into separate lots.
MULTI-USE PATH:	A paved path outside of the roadway right of way that is shared by non-motorized modes.
NEW CONSTRUCTION:	Any structure for which the “start of construction”, to include additions, remodeling that changes footprint, commenced on or after the effective date of this ordinance.
NON-CONFORMING DEVELOPMENT:	An element of a development was created in conformance with development regulations but which is no longer in conformance with the current development standards.
NON-CONFORMING USE:	A use that was allowed when established that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, no longer meets current standards for the zone.
NURSING HOME:	Any home, institution, or other structure maintained or operating for the nursing and care of four or more ill or infirm adults not requiring hospital care or hospital facilities.
OPERATOR:	The person who is the proprietor of a facility, whether in the capacity of Company Principal, owner, lessee, sub-lessee, mortgagee in possession, license or any other capacity. If the operator is a corporation, the term Operator also includes each and every member of the corporation’s Board of Directors whose directorship occurs in a period during which the Facility is in operation. If the Operator is a partnership or limited liability company, the term Operator also includes each and every member thereof whose membership occurs in a period during which the Facility is in operation.
OPEN SPACE (PUBLIC, COMMON, PRIVATE, ACTIVE, PASSIVE):	Land 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.
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.

PARCEL:	A legally defined area of land created through a partition. Parcel and Lot are interchangeable for most purposes. See definition of Lot.
PARTITION:	To divide an area or tract of land into two (2) or three (3) parcels within a calendar year.
PASTURE:	A fenced-in location that is planted in pasture grass or other accepted forage and is irrigated and its purpose is to graze agricultural animals.
PHARMACY:	A place where drugs and medicines are prepared and dispensed by a licensed pharmacist. A pharmacy may also be a drug store.
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.
PRIMARY STRUCTURE:	A structure or combination of structures of chief importance or function on a site.
PRIMARY USE:	An activity or combination of activities of chief importance on the site.
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:	Uses that are maintained by a public agency or non-profit organization and are in place to serve the community, includes parks, schools and civic use buildings.
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 and current meaning according to ORS 446.003(33) or any subsequent state law definition.
RECREATION FACILITY OR AREA:	An indoor or outdoor area containing facilities or equipment that open to the public or limited private memberships where various sports or leisure-time activities take place; such as ball field, walking paths, playgrounds, or other similar uses. Such location and uses will comply with Community Design Standards.

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RECREATIONAL VEHICLE PARK:	A commercial use providing space and facilities for recreational vehicles for recreational use or transient lodging located on a tract of land no less than five (5) acres.
RELATIVE:	Any individual related by blood or through legal and recorded process.
RESIDENTIAL FACILITY/GROUP CARE FACILITY:	A residence for physically or mentally disabled persons, and for staff persons as defined according to Oregon Revised Statute 197.660. The facility may provide residential care alone, or in conjunction with training or treatment.
RESIDENTIAL HOME/ GROUP CARE HOME:	A residence for physically or mentally disabled persons, and for staff persons as defined according to Oregon Revised Statute 197.660. The residence may provide residential care alone, or in conjunction with training or treatment.
RESIDENTIAL TRAILER:	A mobile home that was not constructed in accordance with federal manufactured housing construction and safety standards.
REVIEW BODY:	The person or group who is assigned to make decisions on Zoning Permits, 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 or that which may be set-aside in a tract for public use.
SAFE SCHOOL ROUTES:	A designated route(s) that promote(s) bicycle, pedestrian and traffic safety for children and minors to and from and between school sites. Certain type development(s) restricted by local rules or code, state and federal law, and which may contribute to the delinquency and hindrance of public health and safety of minors shall not be cited (allowed).
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.
SELF-SERVICE STORAGE:	Self-service storage uses provide separate storage areas for individual or business uses. These uses are also called miniwarehouses.
SETBACK, SETBACK YARD:	The minimum distance required between a specified object, such as a building, and another point, measured to a specified property line.

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SIDEPATH:	A paved path within roadway right of way that is shared by non-motorized modes.
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 lot(s), lot(s) of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes: A site is the area proposed for development, whether in single or multiple ownerships and whether the entirety of the ownership is proposed for development.
SITE REVIEW:	A discretionary review that applies to all developments except those specifically designated for Zoning Permit 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.
SKIRTING:	A weather resistant material used to enclose the space below the structure. Such skirting shall be of comparable (like) material as the installed siding material of dwelling.
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

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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.

**STOREFRONT
CHARACTER:**

The character expressed by buildings placed close to the street with ground level display windows, weather protection (e.g. awnings), corner building entrances or recessed street-front entries, and similar features (e.g. motifs, décor, colorings).

**STORM WATER
FACILITY:**

A facility designed to improve the quality and manage the quantity of storm water runoff.

STREAM:

An area where enough natural surface water flows to produce a channel, such as a river or creek that carries flowing surface water during most of the year, including the water with any vegetation, aquatic life or habitat, bed and banks below the ordinary high water level, the floodplain, and associated wetlands.

STREET TREE:

A tree planted in a planter strip or tree well between the street, curb, 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).

TAX LOT:

A unit of land assigned by the Department of Revenue for the sole purpose of real estate taxation.

TEMPORARY USE:

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site.

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 purposes – E.g. dedication to a Homeowner Association or other entity for maintenance.

TRAIL: A paved or unpaved path outside of the roadway right of way that is shared by non-motorized modes.

TRANSPORTATION FACILITIES: The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.). Transportation improvements include the following:

1. Normal operation, maintenance repair, and preservation activities of existing transportation facilities.
2. Design and installation of culverts, access ways, multi-use paths or trails, sidewalks, side paths, bike lanes, medians, fencing, guardrails, lighting, curbs, gutters, shoulders, parking areas, transit stops, and similar types of improvements within the existing right of way.
3. Projects identified in the adopted transportation system plan not requiring future Zoning Permit and approval.
4. Approved landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Street or road construction as part of an approved land use application.

**TRI-PLEX/
MULTI-PLEX:** A building with three or more attached housing units on one parcel or lot.

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.

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UTILITIES:	For the purposes of this Title, utilities including water, sewer, storm water, telephone, cable, natural gas, electric, and telecommunication facilities.
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.
VISION CLERANCE AREA:	Those areas at intersections of roadways and motor vehicle access points where a clear field of view is necessary for traffic safety and to maintain clear sight distance. See standards in Section 10-3A-2 of this Title.
YARD:	The area defined by setbacks (i.e., between the setback line and nearest property line).

CHAPTER 2

LAND USE DISTRICTS (ZONES)

SECTION:		PAGE:
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10-2-2:	Level of Zoning Permit	25
10-2-3:	Determination of Land Use Districts	26
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10-2-1: ESTABLISHMENT OF ZONES: Every lot, parcel and tract within the City of Irrigon has been assigned a land use district. For the purposes of this ordinance, the following districts are hereby identified:

**TABLE 10-2-1
IRRIGON LAND USE ZONES**

Comprehensive Plan Designation	Applicable Zone
Residential	Residential (R)
Commercial	Commercial (C)
Industrial	Light industrial (M)
Recreation	Recreation (RC)

- A. **LOCATION OF ZONES:** The boundaries for each district listed in this ordinance are indicated on the City of Irrigon Comprehensive Plan and Zoning Map delineated by the center line of the right of way if there are split zoning, and is hereby incorporated and adopted as part of this Ordinance.
- B. **APPLICABILITY OF LAND USE STANDARDS:** Use and development of land within each District is limited to the standards and criteria specified in this Ordinance. Each District includes a table of permitted uses and the type of review, according to the abbreviations in the following table:

10-2-2: LEVEL OF ZONING PERMIT: All development will be reviewed and permits granted or denied using the following review procedures in accordance with the

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established zone and applicable standards and requirements. Explanation of Permit types can be found in Chapter 4A of this Title.

Table 10-2-2
LEVEL OF ZONING PERMIT

I	Permitted with Type I Review
II	Permitted if in Compliance with Type II Review
III	Conditional Use Permit Review (Type III)

10-2-3: DETERMINATION OF DISTRICT BOUNDARIES: As a general rule, District Boundaries shall follow the boundaries for lot and parcel, rights of way, and jurisdictional boundaries of the City, County, and the Urban Growth Boundary. If a District Boundary divides a lot or parcel, the City Planning Official may approve an adjustment to the boundary for a distance not to exceed 100 feet from the adopted District Boundary map and at the request of the property owner.

10-2-4: 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.

CHAPTER 2

LAND USE DISTRICTS (ZONES)

ARTICLE A. RESIDENTIAL DISTRICT/ZONE (R)

SECTION:	PAGE:
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10-2A-1: RESIDENTIAL DISTRICT (R)

- A. Purpose: The R District provides for the development of single family dwellings on individual lots provided with urban services at low densities. Two-family and multi-family dwellings are allowed as conditional uses, as are other uses that are compatible with and appropriate to support residential development.
- B. Allowed Uses: Table 10-2A-1 lists uses that are allowed and the level of review:

Table 10-2A-1
ALLOWED USES

Use	Permit Type
Residential uses:	
Single-family dwelling	I
Duplex	I
Multi-family dwelling	III
Residential Facility	III
Manufactured Home park	III
Residential Group Home	III
Daycare In-Home	II
Assisted living/nursing home	III

Recreational Facility/Uses	III
Bed and breakfast Inns	III
Public (Non Commercial) use including City Hall, libraries, and similar uses; schools, and places of assembly such as churches	III
Home-Based Business	II
RV Parks	III

10-2A-2.: DEVELOPMENT STANDARDS (R): The standards in Table 10-2A-2 shall apply to all uses, structures, buildings, and development, including major remodels. All new Single Family Residences shall also conform to the general and acceptable standards as detailed in the Oregon Building Codes and Standards and listed in 10-3-2.

Table 10-2A-2
STANDARDS

Residential Use	Standard
Minimum lot area:	
Single-family	6,000 square feet
Duplex	7,000 square feet
Multi-family	3,000 square feet per unit
Mobile Home Parks	3,000 square feet per unit
Residential uses (Single and Duplexes)	60 feet - frontage
Multi- Family	80 feet - frontage
Corner Lot	1 side more than 70 feet
All lots not on a cul-de-sac	60 feet - frontage
Lots on a cul-de-sac	35 feet - frontage
Maximum building/structure height	35 feet
Maximum buildable lot (single family dwelling)	12,000 feet
Maximum height - fences, retaining/garden walls:	See Chapter 3

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Maximum building coverage (footprint plane as percent of site area):	
Single-family dwelling, plus accessory uses	60 percent
Duplex	60 percent
Multi-family or cottage cluster	60 percent
Public use	60 percent
Minimum landscape area.	10 percent
Minimum setbacks:	
Front/street setback from Property Line (front of structure to property line)	20 feet
Side setback, except on corner lots on street side	10 feet
Side setback on corner lots, street side	15 feet
Rear setback	10 feet

10-2A-3: **ARCHITECTURAL DESIGN STANDARDS:** Residential developments are subject to review per this Title and Community Design Standards, 10-3.

10-2A-4: **EXCEPTIONS AND EXCLUSIONS:** Within the Residential District there may be limitations and restriction imposed by this Ordinance. Such exceptions and exclusions may be but not limited to the following.

A. Exceptions:

1. Multi-Family dwelling units per design review and Conditional Review.
2. Residential Facility, Residential Group Home, Bed and Breakfast, and RV Parks by design review and Conditional Review.
3. RV stay may be permitted as a Temporary Use during construction of a new framed home.

B. Exclusions:

1. No Shipping Containers allowed. All accessory structures must meet building code requirements and community design standards.
2. No Marijuana Retail Facility (Ord.*237-15)
3. No Medical Marijuana Grow Facility (Ord.237-15)

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4. No Commercial business or industrial use.

5. No establishment or development that is directed by this Ordinance or excluded or restricted by Ordinance adopted by the City Council shall be located within a Safe Routes to School Zone.

10-2A-5: SPECIAL STANDARDS: Certain uses within the Residential District may be acceptable with additional consideration through the Type II procedure.

A. Residential Home, Day-Care In Home

B. Home Based Business: Standards in this section are intended to limit uses in home-based businesses so that impacts on adjacent residentially zoned or used properties are minimized.

1. An application for Zoning Permit shall include a written statement explaining the nature of the business, a site plan showing the lot and arrangement of buildings, and a vicinity map showing the relationship to adjacent structures and uses with bi-annual review/renewal.

2. Limitations on use:

a. All business-related activities shall be secondary and subsidiary to the residential use.

b. No more than one non-resident employee is permitted.

c. No exterior display of products, storage of materials, or signage other than permitted for a residence is permitted.

d. No exterior alterations to the residence that indicate a business is occurring within the residence and business activities shall be totally contained within the residence.

3. Prohibited Activities: The following uses are prohibited for Home-Based Businesses: headquarters site for assembly of employees for work (dispatching); ambulance service; animal hospital; veterinary services, kennels or animal boarding; automobile and other vehicle repair including painting of vehicles; repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on the site.

C. 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:

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1. Definitions:

- a. Enclosure: A small, fenced-in location such as a pen, corral, run, or other non-permanent holding area for an agricultural animal.
- b. Pasture: A fenced-in location that is planted in pasture grass or other accepted forage and is irrigated and its purpose is to graze agricultural animals.
- c. Sacrifice Area: Small fenced-in areas near a pasture usually used to temporarily keep animals off a pasture while it regrows.
- d. Agronomic Rate: The application of fertilizer that provides the amount of plant nutrients such as nitrogen needed by the crop grown on the land while minimizing the amount that passes below the root zone.

2. Regulations for Agricultural Animal Uses:

- a. Processing of animal or plant products, including milk, and feed lots are not allowed.
- b. Sale of animal or plant products may be allowed only under a Home Based Business or Conditional Use Permit, as applicable.
- c. 4-H or FFA animal raising and/or keeping is allowed when permitted as a Temporary Use.
- d. Plant nurseries that are oriented to retail sales are not allowed in residential zones.
- e. The following rules apply to large and medium sized agricultural animals in the Residential Zone.
 - a) Enclosure space and pastures will not include driveways or other right of way easements, residential yards, or open space that is not fenced and dedicated as animal enclosure or pasture space.
 - b) Enclosures, animal runs, barns, and pens shall be located at least seventy feet (70') from the front property line and at least fifty feet (50') from any adjacent residence.
 - c) Number of Animals Allowed: The total number of all large and medium-sized animals allowed in a pasture or enclosure (not including young less than 6 months old) will be allowed as follows:

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I. Horses or cows on pasture deemed to be “excellent” - Total animals = 2 per acre;

II. Horses or cows on pasture deemed to be “good” or “poor” - Total animals = 1 per acre;

III. Sheep, lama, and goats on pasture deemed to be “excellent” - Total animals per acre = 4;

IV. Sheep, lama, and goats on pasture deemed to be “good” or “poor” - Total animals = 2 per acre;

V. Other domestic farm animals: One miniature horse = one horse; one low-line cow = one cow; one llama = one goat; one swine = one goat. Other domestic animals not specifically mentioned will be determined by the planning official and/or city official.

d) Sacrifice Areas. The following rules apply to bare-ground sacrifice areas:

I. Confining animals for more than 45 days in the sacrifice area can define the area as an animal feeding operation, which is not allowed within the City limits;

II. No rain or irrigation water is allowed to run off from a sacrifice area;

III. Manure must be managed so that animals are not standing in or on their own waste. Failure to manage manure in sacrifice areas constitutes a nuisance and a health hazard for the animal and for humans.

f. Forage Condition and Pasture Management.

a) Pastures with excellent forage condition have the following characteristics:

I. Excellent forage is at least 6 to 8 inches in height with healthy root systems at least as deep as the forage height;

II. Irrigation has been managed to keep plants thriving without allowing for wasteful runoff of irrigation water from the enclosure space area;

III. Fertilizers, if utilized, have been applied at appropriate agronomic rates.

b) Pastures with good or poor forage condition have the following characteristics:

I. Good forage is between 3 and 6 inches in height with shorter, less healthy root systems not deeper than the plants' height, there may be evidence of overgrazing

II. Poor forage is less than 3 inches or lacking and root system is also less than 3 inches in depth or lacking.

III. Irrigation may be well managed or patchy;

IV. No evidence of fertilizer use.

g. Number of Small Animals Allowed: The total number of chickens, fowl and/or rabbits over the age of six (6) months will not exceed one per five hundred (500) square feet of enclosure space.

h. All animals shall be properly penned, caged or housed and kept within the boundary of the owner's property. Proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in rodent proof containers.

i. 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. Bee colonies will be located at least seventy feet (70') from the front property line and at least fifty feet (50') from any adjacent residence. (Ord. 239-15, 11-17-2015)

CHAPTER 2**LAND USE DISTRICTS (ZONES)****ARTICLE B. COMMERCIAL DISTRICT/ZONE (C)****SECTION:****PAGE:**

10-2B-1:	Commercial District (C)	34
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10-2B-3:	Architectural Design Standards	37
10-2B-4:	Special Standards	37

10-2B-1: COMMERCIAL DISTRICT (C)

- A. Purpose: The purpose of the Commercial (C) Zone is to provide areas for “Main Street” along Highway 730, West Columbia Avenue and North Main with a variety.
- B. Allowed Uses: Table 10-2B-1 lists uses that are allowed and the level of review:

Table 10-2B-1**ALLOWED U SES**

Use	Permit Type
Commercial uses:	
Any Commercial Use that conforms to Community Design Standards	Type II
Public (Non Commercial) Use including City Hall, libraries, and similar uses; schools, and places of assembly such as churches that conforms to Community Design Standards.	Type III

- C. Development Standards: Requirements in Table 10-2B-2 shall apply to all structures, buildings, construction, and development, including remodeling.

Table 10-2B-2**STANDARDS**

Dimension	Standard
Minimum lot area	No minimum
Minimum lot width	20 feet
Minimum lot depth	40 feet
Maximum building/structure height	35 feet
Maximum building coverage	90 percent
Minimum landscape area	10 percent
Parking and Loading	See Chapter 3
Minimum setbacks:	
Front/street setback	0 feet
Side setback	0 feet
Rear setback, except alley	0 feet
Alley setback	5 feet
Adjacent to a residential district	10 feet

- D. Maximum Setbacks (C):

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. 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 two parallel streets) shall be required to meet the maximum setback standard and as specified. Through lots are subject to the fence height, in Section

10-2B-1

10-2B-2

10-3, and setback requirements in subsections 10-2B-1C of this Article and the landscape buffer requirements in Section 10-3B-2 of this Title.

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

b. Through lots with one frontage along the north side of Highway 730 between Fifteenth and First Streets, 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 with one frontage on 1st Street or Columbia Avenue, are required to meet the maximum setback standard and building orientation standards in subsection C of this section.

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

E. Commercial developments are subject to review per this Title and Community Design Standards, 10-3.

10-2B-2: EXCEPTIONS AND EXCLUSIONS: Within the Commercial District there may be limitations and restriction imposed by this Ordinance. Such exceptions and exclusions may include but are not limited to the following.

A. Exceptions:

1. Adult Business shall not be sited within 1,000 feet of a school, athletic fields, Safe Route to Schools, or where children gather and/or congregate.

2. Shipping Containers used for temporary storage must receive a Temporary Use Permit (TUP). A TUP for containers will be for no more than six (6) months with a one-time six (6) month extension.

B. Exclusions:

1. Medical and Recreational Marijuana Facilities are not permitted within the City of Irrigon per Ordinance 237-15.

10-2B-3

10-2B-4

10-2B-3: ARCHITECTURAL DESIGN STANDARDS: Commercial developments are subject to review per this Title and Community Design Standards, 10-3.

10-2B-4: SPECIAL STANDARDS: Certain uses within the Commercial District may be acceptable with additional consideration through the Type II procedure. Such special standards may be shared driveways, adjacent delivery and staging capabilities, light façade for light control, or increase of radius driveway for larger truck usage/deliveries.

CHAPTER 2

LAND USE DISTRICTS (ZONES)

ARTICLE C. LIGHT INDUSTRIAL DISTRICT/ZONE (M)

SECTION:	PAGE:
10-2C-1: Light Industrial Zone (M)	38
10-2C-2: Supplemental Design Standards	39
10-2C-3: Architectural Design Standards	40
10-2C-4: Exceptions and Exclusions	40

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 or truck stop), and similar uses which are not appropriate in a downtown or Main Street area.
- B. Allowed Uses: Table 10-2C-1 lists uses that are allowed and the level of review:

**Table 10-2C-1
ALLOWED USES**

Use	Permit Type
Industrial uses:	
Any Light Industrial Use that does not emit odors, dust, or noise and is enclosed within the development (use) that conforms to Community Design Standards.	III
Outdoor Storage that conforms to Community Design Standards	II

10-2C-1

10-2C-2

- C. The following standards apply to all new structures, buildings, and development, including major remodeling.

**Table 10-2C-2
STANDARDS**

Dimension	Standard
Minimum lot area	Meet the Proposed Use
Minimum street frontage	100 feet
Maximum building/structure height	35 feet
Maximum building coverage	80 percent
Minimum landscape area	5 percent
Parking and Loading	See Chapter 3
Minimum setbacks:	
Front street setback	0 feet
Side setback	0 feet
Rear setback	0 feet
Adjacent to a residential district	10 ²⁰ feet

10-2C-2: SUPPLEMENTAL DESIGN STANDARDS:

- A. Certain uses may be acceptable within the Light Industrial District if potential impacts identified through review can be mitigated. All development in the Light Industrial District is subject to the standards and criteria found in Section 10-3 as well as standards in this Section.
- B. Limitations On Use:
1. A use which creates a nuisance because of noise, smoke, odor, dust, or gas, is prohibited.
 2. Any use of property adjacent to a residential zone shall install and maintain landscaping and/or structure barriers.

10-2C-3

10-2C-4

10-2C-3: ARCHITECTURAL DESIGN STANDARDS: Commercial developments are subject to review per this Title and Community Design Standards, 10-3.

10-2C-4: EXCEPTIONS AND EXCLUSIONS: Within the Light Industrial District there may be limitations and restriction imposed by the Irrigon City Council. Such exceptions and exclusions may be but not limited to the following.

A. Exceptions:

1. Adult Business shall not be sited within 1,000 feet of a school, athletic fields, Safe Route to Schools, or where children gather and/or congregate.
2. Shipping Containers used for temporary storage must receive a Temporary Use Permit (TUP). A TUP for containers will be for no more than six (6) months with a one-time six (6) month extension.

B. Exclusions:

1. No industrial that produces smoke, dust, vibrations, or other obnoxious emissions shall be allowed.
2. Medical and Recreational Marijuana Facilities are not permitted within the City of Irrigon per Ordinance 237-15.

CHAPTER 2

LAND USE DISTRICTS (ZONES)

ARTICLE D. RECREATION DISTRICT/ZONE (RC)

SECTION:	PAGE:
10-2D-1: Recreational District	41
10-2D-2: Development Standards	41
10-2D-3: Exceptions and Exclusions	42

10-2D-1: RECREATION DISTRICT (RC)

- A. Purpose: The recreation lands district is intended to provide for destination recreation opportunities close to Irrigon's commercial center and allow for a variety of outdoor recreation options along with amenities such as lodging, parks, and limited retail uses. (Ord. 195-09, 2-17-2009)
- B. Allowed Uses: Table [10-2D-1](#) lists uses that are allowed and the level of review:

TABLE [10-2D-1](#)
ALLOWED USES

Use	Permit Type
Any Use that meets the intended opportunity for recreation and to established amenities that also conforms to Community Design Standards	III

10-2D-2: DEVELOPMENT STANDARDS:

- A. Dimensional Standards: Requirements in Table [10-2D-2](#) shall apply to all uses, structures, construction, buildings, including remodeling.

10-2D-2

10-2D-3

TABLE [10-2D-2](#)
DIMENSIONAL STANDARDS

Dimension	Standard
Maximum building/structure height	35 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

- B. Any new development in the RC District is subject to standards and criteria in Section 10-3.

10-2D-3: EXCEPTIONS AND EXCLUSIONS: Within the Recreation District there may be limitations and restriction imposed by this Ordinance. Such exceptions and exclusions may be but not limited to the following.

A. Exceptions:

1. Adult Business shall not be sited within 1,000 feet of a school, athletic fields, Safe Route to Schools, or where children gather and/or congregate.
2. No shipping Containers.

B. Exclusions:

1. Medical Marijuana Grow Facility (Ord.237-15).
2. Medical and Recreational Marijuana Facilities are not permitted within the City of Irrigon per Ordinance 237-15.

10-2D-3

10-2D-3

3. No family dwelling or commercial or industrial use.
4. No establishment or development that is directed by this Ordinance or excluded or restricted by Ordinance adopted by the City Council shall be located within a Safe Routes to School Zone.

CHAPTER 3

COMMUNITY DESIGN STANDARDS

SECTION:		PAGE:
10-3-1:	Purpose	44
10-3-2:	Community Design: Specific Standards	44
10-3-3:	General Standards	49

10-3-1: PURPOSE: The provisions of this Chapter shall apply to all development, including redevelopment, and shall be applied during the review process. Every project may not involve all provisions; applicability of specific provisions will be determined during the review process or as noted in the specific Section. The Planning Official will identify provisions believed to be relevant during a Pre-Application Conference however such list may not be exhaustive, and other provisions and requirements of other agencies may also apply to an application.

10-3-2: COMMUNITY DESIGN: SPECIFIC STANDARDS

1. **Residential Specifics:** In addition to any other provisions of this Chapter, the following specific requirements apply to new single family dwellings, including new manufactured homes on individual lots:

A. Single Family Dwellings:

1. **Floor Plan:** In the R zone any home shall have an enclosed floor area of not less than one thousand, two hundred (1,200) square feet.
2. **Roof:** All dwellings shall have a pitched roof with a slope not less than four (4') feet in height for each twelve feet (12') in width with a minimum of four dormer/gables throughout the roof construction (2 end gables and 2 additional architecturally placed). Any pitch greater must obtain a variance.
3. **Residential Building Materials:** All dwellings shall have exterior siding and roofing which in color of earth tones or light pastels, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences.
4. **Garages:** Any single family dwelling must have a garage that is a minimum of 14' x 20'. The garage shall be constructed of materials like

those used on the house. A garage shall be setback at least 20 feet from the property line to a public street.

5. Dwellings shall meet and comply with Uniformed Building Code Requirements that pertain to all aspects of construction – plumbing, electrical, siding, flooring, insulation, etc.

B. Standards For All New Structures in the Residential District Not Included in Section A:

1. Manufactured Homes: In addition to requirements of Section A, on Residential Single Family Lots shall comply with the following:

a. Floor Plan: In the R zone, any manufactured home shall be multi-sectional and have an enclosed floor area of not less than one thousand, two hundred (1,200) square feet. A tip out is not considered to fulfill the requirement of "multi-Sectional".

b. 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. 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 and shall conform to the Oregon Manufactured dwelling Installation Specialty Code.

c. Foundation Skirt: The foundation area of the manufactured home shall be fully enclosed with industry-standard foundation/blocking material (CME Blocking or Concrete). No skirting shall be used to satisfy this requirement, except when otherwise allowed in Mobil Home Parks.

d. 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.

e. Axles: All axle wheels and harnesses shall be removed. Correct filing/notification shall be completed within 30 days of occupancy to the State of Oregon with copy to the City of Irrigon.

2. Duplexes/Multi-Family: The following are additional items pertaining to Duplexes/Multi-Family and are permitted on Residential Single Family Lots.

a. Number and Width of Consecutively Attached Units: Attached single family dwellings or attached duplex dwellings shall have no more than four (4) consecutively attached units and shall be no greater than one hundred feet (100 feet) in length.

b. Access Required: Subdivisions or phases of subdivisions proposed to contain three or four consecutively attached single-family dwellings and developments with two attached duplex dwellings shall provide vehicle access to all such lots and dwelling units from an alley or parking court. The alley or parking court shall be created at the time of subdivision approval and may be contained in a private tract or as a public right of way.

c. Common Areas: Any common areas such as landscaping, private tracts, common driveways, private alleys, building exteriors or other similar commonly owned areas shall be owned and maintained by a homeowners' association or other legal entity. A copy of any covenants, restrictions and conditions shall be recorded and provided to the City prior to building permit approval.

d. All dwellings shall have a garage that is a minimum of 14' x 20', attached to the primary structure. A garage shall be setback at least 20 feet from the property line to a public street.

3. Dwelling access (front/main entrance) shall face the street of which the dwelling is sited and addressed.

2. **Commercial Specifics:** In addition to other provisions of this Chapter and 10-2B, the following specific requirements apply to commercial development:

A. In the Commercial district, off street parking, driveways, and other vehicle areas may be placed between buildings and the street(s) to which

they are oriented, as provided under Subsection B(1)-(3) of this Section. Off street parking in the C 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.

B. In the Commercial 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 10-3-3 of this Title.

C. 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.

D. Shared driveways may be required to limit access to arterial and collector streets. Driveways and access points may be limited to right in/right out when necessary to maintain smooth functioning of arterial and collector streets.

E. The Commercial District allows for residential uses above ground floor of commercial establishments to promote development that combines commercial and residential uses in a singular building or complex. Such use does not take priority over the Commercial District standards and aim for commercial development.

3. **Light Industrial Specifics:** In addition to other provisions of this Chapter and 10-2C, the following specific requirements apply to new industrial development:

A. Industrial Buffers:

1. Purpose: Industrial buffers provide separation between industrial and non-industrial 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 Review (Chapter 4, Article B of this Title) or Conditional Use Permit review (Chapter 4, Article D of this Title) that such additional measures are justified by potential impacts.
 - b. Pedestrian Access: The approval body may require the construction of pedestrian access ways 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.

B. 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.
2. 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.
3. Outdoor Storage shall be screened from view from public rights of way and residentially zoned properties.
4. Lighting shall be located and screened to eliminate or minimize to the extent feasible glare and light on adjacent properties.

10-3-3: COMMUNITY DESIGN: GENERAL STANDARDS

The standards and criteria in this Section apply to all developments, including both new and major remodeling projects and those subject to Site Review, Conditional Use Permit, or any other Type II or III review.

1. Building Orientation:

A. Purpose: This Section requires buildings be placed accordingly and oriented to fronting streets to promote pedestrian development where walking is encouraged 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".

B. Building Orientation Standards: All new buildings and developments shall have their buildings oriented to a street. This standard is satisfied when all of the following criteria are met:

1. 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 when pedestrian amenities between a building and its adjoining street.
2. Except as provided in 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.
3. Where a development contains multiple buildings and there is insufficient street frontage to which all 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 [10-3-3](#) of this Title.

2. Architectural Design Standards:

A. Purpose and Applicability: This Section is intended to provide detailed, human scale design for all new buildings and major remodeling of existing buildings that is characteristic of Irrigon while affording flexibility to use a variety of architectural building styles.

B. Standards: All projects that are subject to this Section shall meet all of the following standards:

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.
 - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of five feet (5'); and/or
 - 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.
 - d. 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.
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 approval body shall not prescribe specific elements; except, when the project is being reviewed as part of a master planned development, conditional use permit, or Site 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.

10-3-3

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- 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 Review.
4. 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 standard 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 up lighting); and/or similar features.
 5. Lighting to provide at least two (2) foot-candles of illumination over parking spaces, porches, garages and walkways. Light standards shall be directed downward only and shielded to prevent lighting spillover into any adjacent district or use.
 6. Structural Tones and Colors: A complementary palette of colors and materials shall be used with individual projects and buildings. Colors and materials selected should provide hues and colors that are not garish and are compatible with the character of the neighborhood.

- 3. Pedestrian Orientation and Human Scale:** The design of all buildings on a site shall support a safe and attractive pedestrian environment, and shall be to a human scale. 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 these standards and criteria.
1. The building orientation standards under subsection 10-2B-3C of this Article are met.
 2. Regularly spaced and similarly shaped windows are provided on all building stories. 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.
 3. Ground floor retail spaces having tall ceilings (i.e., 12 to 16 feet) with display windows on the ground floor. 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. Display windows are trimmed, recessed, or otherwise defined by wainscoting, sills, water tables, or similar architectural features.
 4. Primary building entrance(s) are designed with weather protection, such as awnings, canopies, overhangs, or similar features.
 5. 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.
 6. 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).
 7. 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.
- 4. Compatibility:** All new buildings and major remodeling of existing buildings 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). Pitched roofs have eaves, brackets, gables with decorative vents, or other detailing that is consistent with the surrounding architecture. Pitched roofs (framed and manufactured) shall have a multiple roof line affect. No one straight roof line shall be permitted.
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).
7. Historic design and compatibility requirements, where applicable, are met.

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 remodeling of existing buildings, and when pedestrian amenities are provided to meet the requirements of other Development Code Sections.

B. Standards: New developments and major remodeling of existing buildings shall provide one or more of the pedestrian amenities listed below. Pedestrian amenities may be provided within a street furnishing zone, building frontage zone, or plaza, or within the pedestrian through zone. 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).

C. 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 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.
3. Connections within Development: Connections within developments shall be provided as required in the following:
 - a. Walkways shall connect all building entrances to one another to the extent practicable;
 - b. Walkways shall connect all onsite 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 access ways (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.

4. **Connections to Adjacent Development and Facilities:** The on-site walkway system shall connect to existing or planned pedestrian on-site circulation systems of adjacent properties, to adjacent public rights of way with or without improvements, and to transit stops or park-and-rides within five hundred (500) feet of the site.

D. Walkway Design and Construction: Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in this subsection.

1. **Vehicle/Walkway Separation:** Except for crosswalks (subsection D2 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 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 access way 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. Sidewalks in new residential sub-divisions shall be flat surface pour (no raised curbing) or sidewalks in existing residential areas to have raised sidewalks with raised curbing (minimum 6"). Commercial and Industrial areas to have raised sidewalks with raised curbing (minimum 6"). Must be placed within the Public Right of Way (ROW) or the designated utility easement of new sub-division along/adjacent to the Public Right of Way (ROW).
 - b. At least eight feet (8') 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 ten feet (10'). In the C 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 ten feet (10') wide.

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.

6. Landscaping, Buffers, and Street Trees:

A. Landscaping Plan: A landscape plan is required. All landscape plans shall conform to the requirements in Section 10-4B-5 of this Title.

B. Landscape Area Standards: The minimum percentage of required landscaping shall be provided as required in 10-2-A, B, and C.

C. Landscape Materials: Permitted landscape materials include trees, shrubs, ground cover plants, non-plant 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, 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 commercial zone (C) 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, that is not planted with trees and shrubs, or covered with nonplant material, 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. Non-plant Ground Covers: Bark dust, chips, aggregate, or other non-plant 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. Non-plant ground covers cannot be a substitute for ground cover plants.
9. Existing Vegetation: The street tree standards of Section 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), shall be landscaped with water tolerant, native plants, and may be counted towards the minimum landscape requirement.
11. Xeriscape and Dry-scape: Notwithstanding specific requirements for plants and plant-coverage in this section, landscaping plans that minimize use of water is encouraged.

D. 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, to ensure there are no dry or weedy areas, 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.

E. Buffering and Screening: Buffering and screening are required under the following conditions:

1. **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 and 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.
2. **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 designed 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.
3. **Screening Of Mechanical Equipment, Outdoor Storage, Service And Delivery Areas, And Other Screening When Required:**

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- a. 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:
 - 1. A decorative wall (i.e., masonry or similar quality material);
 - 2. Evergreen hedge;
 - 3. Opaque fence complying with Section 10-3B-4 of this Article; or
 - 4. A similar feature that provides an opaque barrier.

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.

G. Street Trees: Street trees shall be planted for all new developments or major remodeling in a commercial district and developers are encouraged to plant street trees in the landscape strips of public right of way when approved by the City. New developments in other land use districts are to plant trees in yards fronting public rights of way and encouraged in landscape strips of public right of way, as available and when directed and approved by the City. 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:

- 1. 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:
 - a. Provide a broad canopy where shade is desired, except where limited by available space or except in subsection A4 of this Section.

- b. Use low growing trees for spaces under low utility wires.
 - c. Select trees which can be "limbed up" to comply with vision clearance requirements.
 - d. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 - e. Use species with similar growth characteristics on the same block for design continuity.
 - f. Avoid using trees that are susceptible to insect damage and trees that produce excessive seeds or fruit.
 - g. 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.
 - h. Select trees for their seasonal color.
 - i. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.
 - j. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.
2. Caliper Size: The minimum diameter or caliper size at planting, as measured four feet (4') above grade, shall be two inches (2").
 3. 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.
 4. Soil Preparation, Planting And Care: The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and irrigation.

7. Parking and Loading:

A. Purpose: The purpose of this Article is to provide basic and flexible standards for development of vehicle and bicycle parking.

B. Applicability: All developments subject to Site Review (Chapter 4, Article B of this Title), including development of parking facilities, shall comply with the provisions of this Article.

C. Automobile Parking Standards:

1. Minimum Standards by Use:

a. There are minimum parking standard for all zones. All developments must comply with the minimum parking standard as noted below.

b. 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 Zoning Permit (or Type III review if the request is part of an application that is already subject to Type III review).

c. 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.

d. Parking that counts toward the minimum requirement is parking in garages, parking lots, bays along driveways, shared parking, and designated on street parking.

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TABLE 10-3-3A
MINIMUM REQUIRED PARKING BY USE (Use ASHTO Table/standards)

Use	Minimum Parking Per Land Use (Fractions Rounded Down To The Closest Whole Number)
Residential uses:	
Accessory dwelling	None
Single-family dwelling	2 spaces per unit for single-family dwellings and
Duplex	2 spaces per dwelling unit
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:	
Bed and breakfast inn	1 space per bedroom
Educational services, not a school (e.g., tutoring, library 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:		
	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)
	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)

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 Zoning Permit, conditional use permit review, or Site Review
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

2. Minimum Accessible Parking:

- a. Accessible parking shall be provided for all uses in accordance with the standards in table [10-3-3A](#) in this Section; parking spaces used to meet the standards in table [10-3-3B](#) in this Section shall be counted toward meeting off street parking requirements in table [10-3-3A](#) in this Section.
- b. 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.
- c. Accessible spaces shall be grouped in pairs where possible.
- d. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces.
- e. 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 10-3-3B
MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES

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

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

- a. Dimensions: The following constitutes one on street parking space:
 1. Parallel parking, each twenty two feet (22') of uninterrupted curb.
 2. Forty five degree (45°) diagonal, each with twelve feet (12') of curb.
 3. Ninety degree (90°) (perpendicular) parking, each with twelve feet (12') of curb.
- b. Location: On street parking may be counted toward the minimum standards in table [10-3-3A](#) in this Section when located on the block face abutting the subject land use. An on street parking space shall not obstruct a required clear vision area and shall not violate any law or street standard.
- c. 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.

4. 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 Zoning Permit.

5. Off Site Parking: Except for single-family dwellings residential uses, 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 Zoning Permit. 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.

6. General Parking Standards:

a. Location: Parking is allowed only on streets, within garages and other structures, or on driveways or parking lots that have been developed in conformance with this Title. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right of way, pedestrian access way, landscape, or other undesignated area.

b. 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 Zoning Permit.

c. 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 this Chapter.

d. 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.

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e. **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.

7. **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 Table 10-3-3C in this subsection:

a. 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.

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

c. Parking area layout shall conform to the dimensions in Table 10-3C-3F in this subsection

d. 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.

**TABLE 10-3-3C
PARKING AREA LAYOUT**

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	
90°	8'6"	18'	36'	23'	23'	59'	59'	18'
60°	10'	20'	40'	17'	18'	57'	58'	23'
0°	22'	8'6"	17'	12'	29'	35'		8'6"

8. **Bicycle Parking:** All uses that are subject to Site Review shall provide bicycle parking, in conformance with the standards in table 10-3-3D 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 10-3-3D**MINIMUM REQUIRED BICYCLE PARKING SPACES**

Use	Specific Uses	Required Of (Near Building Entry)	Number Spaces
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 Grades 6-12	1 per classroom, or per CU review 4 per school, or per CU review	
Religious institutions and places of worship		2	
Transit stations and park-and-rides		2, or per CU review	

- 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, when provided.

- 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 well-lit as vehicle parking. 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.
- 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.
- h. **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 multi-family use, commercial, or light industrial zones or developments.**

9. 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 safe 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 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 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.

8. **Signs:**

A. Residential Zone Requirements: In a residential zone, the following regulations shall apply:

- 1. No sign shall be illuminated in any manner.
- 2. One nameplate or home occupation sign shall be allowed per residential unit and shall not exceed four (4) square feet in area.
- 3. One sign per lot shall be allowed for advertising the property for sale, lease or rent or political notices; 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 or following election with a maximum of two (2) weeks for removal.
- 4. 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.

B. Commercial Zone Requirements: In a commercial zone, the following regulations shall apply:

1. Signs shall be set back at least ten feet (10') from any residential property line.
2. Moving or flashing signs are prohibited.
3. 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.
4. No sign shall project above the roof edge of the building containing the business, which the sign identifies.
5. 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.

C. Industrial Zone Requirements: In an industrial zone, the following regulations shall apply:

1. Signs shall be set back at least ten feet (10') from any residential property line.
2. Moving or flashing signs are prohibited.
3. 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.

- 9. Access Standards:** Access standards are to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles.

A. Intent: 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: Applies to all public streets and properties that abut such streets. 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 Zoning Permit or Site Review.

C. Access Permit Required: Access to a public street including a new curb cut or driveway approach requires an access permit. Only one access permit shall be granted for a single-family residential lot or parcel. More than one driveway may be approved for a multi-family residential, Commercial or Industrial development, depending on the size of the development, length of street frontage,

potential for and availability of shared access points, and similar considerations that maintain traffic-carrying capacity of the public street.

D. Traffic Study Requirements: The City may require a traffic study prepared.

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 10-3-3F

MINIMUM INTERSECTION SPACING STANDARDS

Functional Classification	Public Street (Feet)	Private Access Drive (Feet)
Regional highway	1/4 mile	600
Arterial	600	600
Collector	600	75
Local	300	75

TABLE 10-3-3G

HIGHWAY ACCESS MANAGEMENT STANDARDS

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, based on the criteria in this section and not on provisions of Chapter 5, 10-5-1 Variances. The access variance will be reviewed by the City and county for all other facilities within the urban growth boundary. Access 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 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, 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 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 ten feet (10') and a maximum width of twelve feet (12').

TABLE 10-3-3H**PRIVATE ACCESS DRIVEWAY WIDTH STANDARDS**

Land Use	Minimum (Feet)	Maximum (Feet)
Single-family residential	10	20
Multi-family residential	15	30
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 onsite circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts.

3. **Driveway Construction:** Driveway aprons shall be constructed of asphalt or concrete, and shall be installed between the street right of way and the private drive.

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 (15 to 20 feet) and turnaround area for emergency vehicles. The fire marshal may require that fire lanes be marked as "No Stopping/No Parking

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. 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 non-paving 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.

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: Driveway approaches or "aprons" are required to connect driveways to the public right of way, they shall be paved with asphalt or concrete and conform to the City's engineering design criteria and standard specifications. All installations are required from property line to travel lane of roadway or hard surface, whichever comes first. Access must be constructed of hard surface material (Asphalt Concrete or formed Concrete slab with break joints). Access must meet the required width, before radius wings, of this chapter per zone and have expanded angle on each side of 40 degree angles.

10. Vision Clearance: 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 an alley. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with this Chapter.

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.

2. A clear vision area shall contain no obstructions between four feet (4') in height and six feet (6') above the grade, including any vegetation and structures.

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

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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 zone, buildings may be built in the clear vision area in order to build to the property line (0 front set-back).

- 11. Fences and Walls:** Walls, fences, and hedges shall comply with vision clearance requirements and provide for pedestrian circulation, in accordance with Article A of this Chapter. Construction of fences, walls, and hedges shall conform to all of the following requirements:

A. General Requirements: All fences, walls, and hedges shall comply with the height limitations of the respective zoning district 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, approval of a conditional use permit, or Site Review approval. When required through one of these types of approvals, no further Zoning Permit is required. If not part of a prior land use approval, new fences, walls, or hedges require Zoning Permit (Type II) approval; if greater than six feet (6') in height, a building permit is also required in all situations.

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 or fence shall not exceed four feet (4') in height within a front yard setback of decorative, 2 to 3 split-rail or open chain link material. Site grading and development and a variance may be approved through a land division or site development review and meet vision clearance of this chapter.
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 this Chapter.

6. No fencing, wall or hedge will exceed a maximum of 8' following a Type III approval.
- 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 non-prohibited evergreen plants.
 2. Prohibited fence and wall materials shall be concrete blocks; straw bales; pallets; 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.

12. Drive-up Facilities: 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:

- A. The drive-up or drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street;
- B. 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);
- C. 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
- D. 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).

13. Transportation Facilities: Transportation improvements include the following:

- A. No Normal operation, maintenance repair, and preservation activities of existing transportation facilities.

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- B. Design and installation of culverts, access ways, multi-use paths or trails, sidewalks, side paths, bike lanes, medians, fencing, guardrails, lighting, curbs, gutters, shoulders, parking areas, transit stops, and similar types of improvements within the existing right of way.
- C. Projects identified in the adopted transportation system plan not requiring future land use review and approval.
- D. Approved landscaping as part of a transportation facility.
- E. Emergency measures necessary for the safety and protection of property.
- F. Street or road construction as part of an approved land use application.

14. 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 or concrete and conform to the City's engineering design criteria and standard specifications. New streets to be a minimum of 42 feet wide that includes, 2 ten foot travel lanes, 2 eight and half foot on-street parking, 2 one and half ribbon curbing and 2 ten foot easement for utilities (communication, gas, electrical, irrigation and storm water) (equals 60 feet).

B. Guarantee: The city may accept an improvement guarantee according to this Title, Articles and City Ordinances if one of the of the following can be substantiated.

1. A partial improvement may create a potential safety hazard to motorists or pedestrians;

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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 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 this Development Code and TSP. 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

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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 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 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).

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TABLE 10-3-3I**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	8' on both sides, except US 730	8' on both sides	5' swale (drainage). Street trees required of this chapter
Local residential street	42'	No	10'	Shared roadway	6' on both sides	8' on both sides	7' swale (parking, drainage). Street trees required of this chapter

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 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 access ways, in accordance with this chapter and the TSP.

5. Access way Standards: Where a street connection in conformance with the maximum block length standards in this section is impracticable, an access way 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 access way where a cul-de-sac or other street is planned and the access way would connect the streets or provide a connection to other developments. Such access ways shall conform to all of the following standards:

- a. Access ways 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 access ways in the subdivision shall be lighted. Access way 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 access ways shall conform to applicable ADA requirements;
- e. The city may require landscaping as part of the required access way improvement to buffer pedestrians from adjacent vehicles; provided, that landscaping or fencing adjacent to the access way does not exceed four feet (4') in height; and
- f. Access way 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 re-developable 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 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

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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 access way connection between it and adjacent streets access ways, parks, or other rights of way. Such access ways shall conform to 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 buffering with frontage along another street;

3. Screen planting within a nuances 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

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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 this chapter. 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 Cluster Box in nature and 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)

15. Utility 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.

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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 meeting domestic water use and fire protection requirements.
2. Installation of Facilities: Where a public water main is accessible, the applicant shall install water facilities (including fire hydrants) subject to the specifications of state law and City requirements. 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. Individual wells are not authorized no allowed following the adoption of this replacement code.
 - b. The city requires that a connection to a public water main be provided as a condition to approval. Any existing individual well or central water system must have installed a double-check system upon acceptance of improvements.
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.

G. Storm Drainage:

1. 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.

2. General Requirements:

a. 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.

b. 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.

c. 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 approved drainage will be provided to an approved drainage watercourse or facility.

d. 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.

3. Dedication of Drainage Facility:

1. General Requirements: Where a subdivision or partition is traversed by a watercourse, drainage way, 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, for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and required width for maximum potential volume of flow.

2. Drainage Easements:

a. 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.

b. 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.

c. 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.

d. 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 drainage ways. 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)

H. 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,

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and high capacity electric lines operating at fifty thousand (50,000) volts or above.

2. Subdivisions and Partitions: 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. 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.

3. 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.

I. Easements:

1. Easements shall be at least ten feet (10') wide. Proper coordination shall be established between the developer and the appropriate utility companies and confirmed with the city 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 satisfactory access to the road or rear lot lines will be coordinated with the city. 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.

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J. Trash Service:

Trash service required and a pad location is to be installed and screened. Trash is to be removed once every seven days.

16. 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 required 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 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 10-3-3J
RECREATION REQUIREMENTS**

Size of Lot	Percentage 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 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 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. 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.

17. Exceptions and Exclusions:

A. 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.

B. Exceptions from Maximum Setback Standards: 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 10-3 Paragraph 10 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 of this Title.

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CHAPTER 4 ADMINISTRATION OF LANDUSE AND DEVELOPMENT

ARTICLE A. TYPES OF REVIEW PROCEDURES

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10-4A-1: PURPOSE AND APPLICABILITY OF REVIEW PROCEDURES:

- A. Purpose: This Chapter establishes decision making procedures that will enable the City, the applicant, and the public to review applications and participate in the local decision making process in a timely and effective way, and provides clear standards and criteria. Table [10-4A-1](#) sets forth 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.
 - 1. Type I Procedure: Type I decisions are made by the City Planning Official, or designee, without public notice or public hearing. The Type I procedure is used when there are clear and objective approval standards, and no or minimal discretion is required. The appeal of a Type I decision is heard by the Planning Commission, at a public hearing.

2. **Type II Procedure:** Type II decisions are made by the City Planning Official or designee with public notice, and an opportunity for a public hearing, if appealed. The appeal of a Type II decision is heard by the Planning Commission, at a public hearing.

3. **Type III Procedure:** Type III decisions are made by the Planning Commission after a public hearing. Type III decisions generally use discretionary approval criteria. Appeal of a Type III decision is heard by the City Council, following the Type III procedure.

4. **Type IV Procedure:** Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or implementation of public policy (e.g. adoption of land use regulations, zone changes, and Comprehensive Plan amendments. Type IV matters are considered initially by the Planning Commission, which makes a recommendation to the City Council, with final decisions made by the City Council. Appeals of decisions of the City Council are directed to the State Land Use Board of Appeals.

**TABLE 10-4A-1
SUMMARY OF APPROVALS BY REVIEW TYPE**

Approvals¹	Review Type	Applicable Regulations
Building permit	n/a	Building code
Code interpretation	Type II	Article H of this Chapter
Land Use Map or Code amendment	Type IV	Article G of this Chapter
Land Use Map Amendment consistent with Comprehensive Plan	Type III	Article D of this Chapter
Comprehensive Plan amendment	Type IV	Comprehensive Plan & Article G of this Chapter
Conditional Use Permit	Type III	Article D of this Chapter
Final Plat	Type I	Article C of this Chapter
Home occupation	Type II	Article I of this Chapter
Zoning Permit	Type I/II	Article B of this Chapter
Lot of record determination	Type I	Section 10-5-3 of this Title
Modification to approval	Type II/III (minor or	Article F of this Chapter

	major)	
Partition Preliminary Plan	Type II	Article C of this Chapter
Property line adjustments and lot consolidations	Type I	Article C of this Chapter
Sign permit	Type I	Chapter 3, Article G of this Title
Site Review	Type III	Article B of this Chapter
Subdivision Preliminary Plat	Type III	
Temporary Use Permit	Type II	Article I of this Chapter
Variance	Type III	Section 10-5-1 of this Title

10-4A-2: TYPE I PROCEDURE:

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, a site plan, and all relevant information listed in Section 10-4A-7;
 - b. Address the standards in sufficient detail for review and action; and
 - c. Be filed with the required fee.

B. Decision Requirements: The City Planning Official's decision shall consider all of the approval standards, including requirements of any road authority. Based on the standards and the facts contained within the record, the City Planning Official shall approve or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.

C. Notice of Decision: A Notice of Decision shall be sent to the Applicant as provided in Section [10-4A-6](#).

D. Final Decision and Effective Date: A Type I decision is final on the date it is made. If an appeal is filed the decision is effective when the appeal is decided and all opportunity for appeal is exhausted.

- E. Appeal: A Type I decision may be appealed to the Planning Commission within 14 days of the decision date.
- F. Approval Period: A Type I decision shall be valid for a period of one year from the effective date or until installed, whichever is shorter. A one year extension of the approval may be approved if the Planning Official finds that:
 - 1. Applicable code provisions have not changed.
 - 2. There are no changes to the originally approved site plan or design.
 - 3. Circumstances beyond the applicant's control caused the delay in obtaining a building permit or beginning substantial construction.
 - 4. The request was filed prior to expiration of the original approval.

10-4A-3: TYPE II PROCEDURE:

- A. Pre-application Conference: A pre-application conference may be required for Type II reviews (10-4A-6C).
- B. Application Requirements:
 - 1. Application Forms: Type II applications shall be made on forms provided by the City Planning Official or designee.
 - 2. Application Requirements: Type II applications shall:
 - a. Include the information requested on the application form, a site plan, and all relevant information as listed in Section 10-4A-7;
 - b. Address the standards in sufficient detail for review and action; and
 - c. Be filed with the required fee.
- C. Notice of Application for Type II Decision:
 - 1. Before making a Type II 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. Any person who submits a written request to receive a notice; and

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- c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City or a potentially affected agency.
- 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.
- 3. Notice of a pending Type II decision shall include all elements of a required notice as set forth in 10-4A-6 except that a hearing is not required, as well as the following:
 - a. Provide a fourteen (14) day period for submitting written comments before a decision is made on the permit.
 - b. State the place, date and time the comments are due, and the person to whom the comments should be addressed.
 - c. State that after the comment period closes, the City Planning Official or designee shall issue a Type II decision, and that the decision shall be mailed to the applicant and to anyone who submitted written comments or who is otherwise legally entitled to notice. Only persons who have submitted comments have the right to appeal.
- D. Decision Requirements: The City Planning Official shall make a Type II decision addressing all of the relevant approval criteria and standards and shall approve, approve with conditions, or deny the requested permit or action, and shall issue the decision in writing. In addition, the City Planning Official may decide, based on comments in response to the notice or scale and potential impact of a development, that the decision is more appropriately made by the Planning Commission using the Type III procedure. In that case, the City Planning Official shall immediately notify the applicant in writing and shall schedule the application for a hearing at the earliest possible date, in accordance with notice provisions of 10-4A-6.
- E. Notice of Decision: The City Planning Official shall issue a Notice of Decision as specified in 10-4A-6.
- F. Final Decision and Effective Date: A Type II decision is final for purposes of appeal, when it is mailed by the City. A Type II 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 and all opportunity for appeal is exhausted.
- G. Appeal: A Type II decision may be appealed to the Planning Commission within 14 days of the Notice of Decision by the applicant, property owner, or anyone

who submitted comments, as set forth in the following Sections dealing with appeals.

H. Approval Period: A Type II decision shall be valid for a period of one year from the effective date or until installed. A one year extension of the approval may be approved if the Planning Official finds that:

1. Applicable code provisions have not changed.
2. There are no changes to the originally approved site plan or design.
3. Circumstances beyond the applicant's control caused the delay in obtaining a building permit or beginning substantial construction.
4. The request was filed prior to expiration of the original approval.

10-4A-4: TYPE III PROCEDURE:

A. Pre-application Conference: A pre-application conference may be required for all Type III applications (10-4A-6C).

B. Application Requirements:

1. Application Forms: Type III applications shall be made on forms provided by the City Planning Official or designee.
2. Application Requirements: Type III applications shall:
 - a. Include the information requested on the application form, a site plan, and all relevant information as listed in Section 10-4A-7;
 - b. Address the standards in sufficient detail for review and action; and
 - c. Be filed with the required fee.

C. Notice Of Hearing: A hearing notice shall be prepared and issued in accordance with requirements of 10-4A-6.

D. The Decision Process:

1. Basis For Decision: A decision on a Type III action shall be based on standards and criteria in this Title.
2. Findings And Conclusions: Approval or denial, or approval with conditions, 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, 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 five (5) 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.

E. 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 or when all options for appeal have been exhausted. The notification and hearings procedures for Type III applications on appeal to the City Council shall be the same as for the initial hearing.

F. Appeal: Appeals of Type III decisions shall be filed within 14 days, as provided in Section 10-4A-6 and will be heard by City Council as follows:

1. Who May Appeal: The following persons ~~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. Scope of Appeal: The appeal of a Type III decision by a person with standing shall be a hearing on the record before the City Council. The appeal shall be limited to the application materials, evidence and other documentation, and specific issues raised in the Planning Commission proceedings. The City Council shall allow additional argument, and may allow new evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue raised in the Notice of Appeal.

3. Appeal to LUBA: The decision of the City Council on appeal of a Type III action is the final decision of the City by order. An appeal of the decision to the Land Use Board of Appeals must be filed within twenty one (21) days of the City Council's final decision. (Ord. 175-07, 6-19-2007)

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G. Approval Period: A Type III decision shall be valid for a period of one year from the effective date or until installed. A one year extension of the approval may be approved if the Planning Official finds that:

1. Applicable code provisions have not changed.
2. There are no changes to the originally approved site plan or design.
3. Circumstances beyond the applicant's control caused the delay in obtaining a building permit or beginning substantial construction.
4. The request was filed prior to expiration of the original approval.

10-4A-5: TYPE IV PROCEDURE (LEGISLATIVE):

A. Pre-application Conference: A pre-application conference is required for all Type IV applications initiated by a party other than the City. The requirements and procedures for a pre-application conference are described in subsection Section 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. Additional information to demonstrate that the application satisfies approval criteria and standards, as listed in Section 10-4A.

C. 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

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- 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 on approval by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.
- D. 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 a proposed legislative action or 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.
- E. Notice Of Decision: Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development,

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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, as provided in 10-4A-6-D6.

- 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.

10-4A-6: GENERAL PROVISIONS

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. This rule does not apply to Type IV Legislative decisions.

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. Pre-application Conferences:

1. Participants: When a pre-application conference is held or required, the applicant shall meet with the City Planning Official or his/her designee(s) and other parties as appropriate.
2. Participant Requirements: At such conference, the participant 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 when known; 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.

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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 filed.

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) Request/Recommendation 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.

(5) Recognized Citizen Groups.

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 site, 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.

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. Application Submission

a. Application Forms: applications shall be made on forms provided by the City Planning Official or designee.

b. Submittal Information: The application shall include the following, as relevant to the request:

(1) Information requested on the application form and a site plan, and relevant information listed in Section 10-4A-7.

(2) 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.

(3) Be accompanied by the required fee.

(4) Except for a Type I application, which does not require notice to adjacent property owners, all other types will include one set of pre-stamped 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.

4. Review 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 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 within the statutory 180 days. The applicant shall have the option of withdrawing the application, or refusing to submit information. 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 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 submit the application for review and comment to the City engineer, road authority, and other applicable county, state, and federal review agencies.

5. 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. 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 not be included 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

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hearing, that such changes may constitute a significant change 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 shall 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.

f. Nothing in this subsection shall prevent an applicant from providing additional information or modifications to plans that respond to proposed findings in a staff report. Such additional information that demonstrates the feasibility of an application complying with all City requirements may be presented to the Planning Commission at the public hearing.

6. Required Notice: When required for a Type III or Type IV decision, or an appeal of a decision, notice shall be provided as follows:

1. Mailed Notice: The City shall mail the notice based upon property ownership records of the Morrow County assessor's office-

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.

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- (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
 - (4) Owners of airports in the vicinity shall be notified of a proposed zone change.
 - (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.
- 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.
2. Published Notice: At least twenty (20) 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.
3. Content Of Notice: When required, Notice 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. Identification of 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. Except for a Type II Notice which does not require a hearing, 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. Except for a Type II Notice, which does not require a public hearing, 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. Except for a Type II Notice, which does not require a public hearing, a general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

7. Public Hearings

A. Hearing Process and Procedure:

- 1. Unless otherwise provided in the rules of procedure adopted by the Planning Commission or City Council:
 - a. The presiding officer 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 adopted rules of procedures, the presiding officer 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 review body; 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; 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.

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;

1. Order of Testimony

- a. Proponent
- b. Opponent
- c. Cross- examination
- d. Rebuttal
- e. Proponent always gets the last word.

d. The public hearing may be continued to allow additional testimony or it may be closed. 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.

e. 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. The order of testimony as noted above applies.

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- 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 120 day time limit, unless the continuance or extension is requested or agreed to by the applicant, however a legislative action is not bound by the time limit.
 - 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.
 - g. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.
- B. Review Authority: Applicants are entitled to an impartial review authority as free from potential conflicts of interest and prehearing ex parte contacts 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 concerning the application or appeal and 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 and reduces the majority of the hearing body, the City shall provide a substitute in a timely manner. 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.

C. 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.

D. Presenting And Receiving Evidence:

1. Receiving Testimony

- 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.

2. The hearings body shall continue the hearing to a time and date certain, if requested by any party at the initial evidentiary hearing. The hearings body may continue a hearing other than when requested, if it so chooses.

3. The hearings body may leave the record open for additional written evidence or testimony, setting time and date certain for submitting materials and future hearings to consider such information.

E. 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 applicable criteria found in the City Code, City Comprehensive Plan and statewide planning goals;
- 2. The property and affected area is presently provided with required and approved 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.

F. Record Of Public Hearing:

- 1. Proceeding shall be made by any approved and generally acceptable means. It is not necessary to transcribe an electronic record or have a verbatim record. The minutes and other evidence presented as a part of the hearing shall be part of the record.

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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 minutes of the hearing; and other documents considered;
 - d. The final ordinance;
 - e. All correspondence; and
 - f. A copy of any notices that were given as required by this Article.

7. Notice of Decision: Following a decision by a City review body, the City Planning Official shall mail a Notice of Decision as specified in this Section:

1. Within five (5) days after the decision is signed by the appropriate decision-maker, 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.
 - e. For a legislative decision involving a change in the Comprehensive Plan Map or Text, or Zoning Map or Text, notice shall be sent to the Department of Land Conservation and Development.
2. The City Planning Official 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.

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3. The 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. When relevant, 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. Amended Decision Process:

- 1. The purpose of an amended decision process is to allow the City Planning Official 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 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 fourteen (14) 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.

H. Appeal Process:

1. Who May Appeal:

- a. The applicant or owner of the subject property.
- b. Any person who was entitled to written notice of the decision.
- c. Any other person who participated in the proceeding by submitting written comments or testimony at a public hearing.

2. Appeal Filing Procedure:

- a. Notice Of Appeal: Any person with standing may appeal a 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:

- a. The appeal of a Type I or II decision by a person with standing shall be a hearing de novo before the Planning Commission. The Planning Commission may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.
- b. The appeal of a Type III decision or on an appeal of a Type I or II decision shall be heard by the City Council, based on the record from the Planning Commission hearing.

4. Appeal Procedures: Type III notice, hearing procedures and decision process shall also be used for all appeals.

5. Further Appeal To City Council: The decision of the Planning Commission regarding an appeal of a Type I or II 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 Land Use Board of Appeals (Ord. 175-07, 6-19-2007)

10-4A-7: APPLICATION REQUIREMENTS

A complete application shall include sufficient information, in narrative and graphic form, to demonstrate compliance with applicable standards, criteria, and any other requirements of the City. All of the items listed in this Section may not be necessary for any specific application, however more complex applications may require all of the following information and additional information, depending upon the nature of the proposal. The City Planning Official shall indicate the minimum necessary information during a pre-application conference, when required, and may request additional information needed to review the request or prepare a staff report and recommendation.

A. General Requirements:

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 pre-application conference (Subsection [10-4A-6C](#) of this Chapter). The study shall address, at a minimum, the transportation system, including pedestrian ways 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 or other exaction, the City shall 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.

B. Submission Requirements: In addition to the requirements for a review identified in Section [10-4A-4](#) of this Chapter, an applicant shall provide the following information.

1. Proposed Site Plan: The site plan shall contain the following information:

- a. The proposed development site, including boundaries, dimensions, and gross area.
 - b. Identified features that are proposed to remain on the site.
 - c. Identified features, 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 as applicable.
 - g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops for commercial and light industrial requests).
 - h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails as applicable.
 - i. Loading and service areas for waste disposal, loading and delivery for commercial and light industrial.
 - 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 or concepts of signs.
2. 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.
3. Preliminary Grading Plan: A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half ($\frac{1}{2}$) 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.
4. Landscape Plan: A landscape plan may be required and, at the direction of the City Planning Official for commercial and light industrial projects and planned sub-divisions, 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.
5. Signs: Sign drawings shall be required in conformance with the City's sign code (Chapter 3, Article G of this Title).
6. Narrative: Letter or narrative report documenting compliance with the applicable approval criteria contained in Section [10-4B](#) of this Article.
7. Traffic Study: Traffic impact study, when required, shall be prepared in accordance with the road authority's requirements. See Sections [10-3-3](#) of this Title and [10-4A](#) of this Article for relevant standards.
8. Future Lot Development: Plan submitted on how lots shall be developed in an orderly fashion, beginning with the first lot closest to the main entry to the development. No

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random selling and/or developing of lots. Lot development shall be to protect opportunity for future development and/or future division.

9. 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)

10-4A-8: SPECIAL PROCEDURES:

This Subsection held open for future use.

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 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

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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. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner. (Ord. 175-07, 6-19-2007)

10-4A-10: 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 equal 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)

10-4A-11: PERMIT APPROVAL; MODIFICATIONS; PERMIT EXPIRATION:

Development shall not commence until the applicant has received all of the appropriate land use and development approvals 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 [10-4A](#) of this Article. Development Review and Site 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 Zoning Permit. 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 Review.
- B. Approval Period: 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 City Planning Official shall, upon written request by the applicant, grant a written extension of the approval period not to exceed one year; provided that:
1. Applicable code provisions have not changed.
 2. There are no changes to the originally approved site plan or design.
 3. Circumstances beyond the applicant's control caused the delay in obtaining a building permit or beginning substantial construction.
 4. The request was filed prior to expiration of the original approval.
- D. Phased Development: Phasing of development may be approved, subject to the following standards and procedures:
1. A phasing plan shall be submitted with the application.
 2. The total time period for developing a site in phases for all phases shall in no case exceed two (2) years without reapplying for appropriate review.
 3. Approval of a phased development 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 [10-4A-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 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)

CHAPTER 4 ADMINISTRATION OF LANDUSE AND DEVELOPMENT

ARTICLE B. - ZONING PERMITS AND SITE REVIEW

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10-4B-1: PURPOSE AND APPLICABILITY: 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. Zoning Permit or Site 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.

10-4B-2: ZONING PERMIT AND SITE REVIEW: APPLICABILITY AND APPROVAL CRITERIA:

Zoning Permit is a review conducted by the City Planning Official or designee without a public hearing, using a Type I or II procedure as specified in Table 10-4A-1 and shall be conducted prior to issuance of building permits, occupancy permit, business license, or public improvement permits. A Zoning Permit is required for all of the types of land uses and development listed in Table 10-4A-1.- An application for Zoning Permit shall be approved only upon meeting all of the applicable standards and criteria, including the following:

- a. The proposed land use or development is permitted by the underlying land use district ([Chapter 2](#) of this Title);
- b. 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

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c. When development is proposed, the applicable Sections of [Chapter 3](#) of this Title, design standards apply.

2. Zoning Permit does not address a project's compliance with applicable building, fire and life safety regulations. (Ord. 175-07, 6-19-2007)

10-4B-3: SITE REVIEW:

Site Review is a discretionary review conducted by the City Planning Official using a Type II procedure or the Planning Commission with a public hearing as a Type III procedure. (See [Article A of this Chapter](#) for review procedure.) All land uses and developments not listed in [Table 10-4-A-1](#) as subject to Zoning Permit review shall be reviewed under provisions of **Section 10-4B-3 Site Review per Subsection B of this Section**. An application for Site Review shall be approved or approved with conditions only upon meeting all of the applicable standards and criteria, and an application may be denied if found not to satisfy applicable standards and criteria. An application for Site Review may be consolidated with another review, such as a Conditional Use Permit, or the review authority may require consolidation if it deems it necessary to evaluate the potential impacts of a proposal. 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 complies with all of the applicable provisions of the underlying land use district ([Chapter 2](#) of this Title).
- B. The applicant may 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.
- C. The application complies with all of the applicable general and specific design standards and criteria in [Chapter 3](#) of this Title:
 - 1. Article A, "Access And Circulation".
 - 2. Article B, "Landscaping, Street Trees, Fences And Walls".
 - 2. Article C, "Parking And Loading", for automobiles and bicycles.
 - 3. Article D, "Public Facilities".
 - 4. Article E, "Surface Water Management".
 - 5. Article F, "Other Standards", as applicable.
 - 6. 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](#)), or other approval shall be met. (Ord. 175-07, 6-19-2007)

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CHAPTER 4
ADMINISTRATION OF LAND USE AND DEVELOPMENT

ARTICLE C. LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

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10-4C-1: PURPOSE:

The purpose of this Article is to:

- A. Carry out the City's development pattern, as envisioned by the Comprehensive Plan by providing rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments.
- B. Encourage efficient use of land resources, full utilization of urban services, and transportation options that promote the public health, safety and general welfare through orderly and efficient urbanization.
- C. Provide lighting and air, prevent overcrowding of land, and provide for safe transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards encouraging conservation of energy resources. (Ord. 175-07, 6-19-2007)

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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 shall be approved before the final plat may be submitted for approval consideration; and
 2. The final plat shall demonstrate compliance with 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 Re-division 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 re-division in accordance with the requirements of the land use district and this Title. A re-division 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.
- 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 proposals must conform with this title's flood plain requirements.

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- G. Need for Required Utilities: All lots created through land division shall have required public utilities and facilities such as sewer, gas, electrical, and water systems.
- H. Need for Required Drainage: All subdivision and partition proposals shall have required surface water drainage facilities that improve water quality. Water quality or quantity control improvements may be required.
- I. Need for Required Public Streets: All subdivision and partition proposals shall demonstrate that access for any new lot or parcel can be provided from a public street or lane. A variance to this provision may be considered. Temporary access may be approved when a new lot or parcel can only have access to a new public street through a future land division. (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 one or more parcels 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;

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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 master plan under the provisions of this Section, the processing of development proposals shall follow the procedures in this Article, and 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; 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 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, and overall density for the land use district is not exceeded. The approval body may require that lots complying with District standards 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 twelve thousand (12,000) square feet.
- B. Midblock Lanes: Lots may be developed without frontage onto a public street when lot access is provided by midblock lanes/cul-de-sacs. Midblock lanes, cul-de-sacs or shared driveways 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.
- C. Driveway and Lane Width: The minimum width of all shared drives and lanes shall be twenty feet (20'); the maximum width is forty feet (40'), except any driveway or lane shall comply with the Uniform Fire Code.
- D. Easement and Improvement of Drive Lane: The property owner shall record no less than a twenty foot (20') easement benefiting all properties that are to receive vehicle access with no on-street parking and increased width for on-street parking. 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.

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- E. 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.
- F. 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. (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.
- 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.

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- E. Phased Development: The City may approve a time schedule for developing a subdivision in phases as provided in 10-4A-11-D, 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.

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 and 10-4A-7 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 and 10-4A-7 of this Chapter, and where required:

- 1. Real Property Dedications: In situations where this Title requires the dedication of real property to the City or other exaction, the City shall include in the written decision evidence that shows that the required dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services;

- 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) to provide the following information in addition to relevant portions of general requirements listed in Section 10-4A-9:

- 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.
- 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. Site Features: Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches.
- g. Trees: The location, size and species of trees having a caliper (diameter) of two inches (2") or greater at four feet (4') above grade in conformance with [Chapter 3, Article B](#) of this Title.
- h. Orientation: North arrow and scale.
- i. Project Designer: Name and address of project designer, if applicable.
- j. 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 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.).
- e. The proposed source of domestic water.

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- f. The proposed method of sewage disposal.
- g. Proposed method of surface water drainage and treatment, if required.
- h. The approximate location and identity of other utilities, including the locations of street lighting fixtures.
- i. Evidence of contact with and approval from the road authority for any development requiring access to its facility(ies).
- j. 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 STANDARDS AND 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.

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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. Each lot shall conform to the standards of [Chapter 3, Article A](#), of this Title.

3. All new lots and parcels shall be provided with access to a public street. However, a variance may be granted to allow a private tract or lane, only where circumstances justify alternative access. 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.

4. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

5. Notwithstanding 1, and 2 of this subsection, flexible lot areas and dimensions to accommodate a variety of housing types may be approved through the subdivision review process, as provided by Subsection 10-4C-4 when incorporated into the preliminary plan.

6. Streets within a partition or subdivision shall extend existing streets or continue an existing street pattern, as set forth in the Transportation System Plan. All new residential streets shall have a right of way width of 42 feet, consisting of two eleven-foot travel lanes, an 8.5 foot on-street parking area provided on each side of the travel lanes, a 1.5-foot wide ribbon curbing on each side of the parking area to provide an edge between vehicle and pedestrian spaces, and with an easement no less than 10 feet in width to provide for sidewalks and utilities, on each side of the vehicle travel lanes.

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.

10-4C-8: VARIANCES AUTHORIZED:

Variances 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. Variances may not be granted for dimensional standards or minimum density, and modification of dimensional standards may only be authorized as provided in Subsections 10-4C-3 or 10-4C-4 when incorporated into the preliminary plan (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 three years 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 or the developer has provided a performance guarantee in accordance with Section [10-4C-11](#) of this Article, approved by the City engineer or appropriate service provider (e.g., road authority).
 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 plat and deed contain a dedication to the public of all public improvements which may include, but not limited to, streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems.
 5. 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.
 6. 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).
 7. 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 applicant or developer 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 sub-divider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City.

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8. 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:

The applicant or developer shall provide a performance guarantee or have improvements installed in accordance with Section 10-4C-9 and 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 of this Article, the applicant or developer shall file an assurance of performance with the City supported by one of the following:
1. 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
 2. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon; 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 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.

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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 have recorded the final plat with signatures of officials as required by this Title and by Oregon Revised Statutes Chapter 92.
- B. Proof of Recording: Upon final recording with the County, the applicant shall submit to the City a paper copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

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 applicable Oregon Revised Statutes.
- 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

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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 in approving a right of way vacation or replat, the City may require dedication of access ways, 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. Any 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

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c. The final recording is a departure from the City 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.
 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
- 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 in accordance with provisions of 10-4A-11.

10-4C-15: Expedited Land Divisions:

- A. An expedited land division (ELD) may be used as provided in Oregon Revised Statutes.
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 and the Irrigon Comprehensive Plan; Oregon Revised Statutes

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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 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.

CHAPTER 4

ADMINISTRATION OF LAND USE AND DEVELOPMENT

ARTICLE D. CONDITIONAL USE PERMITS *

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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, criteria, 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: APPROVAL PROCESS:

- A. Initial Application: An application for a new conditional use shall be processed as a Type III procedure as set forth in Section [10-4A-4](#) of this Chapter and shall comply with 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:

An application for conditional use permit shall comply with the submission requirements in [Article A of this Chapter](#), including relevant portions of Section 10-4A-3 and 10-4A-7, and shall provide information in narrative and graphic form with sufficient detail to demonstrate compliance with applicable standards and criteria of this Article, and any other City requirements.

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. Evaluation Criteria: Each application for a conditional use shall demonstrate that the following criteria are, or can be, satisfied:
 - 1. The site size, dimensions, location, topography and access 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 capacity to serve the proposal.
- B. Site Review Standards: The Site Review approval criteria (Section [10-4B-6](#) of this Chapter) shall be met.
- C. Conditions Of Approval: Conditional Uses are, in general, considered necessary and important uses that necessitate additional review only because such uses might have potentially negative impacts on adjacent uses or the community. Therefore, the City may impose conditions on a proposed conditional use when found necessary through review of the proposed use, to ensure that the use is compatible with other uses in the vicinity, and that any potential negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may 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.

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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 non-remonstrance 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: Certain specific uses that may be allowed through the conditional use process are subject to additional requirements, as listed in this Section:
 1. Multi-Family Development
 - a. Public facilities shall be available and required to serve the proposed development, including but not limited to in particular public sewer, water, and streets.
 - b. Required buffering through landscaping, setbacks, or a combination of elements is proposed to provide sufficient separate between uses, with particular consideration for screening the new use from adjacent non-residentially zoned property.

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c. A minimum of at least 2,500 square feet plus 100 square feet per dwelling unit shall be provided for recreational play area, group, or community activities. Such area shall be improved with landscaping, surfacing, equipment, and similar facilities.

(1) Required open space shall be separated from streets, parking areas, and vehicle maneuvering spaces by a fence or equivalent barrier. No play area is required if more than 70% of the area is preserved as open space and is developed and landscaped, or maintained in native vegetation, or if the development is occupied solely by the elderly.

(2) If dedicated open space which is developed and landscaped equals 50% or more of the total site area, a maximum of 10% increase in the number of units may be granted. In addition, a further increase of 5% in the number of units may be granted if a maintained playground area with approved equipment is provided. And in addition, an additional 10% increase in units may be granted if an approved recreational community building is provided. In no case shall the total increase in units exceed 25% of the base density allowed.

d. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the complex.

e. Interior roadways and access shall be no less than 20 feet in width. All interior roadways shall be designed to accommodate emergency vehicles, with additional fire hydrants, turnarounds, and similar facilities provided if deemed necessary to comply with the Fire Code or State Building Code.

f. A sight-obscuring fence, wall, or evergreen hedge may be required by the Planning Commission when it determines that such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity, and to provide security for occupants of the complex.

g. All accessory structures associated with a multi-family development shall be set back no less than 30 feet from the property line abutting a single-family residential lot or use.

2. Rental, service, and maintenance facilities. The Planning Commission shall find that the location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, nor that the location will unnecessarily restrict existing and future development of surrounding lands as designated by the Comprehensive Plan.

3. Cemeteries: The Commission shall require evidence and shall find that the terrain and soil types of a proposed location are suitable for interment, and that the nature of the

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subsoil and drainage will not have a detrimental effect on ground water sources or domestic water supplies in the area of the proposed use.

4. Church, hospital, nursing home, convalescent home, retirement home:

a. Such uses may be authorized as a conditional use only after consideration of the following factors:

(1) Sufficient area provided for the building, required yards, and off-street parking (related structures and uses such as a manse, parochial school, or parish house are considered separate principal uses and additional lot areas shall be required therefore).

(2) Location of the site relative to the service area.

(3) Probable growth and needs therefore.

(4) Site location relative to land uses in the vicinity.

(5) Adequacy of access to and from principal streets together with the probable effects on the traffic volumes of abutting and nearby streets.

b. Such uses or related buildings shall be at least 30 feet from a side or rear lot line.

5. Clinics, clubs, lodges, fraternal organizations, community centers and grange halls, golf courses, grounds and buildings for games or sports, country clubs, swimming, boating, tennis clubs, and similar activities, governmental structures and land uses, parks, playgrounds. In considering the above, the Planning Commission may authorize the conditional use after assurance that the following are to be provided:

a. Access from principal streets.

b. Off-street parking.

c. Building and site design provisions to minimize noise and glare from the building and site.

6. Commercial use or accessory use not wholly enclosed within a building or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot in a residential zone. In any zone, permitting a commercial use or accessory use not wholly enclosed within a building or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot abutting or across the street from a lot in a residential zone may be permitted as a conditional use subject to the following standards:

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a. A sight-obscuring fence or evergreen hedge may be required by the Planning Commission when, in its judgment, such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.

b. In addition to the requirements of the applicable zone, the Planning Commission may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties; to protect them from glare, noise, or other distractions; or to protect the aesthetic character of the neighborhood or vicinity.

c. In order to avoid unnecessary traffic congestion and hazards, the Planning Commission may limit access to the property.

7. Commercial amusement establishment. A commercial amusement establishment may be authorized after consideration of the following factors:

a. Adequacy of access from principal streets together with the probable effect of traffic volumes of abutting and nearby streets.

b. Adequacy of off-street parking.

c. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

8. Mobile Home Park. A mobile home park shall be built to state standards in effect at the time of construction, the following provisions, and any additional conditions set forth in the Commission's approval prior to occupancy.

a. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

b. The space provided for each mobile home shall be provided with piped potable water and electrical and sewerage connections and shall not be less than 30 feet in width nor less than 40 feet in length.

c. The number of spaces for mobile homes shall not exceed 12 for each acre of the total area in the mobile home park. Except that the Commission may vary this density as follows:

(1) If dedicated open space equals 50% or more of the total area of the park, a maximum 10% increase in units per acre may be granted.

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(2) If in addition to (a) a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional 5%.

(3) If in addition to (a) and (b) an approved recreation/community building is provided, an additional 10% increase of units/acre may be allowed (maximum total increase possible - 25%).

d. A mobile home shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the mobile homes and exclusive of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways, and areas for recreation and landscaping.

e. No mobile home in the park shall be located closer than 15 feet from another mobile home or from a general use building in the park. No mobile home accessory building or other building or structure on a mobile home space shall be closer than 10 feet from a mobile home accessory building or other building or structure on another mobile home space. No mobile home or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.

f. A mobile home permitted in the park shall meet the following standards as determined by an inspection by the building official.

(1) It shall have a state insignia indicating compliance with Oregon State Home Construction Standards in effect at the time of manufacture and including compliance for reconstruction or equipment installation made after manufacture.

(2) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the mobile home shall meet the state standards for mobile home construction evidenced by the insignia.

(3) It shall contain not less than 225 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.

(4) It shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space.

f. A mobile home permitted in the park shall be provided with a continuous skirting, and if a single-wide unit, shall be tied down with devices that meet state standards for tie down devices.

g. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.

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h. The land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height. The fence or hedge shall be maintained in a neat appearance.

i. If the park provides spaces for 50 or more mobile home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the appropriate fire department.

j. If a mobile home space or permanent structure in a park within the Urban Growth Boundary of a city is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the affected city.

k. Open Space. A minimum of at least 2,500 square feet plus 100 square feet per mobile home space shall be provided for a recreational play area group or community activities and in accordance with Community Design Standards. The Planning Commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent, that conforms to fence regulations, but at least 30 inches in height where allowed by fence ordinances. Recreation areas shall be improved with grass, plantings, surfacing or buildings suitable for recreational use. No recreation facility created within a mobile home park wholly to satisfy the requirements of this section shall be open to, or offered in itself to, the general public.

l. Parking space requirement. A parking space shall be provided for each mobile home space on the site. In addition, guest parking spaces shall also be provided in every mobile home park within 200 feet of the mobile home spaces and at a ratio of one parking space for each two mobile home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.

m. All mobile home parks over two (2) acres in size shall be located so as to have access on a street designated as a collector street.

n. All mobile parks shall provide a secondary access to the park. Such secondary access shall enter the public street system at least 150 feet from the primary access.

o. Lighting shall be installed along the access ways of the trailer park and the recreation area with lights of 100 watts or better not over 100 feet apart. Wire for service to light poles and trailer spaces shall be underground.

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p. Roadways within the park shall be improved with an all-weather dustless surface and shall not be less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway and a designated area provided and improved for guest parking and tenant recreational vehicles (such area shall be designed and improved to provide not less than one parking space per each two spaces in the park).

q. No mobile home park shall be created on a site less than five one acre.

9. Bed & Breakfast Inns

a. Business activities shall be secondary and subsidiary to use of the residence as a residence.

b. No more than three (3) bedrooms in any residence shall be utilized for business purposes.

c. Parking shall be provided on the residence site, not located within setback areas, or may be provided on the fronting street if right of way is available and the street is developed with curbs and sidewalk.

d. Maximum guest stay is 30 days.

10. Public Building, Library, Church, Non-commercial Places of Assembly

a. Public facilities shall be available and adequate to serve the proposed development, including but not limited to in particular public sewer, water, and streets.

b. Buffering through landscaping, setbacks, or a combination of elements is proposed to provide sufficient separate between uses, with particular consideration for screening the new use from adjacent non-residentially zoned property.

11. Public Facility (Communications tower, utility station, or similar facility that is not generally occupied)

a. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.

b. The use may be required to be fenced and provided with landscaping.

c. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effects to adjacent property.

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- d. Transmission towers, hoses, overhead wires, plumbing stations, and similar gear shall be so located, designed and installed as to minimize their conflict with scenic values.

12. Commercial Use Greater than 10,000 Square Feet in Area

- a. Adjacent streets and access points are able to handle projected traffic.
- b. The site meets standard(s) for the size of structure, as well as required development features such as parking, landscaping, etc.
- c. Anticipated impacts on adjacent residentially zoned properties and uses, such as but not limited to noise and traffic, are mitigated to a reasonable extent through use of buffers, additional setbacks. Etc.

13. Recreational Vehicle Park (RV Park). A recreational vehicle park shall be built to State Building Code and public health standards in effect at the time of construction, with the following provisions and any additional conditions set forth in the Planning Commission's approval prior to occupancy. RV Parks constructed or operated on resource land to address temporary workforce housing needs shall conform to applicable Oregon Administrative Rule. Ord 221-13

- a. Application is a Type III and shall be five (5) acres and in accordance with all City, County and State Ordinances and Standards.
- b. Each recreational vehicle space shall have an area of not less than seven hundred (700) square feet, exclusive of driveways and common areas.
- c. Exterior perimeter of the Recreational Vehicle Park shall be screened on all sides by sight-obscuring plants, a screening fence, or a combination thereof that is at least six feet (6') in height. The Recreational Vehicle Park owner is responsible for proper upkeep and maintenance of that screening material.
- d. A sanitary facility shall be provided in accordance with State standards and City Code. This shall include a state standard recreational vehicle disposal point for wastewater and sewage.
- e. Recreational Vehicle Park may designate up to 10% of its platted spaces as "tent only" spaces. Such spaces shall not be required to have paving, except for parking vehicles. Such spaces shall be visibly marked with signs designating them as "Tent Only."
- f. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway.
- g. Roadways shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each RV space.

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h. Trash/sanitary receptacles for the disposal of solid waste materials shall be provided at a rate of one 30 gallon container for each four RV spaces and be located within 300 feet of each RV space.

i. Recreational Vehicles (RV) may be permitted to stay in RV Parks indefinitely provided that the following conditions are met: ORD 221-13

(1) Public facilities (electrical, water and sewer) shall be available and adesigned to serve the proposed development, including but not limited to in particular electrical service, public sewer, water, and streets.

(2) Winterizing and skirting shall be required.

(3) There shall be no outdoor storage.

(4) Any recreational vehicle occupying a space in a Recreational Vehicle Park that is not being occupied as a residential dwelling and lawfully connected to electric, water, and sewer systems, as per ORS 197.493, shall be limited to two (2) weeks stay in that Recreational Vehicle Park.

(5) No vehicle repair or maintenance, other than light maintenance- changing headlamps, replacing wipers, repairing window chips, or changing flat tires, is not permitted.

(6) Propane or natural gas tanks shall only be used in accordance with the recreational vehicle manufacturer's specification, and only factory installed tanks shall be permitted. No "extra" tanks shall be stored near or on a recreational vehicle.

(7) No more than two (2) working and licensed vehicles, excluding the recreational vehicle, shall be permitted on a recreational vehicle space.

(8) No indoor furniture or appliances shall be kept outside of the recreational vehicle. Any extensions or adjuncts must be integral to the manufacturer's design of the recreational vehicle. No "add-ons" to the recreational vehicle shall be allowed.

j. Occupancy of each RV shall not exceed the number of persons for which the RV was designed and manufactured.

k. A copy of the park rules shall be submitted by the park owner and kept on file in the Planning Department.

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1. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park shall be equal to one space per RV space. Parking spaces shall be paved with asphalt, concrete or similar material.

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CHAPTER 4

ADMINISTRATION OF LAND USE AND DEVELOPMENT

ARTICLE E. MODIFICATIONS TO APPROVED PLANS AND CONDITIONS OF APPROVAL

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10-4E-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)

10-4E-2: APPLICABILITY:

- A. This Article applies to all development applications approved through the provisions of [Chapter 4](#) of this Title, including:
1. Zoning Permit approvals;
 2. Site Review approvals;
 3. Subdivisions, partitions, and property line adjustments;
 4. Conditional use permits;
 5. 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)

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10-4E-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 access ways, 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. 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)

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10-4E-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 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 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)

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CHAPTER 4

ADMINISTRATION OF LAND USE AND DEVELOPMENT

ARTICLE F. LAND USE DISTRICT MAP AND TEXT AMENDMENTS

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10-4F-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)

10-4F-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)

10-4F-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.

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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 required and approved 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 and provisions of the City of Irigon Transportation System Plan.
- C. 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

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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.
- D. 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 Transportation System Plan (TSP) or Comprehensive Plan to provide transportation facilities, improvements, or services 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.
- E. 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 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

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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)

10-4F-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)

10-4F-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)

CHAPTER 4

ADMINISTRATION OF LANDUSE AND DEVELOPMENT

ARTICLE G. CODE INTERPRETATIONS

SECTION:	PAGE:
10-4G-1: PURPOSE:	159
10-4G-2: PROCEDURE AND CRITERIA FOR DETERMINATION	159

10-4G-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)

10-4G-2: PROCEDURE AND CRITERIA FOR DETERMINATION:

- 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. Interpretations On File: The City shall keep on file a record of all development code interpretations.
- F. Similar Use Determination: When a use's category is not clearly identifiable, the City Planning Official, through a Type II procedure, shall determine the applicable use category in the course of reviewing an application. The following considerations shall be used to

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determine what use category the proposed 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)

- G. 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.

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CHAPTER 4

ADMINISTRATION OF LANDUSE AND DEVELOPMENT

ARTICLE H. MISCELLANEOUS PERMITS

SECTION:	PAGE:
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10-4H-2: TEMPORARY USE PERMITS	161

10-4H-1: PURPOSE: Some uses may be temporary or seasonal in nature. This Article provides standards and criteria for review of such uses.

10-4H-2: 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 clear 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 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 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:

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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 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 required 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 fully 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 be fully served by sewer and water systems, if applicable; and

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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)

E. Keeping of Agricultural Animal for 4H, FFA or Educational Purposes: The City may approve, approve with conditions or deny an application for keeping a horse, cow or steer, sheep, goat, swine, or other small agricultural animal such as poultry, fowl or rabbits for educational purposes based on the following criteria:

1. The educational purpose must be documented and involvement maintained for the duration of the permit.
2. All animals, chickens, and fowl will be humanely and properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in rodent proof containers;
3. Animals will reside on the subject property for a defined period of time not more than 250 days;
4. The pen or enclosure must be maintained and manure removed at least weekly;
5. Number of Animals Allowed: As permitted by the Planning Commission but not more than can be humanely and properly accommodated in the space available according to a statement to be provided by a local veterinarian;
6. Space Requirements: The applicant shall meet enclosure space requirements as outlined in this Code under 10-2A-5C Agricultural Uses unless the Planning Commission finds that the above requirements can be met on a temporary basis in a smaller enclosure space. The enclosure space or pen must not be smaller than 10,000 square feet for large animals and 250 square feet for smaller animals;
7. Noncompliance with any one of these criteria will result in permit revocation and the owner must remove the animals from the subject property.
8. When the use is proposed to be in a commercial zone, it shall be a Type II decision. (Ord. 239-15, 11-17-2015)

CHAPTER 5

EXCEPTIONS TO DEVELOPMENT CODE STANDARDS

SECTION:	PAGE:
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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., Zoning Permit review, Site 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, and are beyond the authority of the City.
- 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

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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 when it finds it necessary to mitigate potential impacts identified through the review process to surrounding property or vicinity or otherwise best achieve the purposes 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 and, in addition, provide relevant information required in Section 10-4A-7. The applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, how the 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)

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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 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 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.

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- 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 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. 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)

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10-5-4: DIMENSIONAL ADJUSTMENTS/MODIFICATIONS:

The Planning Official may grant a Dimensional Adjustment using the Type II procedure when the following criteria are met:

1. Approval of the Dimensional Adjustment does not create a violation(s) of any other adopted ordinance or code standard;
2. An application for a Dimensional Adjustment is limited to one (1) lot or parcel per application;
3. Not more than three (3) Dimensional Adjustments may be approved for one lot or parcel in a continuous 12-month period; and
4. All applicable building code requirements and engineering design standards shall be met.
5. A Dimensional Adjustment shall not exceed 10% of the applicable standard.

10-5-5: EXCEPTIONS:**A. GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS.**

1. Any lot or parcel of land, or portion thereof, which is to be dedicated to a public or semi-public entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by this Ordinance, excepting that the area available for development must be able to support the development and necessary infrastructure.
2. Lot sizes may be reasonably smaller than set forth by this Ordinance if a total section acreage reduction is due to a survey adjustment or other man-made barriers over which the applicant has had no control.

B. GENERAL EXCEPTIONS TO YARD REQUIREMENTS. The following exceptions to yard requirements are authorized for a lot in any zone.

1. Average Front Yard Setback: If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
2. Non-Building Features: Steps, terraces, platforms, and porches having no roof covering and not exceeding 36 inches in height, and fences not interfering with the vision clearance requirements, may occupy a yard and not impact setback requirements.

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3. Signs: Signs conforming to the requirements of this Ordinance may be permitted in required yards.
4. Canopies: A canopy installed as a temporary structure is allowable within the setback requirement. Should a canopy become a permanent attachment to the structure, necessary setback requirements will be required.
5. A side yard or rear yard may be reduced to three feet for an accessory structure erected more than 65 feet from a front lot line, provided the structure is detached from other buildings by five feet or more and does not exceed a height of one story nor an area of 450 square feet.

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CHAPTER 6 FLOOD DAMAGE PREVENTION

SECTION:	PAGE:
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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 flood proofed, 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;

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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:

The following definitions apply specifically to this Chapter and supersede definitions for similar words and phrases found elsewhere in this Ordinance. 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.

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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.

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.

ELEVATED BUILDING: For insurance purposes, a non-basement 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.

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.

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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').

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

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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 [10-6-6C2](#) of this Chapter shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under subsection [10-6-6C2](#) 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 [10-6-5B](#) of this Chapter. The permit shall be for all structures including

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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 flood proofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection [10-6-7B2](#) 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 Planning Official, 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 [10-6-7D1](#) 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 [10-6-5B](#), "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

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from a federal, state or other source, in order to administer subsections [10-6-7B](#), "Specific Standards", and [10-6-7D](#), "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 flood proofed 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 flood proofing 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 ($1/2$) 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 flood proofing 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 [10-6-7A1](#) 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 [10-6-6C2](#) 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 [10-6-5B](#), "Basis For Establishing The Areas Of Special Flood Hazard" or subsection [10-6-6C2](#), "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 flood proofed 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 [10-6-6C3b](#) of this Chapter;

d. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in subsection B1b of this Section;

e. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood proofed level (e.g., a building flood proofed 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')

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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 [10-6-5B](#) 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

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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 flood proofed 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.

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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. Flood proofing 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)