



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/05/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Island City Plan Amendment  
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, February 19, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Judy Rygg, City of Island City  
Gordon Howard, DLCD Urban Planning Specialist  
Grant Young, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

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DEPT OF

JAN 30 2013

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Island City**

Local file number: **2-2012**

Date of Adoption: **1/14/2013**

Date Mailed: **1/24/2013**

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

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Development Code update including stylistic housekeeping edits, allowing religious institutions as permitted uses in commercial zones, and modification of home occupation approval in residential zones. Home occupations would be permitted uses if meeting home occupation standards, conditional uses if not.

Does the Adoption differ from proposal? Yes, Please explain below:

The adopted ordinance modified existing home occupation standards to be clear and objective.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

Acres Involved:

Specify Density: Previous: **NA**

New:

Applicable statewide planning goals:

**1** **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 001-12 (19554) [17349]

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

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Local Contact: **Judy Rygg, City Clerk**

Phone: **(541) 963-5017** Extension:

Address: **10605 Island Avenue**

Fax Number: **541-963-3482**

City: **Island City**

Zip: **97851-**

E-mail Address: **judy@islandcityhall.com**

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

# CITY OF ISLAND CITY

## ORDINANCE NO. 136

An ordinance amending the Island City Development Code Series 2004 related to allowing religious institutional use in Commercial zones, home occupation approval criteria, and editorial corrections.

**WHEREAS**, non-substantive editorial corrections are housekeeping in nature and are not substantively related to Statewide Planning Goals, Rules, or Statute; and

**WHEREAS**, proposed code amendments increases the flexibility of the Development Code for landowners by allowing religious uses as permitted uses rather than conditional uses on Commercial land within Island City; and

**WHEREAS**, the code amendment package increases the flexibility of the Development Code for landowners – by allowing home occupations consistent with home occupation standards as a Type I procedure, and providing a conditional use Type II process for other home occupation applications; and

**WHEREAS**, findings supporting the code amendment package are included as Appendix A to this Ordinance; and

**WHEREAS**, amendments to the Island City Development Code require notice and public hearings in compliance with Statewide Planning Goal 1 and Coordination with La Grande, Union County, the Oregon Department of Land Conservation and Development, and ODOT in compliance with Statewide Planning Goal 2; and

**WHEREAS**, such notice, hearings, and coordination efforts have resulted in no local government or agency objections.

**NOW THEREFORE, THE CITY OF ISLAND CITY ORDAINS AS FOLLOWS:**

**Section 1:** The City Council hereby adopts the Findings in Appendix A to this Ordinance in support of the Code amendments found in Appendix B.

**Section 2:** The City Council hereby adopts amendments to Articles 2, 4, 5, 6, and 10 of the Island City Development Code Series 2004 incorporated into Appendix B of this Ordinance.

**Section 3:** The Island City Development Code (2004) is hereby renamed the “Island City Development Code – Series 2013”.

**PASSED** by the Council this 14<sup>th</sup> day of January, 2013. **APPROVED** by the Mayor this 14<sup>th</sup> day of January, 2013.

This ordinance shall become effective upon Receipt by the City Recorder of written acknowledgment by the Secretary of State.

ATTEST

City Recorder

Judith A. Rygg

Mayor

Wade Ed Lang



# **APPENDIX A: ISLAND CITY DEVELOPMENT CODE, SERIES 2013 FINDINGS**

## **SUMMARY OF PROPOSED LEGISLATIVE AMENDMENTS**

The proposed Development Code amendments package has TWO parts:

- 1) **Update title, dates, and footers.** This is housekeeping and is not substantively related to Goals, Rules, or Statute.
- 2) **Amend Development Code regulations related to Commercial uses and home occupations.** These amendments are intended to increase the flexibility of the Development Code for landowners in two ways – by allowing religious uses as permitted uses in Commercial zones, and by modifying home occupation standards to a) allow a more streamlined (Type I) process for home occupations consistent with home occupation standards; and b) providing an alternative Type II conditional use process for other home occupations. These modifications are intended to streamline existing approval processes.

## **SPECIFIC TEXT AMENDMENTS**

### **Island City Proposed Non-substantive Development Code Text Modifications**

- Page 15: Replace “foul” with “fowl”
- Page 17: Replace “projects that are not inconsistent” with “projects that are consistent”

### **Island City Proposed Substantive Development Code Modifications**

- Page 5: Article 2.03(M) Home occupation definition. Remove “A home occupation shall not employ more than one person who does not live permanently on the premises.” The current definition precludes internet-based home occupations that may have more than one off-site employee, but pose no impact on neighboring properties. Island City’s objective is to support and encourage internet-based home occupation businesses. The revised definition allows for the possibility of home occupations with off-site employees, as long as the home occupation complies with standards regulating home occupations.
- Pages 15 and 16: Article 4.02 Low Density Residential Permitted Uses; and Article 4.03 Low Density Residential Conditional Uses. Add “Home occupations that meet the standards of Article 10.07” as a permitted accessory use, and add [Home occupations] “that do not meet the standards of Article 10.07” as a conditional use. Currently, *all* home occupations are conditional uses and must be approved by City Council through a Type II procedure. Island City wishes to allow more flexibility and reduce applicant costs, so proposes allowing low-impact home occupations through a Type I procedure. This change allows home occupations that meet all home occupation standards to be reviewed by staff and approved through a Type I procedure. For potentially higher-impact home occupation uses that require discretionary review, the “conditional use” Type II process allows the City Council to determine whether the use is compatible with the neighborhood and zone.

- Page 17: Article 5.02 Medium Density Residential Permitted Uses; and Article 5.03 Medium Density Residential Conditional Uses. Add “Home occupations that meet the standards of Article 10.07” as a permitted use, and add [Home occupations] “that do not meet the standards of Article 10.07” as a conditional use. Currently, *all* home occupations are conditional uses and must be approved by City Council through a Type II procedure. Island City wishes to allow more flexibility and reduce applicant costs, so proposes allowing low-impact home occupations through a Type I procedure. This change allows home occupations that meet all home occupation standards to be reviewed by staff and approved through a Type I procedure. For potentially higher-impact home occupation uses that require discretionary review, the “conditional use” Type II process allows the City Council to determine whether the use is compatible with the neighborhood and zone.
- Page 19: Article 6.02 Commercial Uses and Restrictions. Add “Churches and Religious Institutions” to permitted uses within Commercial zones. Island City considers religious uses compatible with the type and mix of uses desirable in City Commercial zones.
- Page 29: Article 10.07 Home Occupations. Revise Article 10.07 standards to be clear and objective as follows (new text highlighted, removed text ~~struck through~~):
  - The following standards shall apply to Type I home occupations.
  - A) **Secondary to Residence.** The home occupation shall be secondary to the main use of the property as a residence as measured by the following objective standards:
    1. **Not Greater Than 25 Percent of Primary Structure.** The home occupation shall be limited to either an accessory structure or to be not over 25 percent of the floor area of the main floor of a dwelling. If located within an accessory structure, the home occupation shall not utilize over 600 square feet of floor area.
    - Residential Appearance.** ~~Structural alterations shall be minimized and shall not detract from the outward appearance of the property as a residential use.~~
    2. **Sign.** The maximum sign size shall be 3 square feet and there shall be no more than one sign per home occupation.
    3. **Adverse Impacts.** There shall be no measurable impacts to adjoining dwellings from vibration, noise, dust, smoke, odor, or interference with radio or television reception.
  - B) **Employee Impacts.** Not more than one person other than the immediate family residing in the dwelling shall be engaged in the on-site home occupation.
  - Parking Limitation.** ~~No parking of customers’ vehicles in a manner or frequency so as to cause disturbance or inconvenience to residents or so as to necessitate off-street parking shall be allowed.~~

Most of Article 10.07 was previously discretionary, and would require a Type II or greater process to approve. The proposed changes to Article 10.07 described above replace discretionary standards with clear and objective standards, allowing for a staff review (Type I) approval process. Home occupations not in compliance with the revised standards would be evaluated through a Type II process, under the proposed code amendment package.

## COMPREHENSIVE PLAN CONSISTENCY

*Goal 2: Land Use Planning*

*Policy 5. Compatibility of anticipated uses with surrounding area development will be evaluated in making planning-related decisions.*

Policy 5 indicates the City must consider how proposed code changes may impact surrounding development.

The proposed home occupation-related code changes streamline the home occupation approval process. Island City has an interest in supporting home occupations in the community, as home occupations serve as incubators for small business, and Island City strongly supports local economic growth. Home occupations are currently allowed in all residential zones in support of this concept.

However, the current code provides a costly and time-intensive approval process for all home occupations – even internet-based businesses that have no impact on their neighbors. The proposed code amendments allow for staff approval of home occupations that have no impact.

Some home occupations may produce noise or have traffic impacts – e.g. a home-based hair salon, delivery service, or crafts manufacturing. These may or may not be appropriate for their neighborhood environment, and require a public process to ensure they are compatible. For these situations, a “conditional use” Type II City Council review process applies.

Providing the tiered review process described above ensures consistency with this Policy, while streamlining application and review requirements consistent with City objectives.

#### **STATEWIDE PLANNING GOAL CONSISTENCY**

Consistency with Statewide Planning Goal 1, Citizen Involvement, is ensured through public process and notice. The adoption proceedings for the proposed code amendments have been noticed consistent with code requirements for Type III proceedings, and public hearings are scheduled for December 10, 2012 and January 14, 2013.

Consistency with Statewide Planning Goal 2, Land Use Planning, is also ensured through following Type III processes in the development code. The proposed amendments streamline existing code process requirements and do not significantly alter code or plan relationships.



**Island City Development Code**

**Series ~~2001~~2013**

**Adopted January 14, 2013**

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## Attachment

Ordinance 98 repealing Island City Ordinance No. 92, amending the **Island City Development Code (1996)** related to transportation standards and making non-substantive editorial corrections, and adopting the amended Development Code under the title of the **Island City Development Code – Series 2001**.

Ordinance XX repealing Ordinance No. 98, amending the **Island City Development Code (2004)** related to editorial corrections and home occupations, and adopting the amended Development Code under the title of the **Island City Development Code – Series 2013**.

# PART I: PROCEDURES

## **Article 1 General Administration**

### **1.01 Title, Purpose, Hierarchy and Scope**

This zoning and land division code shall be known and cited as the Island City Development Code, the ICDC or simply, "this code."

- A) The Island City Development Code (ICDC) includes zoning and land division standards that carry out the goals and policies of the 1995 Island City Comprehensive Plan (ICCP), or simply, "the plan." In cases of conflict, the plan controls.
- B) The Bicycle & Pedestrian Plan has been superseded by the La Grande / Island City Transportation Systems Plan (TSP). The TSP is considered to be a functional plan, similar to a sanitary sewer, water or storm drainage plan. The TSP is subordinate to and implements the Island City Comprehensive Plan. Relevant regulatory provisions of the TSP are included as standards in this code. In cases of conflict, this code controls.
- C) Should any section, clause or provision of this code be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Code as a whole or any part thereof, except the part declared invalid.

### **1.02 Applicability**

This code regulates the use of land, water and air within the Island City Urban Growth Boundary (UGB). Unless specifically exempted, all development is subject to the provisions of this code. No building or structure shall be constructed, occupied or used, nor shall the use of a building be changed from a use limited to one zone to that of any other zone as defined by this code until a building permit is issued by the City.

### **1.03 Classification of Zones & Procedures**

For the purpose of this code, land within the City Limits of Island City is classified into the following zones.

**Table 1.03 Comprehensive Plan to Zone Conversion**

<u>Plan Designation</u>		<u>Zoning District &amp; Abbreviation</u>
Low Density Residential	R-1	Single Family Residential <u>or</u> R-E Residential Environmental
Medium Density Residential		RM Medium Density Residential
Commercial		C-1 General Commercial <u>or</u> NC Neighborhood Commercial
Business Park		BP Business Park
Industrial		I Industrial
Surface Mining		SM Surface Mining
Public/Semi-Public		P Public/Semi-Public
Floodplain/Riparian Overlay		FRO Floodplain Riparian Overlay

- A) **Boundaries.** The boundaries of those zones are shown on the official zoning map of the City of Island City, Oregon, on file in the office of the Planning Official.
- B) **Interpretation.** Unless otherwise shown on the zoning map of the City, boundaries of the zones are lot lines, center lines of streets and alleys, and railroad right-of-way lines and similar boundaries as they exist at the time of the enactment of this code.



- C) **Characteristics.** The reasons for and characteristics of each of the above zoning districts is described in the Land Use Planning chapter of the Island City Comprehensive Plan, under "Plan Classifications."
- D) **Public Facilities & Services.** Normal maintenance of and improvements to public facilities and services that are consistent with the TSP or adopted master plans are permitted in all zones under this code. Public facilities projects that are not identified in the TSP on in adopted master plans may be approved through the conditional use process prescribed in Article 12 of this code.

#### 1.04 Administration and Enforcement

The Planning Official shall interpret and enforce the provisions of this code.

- A) **Illegal Uses.** Any use of any land, water or air or of any structure which deviates from or violates any of the provisions of this code shall be deemed a nuisance and an illegal use. The person(s) responsible shall be subject to the penalties provided below.
- B) **Violation and Penalties.** The use of land or water in violation of this code shall be considered a misdemeanor. Property owners, developers, or their representatives may be fined up to \$500 for each separate offense. Moreover, each day that a violation continues shall be considered a separate offense.

#### 1.05 Revocation of Land Use Permits

Any permit granted thereunder shall be subject to denial or revocation by the City Council if it is ascertained that the application includes any false information, or if the conditions of approval have not been complied with or are not satisfied.

- A) **Revocation Hearing.** Revocation of a land use permit shall be determined by the City Council following Type II procedures. The permit holder shall show cause why such permit should not be revoked.
- B) **Time Period for Corrections.** If the City Council finds that the conditions of permit approval have not been complied with or are not satisfied, the permit holder will be given not more than 30 days to meet all outstanding use requirements. If corrections are not made within that time, revocation of the use shall become effective immediately at the end of the rectification period.
- C) **Re-application.** Re-application for an approved land use permit shall not be made within 12 months after revocation or permit denial except that the Planning Official may allow a new application if substantial new evidence or a major change in circumstances so warrants.

#### 1.06 Fees

Island City's policy is to recover the full cost of land use review from the applicant, rather than pass these costs on to the general public. The more complete the application, the lower the City's review costs will be. Fees are adopted and periodically amended by Council resolution.

- A) **Initial Fee.** The initial application fees provided for in this chapter shall be payable at the time of submission of an application for processing. Acceptance of the application fee does not mean the application is "complete," but does authorize the City to begin its review to determine whether the application is complete. The initial application fee is based on the City's estimate of actual costs that will be incurred by the City to review each application, including notification, application processing, and planning, legal and engineering review.
- B) **Combined Applications.** Application fees shall be reduced as follows:
  1. Subdivisions and planned developments must meet Development Review standards; moreover, subdivisions may also be processed as planned developments. In any of the above cases, only the base fee applicable to subdivisions shall be required.
  2. Where other applications are combined and the Planning Official finds each request to be technically complete at the same time, the full initial fee shall be charged for the first and second most costly applications, and 50 percent of the application fee shall be

charged for each subsequent application. Reduced supplemental fees shall only apply to combined applications.

- C) **Professional Assistance.** For more complex applications, the City may request the assistance of planning, engineering and legal experts to ensure compliance with the provisions of this code. To cover the City's expenses, supplemental fees shall be charged to the applicant whenever the City's actual costs exceed initial fees.
- D) **Refunds.** The City shall maintain records of City staff and consultant time expended on each development application. To encourage the applicant to prepare well-documented applications that comply with this code, any unused portion of an application fee shall be refunded to the applicant.
- E) **Appeal Fees.** The fee for appeal of Type I decisions shall be \$250, as specified for "limited land use decisions" by state law.

## **Article 2 Definitions**

### **2.01 General**

The following words and phrases when used in this code shall have the meanings respectively ascribed to them in this section. Words used in the present tense include the future, the singular number includes the plural, and *vice versa*.

### **2.02 Interpretation**

The following step-by-step method shall be applied where necessary to resolve ambiguity:

- A) **First**, determine whether the term is defined in this Article. Terms defined in this code are intended to have the same meaning as identical terms defined in state statutes and administrative rules relevant to land and water use. Relevant state statutes include, but are not limited to ORS 446 (Manufactured Dwellings), 443 (Residential Facilities), 227 (Cities), 215 (Counties), 197 (Comprehensive Planning), 196 (Wetlands), 195 (Intergovernmental Coordination) and 92 (Land Divisions).
- B) **Second**, if the term is not defined in this code, refer to the Island City Comprehensive Plan or the Transportation Systems Plan.
- C) **Third**, if the term is not defined in either this code or the Island City Comprehensive Plan or TPS, refer directly to the relevant state statute or administrative rule.
- D) **Fourth**, if the term is not defined in 1-3 above, refer to most recent available edition of Webster's Collegiate Dictionary.
- E) **Fifth**, if the term is not defined in 1-4 above, the Planning Official shall interpret the meaning of the term.

### **2.03 Meaning of Specific Terms**

- A) **Access.** The way or means by which pedestrians, bicyclists and/or vehicles enter or leave the property. To be buildable, access to a lot or parcel must be approved by the City in accordance with this code.
- B) **Building.** A structure built or assembled for the support, shelter, or enclosure of persons, animals or property. The "building line" is the limit beyond which buildings and most other structures cannot be erected. The building lines of a lot define the "building envelope." (See also "yards.") The "height of building" is the vertical distance from grade or ground level to the highest point of the coping of a flat roof, or to the center height between the highest and lowest points on other types of roofs. An "accessory building" is any subordinate building or portion of a main building or primary use; the use the accessory building is incidental, appropriate and subordinate to that of the main building or primary use.

- C) **Building Site, Lot, or Parcel.** A lot or parcel of land occupied or intended to be occupied by a principal use and or building permitted by the Code for such site. Each building site shall abut a state road, county road, or a City street or a private road conforming to the standards for the City of Island City. Lots or parcels with proper area and size for more that one building site, but under common ownership, shall be considered as only 1 site until a separate lot or parcel is legally created from the original site and recorded in the County Clerk's office.
- D) **City.** City of Island City, Oregon, the Island City Council or its duly authorized representative. The "City Council" is the governing body of the City and serves as the Planning Commission. The "Planning Official" serves as the Planning Director and administers the provisions of this code.
- E) **Comprehensive Plan.** The 1995 Island City Comprehensive Plan as amended, including maps, written goals and policies related to land, air and water use, public facilities and services, transportation, housing and or urbanization. The Comprehensive Plan is the controlling land use document for the Island City Urban Growth Boundary and has been adopted by the City and Union County as the plan for future development, to promote the public health, safety, and general welfare.
- F) **Development.** Any artificial change to improved or unimproved real estate, including but not limited to, construction of buildings or other structures, excavation, vegetation removal, mining, dredging, filling, grading, compaction, paving, drilling, stream alteration or channeling, or other activities that adversely affect flood hazard potential or water quality within the area of special flood hazard. A "developer" is a property owner, contract purchaser or authorized representative thereof seeking to develop property within the Island City Urban Growth Boundary. A "minor development" is any development application governed by this code that is not a "major development." A "major development" includes the following:
  1. Commercial, industrial, multiple-family or public development, including buildings, storage areas and parking lots occupying more than 2 acres.
  2. Land divisions creating more than 10 lots within a 3-year period.
  3. Mining or aggregate extraction.
  4. Planned Developments.
  5. Any development within the riparian setback area or 100-year floodplain.
- G) **Dwelling Unit.** One or more rooms in a building designed for occupancy by one family and having not more that one kitchen. A "single family dwelling" is a building used or arranged for use as the home or abode of one family, and in which not more than 5 boarders or lodgers are accommodated. A "manufactured dwelling" is a type of single-family dwelling. An "attached single family dwelling" or "zero lot line dwelling" or "row house" is a single family dwelling on an individual lot that is attached at the side lot line. A "2-family dwelling" or "duplex" is comprised of 2 separate dwellings for 2 separate families located on the same lot. A "multiple family dwelling" or "apartment" is comprised of 3 or more dwellings used separately by 3 or more families, living independently of each other and doing their own cooking.
- H) **Easement.** A grant of the right to use a property for specific purposes. For example, a "conservation easement" limits the use of property to conservation of natural resources and open space.
- I) **Family.** An individual or group persons consisting of not more than 5 unrelated persons, living together as a single, non-commercial housekeeping unit.
- J) **Farm Use.** Means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm Use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. It does not include the use of land

subject to the provisions of ORS Chapter 321, except land used exclusively for growth cultured Christmas trees as defined in ORS 215.203(3).

- K) **Garage.** A "private garage" is a garage for no more than 3 automobiles, for storage only, and intended for private use, but in which space may be rented for storage only if not more than 2 non-commercial automobiles, by other than the occupants of the buildings to which such garage is accessory. In contrast, a "public garage" is building other than a private garage used for the care, repair, parking or storage of automobiles.
- L) **Grade or Ground Level.** The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within 5 feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.
- M) **Home Occupation.** A lawful occupation carried on by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence. ~~A home occupation shall not employ more than one person who does not live permanently on the premises.~~
- N) **Land Division.** The creation of one or more parcels or lots in a single calendar year.
  - 1. A "partition" involves the creation of 3 or fewer parcels in a calendar year but does not include the following:
    - a) a division of land resulting from judicial lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
    - b) an adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning code; or
    - c) a sale or grant by a person to a public agency or public body for state highway, county road, City street or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215 and ORS 227 requirements.
      - (i) A "minor partition" means creating 2 or 3 parcels, and does not include the creation of a road or street, or utilization of a means of access not previously approved for partitioning or subdividing.
      - (ii) In contrast, a "major partition" results in 2 or 3 parcels, and includes the creation of a road or street (i.e., creation of a means of access not previously approved for partitioning or subdividing).
  - 2. A "subdivision" involves the creation of 4 or more lots within a calendar year and must be approved by the City of Island City and recorded in Union County, in accordance with this code and ORS 92.
  - 3. In contrast, a "lot line adjustment" means the rearrangement of one or more contiguous property lines where no new lots or parcels are created, consistent with the provisions of this code.
- O) **Lot.** A parcel or tract of land. "Lot area" means the total horizontal area within the lot lines of a lot exclusive of streets, and easements of access to other property. A "corner lot" abuts on 2 or more streets, other than an alley, at their intersection. A "front lot line" separates the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley. A "rear lot line" is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, the rear lot line is a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line. A "side lot line" is any lot line other than a front or rear lot line. "Lot width" is the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. A lot shall not be deemed to be a "legal lot" for building purposes unless it has been approved consistent with this code, or preceding land use regulations in effect at the time the lot was created.
- P) **Manufactured Dwelling.** The broad term "manufactured dwelling" includes manufactured homes, mobile homes, travel trailers, and the like if placed on a site for more than 30 days.



(See also ORS 446.003) A "manufactured home" is a factory-built home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976, and meeting the design standards of this code. A "manufactured home subdivision" allows manufactured homes on individual residential lots. A "mobile home park" occurs when a lot providing sewer, water and electrical hookups for 2 or more manufactured dwellings occupied for living or sleeping purposes, regardless of whether a charge is made for such accommodation. A "travel trailer" or a "recreational vehicle" is a vehicle or trailer designed primarily for temporary occupancy and for travel, recreational, and vacation uses.

- Q) **Non-Conforming Structure, Lot or Use.** A structure, lot or use that conformed with land use regulations in effect at the time of City or County approval, but which does not conform to the requirements of the zone in which it is now located. The term "non-conforming use" does not include a legally-established use that is currently listed as a "conditional use" in the underlying zoning district.
- R) **Normal Maintenance of and Improvements to a Public Facility.** This broad term includes governmental actions necessary to provide transportation, sanitary sewer, domestic water, or storm water drainage facilities and services to support planned urban development – consistent with the Island City Comprehensive Plan, the TSP, adopted master plans or a development approved under this code. This broad term includes acquisition of public rights-of-way and easements, and the following activities within public rights-of-way or easements:
  - 1. street, utility and bridge construction, reconstruction, expansion or widening;
  - 2. landscaping, aesthetic or public safety improvements; and
  - 3. emergency measures necessary for public safety or protection of property.
- S) **Parking Space.** A rectangular area reserved exclusively for parking vehicles, and meeting the design, maneuvering and access specifications of this code. "A parking lot" includes 3 or more parking spaces and must be designed to the standards of this code.
- T) **Person.** Any individual, firm, association, syndicate, corporation, co-partnership, trust, branch of government or legal entity. (See also "developer.")
- U) **Plat.** A final subdivision plat, replat or partition plat that includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a land division. A "replat" is a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, locations, specifications, dedications and provisions and information concerning a recorded partition or subdivision.
- V) **Street.** An approved public or private means of conveying motorized vehicles, pedestrians and bicycles.
  - 1. A "public street" includes the public right-of-way designed for vehicular, pedestrian and/or bicycle traffic. The public street "right-of-way" (r-o-w) line is the dividing line between a public street and a lot. A "street roadway" is the portion or portions of a street right-of-way developed for vehicular traffic. A "sidewalk" is a pedestrian walkway with permanent surfacing located within the street r-o-w. A "pedestrian way" is located separate from the street and is designed for public pedestrian use. A "bicycle lane" is designed and marked exclusively for bicycles and is located within the street r-o-w. A "bicycle path" is separated from the street and is designed for public bicycle use. An "alley" is a public accessway which affords a secondary means of access to property.
  - 2. A "private street" serving more than 2 residences, shall be designed to City Engineering Standards, may only be approved in conjunction with a Planned Development, and shall be maintained by a homeowners' association approved by the City. A "flag driveway" is a limited private street that serves 1 or 2 residences, is owned exclusively by the lot served, and meets the design standards of this code.
  - 3. A "park row" is a landscaped area separating the paved portion of the street from the required sidewalk. Utilities are often located beneath the park row.



- W) **Urban Growth Area.** The unincorporated area between the City Limits and the City's Urban Growth Boundary (UGB).
- X) **Use.** The purpose for which a structure is designed, arranged or intended or for which land is maintained, altered or occupied. A "permitted use" is allowed subject to clear and objective siting standards in a specified zoning district. A "conditional use" may or may not be allowed, and if allowed, may be conditioned at the discretion of the City Council. An "accessory use" is incidental, appropriate and subordinate to the main use of a lot or building. A "public use" is a government use and includes government buildings, storage areas, public schools and parks. A "semi-public use" is a non-profit, organizational (as opposed to business or residential) use, including religious institutions, golf courses, private schools, cemeteries, lodges, and the like.
- Y) **Yard.** The area or "setback" between a lot line and a building line where building construction is not permitted. A "front yard" is between the front building line and the street line of the lot that has, or will have, an address. A "rear yard" is between the rear building line and the lot line opposite the front lot line. A "side yard" is between the building and the side line of the lot; there may be more than one side yard. The "street side yard" is between the side building line and the abutting, non-address street on a corner lot.

## **Article 3 Land Use Review Procedures**

### **3.01 Types of Land Use Decisions**

The Planning Official shall make Type I staff decisions under this code. The City Council shall make Type II quasi-judicial and Type III legislative decisions under this code. The City Council shall hear appeals of Type I decisions under Type II procedure. Expedited land use decisions will be reviewed in accordance with the provisions of State statute.

- A) **Type I Procedure.** Type I staff decisions require the Planning Official to determine compliance with code standards. Type I procedures also apply to zoning determinations and minor development applications. Public notice of minor development approvals is required because limited discretion is involved. Minor developments include determinations of similar uses, land divisions resulting in 10 or fewer lots, development reviews involving 2 acres or less and adjustments to standards.
- B) **Type II Procedure.** Type II quasi-judicial decisions require application of general criteria on a case-by-case basis to major developments, and therefore require public notice and a public hearing before the City Council. Major developments include, but are not limited to land divisions resulting in more than 10 lots, development reviews involving more than 2 acres, conditional use permits, variances, plan amendments and zone changes involving specific parcels of land, and similar decisions.
- C) **Type III Procedure.** Type III legislative decisions include changes to plan goals or policies, large-scale amendments to the plan map, and changes to this code. Public hearings before the City Council and notice to the Department of Land Conservation and Development are required. In the case of land under County jurisdiction, public hearings before the County Planning Commission and Board of Commissioners may also be required.

### **3.02 Compliance with State Law**

Land use applications shall be processed in accordance with the Planning and Zoning Hearings and Review provisions of ORS 227 and ORS 197.

- A) **120-Day Decision Limit.** Except for plan amendments, the City shall make final Type I and Type II decisions within 120 days of acceptance of a complete land use application.

- B) **Complete Application Required.** Because the City is obligated under state law to process development applications rapidly, it is incumbent upon the developer to prepare an application that meets all of the technical requirements of this code and state law before the City will accept it as “complete.”
- C) **ODOT and DSL Notification Required.** The Planning Official shall notify the ODOT District Manager of the nature of the proposal and the pre-application conference date whenever development is proposed on a site with frontage along – or access is proposed to – a state highway (Highway 82 or 237). The Planning Official shall notify the Division of State Lands of the nature of the proposal and the pre-application conference date whenever development is proposed on a site with a known wetland, slough, river or floodplain.

### 3.03 Pre-Application Conference Required

- A) **Purpose.** The pre-application conference acquaints City staff with the proposed project and the applicant with the applicable requirements of this code and other law. The conference does not provide an exhaustive review of all potential issues that a given application could raise. A pre-application conference is required for Type I minor development, Type II (quasi-judicial) and Type III (legislative) land use applications.
- B) **Form Required.** To request a pre-application conference, an applicant shall submit a completed form provided by the Planning Official for that purpose, the required fee, and all information required by the relevant section(s) of the this code. The applicant shall provide 5 copies of all maps and information, so that it can be provided to City consultants for review.
- C) **Scheduling.** The Planning Official will schedule a pre-application meeting within 30 days after receipt of the required materials from the applicant. At the pre-application conference, the Planning Official will describe the Comprehensive Plan zoning designations that apply to the subject property, the type of applications that will be needed, and associated fees.
- D) **Written Summary.** Within 21 days after the date of the pre-application conference, the Planning Official shall mail to the applicant a written summary of the pre-application conference, which describes the proposed application(s) and identifies the relevant approval criteria and development standards in this code. Depending on the complexity of the application, the Planning Official’s letter may also evaluate information provided by the applicant and identify specific additional information that is needed to respond to the relevant criteria and standards. This additional information may include physical development limitations (floodplains, riparian areas, wetlands) that exist on and in the vicinity of the property subject to the application; public facilities that will serve the property subject to the application, including fire services, roads, storm drainage, parks and schools; and other applicable State or Federal law.
- E) **120-Day Time Clock.** The statutory 120-day review period begins when the City determines that an application is complete. City regulations may change between the pre-application conference and receipt of a complete application. State and local regulations in effect at the time that an application is deemed complete by the Planning Official shall control.

### 3.04 Complete Application Required

Before accepting a Type I minor development, Type II or Type III land use application, the Planning Official shall determine that the application is technically complete. To make this determination, the Planning Official must find that:

- A) **Information Required.** The applicant has provided all of the information items required for the specific application (development review, subdivision, etc.) and the following general information:
  1. A completed original application form signed by the owner(s) of the property;

2. A legal description supplied by Union County, a title company, surveyor licensed in the State of Oregon, or other party approved by the review authority, and current Union County Assessor map(s) showing the property(ies) subject to the application;
  3. For Type II applications, a current Union County Assessor's map showing the properties within 300 feet of the subject site and a list of the names and addresses of owners of all such properties, certified by Union County as accurate and complete;
  4. For Type I minor development applications, a current Union County Assessor's map showing the properties within 100 feet of the subject site and a list of the names and addresses of owners of all such properties, certified as accurate and complete;
  5. A copy of the pre-application conference letter prepared by the Planning Official and any required materials described in that letter.
  6. Evidence of coordination with the Island City Fire District, the Island City Sanitary District, the Division of State Lands (for properties with known or suspected wetlands), and the Oregon Department of Transportation (for developments which have frontage on or are proposed to obtain access to Oregon Highway 82 or Highway 237).
  7. A signed agreement, in a form approved by the City Attorney, that the applicant shall pay the costs of processing the application. Failure to pay such costs within ten (10) days of demand may be deemed a withdrawal of the application.
- B) **Incomplete Applications.** If the Planning Official determines that an application is incomplete, a written statement will be provided within 30 days identifying application deficiencies which must be met for the application to be processed. The applicant shall then have 60 days to provide the required information, or the application will be denied.
- C) **Technical Completeness.** If the Planning Official decides an application is technically complete, written notice to the applicant acknowledging acceptance will be provided by the City. In the case of a Type II application the date of the required public hearing will be included in this notice.
- D) **Applicable Regulations.** Applications shall be considered under the adopted plans and regulations in effect at the time that an application was deemed technically complete.

### 3.05 Type I Staff Applications

Staff decisions are made by the Planning Official (Staff) following consultation with the affected agencies and other City staff. The City may authorize review by appropriate legal, planning, environmental or engineering consultants if deemed appropriate.

- A) **Type I decisions include:**
1. Zoning review of single-family and duplex building permits, confirmation of service availability, and determination of compliance with conditions of approval, and similar objective land use reviews;
  2. Minor developments, including land divisions resulting in 15 or fewer lots, zoning use determinations, development reviews involving 2 acres or less and adjustments to standards, which have an element of discretion.
- B) **Referral to City Council.** If the Planning Official determines that a decision involves unique circumstances which, in the opinion of the Planning Official, justify a public hearing before the City Council, any Type I application may be referred to the City Council for a public hearing under Type II procedure.
- C) **Decision Time Goal.** Barring unforeseen circumstances, the Planning Official will issue a written decision within 60 working days after the date the application was accepted as technically complete.
- D) **Decision Options:**
1. If the application complies with this code, the Planning Official shall approve it, subject to conditions necessary to ensure compliance with this code.
  2. If the application does not comply with this code as presented, but it can be readily modified to ensure compliance, the Planning Official will explain to the applicant what is required for approval.

3. If the application cannot be readily modified to comply with this code, the Planning Official shall deny the application and explain her decision.
- E) **Minor Development Decisions.** The Planning Official shall issue her decision regarding minor development applications in writing. This decision shall:
1. Identify applicable criteria and standards in the City Code and other applicable law;
  2. The facts that the Planning Official relied upon to demonstrate compliance or non-compliance with each applicable approval criterion and relevant standards;
  3. The reasons for a conclusion to approve, approve with conditions or deny; and
  4. The decision to deny or approve the application and, if approved, any conditions of approval necessary to ensure the proposed development will comply with applicable criteria and standards.
  5. The City may retain the services of the City Attorney, City Engineer or Planning Consultant to assist the Planning Official in this review, at the applicant's expense.
- F) **Notice of Minor Development Decisions.** The Planning Official shall provide written notice of the decision to the applicant, to property owners within 100 feet of the perimeter of the subject property (as determined by Union County Assessor's Records), to those who have participated in the decision or requested notice in writing, and to affected agencies.
1. The records of the Union County Assessor shall be used for determining the property owner of record. The failure of a property owner to receive notice shall not affect the decision if the notice was properly sent. A sworn certificate of mailing executed by the person who did the mailing shall be evidence that notice was mailed to parties listed or referenced in the certificate.
  2. The notice of the minor development decision shall include the following information:
    - a) The case file number(s);
    - b) The name of the applicant or applicant's representative and the name, address, and telephone number of a contact person for the applicant if any;
    - c) A description of the site, including plan designation and current zoning and nearest road intersections, sufficient to inform the reader of its location and zoning;
    - d) A map depicting the subject property in relation to other properties;
    - e) A summary of the proposed application(s) and citations of relevant decision criteria from this code;
    - f) A statement that the notice is intended to inform potentially interested parties that a decision has been made regarding the application;
    - g) The place, days and times where the written decision approving the minor development may be examined and the name and telephone number of the City representative to contact about the application;
    - h) A statement that anyone entitled to notice or who submitted written testimony may request a public hearing before the City Council within 14 days of the date the decision was mailed, for a fee of \$250.
    - i) A statement that the decision will become final at the end of the 14 day commenting period, if no person entitled to notice requests a public hearing and pays the requisite fee; and that failure of a person to request a public hearing before the City Council will preclude an appeal to LUBA.

### 3.06 Type II Quasi-Judicial (City Council) Applications

Type II decisions are made by the City Council following at least one public hearing. The range of land use applications that are processed under Type II review procedures is described in Section 3.01 of this code.

- A) **Notice.**
1. At least 20 days before the date of a hearing for an application subject to Type II review, the Planning Official shall issue a public notice of the public hearing.
  2. Notice shall be mailed to the applicant, property owners within 300 feet of the exterior property lines of the subject property, and to those who request notice in writing.



3. The records of the Union County Assessor shall be used for determining the property owner of record. The failure of a party otherwise entitled to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be evidence that notice was mailed to parties listed or referenced in the certificate.
  4. The Planning Official shall publish in a newspaper of general circulation a summary of the notice, including the date, time and place of the hearing and an identification of the property and application(s) under review.
  5. The notice of the public hearing shall include the following information:
    - a) The case file number(s);
    - b) The name of the applicant or applicant's representative and the name, address, and telephone number of a contact person for the applicant if any;
    - c) A description of the site, including plan designation and current zoning and nearest road intersections, sufficient to inform the reader of its location and zoning;
    - d) A map depicting the subject property in relation to other properties;
    - e) A summary of the proposed application(s);
    - f) Citations of relevant decision criteria from this code;
    - g) The place, days and times where information about the application may be examined and the name and telephone number of the City representative to contact about the application;
    - h) A statement that the notice is intended to inform potentially interested parties about the hearing and to invite interested parties to appear orally or by written statement at the hearing;
    - i) A statement informing the public that persons who appear orally or in writing at the hearing may appeal the decision.
    - j) The date, time and place of the hearing, and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the City Council; and
    - k) A statement that a staff report will be available for inspection at no cost at least 7 days before the hearing, and a copy will be provided at reasonable cost.
    - l) A statement that failure to raise an issue at the public hearing precludes raising the issue on appeal.
- B) **Staff Report.** At least 7 days before the date of the hearing for an application(s), the City shall make available to the public a written staff report and recommendation regarding the application(s) and shall mail a copy of the staff report and recommendation to the applicant. The City shall mail or provide a copy of the staff report at reasonable charge to other parties who request it.
- C) **Public Hearings.** Public hearings shall be conducted in accordance the rules of procedure adopted by the City Council unless specifically waived by a majority vote of the Council. Public hearings shall be recorded on audio or audio/visual tape.
1. At the beginning of a hearing or agenda of hearings, the Mayor or presiding Council Member shall:
    - a) State that testimony will be received only if it is relevant to the applicable approval criteria and development standards and is not unduly repetitious;
    - b) Identify the applicable approval criteria and development standards;
    - c) State that the reviewing body must be impartial and question whether any member has had any *ex parte* contact or has any personal or business interest in the application. The Mayor or presiding Council Member shall afford parties an opportunity to challenge the impartiality of any member; and
    - d) Question whether any member of the Council has visited the site and what they observed on this visit;
    - e) State that persons who want to receive notice of the decision may sign a list for that purpose at the hearing and where that list is kept;



- f) State that failure to raise an issue with sufficient specificity to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - g) Summarize the conduct of the hearing.
2. Continuances. Prior to the conclusion of the hearing on each application, the Council may elect to continue the public hearing. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it were the initial hearing.
  3. Leaving the Record Open. The following rules shall govern a request for a continuance of the initial public hearing or to leave the record open for additional information:
    - a) First Response Period. If additional evidence or documents are submitted within seven days of the initial public hearing and there is a request to continue the hearing or to keep the record open, then the Council shall keep the record open for at least 7 days but not more than 14 days to allow any party who participated in the initial hearing to submit testimony that responds to new evidence or documents.
    - b) Second Response Period. All parties who participated in the initial public hearing shall then be afforded the same number of additional days to respond to testimony submitted during the first response period. Testimony that does not relate directly to written evidence provided during the first response period will not be considered by the Council.
    - c) The applicant shall have an additional 7 days to present argument in response to testimony received during the first and second response periods, but in no case shall new evidence be introduced during the third and final response period.
  4. At the close of the public hearing, the Mayor or presiding Council Member shall direct members to address the relevant approval criteria in their deliberations. Decision options include approval, denial or approval with conditions. The Council member making the motion shall clearly state the reasons for the motion made, in terms of the relevant approval criteria.
  5. Following its decision, the City Council shall direct the Planning Official to prepare a final order in support of the Council's decision.
- E) **Written Decision**. Within 30 working days after the date the record closes and the Council makes an oral decision, the City Council shall issue a written decision regarding the application(s). The final order shall identify:
1. Applicable criteria and standards in the City Code and other applicable law;
  2. The facts that the City Council relied upon to demonstrate compliance or noncompliance with each applicable approval criterion and relevant standards;
  3. The reasons for a conclusion to approve, approve with conditions or deny; and
  4. The decision to deny or approve the application and, if approved, any conditions of approval necessary to ensure the proposed development will comply with applicable criteria and standards.
  5. That the City Attorney or Planning Consultant may prepare, and shall review any final order adopted by the City Council.
- F) **Mail Decision**. Within 7 days from the date of the written decision, the Planning Official shall:
1. Mail a copy of the full decision to the applicant and those who requested a copy of the final decision in writing. Copying fees may be charged.
  2. Mail a notice of the decision to parties of record. The mailing shall include a notice which includes the following information:
    - a) A statement that the decision is final, and may be appealed to the Land Use Board of Appeals in accordance with ORS 197.830 within 21 days after the date the notice is mailed. The appeal closing date shall be listed in **boldface** type.

- b) A statement that the complete case file is available for review at City Hall during regular office hours. The statement shall list the place, days and times where the case file is available and the name and telephone number of the Planning Official.

### 3.07 Type III Legislative (City Council) Applications

A Type III (legislative) decision involves the creation, implementation or amendment of the land use policy or law by code. In contrast to other procedure types, a Type III process usually applies to a relatively large geographic area including many property owners. The City shall consider Type III legislative changes annually, at a time to be specified by the Council. Type III applications include, but are not limited to, amendments to this code and the Island City Comprehensive Plan (exclusive of quasi-judicial map amendments).

- A) **Hearing Required.** A Type III procedure requires one or more hearings before the City Council.
- B) **DLCD Notice.** At least 45 days before the date of the final public hearing for an application subject to Type III review, the Planning Official shall notify the Department of Land Conservation and Development (DLCD) in accordance with ORS 197.610.
- C) **Public Notice.** At least 21 days prior to the first public hearing before the City Council, the Planning Official shall prepare a notice that includes the following information:
  - 1. The case file number(s);
  - 2. A description and map of the site that is reasonably sufficient to inform the reader of its location;
  - 3. A summary of the proposed application(s);
  - 4. The place, days and times where information about the application may be examined and the name and telephone number of the City representative to contact about the application;
  - 5. A statement that the notice is intended to inform potentially interested parties about the hearing and to invite interested parties to appear orally or by written statement at the hearing;
  - 6. A statement that the Island City Council will conduct the hearing according to its adopted procedures, along with the date, time and place of the hearing;
  - 7. A statement that a staff report will be available for inspection at the City Hall at no cost at least 7 working days before the hearing, and copies will be provided at reasonable cost;
  - 8. A general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.
- D) **Newspaper Notice.** Publish in a newspaper of general circulation a summary of the notice, including the date, time and place of the hearing and a summary of the subject of the Type III process.
- E) **Staff Report.** At least 7 days before the date of the first hearing for an application subject to Type III review, the Planning Official shall issue a written staff report and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and provide a copy staff report and recommendation to the review body. The Planning Official shall mail or provide a copy of the staff report at reasonable charge to other parties who request it.
- F) **Public Hearings.** Public hearings shall be conducted in accordance with the rules of procedure adopted by the City Council, except to the extent waived by the review body. A public hearing shall be recorded on audio or audio/visual tape.
- G) **Continuances.** At the conclusion of its initial hearing regarding a Type III application, the Council may continue the hearing or may adopt, modify or give no further consideration to the application. Notice of the continued public hearing shall be provided in accordance with Section 2.07.C and D.
- H) **Notice of Final Action.** Notice of City Council final action shall be given as follows:

1. The signed copy of each amendment to the Land Use Plan or a land use regulation shall be maintained on file in the office of the Planning Official. Additional copies shall be made available to the public.
2. 4 copies of the Code amending the Comprehensive Plan or Development Code shall be mailed or otherwise submitted to the director of the Oregon Department of Land Conservation and Development within 5 days after the final decision by the City Council.

### **3.08 Appeals of Type I Decisions**

Any Type I decision may be appealed by anyone who was noticed or participated in a Type I decision if, within 14 working days after receipt of the written decision, a written request for a Council hearing is filed with the Planning Official and a fee of \$250 is paid to the City.

- A) **Information Required.** The appeal shall contain the following information:
  1. The case number designated by the City and the name of the applicant;
  2. The name and signature of each petitioner and a statement showing that each petitioner was entitled to receive notice of the Type I decision.
  3. The specific element(s) of the decision being appealed, the reasons why each element is in error as a matter of fact, law or policy, and the evidence relied on to prove the error.
  4. The required appeal fee of \$250.
- B) **Council Hearing.** Within 45 days of receipt of the appeal, the City Council shall hear appeals of Type I decisions under Type II proceedings. Notice of an appeal hearing shall be mailed to parties entitled to notice of the decision. A staff report shall be prepared, a hearing shall be conducted, and a decision shall be made and noticed and may be appealed to the Land Use Board of Appeals.
  1. The Council may either decide the appeal at the initial public hearing, continue the public hearing on its own motion, or leave the record open as specified in Section 2.06.C.
  2. If the Council affirms an appealed decision, then the Council shall adopt a final order that contains the conclusions the Council reached regarding the specific grounds for appeal and the reasons for those conclusions. The Council may adopt the decision of the Planning Official as its decision to the extent that the decision addresses the merits of the appeal or may alter that decision.
  3. If the Council reverses or modifies an appealed decision, then the Council shall adopt a final order that contains:
    - a) A statement of the applicable criteria and standards in the City Code and other applicable law relevant to the appeal;
    - b) A statement of the facts that the Council relied upon to show that the appealed decision does not comply with applicable approval criteria or development standards;
    - c) The reasons for a conclusion to modify or reverse the decision; and
    - d) The decision to modify or reverse the decision and, if approved, any conditions of approval necessary to ensure the proposed development will comply with applicable criteria and standards.
  4. The Planning Official shall mail notice of a Council's decision as specified in Section 3.06.F to parties who participated in the appeal proceedings. The notice shall include a statement that the decision may be appealed to the Land Use Board of Appeals within 21 days of the date that the decision was mailed.

## PART II: ZONING DISTRICTS

### **Article 4 Low Density Residential (R-1 and R-E) Zones**

#### **4.01 Purpose**

The R-1 (Single Family Residential) and R-E (Residential Environmental) zones designate land principally for single-family residential development, although attached housing and duplexes may be approved through the Planned Development process. The R-1 generally implements the Low Density Residential plan designation. The R-E zone is applied on a limited basis to environmentally-sensitive areas such as Mulholland Slough and/or access-impaired areas that were partitioned prior to annexation to the City.

#### **4.02 Permitted Uses**

In the R-1 and R-E Zones, the following uses are permitted outright:

- A) **Detached single-family dwellings.**
- B) **Attached single-family dwellings or duplexes approved through the Planned Development process.**
- C) **Manufactured homes that meet the following standards:**
  - 1. The manufactured home shall be multi-sectional, designed by the manufacturer as an integral unit, and enclose a space of not less than 960 square feet.
  - 2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
  - 3. The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal 3 feet in height for each 12 feet in width.
  - 4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the City of Island City.
  - 5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss levels equivalent to the performance standards required of single-family dwellings constructed under the state building code.
  - 6. The manufactured home shall have at least 2 paved parking spaces. Garages and carports shall be constructed of like materials.
- D) **Uses accessory to dwellings:**
  - 1. Private garages and storage buildings.
  - 2. Home occupations that meet the standards of Article 10.07.
  - 3. The renting of rooms including boarding for the accommodation of not more than 5 persons, in a single family dwelling.
  - 4. Accessory dwellings, provided that the accessory dwelling does not exceed 50 percent of the habitable floor area of the primary dwelling and that all other provisions of this code are met.
  - 5. In the R-E zone only, livestock consistent with the following standards:
    - a) Cows, horses, mules, burros, goats, or sheep shall not be kept on lots having an area less than one acre. The total number of all such animals over the age of 6 months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal as listed below:

▪.... Horse, Mule, Burro, Cow	20,000 sq. ft. per head
▪.... Goat and Sheep	10,000 sq. ft. per head

- b) The number of chickens, fowl or rabbits over the age of 6 months shall not exceed one for each 500 square feet of land.
  - c) Adequate fences and corrals shall be required to keep animals off adjacent lands.
  - d) Barns, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum 50 feet from adjoining properties.
  - e) Open space, passive parks and trail systems.
- E) **Normal maintenance of and improvements to existing or planned public facilities and services, in accordance with adopted master plans and the Transportation System Plan.**

#### 4.03 Conditional Uses

In the R-1 and R-E Zones, the following uses may be permitted through the conditional use review process in accordance with Article 12 of this code.

- A) **Churches and religious institutions.**
- B) **Home occupations** that do not meet the standards of Article 10.07.
- C) **Active parks and playgrounds.**
- D) **Neighborhood-oriented public facilities and buildings** such as fire stations, pump stations, elementary schools, and community centers.
- E) **Uses similar in type and impact**, provided that such uses are approved under Type II procedures by the City Council.
- F) **Major public facilities projects** that are not inconsistent with the purposes of the TSP or adopted master plans, but which are not identified as "projects" on such plans.

#### 4.04 Dimensions and Area Requirements

In the R-1 and R-E Zones, the following dimension and area requirements apply:

- A) **Yard Requirements.**
  - 1. Front Yard: 15 feet deep from lot line to any structure, except for the garage which shall be 18 feet.
  - 2. Rear Yard: 15 feet deep from lot line to any structure.
  - 3. Side Yard: 5 feet in width on each side of any structure, except that a street side yard shall be 15 feet.
- B) **Minimum Lot Size.**
  - 1. R-1 detached single-family dwelling units - 7,200 sq. ft.
  - 2. R-1 attached single-family dwelling units - 5,000 sq. ft.
  - 3. R-1 duplexes - 10,000 sq. ft.
  - 4. R-E detached single-family dwelling units - 20,000 sq. ft.
  - 5. Accessory dwelling units - 9,000 sq. ft.
- C) **Height Requirements.** Except for chimneys, antennae and similar appurtenances, the maximum height from grade to the top of the primary residential building shall be 35 feet. Accessory structures are limited to 24 feet in height.
- D) **Lot Coverage Requirements.**
  - 1. The maximum lot coverage by structures shall be 40 percent.
  - 2. The maximum impervious surface coverage shall be 50 percent.
- E) **Parking.** All new driveways and parking areas shall be paved or graveled.
  - 1. In addition to any garage or carport parking which the property owner may provide, each lot shall have a minimum of 2 off-street parking spaces per dwelling unit, located at least 18 feet back from the public right-of-way.
  - 2. Each required space shall be a minimum of 9 feet by 18 feet.
  - 3. Parking for conditional uses shall be provided in accordance with Article 14, Development Review of this code.



4. No parking shall be permitted outside of designated parking areas. Specifically, parking shall be prohibited in front or side yards, except for areas approved by the City for driveways.

## **Article 5 Medium Density Residential (R-M) Zones**

### **5.01 Purpose**

The R-M residential zone designates land principally for attached single-family, duplex and multiple-family residential development. Because Medium Density Residential land is relatively scarce in Island City, detached single-family residential development is discouraged in the R-M zone.

### **5.02 Permitted Uses**

All uses in this zone are subject to development review in accordance with Article 14 of this code. In the R-M zone, the following uses are permitted outright:

- A) Attached single-family dwellings, duplexes, rowhouses and clustered homes.
- B) Multiple-family dwellings, including apartments, condominiums, retirement homes, boarding houses, congregate care facilities, and the like.
- C) Uses accessory to dwellings, including private garages, carports, storage structures for the exclusive use of building occupants, and the like.
- D) Churches and religious institutions.
- E) Active and passive parks and playgrounds, including trail systems.
- F) Neighborhood-oriented public facilities and buildings such as fire stations, pump stations, elementary schools, and community centers.
- G) Home occupations that meet the standards of Article 10.07.
- H) Normal maintenance of and improvements to existing or planned public facilities and services, in accordance with adopted master plans and the Transportation System Plan.

### **5.03 Conditional Uses**

In the R-M zone, the following uses may be permitted through the conditional use review process in accordance with Article 12.

- A) Uses similar in type and impact to permitted uses may be approved under Type II procedures by the City Council.
- B) Clustered single-family residential development may also be approved through the conditional use process, provided that the minimum density of the entire development does not fall below 8 dwelling units per net (exclusive of riparian setback areas and streets) buildable acre.
- C) Home occupations that do not meet the standards of Article 10.07.
- D) Major public facilities projects that are ~~not~~ inconsistent with the purposes of the TSP or adopted master plans, but which are not identified as "projects" on such plans.

### **5.04 Dimensions and Area Requirements.**

In the R-M zone, the following dimension and area requirements apply:

- A) **Yard Requirements.**
  1. Front Yard: 15 feet deep from lot line to any structure, except for garages which shall be 18 feet.
  2. Rear Yard: 20 feet deep from lot line to any structure.
  3. Side Yard: 20 feet in width on each side of any structure.
- B) **Minimum Lot Size and Density.**
  1. Attached single-family dwelling units - 3,100 sq. ft.

- 2. Multiple-family dwelling units - 3,100 sq. ft. per unit
- C) **Height Requirements.** Except for chimneys, antennae and similar appurtenances, the maximum height from grade to the top of the structure shall be 35 feet.
- D) **Lot Coverage Requirements.**
  - 1. The maximum lot coverage by structures shall be 50 percent.
  - 2. The maximum impervious surface coverage shall be 65 percent.
- E) **Landscaping Requirement.** A minimum of 35 percent of any R-M lot or development site shall be permanently irrigated and landscaped.
- F) **Parking.** Two parking spaces per 3-bedroom unit shall be provided, and 1.5 spaces per 1- and 2-bedroom units, unless an adjustment is approved based on a report by a Traffic Engineer.
  - 1. All driveways and parking areas shall be paved and set back at least 10 feet from any street or adjoining property.
  - 2. The design of parking lots shall meet the standards of Article 14 of this code.
  - 3. Parking for non-residential permitted and conditional uses shall be provided in accordance with Article 14 of this code.
  - 4. No parking shall be approved outside of designated parking areas, specifically approved for this purpose by the City.
- G) **Development Review Required.** Site plans in accordance with Article 14 of this code shall be submitted and approved by the City for all outright and conditional uses to issuance of a building permit.

## Article 6 Commercial Zones

### 6.01 Purpose

The General (C-1) and Neighborhood (NC) Commercial Zones are intended to provide areas for retail sales and services.

The C-1 Zone is primarily automobile-oriented and allows a wide range of commercial uses that serve the La Grande/Island City region.

In contrast, the NC zone has a pedestrian/bicycle orientation and serves adjacent Island City neighborhoods.

### 6.02 Permitted and Conditional Uses

All commercial uses are subject to development review. Table 6.02 identifies permitted and conditional commercial uses and applicable NC use restrictions. Normal maintenance of and improvements to existing or planned public facilities and services are permitted in accordance with adopted master plans and the Transportation System Plan.

**Table 6.02 Commercial Uses and NC Zone Restrictions**

Use	C-1	NC	NC Use Limitations
Professional offices	P	P	Max. 4,000 sq. ft. per office
Nurseries and greenhouses	P	X	Not Permitted in CN Zone
Retail stores and shops	P	P	Max. 4,000 sq. ft. per business
Recreation and Service Establishments	P	P	Max. 4,000 sq. ft. per business; must be entirely indoors
Hospitals & Clinics	P	P	Maximum 10,000 sq. ft. per clinic
Hotels and motels	P	X	Not Permitted in CN Zone
Bed & breakfast; travel lodge	P	P	Maximum 5 guestrooms

Private clubs, lodges and fraternities	P	P	Maximum 4,000 sq. ft. per use
Public parking not associated with individual business	P	P	Maximum 15 spaces per lot
Service stations	P	P	Maximum 4 pumps; no major engine or body repair
Restaurants	P	P	Maximum 4,000 sq. ft; no drive through, no hard liquor
Wholesale/Warehouse Uses	C	X	Not Permitted in CN Zone
Churches and Religious Institutions	P	P	
Other commercial uses approved by Planning Official (See 6.03(A))	P	P	Maximum 4,000 sq. ft.
Other commercial uses approved by the City Council (Section 6.03(B))	C	C	Maximum 4,000 sq. ft.
Outdoor storage or display	C	X	Not permitted except for sidewalk cafes
Public Facilities outside public rights-of-way or easements	C	C	Except for parks and open space, Maximum 4,000 sq. ft.

**P** = Permitted subject to development review.

**C** = May be approved by City Council subject to conditional use and development review.

**X** = Not permitted.

### 6.03 Other Uses Similar to Those Enumerated

- A) **Permitted Uses.** The Planning Official may approve uses similar to those listed in Table 6.02 under Type I procedure with notice, where such similar uses meet the following standards:
1. The use is compatible with listed outright and conditional uses, and will not adversely affect neighboring residential uses.
  2. The use would not interfere seriously with established and accepted practices on adjacent lands.
  3. The use would not materially alter the stability of the overall land use pattern of the area.
  4. The proposed use can comply with the standards of this zone.
- B) **Conditional Uses.** The City Council may approve uses similar to those identified as conditional uses in Table 6.02, consistent with Type II procedure and Conditional Use approval criteria. Major public facilities projects that are not inconsistent with the purposes of the TSP or adopted master plans, but which are not identified as "projects" on such plans, may also be approved through the conditional use process.

### 6.04 Dimension and Area Requirements

In the Commercial (C-1) Zone, yard dimension and area requirements shall be as follows:

- A) **Arterial Street Setback.** Buildings abutting arterial streets shall be set back at least 10 feet from the arterial street right-of-way line. Otherwise, there is no required building setback from the street. However, the area between any commercial building and any street, including arterial streets, shall be permanently irrigated and landscaped.
- B) **Residential Setback.** A 10-foot, permanently irrigated and landscaped setback shall be required for all structures, parking, storage and display areas abutting residential uses or zoning districts.
- C) **Minimum Lot Size.** None.
- D) **Off-Street Parking and Loading.** Off-street parking and loading shall be paved and striped as provided in Article 14 of this code. Off-street parking and loading areas shall

be set back a minimum of 10 feet from the public right-of-way and from residential areas and shall be permanently irrigated, landscaped and screened in accordance with Article 14.

E) **General Commercial Site Development Standards.**

1. Outdoor storage and heavy equipment parking areas shall be fully and permanently screened from public view.
2. Vehicle and merchandise display areas shall be set back a minimum of 10 feet from the public right-of-way and from residential areas; this setback area shall be permanently irrigated, landscaped and screened in accordance with Article 14.
3. Commercial properties shall be maintained free of weeds, inoperable vehicles, and waste materials.
4. All sales, displays and storage in a C-1 zone shall be conducted within an enclosed building, unless open sales, displays and storage is specifically authorized through the conditional use approval process and is limited by conditions of development review approval.
5. At least 10 percent of each developed or used C-1 commercial site shall be landscaped. Unimproved public right-of-way located between the street or sidewalk and the front property line shall be landscaped and maintained by the property owner as a condition of use.

F) **Neighborhood Commercial Site Development Standards.**

1. Except for sidewalk cafes, all neighborhood commercial uses shall be conducted entirely indoors.
2. Neighborhood Commercial development areas shall be limited to 4 acres or less in size.
3. Neighborhood commercial development shall place parking at the rear buildings, to encourage pedestrian and bicycle access. No parking shall be placed between the front of a building and a public street.
4. Neighborhood commercial development shall be limited to retail sales of good and services which are used on a regular basis by neighboring residents.
5. At least 20 percent of each CN commercial site shall be landscaped.

- G) **Development Review Required.** Site plans in accordance with Article 14 of this code shall be submitted and approved by the City for all outright and conditional uses to issuance of a building permit.

## **Article 7 Industrial and Business Park Zones**

### **7.01 Purpose**

The Industrial (I) and Business Park (BP) Zones are intended to provide areas where manufacturing, processing, warehousing and other industrial uses can effectively operate. The I Zone is limited to areas north of State Highway 82 and is intended to allow medium and heavy industrial uses. The BP Zone accommodates less intensive employment uses in "flex building" or mixed use settings. Light industrial and office, and secondary retail and service uses are intended to support one another in a well-planned indoor setting.

### **7.02 Uses Permitted Outright**

All industrial and business park uses are subject to development review under Article 14. Table 7.02 identifies permitted and conditional industrial and business park uses and applicable BP use restrictions. Normal maintenance of and improvements to existing or planned public facilities and services are permitted, in accordance with adopted master plans and the Transportation System Plan.

### **Table 7.02 Industrial and Business Park Uses and BP Zone Restrictions**



Use	I	BP	BP Use Limitations
Professional & business offices	P	P	No specific limitations.
Manufacturing, repairing, compounding, fabricating, assembling, processing or storage industries	P	C	Low impact uses may be permitted if conducted entirely indoors with no external impacts such as odors, noise, danger from hazardous materials, glare, etc.
Supporting retail, recreational and service uses	X	P	Must serve employees in business park; can occupy no more than 20% of BP floor area or acreage; must be entirely indoors.
Hospitals & Clinics	P	P	No specific restrictions
Private clubs, lodges and fraternities	P	P	No specific restrictions
Public parking not associated with individual business	P	P	Must serve business park patrons and employees only
Automobile service stations	P	P	No major engine or body repair
Restaurants	P	P	No drive through, no hard liquor
Wholesale/Warehouse Uses	C	X	Indoors only; cannot routinely generate large truck traffic.
Other employment uses (See 7.03(A))	P	P	Indoors only; no significant adverse impacts.
Other employment uses (See 7.03(B))	C	C	Indoors only; no significant adverse impacts.
Outdoor storage or display	P	X	Not permitted except sidewalk cafes
Facilities Public outside public rights-of-way or easements	P	P	Except for parks and open space indoors only; no significant adverse impacts.
Storage and loading areas to serve adjacent commercial uses.	C	C	Indoors only; no significant adverse impacts.

P = Permitted subject to development review

C = May be approved by City Council subject to conditional use and development review

X = Not permitted.

### 7.03 Other Uses Similar to Those Enumerated

- A) **Similar Permitted Uses.** The Planning Official may approve permitted uses that are similar to those listed in Table 6.03 under Type I procedure with notice, where such uses meet the following standards:
1. The use is compatible with outright and conditional uses listed, and will not adversely affect neighboring residential uses.
  2. The use would not interfere seriously with established and accepted practices on adjacent lands.
  3. The use would not materially alter the stability of the overall land use pattern of the area.
  4. The proposed use can comply with the standards of this zone.
- B) **Similar Conditional Uses.** The City Council may approve uses similar to those identified as conditional uses in Table 7.02, under Type II procedure and consistent with Conditional Use approval criteria. Major public facilities projects that are not inconsistent with the purposes of the TSP or adopted master plans, but which are not identified as "projects" on such plans, may also be approved through the conditional use process.

### 7.04 Dimension and Area Requirements

In the I and BP Zones, yard dimension and area requirements shall be as follows:

- A) **Street Setback.** Buildings shall be set back 20 feet from the front property line and 10 feet from the side and rear yard building setbacks. However, all areas between any street and buildings shall be permanently irrigated and landscaped.



- B) **Abutting a Residential Zone.** A 20-foot permanently irrigated and landscaped setback shall be required for all structures, parking, storage and display areas abutting residential uses or zoning districts.
- C) **Minimum Development Area.** The minimum development area shall be 1 acre. Smaller lot sizes may be approved only in conjunction with and in accordance with a master plan of development.
- D) **Off-Street Parking and Loading:** Off-street parking and loading shall be paved and striped as provided in Article 14. Off-street parking and loading areas shall be set back a minimum of 10 feet from the public right-of-way and from residential areas and shall be permanently irrigated, landscaped and screened in accordance with Article 14.
- E) **Industrial Site Development Standards.**
  - 1. Outdoor storage and heavy equipment parking areas shall be fully screened from public view.
  - 2. Vehicle and merchandise display areas shall be set back a minimum of 10 feet from the public right-of-way and from residential areas; this setback area shall be landscaped and screened in accordance with Article 14.
  - 3. Industrial properties shall be maintained free of weeds, inoperable vehicles, and waste materials.
  - 4. All sales, displays and storage in an I zone shall be conducted within an enclosed building, unless open sales, displays and storage are specifically authorized through the conditional use approval process and are limited by conditions of development review approval.
  - 5. The front 10 feet and at least 5 percent of each developed or used I Industrial site shall be landscaped.
  - 6. The approval authority shall condition the use such that it emits no objectionable odors, dust, smoke, noise or vibration, and to avoid unsightly views.
- F) **Business Park Site Development Standards.**
  - 1. Except for sidewalk cafes, all BP uses shall be conducted entirely indoors.
  - 2. The minimum business park development area shall be limited to one acre to avoid piecemeal development.
  - 3. A master plan of development shall be required prior to development of any lot within the BP district; this plan shall address on- and off-site circulation, open space and landscaped areas, and the general location of building footprints and parking.
  - 4. Business park development shall place parking at the rear or side of buildings, to encourage pedestrian and bicycle access. No parking shall be placed between the front of a building and a public street.
  - 5. The use shall have no observable off-site impacts, such as odor, dust, smoke, noise, vibration or unkempt appearance that detract from neighboring business park tenants.
  - 6. No individual BP development shall adversely affect the overall attractiveness and function of the business park. If a use fails to comply with conditions of approval, the City may revoke Development or conditional use approval.
  - 7. All setback areas an at least 20 percent of each BP site shall be permanently irrigated and landscaped.
- G) **Development Review Required.** Site plans in accordance with Article 14 of this code shall be submitted for all outright and conditional uses and approved by the City prior to issuance of a building permit.

## **Article 8 Surface Mining (SM) Zone**

### **8.01 Purpose**

The Surface Mining (SM) zone is intended to regulate exploration, mining and processing of aggregate materials found adjacent to the Grande Ronde River. The Surface Mining (SM) Zone implements a major portion of the area planned Industrial. Normal maintenance of and improvements to existing or planned public facilities and services, in accordance with adopted master plans and the Transportation System Plan.

### **8.02 Type II Conditional Use Approval Required**

The following uses and their accessory uses may be allowed, altered or expanded under Type II procedure subject to compliance with conditional use criteria and State reclamation standards:

- A) Extraction of any mineral or aggregate material.
- B) Stockpiling and storage of mineral or aggregate minerals.
- C) Crushing and processing.
- D) Caretaker's residence.
- E) Sale of products produced from the site.
- F) Related activities such as batch plants, mineral refining plants, hot mix asphalt plants and concrete products plants.
- G) Agricultural uses not including dwelling.
- H) Other uses per criteria in Article 12.
- I) Major public facilities projects that are not inconsistent with the purposes of the TSP or adopted master plans, but which are not identified as "projects" on such plans.

### **8.03 Site Plan Requirements**

Site plans in accordance with Article 14 of this code shall be submitted and approved for conditional uses prior to issuance of a building permit.

### **8.04 Mining Standards**

All mining operations shall comply with the following standards and requirements:

- A) **Use Setbacks.** Any mining, equipment, or structural use within a Surface Mining Zone shall maintain a minimum setback of 100 feet from a stream or river channel.
- B) **Size of Open Pit.** An open pit in a mining area operation shall not exceed 5 acres in size. However, continued mining may occur concurrently with the satisfactory completion of the required reclamation as specified by Department of Geology and Mineral Industries. An open pit operation occurring within 500 feet of another unrecognized open pit mine under the same ownership shall be considered to be adjoining.
- C) **Air, Water, and Noise Standards.** Air, land, water quality and noise level requirements shall comply with State and Federal standards. The discharge of any contaminants or the disposal of any seepage waters shall be approved by the Department of Environmental Quality.
- D) **Road Maintenance Responsibility.** All improved or unimproved on-site drives and nearby public streets providing access to the mining site shall be maintained in a durable dustless condition and any damage sustained by the use of the mining operator's heavy equipment shall be repaired on an annual basis or upon completion of the mining activity, whichever comes first.
- E) **Traffic Routing.** A traffic impact study shall be required. All trucks and heavy equipment transporting mining materials shall avoid travel through residential areas by using the routes indicated on an approved traffic plan. The City shall require improvements to public streets to the extent the proposed operation impacts such streets.

### **8.05 Expiration of Approval**

Approval of the Site Plan shall expire 6 months from the date of approval unless the required permits have been issued and the mining operation has commenced and is in progress.

### **8.06 Performance Guarantee**

The mining operator shall enter into an agreement with Island City guaranteeing faithful performance of all the requirements of a surface mining permit in a Surface Mining Zone. The agreement shall be in accordance with the procedures and specifications outlined in Article 14 of this code.

## **Article 9 Public/Semi-Public (P) Zone**

### **9.01 Purpose**

The P (Public and Semi-Public) Zone is intended to regulate activities where:

- A) public and semi-public uses exist outside of commercial or industrial zones; or
- B) public and semi-public uses are planned for expansion or development.

### **9.02 Permitted Uses**

In a P Zone, the construction, expansion or alteration of the following uses and their accessory uses are permitted subject to Article 14, Development Review:

- A) Public and private schools.
- B) Churches and religious institutions.
- C) Active public and private parks, playgrounds and campgrounds.
- D) Cemeteries or crematoria.
- E) Private golf courses.
- F) Government office buildings.
- G) Public institutional facilities.
- H) Normal maintenance of and improvements to existing or planned public facilities and services, in accordance with adopted master plans and the Transportation System Plan.

### **9.03 Conditional Uses**

In a P zone, other uses similar to those enumerated above may be approved through the Type II Conditional Use process, provided that the following criteria are met to the satisfaction of the City Council. Major public facilities projects that are not inconsistent with the purposes of the TSP or adopted master plans, but which are not identified as "projects" on such plans, may also be approved through the conditional use process.

- A) The use is compatible with outright and conditional uses listed.
- B) The use would not interfere seriously with established and accepted practices on adjacent lands.
- C) The use would not materially alter the stability of the overall land use pattern of the area.
- D) The proposed use can comply with such other conditions as the City Council or its designate considers necessary.

### **9.04 Dimension and Area Requirements**

The following restrictions shall apply to all structures within the P zoning district.

- A) **Yard Requirements.**
  - 1. Front Yard: 20 feet deep from lot line to any structure.
  - 2. Rear Yard: 20 feet deep from lot line to any structure.
  - 3. Side Yard: 15 feet in width on each side of any building or structure.
- B) **Minimum Lot Size Requirements.**

Lots shall have dimensions necessary for traffic circulation, off-street parking, loading and unloading and landscaping activities per Article 10.
- C) **Off-street Parking and Loading.** Off-street parking and loading shall be required as provided in Chapter 14.
- D) **Site Development Standards.**
  - 1. Outdoor storage and heavy equipment parking areas shall be fully and permanently screened from public view.
  - 2. All required setback areas and at least 20 percent of each developed or used public site shall be permanently irrigated and landscaped.
  - 3. Vehicle and merchandise display areas shall be set back a minimum of 10 feet from the public right-of-way and from residential areas; this setback area shall be permanently irrigated, landscaped and screened in accordance with Article 14.

4. Public properties shall be maintained free of weeds, inoperable vehicles, and waste materials.



## PART III: STANDARDS

### **Article 10 General Standards**

#### **10.01 Lot and Access Standards and Exceptions**

- A) **Lots Under Common Ownership.** No lots or abutting lots under the same ownership shall be reduced in area so that yards or areas less than the minimum required under this code shall result.
- B) **Access to Public Street Required.** No dwelling or structure shall be erected on a lot which does not abut at least one street approved for access by the City.
- C) **Open Space Requirement.** No part of a yard or other open space required about any building for the purpose of complying with the provisions of this code shall be included as a part of a yard or other open space required under this code for another building.
- D) **Legally-Created Lots of Record.** Any lot that was legally divided and met the zoning requirements applicable at the time the lot was created, but which currently does not meet the minimum lot size and dimensional standards of the zone in which it is located, shall be deemed buildable, provided that access and other substantive and dimensional standards of this code are met.
- E) **Front Yard Averaging.** The front yard requirements of this code shall not apply within any zone where the average depth of the existing front yard on developed lots, located within 100 feet on each side of the lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such cases, the depth of the front yard on such lots shall not be more than the average existing front yard depth on the developed lots. Parking shall not be permitted in front yard areas, except as approved and improved according to City standards.

#### **10.02 Historical Sites and Structures**

The purpose of this section is to review specific buildings and sites identified in the Comprehensive Plan as having historic associations or architectural merits, and which contribute to the heritage of Island City's citizens. It is not the intent or purpose of this section, however, to regulate the specific use of a historic building or site beyond that provided in the applicable zoning classification and other sections of this code.

- A) **Permits.** Prior to any alteration, expansion, destruction or removal of a historical site or structure identified as such in the Comprehensive Plan, the City Council shall review the proposal under Type II procedure. The purpose of the public hearing will be to determine whether there are feasible means of conserving historic characteristics of the site or building consistent with the property owner's development objectives.
- B) **30-Day Delay Period.** Subsequent to City Council review and impact analysis, a 30-day period will be provided for public pursuit of alternative courses of action to assure preservation of the historic characteristics of the site or structure. No building permit shall be issued until this 30-day period has elapsed.

#### **10.03 Existing Structures and Non-Conforming Uses**

Continuation of non-conforming structure and uses shall be reviewed by the City Council under Type II procedure. A non-conforming structure or use shall not be expanded or altered without Council approval under Type II procedure.

- A) **Continuation.** When a property or any existing building at the time of the passage of this code has a use which was legal prior to the passage of this code, such building or use may continue, even though it is not in conformity with the zoning regulations.

- B) **Discontinuance.** If a non-conforming use is discontinued for a period of 90 days or more, the same cannot again be continued without full compliance with all applicable standards of this code. If a building is unoccupied on the effective day of this code, then the last use shall be considered to be use of record; the 90 day use period shall run from the effective date of this code.
- C) **Damage.** When a non-conforming building or use is damaged by an act of God such that total deterioration exceeds 50 percent of the cost of replacing the building, then such building or use shall not be rebuilt or used again unless its construction and uses conform fully to the requirements of this code.
- D) **Approval Criteria.** An alteration or expansion of a non-conforming use may be permitted if the alteration will affect the surrounding area to a lesser negative extent than the current use, considering:
  1. The character and history of the use and of development in the surrounding area;
  2. The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line;
  3. The comparative amount and nature of outdoor storage, loading and parking.
  4. The comparative visual appearance;
  5. The comparative hours of operation;
  6. The comparative effect on existing vegetation;
  7. The comparative effect on water drainage;
  8. The degree of service or other benefit to the area.
  9. Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.

#### 10.04 Clear Vision Area

Clear vision areas shall be provided with the following dimensions:

- A) **Triangle.** A clear vision area shall be a triangular area on a lot at the intersection of 2 streets or the intersection of a driveway and a street.
- B) **Maximum 3 Feet Height Restriction.** The clear vision area shall contain no plantings, walls, structures or other temporary or permanent obstructions exceeding 3 feet in height measured from the grade of the street center line.
- C) **Measurements.** The following measurements shall establish clear vision areas:
  1. In residential zones the minimum distance shall be 30 feet or, at intersections including a driveway or an alley, 15 feet.
  2. In all other zones where yards are not required, the minimum distance shall be 25 feet or, at intersections involving streets or alleys, 15 feet.

#### 10.05 Accessory Uses

An accessory use shall comply with all requirements for a principal use, except as this code specifically provides to the contrary, and shall comply with the following limitations:

- A) **Principal Use Established First.** An accessory structure or use shall only be approved provided the principal use has been established.
- B) **Location.** An accessory structure not used for human habitation and separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is not closer than 5 feet to a property line.

#### 10.06 Temporary Uses

The Planning Official may issue a temporary use permit under Type I procedure with notice, to allow the short-term use of a site that is not otherwise permitted by zoning.

- A) **Approval Standards.** The temporary use, structure or activity must:
  1. Serve the public interest.
  2. Have no significant adverse impacts on the neighborhood or City as a whole.

- B) **Conditions.** The City may require conditions of approval to protect neighboring uses or the City as a whole. If conditions cannot be imposed to ensure that approval standards can be met, then the temporary permit application shall be denied.
- C) **Time Limit.** Temporary uses may be granted for any period of time up to six months, subject to one renewal if necessary. If a temporary use exceeds one year, it may only continue as a result of a Type II conditional use or zone change.

## 10.07 Home Occupations

The following standards shall apply to Type I home occupations.

- A) **Secondary to Residence.** The home occupation shall be secondary to the main use of the property as a residence as measured by the following objective standards:
  1. **Not Greater Than 25 Percent of Primary Structure.** The home occupation shall be limited to either an accessory structure or to be not over 25 percent of the floor area of the main floor of a dwelling. If located within an accessory structure, the home occupation shall not utilize over 600 square feet of floor area.

~~**Residential Appearance.** Structural alterations shall be minimized and shall not detract from the outward appearance of the property as a residential use.~~

- 2. **Sign.** The maximum sign size shall be 3 square feet and there shall be no more than one sign per home occupation.
  3. **Adverse Impacts.** There shall be no measurable impacts to adjoining dwellings from vibration, noise, dust, smoke, odor, or interference with radio or television reception.
- B) **Employee Impacts.** Not more than one person other than the immediate family residing in the dwelling shall be engaged in the on-site home occupation.

~~**Parking Limitation.** No parking of customers' vehicles in a manner or frequency so as to cause disturbance or inconvenience to residents or so as to necessitate off-street parking shall be allowed.~~

## Article 11 Floodplains & Riparian Areas

### 11.01 General Requirements

This article ensures City compliance with Statewide Planning Goals 6 (air, land and water resource quality) and 7 (Natural Disasters and Hazards) and minimizes potential damage to life, property and water quality. Development in areas delineated as floodplains or riparian buffer strips on zoning maps of the City or determined to be subject to flooding shall comply with the standards of this Article. All applications for development within the 100-year floodplain or designated riparian setback areas shall clearly delineate both boundaries.

### 11.02 Floodplain Development Permit

- A) **Type II Procedure.** Applications for development within the 100-year floodplain shall be reviewed by the City Council under Type II procedure.
- B) **Information Required.** A plot plan shall be submitted for all development on any land subject to inundation and shall include an indication of the point at which location and elevation of the highest flood of record has been determined and the date of such flood.
- C) **Standards.** Vegetation removal, grading, construction, reconstruction, alteration, or placement of a manufactured dwelling on any lot or parcel of land within the 100-year floodplain shall generally be avoided. If considered, such development must:
  1. Be designed and anchored to resist flotation, collapse or lateral movement due to flooding and constructed of materials and utility equipment that are resistant to flood damage.

2. Be constructed utilizing methods and practices that will minimize flood damage and be provided adequate drainage in order to reduce exposure to flood hazards.
3. Be located to completely avoid the floodway.
4. Be located so that public utilities and facilities on the site are constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.
5. Result in no net loss in flood storage capacity. Proposed development will not, if inundated, create flood hazards to the health, safety, or welfare of area inhabitants or associated property.
6. Not alter the flow or depth of surface water so as to endanger the health, safety or welfare of neighboring residents.
7. Not endanger existing or proposed water supply and sewage disposal systems during periods of inundation.
8. Be designed such that the lowest floor of any permanent structure shall be at least 1 foot above the 100-year flood for that area.

### 11.03 Riparian Setback

In order to maintain and improve water quality and vegetative cover within riparian areas along the Grand Ronde River, Mulholland Slough and Byron Creek, development shall not occur within 25 feet of the top of the stream bank or associated wetland area.

- A) **Delineation Required.** All applications for development review, siting of individual homes, grading, and land divisions shall indicate the precise location of sloughs, creeks, wetlands and the riparian buffer zone on preliminary plans.
- B) **Type II Procedure.** Development within the riparian setback area shall be reviewed under Type II procedure, and shall be subject to the provisions of this section.
- C) **Exemption.** If no slough, stream or wetland exists, then the riparian buffer zone shall not apply at that location. However, if a slough, stream or wetland was illegally filled in the past, then the property owner shall be responsible for meeting state and federal regulatory requirements and restoring water and riparian values.
- D) **Riparian Zone.** Native vegetation, trees and shrubs within the riparian buffer zone shall be maintained. If disturbed, the property owner shall be responsible for preparing and implementing a restoration plan acceptable to the City.
- E) **Permitted Uses.**
  1. Trails, public utilities and passive recreation areas may be located within the riparian setback area.
  2. Streets may be located in the riparian setback area if there is no other reasonable alternative.
  3. Other buildings and structures are not permitted.
- F) **Density Transfer.** Density may be transferred from unbuildable riparian buffer areas to buildable land through the Planned Development process.

### 11.04 Variance within a Floodplain

Any variance from the floodplain standards of this code shall be discouraged. On rare occasions, unusual hardship may exist which leads the Council to consider a variance application. Variances shall be processed under Type II procedure and must meet the criteria stated in Article 13 of this code. The following additional variance approval criteria must be satisfied:

- A) **No Increase in Flood Elevation.** The applicant's engineer shall certify that the variance will not result in increased flood elevations, increased flood hazard to the public or decreased water quality in affected streams.
- B) **Notification.** Affected property owners shall be notified in writing, by the applicant and prior to the public hearing, that such a variance may result in (1) significantly high premium rates for insurance, (2) increased risks to life and property, and (3) decreased water quality.



- C) **Mitigation.** The applicant shall agree in writing to perform such mitigation measures as may be required by the City.
- D) **Federal Notification Required.** If a variance is approved by the City, documentation of the reasons for the variance shall be reported to the Federal Insurance Administration of the Department of Housing and Urban Development.
- E) **Floodway Variances Prohibited.** No variance for the placement of an obstruction in a floodway shall be allowed.

## **Article 12 Conditional Uses**

### **12.01 Purpose**

Conditional uses typically have impacts on the immediate neighborhood and the community as a whole that permitted uses do not have. The purpose of the conditional use review is to encourage the public to participate in the development review process, and to allow the City Council to determine whether and how conditional uses should be approved to reduce or eliminate identified impacts.

Conditional uses are so named for two reasons:

- A) **Council Discretion.** First, conditional uses may or may not be approved by the City Council, depending on whether the development proposal meets the criteria of this section. A particular conditional use may be appropriate in one part of Island City, but not in another.
- B) **Conditions of Approval.** Second, the City Council has broad discretion concerning appropriate conditions to attach to development approval. The Council is obligated to require conditions to minimize the effects of development on the neighborhood and the community as a whole.

### **12.02 Procedure**

Uses designated in the underlying zoning district as conditional uses may be permitted, enlarged or altered only upon approval by the City Council under Type II procedure.

- A) **Valid Conditional Use.** If a use is listed as a conditional use in the underlying zoning district, and the use was legally established prior to adoption of this code, the use shall be deemed a valid conditional use. Conditional use review shall be limited to the expansion or alteration of the use, and does not apply to the validity of the use itself.
- B) **Type II Procedure for Alterations.** All changes in use, expansion of operations on a site, or alterations of structures or uses listed or determined to be conditional uses shall be reviewed under Type II procedures and shall conform to all regulations pertaining to conditional uses.
- C) **Similar Uses.** If a use is similar in use and operating characteristics to a listed conditional use, the Planning Official may require that the use be processed as a conditional use under Type II procedure. In such cases, the Planning Official shall prepare a written justification explaining the characteristics that led to the City's determination that the use should be reviewed as a conditional use.
- D) **Major Public Facilities Projects not Identified in Plans.** Major public facilities projects, such as collector or arterial street widening, bridges, sewer or water trunk lines, typically are identified as "projects" in the TSP or adopted master plans. Such projects are permitted uses in Island City. However, major public facilities projects that are not inconsistent with the purposes of the TSP or adopted master plans, but which are not identified as "projects" on such plans, may be approved through a Type II conditional use process.



### 12.03 Application for Conditional Uses

A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or authorized agent by filing an application available at City Hall.

- A) **Type II Procedure.** Type II Review Procedures apply to all conditional use applications.
- B) **Development Review Required.** All conditional use applications are also subject to Article 14, Development Review Standards, and must meet the application requirements specified in that Article.

### 12.04 Review Criteria

The applicant shall carry the burden of proof in demonstrating that the following review criteria are satisfied. If any of the following criteria cannot be satisfied as a result of required conditions, the use shall be denied.

- A) **Applicable Plans.** The conditional use application complies with applicable policies of the Island City Comprehensive Plan and adopted public facilities and transportation plans.
- B) **Applicable Code Provisions.** The proposal complies with all applicable provisions of this code, including but not limited to Article 14, Development Review.
- C) **Site Characteristics.** The site is appropriate for the proposed use, considering neighboring land use, adequacy of transportation and access, site size and configuration, and adequacy of public facilities necessary to support anticipated development. The City may require the applicant to consider alternative sites to meet this criterion.
- D) **Impacts on Neighborhood.** Identified adverse impacts on neighboring property owners can be mitigated by conditions of approval. Such conditions should be clear and objective and readily administered by City staff. If complex conditions of approval are required, this is an indication that the proposed use may be inappropriate for the proposed site.
- E) **Impacts on Community.** Identified adverse impacts on the community as a whole have been mitigated through conditions of approval.

### 12.05 Conditions

In addition to the general requirements of this code, in granting a conditional use, the City Council may attach conditions that it finds are necessary to carry out the Island City Comprehensive Plan and the purposes of this code. Such conditions include, but are not limited to, the following:

- A) Increasing required lot size or yard dimensions.
- B) Limiting the height of buildings.
- C) Controlling the location and number of vehicle access points.
- D) Increasing landscaping and buffering requirements.
- E) Requiring pedestrian and bicycle access.
- F) Adjusting the number and location of required off-street parking spaces.
- G) Limiting the number, size, location, and lighting of signs.
- H) Requiring fencing, screening, landscaping, diking, or other facilities to protect adjacent or nearby property.
- I) Modifying the site and exterior building design.
- J) Designating open space areas.
- K) Limiting the duration of the conditional use.
- L) Site reclamation after discontinuance of use.
- M) Requiring specific plans or studies to mitigate identified impacts.

### 12.06 Time Limitation on a Conditional Use

Authorization of a conditional use shall be void after 12 months unless substantial construction pursuant thereto has taken place. However, a one year time extension may be granted by the City Council for one additional year if requested in writing by the applicant.

## **Article 13 Adjustments & Variances**

### **13.01 Purpose and Definitions**

The purpose of Article 13 is to allow flexibility in the application of the numerical standards of this code without adversely affecting neighboring property owners or the public interest.

- A) **Adjustments.** An "adjustment" is a change in a numerical or measurable standard of equal to or less than 40 50 percent.
- B) **Variances.** A "variance" is a change in a numerical standard of greater than 40 50 percent.
- C) **Use Variances Prohibited.** No adjustment variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located.

### **13.02 Authorization to Grant or Deny Adjustments and Variances**

The Planning Official may approve adjustments from the numerical requirements of this code based principally on the presence of special or unusual circumstances related to a specific piece of property. In contrast, the City Council may grant a variance only if the applicant also shows that a serious hardship would result from strict application of the standards of this code.

### **13.03 Procedure and Conditions**

- A) **Type I Procedure.** The Planning Official reviews adjustments under Type I procedure with notice.
- B) **Type II Procedure.** The City Council reviews variances under Type II quasi-judicial procedure at a public hearing. If an adjustment is proposed as part of an application that requires a public hearing before the City Council, the adjustment shall be consolidated with the Type II application.
- C) **Burden of Proof.** In both cases, the burden of proof is on the applicant to demonstrate that applicable criteria are satisfied.
- D) **All Criteria Must be Satisfied.** If any approval criterion is not satisfied, even after imposing conditions of approval, the Planning Official or City Council shall deny the variance or adjustment request.
- E) **Conditions of Approval.** In granting an adjustment or variance, the City may attach conditions necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of the code.

### **13.04 Criteria for Granting an Adjustment**

In order to approve an adjustment, the Planning Official must find that all of the following criteria are met:

- A) **Site Constraints.** The applicant has identified specific topographical or lot configuration constraints that make it impractical to meet a specific numerical provision of this code.
- B) **Purpose of Standard.** The adjustment is consistent with the purpose section of applicable zoning district(s).
- C) **Impacts on Adjoining Properties.** Adjoining properties and the immediate neighborhood will not be adversely affected by approval of the proposed adjustment.
- D) **Minimum Necessary Adjustment.** The proposed adjustment is the minimum necessary to solve practical problems associated with strict application of the standard.

- E) **Compensation for Lost Riparian Setback Area.** If the adjustment is for a riparian setback, a corresponding increase in setback area is provided elsewhere on the property or on an adjacent property.
- F) **No Net Loss in Flood Holding Capacity.** If the adjustment is to the floodplain boundary, there will be no net loss in flood holding capacity.

### 13.05 Criteria for Granting a Variance

In order to approve a variance, the Council must find that all of the following criteria are satisfied by evidence in the record:

- A) **Hardship Not Self-Imposed.** The property owner or developer is placed in an extreme hardship position that is not self-imposed.
- B) **Unusual Circumstances.** Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.
- C) **Lost Property Right.** The variance is necessary for the preservation of a property right enjoyed by owners of other property in the same zone or vicinity.
- D) **Consistent with Plans and Code Purpose.** The approval of the variance shall not be materially detrimental to the purposes of this code, or be otherwise detrimental to the objectives of the Comprehensive Plan, or to any adopted public facilities or master plan.
- E) **Minimum Variance Necessary.** The variance request is the minimum variance from the provisions and standards of this code which will alleviate the hardship, and there are no practical alternatives to granting the variance.
- F) **Minimal Adverse Impacts.** There will be minimal adverse impacts on surrounding property owners and the immediate neighborhood.

## Article 14 Development Review

### 14.01 Purpose & Responsibility

This article sets forth information requirements that must be met in order to process development applications within the Island City UGB, and establishes standards that must be met in order for development to be approved.

- A) **Compliance.** Compliance with this article is necessary prior to a building, vegetation removal, driveway access, parking area redesign, wetland fill and removal, or grading permit being issued.
- B) **Developer Responsibility.** The developer shall be responsible for extension of all required public facilities to the standards of this code. If existing improvements leading to or serving the site are inadequate to handle anticipated loads, the developer shall be responsible for replacement of sub-standard utility lines. If over-sizing of utility lines is required, the developer may be eligible for proportional cost reimbursement.
- C) **Exception.** This article does not apply to single family residences, duplexes or accessory structures in approved residential subdivisions.
- D) **Public Improvements.** The design of public improvements within public rights-of-way or easements shall also meet the design standards of Article 15, Land Divisions.

### 14.02 Application

This article applies to all minor and major developments, including the following:

- A) New or expanded commercial, industrial, multiple-family or public development (including buildings, storage areas, parking lots or parking lot reconfigurations), and

changes in use that would increase the number of required parking spaces specified in Table 14.06.

- B) Land Divisions (Article 15).
- C) Planned Developments (Article 16).
- D) Any development within the riparian setback area or 100-year floodplain.
- E) Any request for vehicular access to a collector or arterial street, whether separate or part of a development application.

#### 14.03 Review Procedures

- A) **Minor Developments.** The Planning Official may approve minor developments (as defined in Article 2) under Type I procedure with notice.
- B) **Major Developments.** The City Council shall review narratives and plans for major developments (as defined in Article 2) under Type II quasi-judicial procedures.

#### 14.04 Site Plan Contents

In addition to the requirements specified in other sections of this code, all site plans shall include scaled drawings of the following information:

- A) Lot dimensions and vicinity map, showing the property(ies) in context.
- B) Existing and proposed structures, including their location, horizontal and vertical dimensions, size and type.
- C) Topographic features, including existing and proposed contours at 2-foot intervals and the location of the 100-year floodplain, wetlands and riparian setback area, if any exist on the property.
- D) Except for open space areas that will be preserved, existing and proposed vegetation and landscaping, including all trees of 6 inches or greater in diameter at 5 feet above ground level, and all vegetation within the riparian setback area.
- E) A detailed landscaping plan shall be prepared, including type and size of plantings and method of permanent irrigation.
- F) Existing and proposed fences and signs, including their height, size and type.
- G) The precise location of adjacent street rights-of-way, paving width and location, and locations of existing pedestrian and bicycle facilities.
- H) Existing and proposed circulation and parking plan, including vehicular and pedestrian access points, internal circulation, connections with adjacent properties, loading and unloading areas, and off-street parking. The off-street parking plan shall show each space location, the number and size of regular and handicapped spaces, driveways and internal traffic flow.
- I) Existing and proposed lighting.
- J) Existing and proposed utility lines and size.

#### 14.05 Professional Plans Required

The Planning Official or City Council may require the applicant to prepare the studies or plans in order to mitigate probable adverse development impacts on the environment, adjoining neighborhoods or the City. Required studies or plans shall include recommendations to mitigate identified impacts, consistent with state law and City direction.

- A) **Traffic and parking impacts.** For proposed developments which are likely to generate more than 400 average daily motor vehicle trips (ADTs), a traffic impact study (TIS) shall be required, unless specifically exempted by the Planning Official and the ODOT District Manager. Where a reduction in parking spaces is requested, or the applicant cannot comply with the Access Management standards in Section 14.09, the Planning Official shall require a TIS to address the requested modification. Where access is to a State Highway is requested, the Planning Official shall submit the application and TIS to the ODOT District Manager for review.

- B) **Noise and vibration** shall be required for industrial developments that may adversely impact residential, public or office developments.
- C) **Wetland/riparian area** delineation and avoidance/mitigation plans shall be required whenever wetlands are likely to be impacted by a proposed development. The Planning Official shall submit all wetland delineations, fill and removal proposals, and wetland mitigation proposals to the Division of State Lands for review.
- D) **Floodplain analysis** shall be required wherever development is proposed within a 100-year floodplain.
- E) **Geotechnical, earthquake and seismic analysis** where deemed necessary by the Planning Official.
- F) **Hazardous waste** studies where there is a possibility of that on-site hazardous waste may be present.
- G) **Professional landscape plan** shall be required for developments with 10,000 square feet or greater.
- H) **Surface water management plans** shall be required for all new commercial, industrial, public and multi-family residential developments.
- I) **A unified access and circulation plan** shall be required for large-scale commercial, multi-family residential or industrial developments. For sites abutting or directly accessing a state highway, this plan shall be submitted to the ODOT District Manager for review.
- J) **Other plans** deemed necessary by the City Council to mitigate impacts.

#### 14.06 Bicycle and Vehicle Parking and Loading Standards

The following off-street parking requirements shall be provided at the time a building or structure is constructed or substantially altered, or there is a change in use of an existing structure.

- A) **City Discretion.** The City reserves the ability to increase or decrease the actual number of off-street parking spaces required, based on similar uses and/or a traffic study prepared by a traffic engineer licensed in the State of Oregon.
- B) **Use Location.** Required parking for uses located outside of the Island City Limits shall not be developed within the Island City Limits. Likewise, uses located outside of the Island City Limits shall not be used to justify additional parking development within the Island City Limits.
- C) **Shared Parking.** Shared parking is desirable to minimize impervious surface area, to minimize development costs and to encourage more efficient use of parking areas. Where shared parking is permitted or required, property owners shall:
  1. 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;
  2. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway; and
  3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- D) **On-Street Parking.** Through the Title 13 adjustment process, the City may take into account the number of available on-street parking spaces.



**Table 14.06 Required Vehicle Parking Spaces**

<b>Use</b>	<b>Parking Spaces Required</b>
Single-family, duplex, 3-bedroom or greater multiple-family dwelling or a manufactured dwelling	2 spaces per dwelling unit
Active parks	1 space per 5,000 of developed park area
Passive parks	1 space per acre of park area
Multiple-family units with 2 or fewer bedrooms	1.5 spaces per dwelling unit
Assembly type use, including theaters, churches, child-care centers, sports complexes, schools, etc.	1 space for every 2 assembly seats, or 1 space per 100 sq. ft. of assembly area
Motels, resorts, group housing	1 space per unit
Office or retail space	1 space per 300 sq. ft. of gross floor area
Restaurant or tavern	1 space per 250 sq. ft. of gross floor area
Warehouse and low-employment general industrial	1 space per 1000 sq. ft. of gross floor area
Business park and high-employment light industrial	1 space per 500 sq. ft. of gross floor area
Other uses	Determined on a case-by-case basis by the City (a) based on similar uses, or (b) following a traffic engineering study prepared by the applicant's licensed traffic engineer

- E) Yards Off-Limits.** Off-street parking spaces shall not be located in the required yard (setback) areas of any building or structure, unless specifically authorized by the City through the Title 13 Adjustment process.
- F) Vehicle Parking and Driveway Standards.** (See also Section 14.09, Access Management.)
  - 1. A detailed parking lot and landscaping plan shall be required before any development application is deemed complete.
  - 2. All new parking spaces and driveways shall be designed to City standards, paved and screened from public or residential view.
  - 3. Whenever a parking lot serving 3 or more vehicles abuts a public street or residentially zoned or used land, a 10-foot landscaped area shall be required, including a double-row of shrubbery planted at no more than 5 feet on center, and deciduous trees planted at no more than 30 feet on center.
  - 4. All vehicle parking and driveway areas shall be paved and striped.
    - a) Standard 90 degree parking spaces shall be a minimum of 9 feet wide and 19 feet long; angled parking shall provide the functional equivalent.
    - b) Driveway access to collector and arterial streets shall be minimized, and cross-connections between parking lots encouraged, to reduce congestion on heavily-traveled streets.
    - c) Parking lot aisles serving standard (90 degree) parking lots shall be a minimum of 24 feet wide; angled parking lots shall provide driveways of sufficient width to allow vehicles to backup and maneuver safely and efficiently.
- G) Bicycle Parking Standards.** In the RM, BP, C-1, CN and P zones, one bicycle parking space shall be required for every 10 vehicle parking spaces provided. However, no individual commercial, public or residential use may have less than two bicycle parking spaces. Bicycle spaces shall be located to facilitate bicycle use and shall meet the following design standards:
  - 1. Where automobile parking spaces are covered, the same proportion of bicycle spaces shall be covered. Where 10 or more bicycle spaces are required, at least 50 percent of the spaces must be covered.

2. Bicycle parking shall be clearly marked and reserved exclusively for such parking. Bicycle parking shall be located close (not more than 50 feet) to building entrances and shall be well-lighted for security. Each bicycle space must be accessible without moving another bicycle or vehicle. Paved walkways shall be provided from bicycle parking spaces to building entrances.
3. Each space shall be paved and cover a minimum of 6 feet long and 2 feet wide, with at least 7 feet of clearance and at least 5 feet between rows of bicycle spaces. However, vertical or upright bicycle parking is exempt from meeting these dimensional standards.
4. At least half of required employee, school and residential parking shall be located within a secure cage or room to ensure against theft and vandalism.
5. Bicycle parking shall be located on private property, except where there are no setback areas, in which case bicycle parking may be located within the public right-of-way.
6. Bicycle parking shall be separated parking lots to avoid damage to parked bicycles. Bicycle racks shall be securely anchored to prevent theft.
7. Signs may be required to direct traffic to bicycle parking areas.

#### 14.07 Bicycle-Pedestrian Accessways

Accessways shall be provided in the following situations:

- A) **In Residential Areas and Industrial Parks**, where:
  1. a street connection is not feasible *and*
  2. where the provision of a walkway or bikeway would reduce walking or cycling distance to a school, shopping center, or neighborhood park by 400 feet or more.
- B) **For Schools and Commercial Uses**, where:
  1. addition of a walkway or bikeway would reduce walking or cycling distance to an existing or planned transit stop, school, shopping center, or neighborhood park by 200 feet, *and*
  2. by at least 50 percent over other available and clearly defined pedestrian routes.
- C) **For Cul-de-Sacs or Dead-End Streets**. The Island City Comprehensive plan has already made the policy choice to develop a connecting trail system in association with its riparian corridors, especially Mulholland Slough and the Grand Ronde River, and to encourage pedestrian and bicycle connections through to existing streets. Recognizing that accessways are required in most instances, the following factors may be considered should the developer request an adjustment pursuant to Article 13 of this code:
  1. whether other federal, state or local requirements prevent construction of an accessway; *or*
  2. whether the nature of abutting existing development makes construction of an accessway impractical; *or*
  3. whether the accessway would cross a designated riparian area and the City has determined that a connecting trail would be inappropriate at any time in the future; *or*
  4. whether a cul-de-sac or dead-end street abuts rural resource land in farm or forest use at an urban growth boundary.
- D) **To Adjacent Developments**. When public streets cannot be provided at appropriate intervals, accessways shall be provided to adjacent developments. In no case shall development patterns preclude eventual site-to-site connections, even if such a connection is infeasible at the time of development.
- E) **Fencing Along Accessways** shall meet one of the following standards:
  1. Accessways shall be fenced from adjoining residential properties with at least a 5 foot high chain link fence; *or*
  2. Residences along accessways which are 200 feet or longer shall front the accessway and shall treat the yard along the accessway as the front yard.

Fences along such accessways shall not exceed 3 and one-half feet in height within 15 feet of the access right-of-way.

- F) **Pedestrian Circulation in New Business Parks and Commercial Development.** Internal pedestrian circulation in new office parks and new commercial developments shall be provided in development plans through clustering of buildings and construction of pedestrian ways as follows:
1. Walkways shall connect building entrances to one another and from building entrances to public street entrances.
  2. On-site walkways shall connect with walkways, sidewalks, bike paths, alleyways and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multi-family, institutional or park use.
  3. Walkways and driveways shall provide a direct connection to walkways and driveways on adjacent developments.
  4. Potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified.
  5. The development application shall designate these connections on the proposed site plan or findings shall be submitted demonstrating that the connection is infeasible.
  6. Rights-of-way or public easements shall be provided for all required walkways that provide a direct connection to adjacent properties.
  7. Accessways shall be located to provide a routes that minimize out-of-direction travel for most of the people likely to use the walkway/bikeway, considering terrain, safety and likely destinations.
  8. Accessways shall be as short as possible (not more than 400 feet) and, where possible, straight enough to allow one end of the accessway to be seen from the other.
  9. Accessways shall be lighted either by street lights on adjacent streets or pedestrian scale lighting along the accessway. Lighting shall not shine into adjacent residences.
  10. Pedestrian walkways shall be directly linked to entrances and the internal circulation of the building. The on-site pedestrian circulation system shall directly connect the street to the main entrance of the primary structure on the site.
  11. Walkways shall be at least 5 feet in paved unobstructed width. Walkways bordering parking spaces shall be at least 7 feet wide unless concrete bumpers, bollards, or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway.
  12. Pedestrian scale lighting fixtures shall be provided along all walkways. On-site pedestrian walkways must be lighted to a level where the system can be used at night by employees, residents and customers.
  13. Stairs or ramps shall be provided where necessary to provide a direct route. Walkways without stairs shall have a maximum slope of eight percent and a maximum cross slope of 2 percent. Where walkways provide principal access to building entrances maximum slope is limited to 5 percent to meet ADA standards. Stairways and ramps shall be at least 5 feet wide with a handrail on both sides.
  14. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.

15. Walkways on private property that provide direct links between publicly-owned pedestrian routes shall be placed in public easements or be dedicated to the public.

#### **14.08 Public Facility and Screening Requirements**

Whenever a major development increases the demand for public facilities or services (e.g., increased traffic on streets, increases stormwater runoff, or use of City water or sewer facilities) the developer shall prepare site plans and documents. Such plans and documents shall demonstrate, to the satisfaction of the City, that the applicant is committed to meeting the Requirements A-P below, before a building permit is issued. The developer shall dedicate, convey, construct or install each of the required items before a final plat is approved (in the case of a subdivision) and before an occupancy permit is issued (in the case of commercial, industrial, multiple-family and public development).

- A) **Riparian Area Conservation.** Land within riparian setback areas shall be conserved through dedication to the City, conservation easements, or other appropriate mechanisms approved by the City.
- B) **Land Dedication.** Land needed for public facilities, including streets, bicycle and pedestrian facilities, parks, and utilities shall be dedicated to the City, in accordance with adopted plans or as recommended by the City Engineer.
- C) **Utility Easements.** Public utility easements shall be required in addition to public rights-of-way, where recommended by the City Engineer.
- D) **Underground Utilities.** Unless the City Council grants a specific exemption based on existing above-ground utilities, all new utilities shall be placed underground.
- E) **Screening.** All above-ground public facilities and trash receptacles shall be screened from public view by vegetation, fencing or other means approved by the City Council.
- F) **State Environmental Quality Standards.** Every application shall meet applicable DEQ noise, vibration, runoff, hazardous waste and pollution control requirements.
- G) **Erosion Control.** An erosion control and dust mitigation plan shall be prepared by the applicant and approved by the City Engineer prior to commencement of vegetation removal or grading.
- H) **Local Streets.** Unless modified through the Planned Development, Variance or Adjustment process, local streets that are internal to a project shall:
  1. have a minimum right-of-way width of 50-60 feet, depending on the street design;
  2. be paved to a minimum width of 28 feet, with parking limited to one side of the street, or 32 feet if parking is proposed on both sides of the street;
  3. have curbing and drainage approved by the City Engineer;
  4. be provided with a 5-foot sidewalk on both sides of the street (a shared pedestrian bikeway may substitute for a sidewalk on one side of the street);
  5. be provided with 5-foot park rows (landscaped areas between the street pavement and the sidewalk), curbs and gutters.
- I) **Minor and Major Collector Streets.** Major Collector streets include McAlister Road, First Street, Buchanan Road, Walton Road and Island Avenue (Highway 82). Minor Collector streets are shown on the Island City Comprehensive Plan Map as "Planned Streets." The design of Minor and Major Collector streets shall be determined by the City Engineer in consultation with Union County or the State of Oregon, as appropriate.
  1. In no instances shall Minor and Major Collector streets be constructed to a lesser standards than local streets.
  2. In no instance shall right-of-way width be less than 60 feet or pavement width less than 36 feet.
  3. Sidewalks shall be constructed on both sides of Minor and Major Collector Streets.
  4. Bikeways shall be constructed on both sides of Major Collector Streets.
- J) **Exterior Streets.** Streets that abut the exterior of a development shall be improved to "half street" standards if approved by the City Engineer. Such improvements shall



include, at a minimum, a parking lane, 20 feet of travelway, curb and gutter, drainage improvements, utilities, a park row and a sidewalk abutting the frontage of the subject property.

- K) **Landscaped Setbacks from Buildings.** Whenever a commercial, industrial, multiple-family residential or public building abuts residentially designated or used property or a public street, one foot of landscaped setback area shall be required for each one foot of building height, with a minimum of 15 feet of landscaped area required.
- L) **Outdoor Storage and Display.** Whenever an outdoor storage or display area abuts a residentially zoned or used property or a public street, a 20-foot landscaped area shall be required in addition to a permanent, attractive 6-foot site-obscuring wall or fence approved by the City Council. In addition, the City Council may require solid evergreen plantings that will fully screen stored or displayed materials or equipment from residential and public view.
- M) **Landscaping Standards.** Each site shall meet the minimum landscape area requirements of the underlying zone. A landscape plan shall be approved by the City that ensures effective and attractive ground cover and long-term survival. Landscaping shall be provided with a permanent irrigation system approved by the City. The City may require a bond or other financial assurances to allow the City to replace vegetation that does not survive the first 2 years of planting.
- N) **Public Facilities.** The applicant shall demonstrate that all required public facilities and services can be provided in accordance with local service provider standards.
- O) **Additional Landscaping or Screening.** The City Council may require additional landscaping or screening where necessary to mitigate an adverse impact identified as a result of a public hearing.

#### 14.09 Access Management and Connectivity

The purpose of this section is to maintain public safety, maximize transportation connectivity between neighborhoods, employment and commercial centers, and minimize congestion on City and State transportation facilities. The City shall coordinate closely with the ODOT District Manager to reduce congestion and increase safety along state highways and collector streets that access state highways within the Island City UGB.

- A) **Transportation System Plan Consistency.** The Planning Official shall consider and apply access management guidelines found in Table 14.09 (Table 2 of the Transportation System Plan) when reviewing development proposals along designated arterial and collector streets within the Island City UGB, and when reviewing the design and construction of new or reconstructed streets and driveways.

**Table 14.09 Access Management Guidelines**

Functional Classification	Street Intersection Spacing (in feet)	Driveway Intersection Spacing
Arterial	300	Mid-block
Collector	300	75-150 feet
Local	250	one access per lot
State Highway 82	Access to State Highways permitted under OAR Chapter 734, Division 51 (Highway Approaches, Access Control, Spacing Standards and Medians), available at ODOT District Manager's Office	
State Highway 237		



- B) **State Highway Access.** Access to State Highway 82 and Highway 237 shall be controlled by the provisions of the *1999 Oregon Highway Plan*, Goal 3, Access Management, including Policies 3A (Classification and Spacing Standards), 3B (Medians) and 3C (Interchange Access Management Areas). Deviations and appeals from these provisions shall be administered by the Oregon Department of Transportation, as provided in Policies 3D (Deviations) and 3E (Appeals).
- C) **Managing Through Traffic.** Connecting streets shall be required to maintain and continue a grid system to provide connectivity among neighborhoods, employment and commercial centers.
1. Through traffic should generally occur on collector and arterial streets, and should be discouraged on local streets, except where no practical alternative exists.
  2. The City may consider traffic calming measures where through traffic must be routed on local streets to maintain connectivity.
- D) **Corner Clearance.** Corner clearance for driveways and streets shall meet or exceed the minimum spacing requirements for that roadway, as shown on Table 2 of the TSP.
1. Generally, direct access to an arterial street shall not be permitted for corner lots where alternative access is available via a secondary street or in accordance with subsection "C" below.
  2. Primary access to a street of a lower classification shall be required, unless the locations of existing structures makes such access impractical. Development applications may be conditioned to require the closing of arterial or collector street access in the future, when secondary street access becomes available.
  3. Where no other reasonable alternative exist, the Planning Official may allow access at the farthest practicable location from the intersection. In such cases, access limitations may be required (e.g. right in/out, right in only, or right out only).
- E) **Joint and Cross Access.** Unless the location of existing buildings makes joint and cross access impractical, the Planning Official shall require adjacent commercial or industrial developments to provide driveway and pedestrian access to allow circulation between sites. Where appropriate, joint use driveways and cross access easements shall incorporate the following, based on a unified access and circulation plan:
1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
  2. A design speed of 10 mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
  3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
- F) **Exceptions.** Except for State Highway access, the Planning Official may reduce required separation distance of driveways where they prove impractical, provided all of the following requirements are met:
1. Joint access driveways and cross access easements are provided in accordance with this section;
  2. The site plan incorporates a unified access and circulation system in accordance with this section;
  3. The property owner enters into a written agreement with the City, recorded with the deed, that pre-existing driveway connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
- G) **Driveway Design.** Driveway connections to public streets shall meet the following standards, unless modified as a result of an approved traffic study:
1. If the driveway is one-way in or one-way out, then the driveway shall be 12 feet in width and shall have appropriate signage designating the driveway as a one-way connection.
  2. For two-way access, each lane shall have a width of 12 feet.

3. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view.
  4. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.
  5. Driveway and access design shall accommodate storage requirements for entering and exiting vehicles, and ensure that vehicles are not required to back into the flow of traffic on the public street and maintain efficient on-site circulation.
- H) **Nonconforming Access.** Non-conforming driveways that do not conform with the standards of this code shall be brought into compliance with the standards of this code as part of the development review process.
- I) **Managing Through Traffic.** Connecting streets shall be required to maintain and continue a grid system to provide connectivity between neighborhoods from residential areas to employment and commercial centers.
1. Through traffic should generally occur on collector and arterial streets, and should be discouraged on local streets, except where no practical alternative exists.
  2. The City may consider traffic calming measures where through traffic must be routed on local streets to maintain connectivity.

#### 14.10 Other Conditions and Assurances

- A) **Additional Conditions.** The City may require additional conditions of approval necessary to mitigate impacts identified through required studies and plans.
- B) **Adequate Public Facilities.** The applicant shall be required to demonstrate, through written documents, that sanitary sewer, water, storm drainage, electrical, telephone, cable television and transportation services are available or can be provided in accordance with the standards of the service provider. The developer shall be required to pay for the extension and installation of sanitary sewer, water, storm drainage, transportation facilities, and utilities determined necessary to serve the development.
- C) **Performance Agreement.** A signed performance agreement shall be required, and a bond, cash deposit, or other mutually agreeable means of ensuring compliance may be required, in order to ensure completion and maintenance of the approved site plan.
- D) **Revocation.** The City may revoke occupancy or cut off water or sanitary sewer service to any development that fails to perform conditions or maintain property as required under this article.

#### 14.11 Modifications to Approved Development Review Applications

Modifications of approved development review applications shall occur in the same manner as the original development approval.

#### 14.12 Adjustments and Variances

Adjustments and variances to the standards of this Title shall be reviewed as prescribed in Article 13 of this code.

### **Article 15 Land Divisions**

#### 15.01 Purpose

This article establishes standards and procedures for adjusting lot lines and dividing land within the Island City Urban Growth Boundary. These regulations ensure that land is divided in accordance with the Island City Comprehensive Plan and applicable zoning districts. Moreover, these regulations set

forth uniform design standards for land divisions and transportation systems, and ensure that adequate public facilities are provided.

### 15.02 Application

This article applies to all land divisions and lot line adjustments, including partitions (3 or fewer lots in a calendar year), subdivisions (4 or more lots in a calendar year), and the creation of streets or ways that result in land divisions.

- A) **Article 14 Applicable.** All land divisions and lot adjustments shall be approved by the City in accordance with these regulations and shall be subject to Article 14, Development Review Standards.
- B) **ORS Chapter 92 Applicable.** A person desiring to subdivide or partition land within the incorporated area of the City or Urban Growth Area shall submit tentative plans and final documents for approval as provided in this code and Oregon Revised Statutes Chapter 92.
- C) **Recording of a Lot or Parcel.** No lot or parcel shall be created or submitted for recording with the Union County Clerk nor have any validity unless it has been approved as required by this code.
- D) **Recordation Required Prior to Sale.** No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been recorded with the Union County Clerk. In negotiating to sell a lot in a subdivision or to convey any interest in a parcel in any partition, a person may use the approved tentative plan for such subdivision or partition.
- E) **Tentative Plat Approval.** No building permit, or permit for the connection to a water or a sewage disposal system shall be issued for any structure on a parcel or lot in a partition or subdivision for which the tentative plan or plat has not been approved and recorded in a manner prescribed herein.
- F) **Public Improvements.** The City will withhold all public improvements, including maintenance of streets and roads, from a partition or subdivision which has not been approved and recorded in the manner prescribed herein.

### 15.03 Review Procedure

Lot line adjustments and land divisions shall be reviewed in accordance with the provisions of Article 3, Land Use Review Procedures.

- A) **Lot Line Adjustments.** Lot line adjustments shall be reviewed by the Planning Official under Type I procedure with notice.
- B) **Tentative Plans for Land Divisions.** Except where the applicant elects to apply under "expedited land division" procedures authorized by State statute, tentative plans for land divisions resulting in:
  - 1. 10 or fewer lots shall be reviewed by the Planning Official under Type I procedure with notice.
  - 2. More than 10 lots shall be reviewed by the City Council under Type II major development procedure.
- C) **Final Plans for Land Divisions and Lot Line Adjustments.** Final plans for land divisions shall be reviewed by the Planning Official under Type I procedure. If modifications from the preliminary plat are proposed, the Planning Official shall provide notice to property owners within 100 feet of the perimeter of the subdivision.
- D) **Agency Notice.** Upon receipt of tentative plan and supplementary information, the Planning Official shall furnish copies to county, state or federal agencies as may have an interest in the proposal. These officials shall be given 14 days to review the plan and to suggest any revisions that are in the public interest. If the land division abuts the La Grande UGB, the city of La Grande shall be notified.

## 15.04 Application Requirements for Land Divisions

Applications for a land division or lot line adjustment shall be submitted on forms provided by the City and shall include a tentative plan showing the design of the proposed land division and by the prescribed fee.

- A) **Tentative Plan.** Tentative plans shall be prepared by a licensed land surveyor or engineer. Ten copies of the tentative plan, together with improvement plans and other supplementary materials, shall be submitted to the Planning Official. The tentative plan shall be drawn on a sheet 18 by 24 inches in size at a scale of one inch equals 100 feet, or some other multiple of 10, as approved by the Planning Official.
- B) **Information Requirements.** In addition to the information requirements stated in Articles 14.04 and 14.05, the following information shall be included on the tentative plan or on supplemental materials submitted with the tentative plan:
  - 1. The location, width, names, approximate grade of all streets. The relationship of all streets to any projected streets as shown on any plan adopted by the City to assure adequate traffic circulation.
  - 2. The location, width and purpose of easements.
  - 3. The location and approximate dimensions of parcels or lots and the proposed parcel or lot and block numbers.
  - 4. Proposed name of a subdivision shall not duplicate, sound like or resemble the name of another subdivision in the County and shall be approved by the Council.
  - 5. Date, north point and scale of drawing.
  - 6. Appropriate identification clearly stating the map is a tentative plan.
  - 7. Location of the partition or subdivision sufficient to define the location and boundaries of the proposed tract.
  - 8. Names and addresses of the owner, land divider, and engineer or surveyor.
  - 9. The location, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features, such as section lines, corners, City boundary lines and monuments.
  - 10. Land use plan and zoning classifications on and adjacent to the property proposed to be partitioned or subdivided.
  - 11. The location of at least one temporary bench mark within the tentative plan boundaries.
  - 12. Contour lines at a minimum of 2 feet. The elevations of all control points which are used to determine the contours shall be indicated and must be the United States Geodetic Survey.
  - 13. The location and direction of water courses and the location of areas subject to flooding.
  - 14. At a minimum, surface water management system designed to accommodate the 25-year storm event and to ensure that downstream properties are not adversely affected by runoff from the development.
  - 15. Natural features such as rock outcroppings, landslide hazard areas, wetlands, wooded areas and other unique features.
  - 16. Known historical sites or structures and provisions for recognition or protection thereof.
  - 17. Existing uses of the property, including location of all existing structures to remain on the property after platting, and existing structures to be removed.
  - 18. A vicinity map, showing existing adjacent ownership to the proposed partition or subdivision, and showing how proposed streets and utilities may be extended to connect to existing and proposed streets and utilities.
  - 19. Proposed deed restrictions, if any, in outline form.
  - 20. The location of existing sewers, water mains, culverts, drain pipes, and electric and telephone lines within the proposed partition or subdivision and in the adjoining streets and property.

21. All persons filing an approved plan, plat or replat of land divisions for a parcel of land outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company, must file a statement of water rights. If a water right is appurtenant to the lands of the subdivision or partition, the statement of water rights and a copy of the plan, plat, or replat must be submitted to the Oregon Water Resources Department (OWRD). A copy of the acknowledgment from the Water Resources Department must be submitted with the plan, plat, or replat to the Union County Clerk.
22. Proposed street designation, e.g., arterial collector, etc., and approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed partition or subdivision showing the approximate grade of streets and the nature and extent of street construction.
23. A plan for domestic water supply, including the source, and plans for water lines.
24. Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.
25. Proposals for other improvements such as television cable service, telephone, electric and gas utilities.
26. Present and future service capability of the school district.
27. Such additional information as may be required by the City to ensure compliance with the provisions of this code and the Island City Comprehensive Plan.

### **15.05 Partial Development**

The applicant shall include all land under contiguous ownership in the land division application. Land that is not proposed for development shall be shown as a separate tract. A concept plan showing how this land could develop in the future, consistent with this code, shall be approved by the City Council.

### **15.06 Land Division Approval Criteria**

No plat for any proposed subdivision or partition may be considered for approval until the tentative plan has been approved by the City. Approval by the City of such tentative plan shall be binding upon the City and the applicant for the purposes of the preparation of the subdivision or partition plat.

- A) **Approval Criteria.** Land division tentative plans shall only be approved by the City if the following criteria are satisfied. The tentative plan design shall:
1. Comply with adopted City functional plans for streets, public facilities and utilities.
  2. Comply with applicable state and federal regulations, including but not limited to ORS 92, 197, 227 and wetland regulations.
  3. Comply with City Engineering Standards on file with the Public Works Superintendent.
  4. Demonstrate that the surface water management system is designed to accommodate drainage from the 25-year storm event, that downstream properties will not be adversely affected by runoff from the development, and that DEQ NPDES requirements will be met.
  5. Conserve inventoried natural resource areas, including but not limited to mapped rivers, creeks, sloughs and wetlands.
  6. Comply with the applicable zoning regulations in effect at the time of a complete development application.
  7. Minimize disruption of natural assets of the site, while providing for safe and efficient vehicle, pedestrian and bicycle access.
  8. Ensure that neighboring land can be provided with public facilities and access to allow its full development as allowed by this code.
  9. Result in a street layout that conforms with existing and planned land division plats on adjoining properties, as to location, width, and direction.



- B) **City Action Noted.** In addition to the notification requirements of Article 3, the action of the City approval authority shall be noted on 2 copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the land divider and the other shall be retained by the Council.

### 15.07 Lot Line Adjustment Review Criteria

The Planning Official shall approve lot line adjustments to legally-created lots or parcels, provided that all of the following standards are met:

- A) No new parcels or lots are created;
- B) The adjustment does not reduce a lot or parcel below the minimum parcel size of the applicable zone(s);
- C) Each adjusted lot or parcel has adequate access to a public street;
- D) Each adjusted lot or parcel conforms with all other applicable requirements of this code; and
- E) Each adjusted boundary is surveyed and filed with the County Surveyor and recorded with the County Clerk.

### 15.08 Final Plats

Within 12 months after approval of the tentative plan and upon completion of, or bonding for improvements, the land divider shall prepare a final plat in conformance with the tentative plan as approved.

- A) **City Approval Required.** The land divider shall submit the final plat for City approval and submit the original drawing and the reproducible copy, as required by ORS Chapter 92 and any supplementary information for filing to the Union County Clerk.
- B) **Extension.** The Planning Official may approve one 12-month extension of the initial 12-month final plan submittal period for good cause. No further extensions may be granted.
- C) **Final Plat Requirements.** The final plat shall conform to surveying requirements in ORS 92. In addition to specific statutory requirements, the following information shall be shown on the final plat:
  - 1. The date, scale, north point, basis of bearing, legend, controlling topography such as bluffs, creeks, and other bodies of water, and existing features such as highways and railroads.
  - 2. Legal description of the tract boundaries.
  - 3. Name of the owner, land divider and surveyor.
  - 4. The exact location and width of streets and easements intersecting the boundary of the tract.
  - 5. The width of street rights-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
  - 6. Lot numbers beginning with the number 1 and numbered consecutively in each block, and the area of each lot containing one acre or more to the nearest hundredth of an acre.
  - 7. Block letters beginning with letter A and continuing consecutively without omission or duplication throughout a subdivision. The letters shall be solid, of sufficient size and thickness to stand out and be so placed as not to obliterate any figure. Block letters in an addition to a subdivision of the same name shall be a continuation of the lettering in the original subdivision.
  - 8. Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale.
  - 9. Building setback lines, if any, are to be made a part of the partition or subdivision restrictions.
  - 10. The following certificates which may be combined where appropriate:

- a) A certificate signed and acknowledged by all parties having any recorded title interest in the land partitioned or subdivided, consenting to the preparation and recording of the plat.
  - b) A certificate signed and acknowledged as above, dedicating all rights-of-way, parcels or lots of land shown on the final map intended for any public use. Streets and roads for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation.
  - c) An affidavit with the seal of and signed by the registered surveyor responsible for the land survey and final map per ORS 92.070.
  - d) Other certifications now or hereafter required by law.
11. The following data shall accompany the final plat:
- a) Addresses of the owner, land divider, and engineer or surveyor.
  - b) A preliminary title report issued by a title insurance company in the name of the owner of the land showing all parties whose consent is necessary and their interests in the premises.
  - c) A copy of any deed restrictions applicable to the partition or subdivision.
  - d) A copy of any dedication requiring separate documents.
  - e) Certification that domestic water and sewage disposal systems are available to the lot line of each and every lot in a subdivision and assurance by the land divider the systems will be installed, or alternative systems will be provided according to ORS 92.090 (4) and (5) provisions.
  - f) A certificate by the City that the land divider has complied with one of the following alternatives:
    - (i) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Council in giving approval of the tentative plan, or
    - (ii) An agreement has been executed as provided in Section 15.11 to assure completion of required improvements.
- D) **Final Plat Review.** Upon receipt of the final plat and accompanying data, the Planning Official shall review the final plat and documents to determine the following:
- 1. Private streets and roads conform to the tentative plan.
  - 2. Subdivision or partition plat conforms with any applicable zoning codes and regulations that are in effect.
  - 3. Donation and explanation of common improvements are recorded and referenced on the partition or subdivision plat.
  - 4. The final plat conforms with the approved tentative plan.
  - 5. Compliance with other provisions of Oregon Revised Statutes and this code.
- E) **Approval of Final Plat.** If the Planning Official determines that the final plat conforms fully with all applicable regulations and standards, she shall so advise the Mayor. The Mayor shall sign the final plat upon satisfactory compliance with such requirements and all provisions of ORS 92 and this code.
- F) **Recordation Requirements.** Before recording any land division final plat with the County Clerk, the developer shall:
- 1. Pay all ad valorem taxes for the land per ORS 92.095.
  - 2. Submit the final plat for approval by the County Surveyor per ORS 92 provisions and pay applicable County Surveyor fees.
  - 3. Submit the final plat for approval by the County Surveyor, County Assessor and the County Clerk per ORS 92.
  - 4. The land division, when approved as required and upon payment of the fees provided by law, shall be recorded with the County Clerk.
  - 5. Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required signature has been obtained or within 90 days after City approval.
- G) **Amendments to Recorded Land Division Plats.**

1. Any recorded land plat may be amended by an affidavit of correction per ORS 92 provisions.
2. Any recorded land division plat may be re-platted per ORS 92 provisions.

### **15.09 Design Standards**

Land divisions, street dedications, public improvements and lot line adjustments shall conform to the City Comprehensive Plan, this code, City Engineering Standards and State Law (particularly ORS Chapter 92).

### **15.10 Streets and Blocks, General**

The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public utilities, services, convenience and safety, and to the proposed use of the land to be served by the streets. Minimum design standards are provided as attachments to City Engineering Standards, on file in City Hall.

- A) **Street Arrangement.** The arrangement of streets in and serving land divisions shall:
  1. Provide for a grid system to maximize public safety access and to minimize out-of-direction travel.
  2. Avoid cul-de-sacs except where there is no other practical alternative to serve a portion of the land area to be divided.
  3. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; and
  4. Conform to a plan for the neighborhood approved or adopted by the Council.
- B) **Future Street Extensions.**
  1. All streets, alleys, bicycle and pedestrian pathways shall connect to other streets within the development and to existing and planned streets outside the development. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.
  2. Local streets shall align and connect with other streets, especially when crossing collectors and arterials.
  3. Cul-de-sacs, dead-end streets and flag lots may only be permitted when the following conditions are met:
    - a) there is a wetland or other body of water which cannot be bridged or crossed; or
    - b) existing development on adjacent property prevents a street connection; or
    - c) a freeway or railroad requires a dead-end street; and
    - d) an accessway is provided consistent with the standards for accessways.
  4. Cul-de-sacs shall not exceed 400 feet in length and shall be provided with a turn-around that meets City Engineering standards.
  5. Where a land division includes or is adjacent to land likely to be divided and developed in the future, streets, bicycle paths and pedestrian ways shall continue through the full length of the subdivision or partition and be planned for the adjacent land.
  6. Where property can be re-divided, the location of lot and parcel lines and other layout details shall be such that future division may be readily made without interfering with the orderly extension of adjacent streets, bicycle paths or pedestrian ways. Any building restrictions within future transportation locations shall be made a matter of record for the purpose of future land divisions.
  7. Where there is a reasonable connection between the impacts of the proposed development and the public need for accessways, the land divider shall be required to publicly dedicate accessways to:
    - a) connect to cul-de-sacs;
    - b) pass through oddly shaped or unusually long blocks; or
    - c) provide for networks of public pedestrian and bicycle paths, or

- d) provide access to other transportation routes, businesses, residential or services areas.
- C) **Sidewalks and Bikeways.** New construction or re-construction of Major Collector and Arterial streets (Highway 82, Walton Road, Buchanan Road and McAlister Road) shall include bicycle facilities as prescribed in the Island City Bicycle-Pedestrian Plan and as prescribed below:
1. Bikeways and sidewalks shall be installed along the frontage of all new streets during the construction of arterial and collector roads, or where the impacts of a land development proposal justify such improvements
  2. Sidewalks shall be installed to abutting approved single-family residential lots prior to completion of home construction, except when the land divider files an agreement as assurance of completion of all sidewalks within one year of final plat approval. The agreement may be in the form of a bank's letter of credit, surety bond or other acceptable surety and must cover 125 percent of the cost of the sidewalks. Sureties covering stages or portions of improvements may be released as each portion is completed to the satisfaction of the Planning Official.
  3. Where lack of public right-of-way width prevents inclusion of sidewalks within the public right-of-way, an easement may be required to provide for all or part of one or both sidewalks.
  4. When a sidewalk in good repair does not exist, all applicants for new single-family residential building permits shall, in conjunction with the issuance of a building permit, obtain a permit to construct a sidewalk for the full frontage of the lot or parcel. No final inspection or certificate of occupancy shall be issued for the building permit until there exists such a sidewalk in accordance with the requirements of the permit to construct the sidewalk.
  5. To ensure access between a development site and an existing developed facility such as a commercial center, school, park or trail system, the decision-making body may require off-site pedestrian improvements concurrent with development where need for the access and its costs can be shown to be roughly proportional to the traffic created by the development.
  6. Structures are not allowed in any dedicated sidewalk areas which will obstruct movements of the sidewalk. The minimum areas of obstructions must meet ADA standards. All structures placed in the sidewalk are allowed only with permission of the City or County.
  7. Sidewalks generally shall be designed to roughly parallel streets in line and grade, except where necessary to avoid significant trees or traverse topographic barriers.
  8. Adequate overhead clearance on sidewalks, pedestrian paths and bicycle paths shall be 8 feet for all signs projecting over such routes, except where a marquee projects more than two-thirds of the distance from the property line to the curb or street side of the bicycle way, the minimum clearance shall be 12 feet.
  9. Vegetation shall not overhang or encroach upon a sidewalk, pedestrian path or bicycle path lower than nine feet. The City may require the person(s) responsible for encroachment into clearance areas to trim, prune or remove all trees, shrubs, plants and vegetation.
  10. Sidewalks along Major and Minor Collector streets shall be set back from the curb wherever possible, as provided by City Engineering Standards.
- D) **Right-of-Way and Roadway Widths.** Unless otherwise approved through the Variance, Adjustment or Planned Development process, the widths of streets and roadways in feet shall meet the standards set forth below:

**Table 15.10 Street, Sidewalk and Bikeway Standards**

Type of Street	Right-of-Way	Sidewalks &	Paved	Bicycle
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		<b>Parkrows</b>	<b>Roadway</b>	<b>Lane</b>
Major Collector Street	80' unless more is required per County or State Highway Division	5' both sides; 7' parkrows	52' or more per County or State Highway Division	6' both sides
Minor Collector Street (see Future Street Map)	60' minimum	5' both sides; 10' parkrows	36' minimum	None Required
Local Street / Parking one side	50' minimum	5' both sides	28' minimum	None Required
Local Street with Parking both sides	60' minimum	5' both sides	32' minimum	None Required
Cul-de-Sacs with No Parking	50' radius (100' diameter)	5' both sides	40' radius (80' diameter)	None Required
Cul-de-Sacs with Parking	60' radius (120' diameter)	5' both sides	50' radius (100' diameter)	None Required
Pedestrian Connections	20' pedestrian connection	6' paved walkway; landscaping/street trees on both sides at 25' intervals	Not Applicable	6' where shown on BP Plan
Alleys	16' residential; 20' commercial	None Required	16' residential; 20' commercial	Not Applicable

1. The City Engineer may decrease park row widths if a decreased width can accommodate drainage and public utilities.
  2. Curbside sidewalks may be allowed on cul-de-sacs and shall maintain a minimum unobstructed width 5 feet.
  3. Additional right-of-way or slope easements may be required by the City Engineer to accommodate cuts and fills.
  4. Bike lanes and shoulder bikeways along collectors and arterials shall be 6 feet wide and shall be provided for each direction of travel allowed on the street. Bike lanes are required on McAlister Road, Walton Road, Buchanan Road and Highway 82.
  5. Sidewalk and bicycle path lighting shall be provided in conjunction with new road construction and new development.
  6. Wheelchair ramps and other facilities shall be provided as required by the Americans with Disabilities Act (ADA). The lower lip of the wheelchair ramp shall be flush with the roadway surface.
  7. Bikeways shall be designed and constructed consistent with the design standards in the Oregon Bicycle Plan, 1992 and AASHTO's "Guide for the Development of Bicycle Facilities, 1991".
  8. Leonard Lane between Walton Road and McAlister Lane shall be considered a bicycle transit route, and requires a 36' street width with traffic calming measures approximately every 1000'.
- E) **Reserve Strips.** Public reserve strips or street plugs controlling access to streets may be approved where necessary for the protection of the public welfare or of substantial property rights.
- F) **Alignment.** Streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall be avoided, and in no case shall the distance between centerlines of off-set streets be less than 200 feet.



- G) **Future Extension of Streets.** Streets shall be extended to the boundary of the partition or subdivision. If a dead-end street results, a temporary turn-around approved by the City Engineer shall be constructed by the developer.
- H) **Intersection Angles.** Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 75 degrees. The intersection of arterial or collector streets with other arterial or collector streets shall have at least 100 feet of tangent adjacent to the intersection. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection. Intersections which contain an acute angle of less than 75 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.
- I) **Existing Streets.** When existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of land division.
- J) **Partial Street Dedication and Improvements.** Two-thirds street dedication and improvement (including curbs, drainage facilities and sidewalks on one side of the street) shall be required when a land division abuts undeveloped property. Reserve strips and street plugs may be required to preserve the objectives of two-thirds streets.
- K) **Street Names.** Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of existing streets. Street names and numbers shall conform to the established pattern in the City and shall be approved by the City.
- L) **Grades and Curves.** Center line radii of curves shall not be less than 300 feet on arterials, 200 feet on collectors, or 100 feet on local streets.
- M) **Streets Adjacent to Railroad Right-of-Way.** Wherever the proposed land division includes or is adjacent to a railroad right-of-way, provisions may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow vegetative screen planting along the railroad right-of-way.
- N) **Marginal Access Streets.** Where a partition or subdivision abuts or contains an existing or proposed arterial street, the City may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. Alleys are an acceptable means of accessing residential lots that front on state highways or county roads.
- O) **Alleys.**
  - 1. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the City.
  - 2. Alleys are encouraged to serve residential development that fronts along county roads or state highways, to minimize congestion and traffic hazards.
  - 3. The corners of alley intersections shall have a radius of not less than 12 feet.
- P) **Blocks.** The length, width and shape of blocks shall take into account the need for adequate lot size and street width. Generally, blocks shall be no more than 400 feet in length between street corner lines, unless adjacent to an arterial street, or unless the location of adjoining streets or natural features justify an adjustment. The recommended minimum length of blocks along an arterial street is 1,600 feet. Any block over 400 feet may be required to provide pedestrian accessway connections and, where appropriate, crosswalks dedicated and improved to City standards.
- Q) **Easements.**

1. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be provided whenever necessary. The easements shall be at least 20 feet wide, or as otherwise approved by the City Engineer.
  2. Water courses. If a partition or subdivision is traversed by a water course, floodplain or riparian setback area, there shall be provided a storm water easement or drainage right-of-way conforming the riparian setback area. Pedestrian trails, bicycle access, streets or parkways parallel to crossing protected water courses may be required.
- R) **Lots.** Lot size, shape and orientation shall be appropriate for the location of the partition or subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. Lot dimension and areas shall conform to the zoning and land use requirements.
1. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of orientation. A planting screen easement of at least 10 feet wide and across which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.
  2. Lot side lines. The side lines of lots, so far as practicable, shall run at right angles to the street upon which the lots face, or on curved streets shall be radial to the curve where practical.
- S) **Curb Cuts and Driveways.** Curb cuts onto collector and arterial streets shall be limited to minimize congestion. Residential driveways shall not exceed 16' in width. Shared driveway access shall be encouraged.
- T) **Master Planning.** When all of a property ownership is not proposed for immediate land division at densities provided for by the underlying zoning, a future land division plan shall be required. Blocks shall be of such size and shape as to be divided into future lots and provide for extensions and openings of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

### 15.11 Improvements

- A) **Agreement for Improvements.** Before City approval of the final plat, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the partition or subdivision, or execute and file with the City an agreement with the City specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the land divider. The agreement may provide for the construction of the improvements in units, and for an extension of time under specified conditions. Minimum units will be one block of street frontage.
- B) **Financial Assurance.** The land divider shall file with the agreement, to assure his full and faithful performance thereof, a surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney, cash, an irrevocable letter of credit, a reserve fund on a bank loan or other such assurance of full and faithful performance. The amount of the assurance shall be determined by the City and shall be at least 125 percent of the estimated cost to cover the cost of the improvements and repairs, including related City expenses. The performance bond shall guarantee the improvement to be free of defects for one year after written acceptance by the City.
- C) **Failure to Perform.** If the land divider fails to carry out provisions of the agreement within the time required, and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond, savings account or cash deposit for reimbursement. If the amount of the bond, savings account or cash deposit exceeds the cost and expense incurred by the City, the City shall release the remainder. If the

amount of the bond, savings account or cash deposit is less than the cost and expense incurred by the City, the land divider shall be liable to the City for the difference.

- D) **Improvement Procedures.** In addition to other requirements, improvements shall conform to the requirements of this code, City Engineering Standards and other improvement standards or specifications adopted by the City and shall be installed in accordance with the following procedure:
1. Work shall not be commenced until plans have been reviewed and approved by the City. To the extent necessary for evaluation of the partition or subdivision proposal, such plans may be required before approval of the final plat. All plans shall be prepared on reproducible material in accordance with the requirements of the City.
  2. Work shall not be commenced until 48 hours after the City has been notified unless approved in writing by the Planning Official. Moreover, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
  3. Required improvements shall be inspected by and constructed to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.
  4. Underground utilities, sanitary sewers and storm drains installed in streets by the land divider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to avoid the need to disturb street improvements when service connections are made. All stubs will be marked and identified with concrete curbs or other means approved by the City Engineer.
  5. A map showing all public improvements as built shall be filed with the City upon completion of the improvements.
- E) **Improvement Specifications.** The City may maintain a document entitled City Engineering Standards to supplement the standards of this code based on engineering standards appropriate for the improvements concerned. The Island City Sanitation District also maintains standards for sanitary sewage disposal, collection and treatment. City and District specifications may address, but are not be limited to the following:
1. Streets including related improvements such as curbs, shoulders, median strips and sidewalks, and including suitable provisions for necessary slope easements;
  2. Drainage facilities;
  3. Sidewalks and pedestrian ways;
  4. Street lighting;
  5. Street trees and park-row plantings;
  6. Sewers and sewage disposal facilities;
  7. Public water supplies and water distribution systems;
  8. Utility standards.
- F) **Improvement Requirements.** The following improvements shall be installed at the expense of the land divider:
1. Water supply. Lots within a partition or subdivision shall be served by a public domestic water supply system conforming to the City's approved specifications and applicable State law.
  2. Sewage Disposal. Lots within a partition or subdivision shall be served by a sewage disposal system conforming to City approved specifications.
  3. Drainage. Grading shall be performed and drainage facilities installed as determined necessary by the City to provide proper drainage within the partition or subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the partition or subdivision and for the general public. Drainage facilities in the partition or subdivision shall be connected to drainageways or storm sewers outside the partition or subdivision. The City Engineer may require the installation of drywells for surface water detention. Dikes and pumping systems shall be installed if necessary to protect the partition or subdivision against flooding or other inundation.

4. Streets, sidewalks, pedestrian connections and street trees. The land divider shall improve streets in the partition or subdivision and the extension of such streets to the paving line of existing streets with which such streets intersect in accordance with this code and City Engineering Standards. Such improvements shall include proper base, curbs and pavement. Street and sidewalk improvements shall be required on an existing street which abuts the land, to the extent that the land division proposes or is required to take access from such a street.
5. Pedestrian or bike ways. A 20-foot corridor shall be required to connect cul de sacs or blocks that exceed the standards of this code.
6. Monuments. Upon completion of street improvements, monuments shall be reestablished in monument boxes at every street intersection and points of curvature or as required by the City.
7. No parcel or lot shall be sold on any given block until all of the above improvements have been installed and approved by the City in the street right-of-way that the parcels or lots front upon. All blocks in which parcels or lots are to be offered for sale shall adjoin previously improved street rights-of-way.
8. All public utilities such as electricity, telephone and television cable services and mains shall be underground to City approved specifications.
9. The land divider shall install street and pedestrian way lights to City approved specifications.

### **15.12 Modifications**

The City may modify numerical standards of this Article only where the City Engineer is specifically authorized to exercise his professional engineering judgment, or in accordance with Article 13 of this code.

## ***Article 16 Planned Developments***

### **16.01 Purpose**

The Planned Development review process allows flexibility in design and creative site planning, and encourages density transfer, while providing for the orderly development of the City consistent with the Island City Comprehensive Plan. This article provides for flexibility in site design and development consistent with the following objectives:

- A) Encourage creative, efficient uses of land that may include development clustering and density transfer to buildable areas.
- B) Provide and ensure preservation and enhancement of riparian areas and usable open spaces.
- C) Ensure that pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities are integrated into the project design.
- D) Ensure that recreational areas (active and passive) generally are dispersed throughout the development and easily accessible from all dwelling units.
- E) Preserve and enhance natural landscape features of the site; avoid development on steep river banks, wetlands and riparian areas; and protect and enhance riparian vegetation and habitat areas.
- F) Within limits approved by the City Council: allow latitude in building design and placement, open spaces, circulation facilities and off-street parking to best use the physical features of land within the development.
- G) Facilitate the economical and adequate provision of public services and utilities.
- H) Provide an attractive living and working environment for Island City's residents and work force.
- I) Maintain surface and ground water quality.
- J) Provide for a multi-modal transportation system.



- K) Minimize adverse impacts to neighboring properties.

## 16.02 Approval Procedure

- A) **Developer's Option.** Use of the Planned Development process is optional on the part of the applicant.
- B) **Procedure.** All Planned Developments shall be reviewed under Type II procedures in accordance with Article 3 of this code.
- C) **Land Divisions.** Whenever the division or re-division of property for the purpose of sale, lease or transfer of ownership is proposed, the applicant must also meet the requirements of Article 15, Land Divisions. Unless specifically authorized by this Article or Article 15, modifications to subdivision standards may be only be approved by the City Council in accordance with Article 13, Variances and Adjustments.
- D) **Phasing.** Like a land division plat, the Planned Development approval process entails 2 phases, a preliminary and a final phase:
  - 1. **Preliminary Review.** An application for a preliminary Planned Development shall include a site development plan. Preliminary review of the Planned Development will necessarily involve consideration of off-site impacts to the proposed design. The preliminary Planned Development approval will expire 3 years after the date of approval unless otherwise provided in the approved phasing plan.
  - 2. **Final Review.** A final site development plan shall be submitted by the applicant to the Planning Official prior to the expiration of the preliminary Planned Development approval. Final approval or disapproval of the Final Planned Development shall be made by the Planning Official under Type I procedure. If the final plan complies with the approved Preliminary Plan the final plan shall be approved. If modifications are proposed, such modifications must be approved by the City Council under Type II procedure. Construction shall not commence until a Planned Development has received Final Approval.
  - 3. **Phased Development.** A Planned Development may be developed in phases, subject to a phasing schedule approved by the City Council as a result of a Type II process.

## 16.03 Information Requirements

The Planning Official shall not consider an application for a Planned Development unless it satisfies all of the requirements of this section. The City Council shall not accept an application which proposes development, other than required public facilities, within riparian setback areas as defined in Article 11 of this code. The Planning Official shall not find an application for a Planned Development complete unless all required adjustments to engineering standards or variances to standards in this chapter, including written findings justifying the adjustment or variance, are contained in the application.

- A) **Preliminary Planned Development Application Requirements.** An application for a Preliminary Planned Development shall have 10 copies of a proposed site development plan which shall include (but is not limited to), the following:
  - 1. The proposed boundaries and legal description of the property to be developed;
  - 2. The proposed functions, size, percentage of lot coverage, grades, landscaping, and method of maintenance for common or dedicated open space upon completion of the project;
  - 3. A rendering and conceptual development plan showing all multi-family residential and non-residential structures, if any, including proposed building footprints, floor plans and unit sizes of typical dwelling units, and showing typical architectural styles and proposed elevations when viewed from the street(s) or from adjacent properties;
  - 4. Concept plan showing all proposed improvements and natural features, including (but not limited to):
    - a) Recreational facilities, bicycle paths and pedestrian trails;



- b) Existing site features to be retained and removed (natural slopes, stands of trees, etc.), walls, fences, refuse areas, streets, sidewalks, paths and landscaping (including the means to provide permanent maintenance to all planted areas and open spaces);
  - c) Topographical maps of existing and proposed terrain showing a maximum 5-foot contour interval where slopes equal or exceed 25 percent and a maximum 2-foot contour interval where slopes are less than 25 percent;
  - d) 100-year flood plains and floodways (identified under the National Flood Insurance program);
  - e) All proposed utilities and public facilities;
  - f) Proposed public transit facilities and the location and dimension of all off-street parking facilities (public and private);
  - g) The proposed location, size and means of access of all public and semi-public sites if applicable (e.g., private schools, churches, etc.);
  - h) Proposed building envelopes, proposed streets, proposed cut and fill areas, and existing native vegetation (including all trees of 6 inches in diameter at 5 feet above ground level, and Vegetation Communities map which describes characterizing species) where development or streets are proposed in areas designated as sensitive lands;
  - i) Calculations of the absolute area and the percentage of the site which is included in the sensitive land maps, including but not limited to wetlands and wetland buffers, fish and wildlife habitat areas, areas subject to landslides or slumping, stream corridors and riparian areas, one hundred year flood plain areas, 0-15 percent slope, 15 up to 25 percent slope, and 25 percent slope and greater; and
  - j) Calculations of buildable land to be dedicated as public right-of-way and land reserved for open space.
5. Geotechnical and environmental reports, if required by the City Engineer or Planning Official;
  6. A tabulation of the percentage of total building coverage and additional impervious surface area coverage on the constrained lands;
  7. A determination of buildable and unbuildable areas and a tabulation of densities within each project area, phase or sector as prescribed in Section 16.060 and 16.080;
  8. A proposed phasing and/or timing schedule;
  9. A narrative explaining how open space or public facilities will be managed.
- C) **Final Planned Development Application.** An application for a Final Planned Development shall include a site development plan which shall contain (but is not limited to), all of the following:
1. Final and complete set of plans, specifically showing all requirements contained in Section 16.030.A;
  2. Road, drainage and utility plans with recommendations by the City Engineer;
  3. Assurance of building code compliance with recommendations by the City Building Department;
  4. Assurance of fire code compliance with recommendations by the Fire Chief;
  5. Documentation of compliance with any conditions of approval required by the City Council; and
  6. Maps showing existing and finished contours at 2-foot intervals; provided, however, that 5-foot contours shall be sufficient for unbuildable areas where no construction or vegetation removal is proposed.
  7. Submission of declaration of Covenants, Conditions and Restrictions for the Planned Development.
- D) **Modified Final Planned Development.** After final approval of a Planned Development, an applicant may submit an application for a "modified" final approval with the Planning Official.

1. Under Type I procedure with notice, the Planning Official may approve minor adjustments to the approved final Planned Development that do not increase density, decrease open space or adversely impact the environment or neighboring properties.
2. Under Type II procedure, the City Council may approve or disapprove a final Planned Development with major modifications. Such a modification request will result in commencement of a new 120-day statutory review period.
3. An applicant shall not commence construction until the appropriate review authority approves a Modified Final Planned Development.
4. A Modified Final Planned Development may be developed in phases, subject to an approved phasing schedule.
5. The Modified Final Planned Development shall have a site development plan which shall include (but is not limited to), the following:
  - a) Final and complete set of plans, specifically showing all requirements contained in Section 16.030.A and B related to the proposed modification;
  - b) Road, drainage and utility plans related to the proposed modification with recommendations by the City Engineer;
  - c) Assurance of building code compliance with recommendations by the City building department;
  - d) Assurance of fire code compliance with recommendations by the Fire Chief.

#### **16.04 Permitted Uses**

If a use is permitted outright or conditionally in the underlying district, the use may be approved through the Planned Development process. Uses permitted in the RM district may be permitted in the R-1 or R-E district through the Planned Development process.

#### **16.05 Modifications to Approved Planned Developments**

The Planning Official shall determine whether a "minor" adjustment or "major" modification is required, based on criteria A and B below. Where there is doubt, the Planning Official may refer this decision to the full City Council.

- A) **Minor Modification.** The Planning Official may make minor modifications to an approved Preliminary or Final Planned Development. Minor adjustments are those which entail minor changes in dimensions or siting of structures, landscaping and the like, but which do not entail changes to the character of the Planned Development, rearrangement or redesign of structures, open spaces or increased density.
- B) **Major Modifications.** Major modifications to an approved Preliminary or Final Planned Development, as provided in Section 16.030.C, require an application for Modified Final Planned Development. Major adjustments are those which change the basic design, density, use, open space, appearance from streets or adjoining properties and the like.

#### **16.06 Density Transfers and Bonuses**

In any Planned Development, the Planning Official shall determine base residential density by the underlying zone. An applicant may increase base density as a result of density transfer from areas conserved as open space to buildable areas. Two units per acre may be transferred from each acre of common open space to buildable land.

- A) **Low Density Residential.** In R-1 or R-E areas planned for Low Density Residential use, the maximum density on buildable land is 12 units per buildable acre.
- B) **Medium Density Residential.** In RM areas planned for Medium Density Residential (multi-family residential) use, the maximum density is 20 units per buildable acre.

## 16.07 Standards and Requirements

The development standards in this chapter are intended to accomplish the following design objectives in all Planned Developments. The applicant shall be responsible for addressing each of these criteria in the development narrative and on Planned Development plans.

- A) **Natural Landscape.** Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape, and particular attention shall be given to the retention of natural landscape features of the site.
- B) **Facilities & Utilities.** The layout of structures and other facilities shall effect a conservation in street and utility improvements.
- C) **Recreation.** Recreational areas (active and passive) shall be generally dispersed throughout the development and shall be easily accessible from all dwelling units.
- D) **Open Space.** Every Planned Development shall preserve open space as indicated in the ICCP. A minimum of 20 percent of its gross land area shall be maintained as common open space, suitable for active or passive recreational purposes, for which adequate provision is made for its perpetual upkeep and maintenance. Pedestrian and/or bicycle access shall be provided to usable common open space from streets, as required in the ICCP.
- E) **Improvements and Amenities.** Every Planned Development shall make adequate provision for utilities, drainage, lighting, pedestrian and vehicular circulation and access, public safety, landscaping and accommodation of environmentally sensitive features and other similar items.
- F) **Street Design.** All streets shall be constructed consistent with Island City Engineering Standards, except as explicitly modified below or through a modification of standards approved through the subdivision review process. Off-site collector and arterial street dedication and half-street improvements shall be required where determined necessary to mitigate impacts from the development proposal.
  - 1. Within the Planned Development, local street pavement widths may be reduced from standard street widths to 20 feet for one-way traffic and 24 feet for 2-way traffic provided that all the following conditions are fulfilled:
    - a) On-site parking shall be provided which is functionally convenient to dwelling units, and which is at least equal to the zone requirement plus one stall per unit for guest parking;
    - b) At least 4 on-site spaces shall be provided for each single family residential dwelling unit (2 in a garage and 2 in front of the garage).
    - c) One-way streets or loop streets with one access point shall serve no more than thirty units and be no more than one thousand feet long. One-way streets shall be signed at every intersection.
    - d) On-street parking shall be limited to one side of the street. "No parking" or "fire lane" signs shall be required.
    - e) There shall be provided, through covenants or other legal means, assurance of permanent maintenance of private streets and parking areas.
    - f) All areas that are to be occupied or traveled over by motor vehicles shall be paved and constructed to City standards.
    - g) Where there is no reasonable alternative except to allow a street through sensitive lands, and abutting lots do not take access directly from this street, parking lanes shall not be required.
- G) **Attachment of Conditions.** In conjunction with the approval of a Concept Planned Development, Final Planned Development or Modified Final Planned Development, conditions shall be attached which will assure that the property will be developed and maintained in accordance with this Title 16 and the approved development plan and subdivision plat.
- H) **Perpetual Maintenance.** All private improvements and amenities that are held in common and are part of the Planned Development shall be perpetually maintained in a



good, safe and serviceable condition at no expense to the City. The documents necessary to provide assurance of perpetual maintenance shall be approved by the City Attorney.

- I) **Minimum Frontage.** Each lot used for residential purposes shall have a 30-foot minimum frontage on a public or private street.
- J) **Minimum Yards and Setbacks.** Except when otherwise approved at the time of the Final Planned Development hearing, the minimum setbacks of the underlying zone shall apply to exterior project boundaries. Interior yards (building envelopes) shall be as approved on the Planned Development site development plan.
- K) **Maximum Building Height.** Building height maximums of the underlying zone may be waived on individual buildings to allow greater flexibility in the development. Consideration shall be given to adjacent land uses and building heights as well as building relationships within the development.
- L) **Signage Standards.** Signage standards for uses in the Planned Development shall be approved by the City Council and will be consistent with standards in the underlying zoning district.
- M) **Storage Standards.** All storage in the Planned Development shall be within a closed building. The City Council may approve screened outdoor storage of recreation vehicles, boats or similar personal items.
- N) **Refuse Storage.** All outdoor trash, garbage, and refuse storage areas shall be screened on all sides from public view and, at a minimum, be enclosed on 3 sides with a 5 and one-half foot high sight-obscuring fence or wall with a sight-obscuring gate for access.
- O) **Mechanical Equipment.** All rooftop mechanical equipment shall be placed behind a permanent screen, completely screened from public view.
- P) **Utilities.** All utilities shall be underground.
- Q) **Pedestrian and Bicycle Circulation Facilities.** Within the Planned Development, sidewalks shall be constructed in accordance with City of Island City Engineering Construction Standards. Pedestrian and bicycle trails which connect to the City or County trail system and which will reasonably be used by residents or employees of the Planned Development shall be dedicated and constructed at the developer's expense. Additional interior pedestrian facilities shall be required to connect with planned trail systems and shall be:
  - 1. Functionally and safely convenient to each dwelling unit served;
  - 2. Functionally and safely convenient to schools and to industrial, commercial, recreational and utility areas within or adjacent to the project, and functionally convenient to a larger pedestrian circulation system outside the Planned Development;
  - 3. Sufficiently wide to accommodate potential use as specified in adopted plans or this code;
  - 4. Lighted for security and safety.
- R) **Public Transit.** All Planned Developments within the Urban Growth Boundary requiring 20 or more parking spaces shall provide transit loading and shelter facilities if so required by the City Council in consultation with the local transit authority.
- S) **Traffic Impacts.** The developer shall be responsible for determining traffic impacts and construct improvements necessary to mitigate identified impacts, consistent with service levels established in the Comprehensive Plan.
  - 1. Private access to collector and arterial streets shall be minimized.
  - 2. Parallel through streets and contoured "grid" patterns shall be encouraged.
  - 3. Until Level of Service (LOS) levels have been adopted, no development shall exceed LOS of "D" (as defined by the City Engineer) during peak use periods.
- T) **Attractive Streetscapes.** The Planned Development design shall ensure an attractive "streetscape," especially along collector and arterial streets, by planting street trees and other vegetative buffers, minimizing the visibility of parking lots and garages, and avoiding the canyon-like effects of walled or fenced subdivisions.

### **16.08 Land Division Approval Required**

The Planned Development process allows for zoning flexibility and density transfer. However, many Planned Developments involve the division of land into lots. In such cases, unless specifically exempted under this Title, the standards and procedural requirements of Article 16, Land Divisions shall apply.

### **16.09 Revocation**

The City Council may revoke preliminary approval of a Planned Development under Type II procedure upon its finding that the applicant has failed to comply with the standards and requirements established for the Planned Development. A Planned Development shall be revoked only after a public hearing. However, the Planning Official may temporarily stop work on an approved Planned Development for failure to comply with conditions of approval or the provisions of this code.





Winterbrook Planning  
Board of Trade Building  
310 SW Fourth Avenue, Suite 1100  
Portland, OR 97204

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DEPT OF  
JAN 29 2013  
LAND CONSERVATION  
AND DEVELOPMENT

Attention: Plan Amendment Specialist  
DLCD  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540