

Clatskanie, Oregon City Code

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TITLE 9
LAND USE AND DEVELOPMENT

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CHAPTER 1

TITLE; INTERPRETATION; GENERAL PROVISIONS

9-1-1: TITLE:

This title shall be known as the *DEVELOPMENT CODE OF THE CITY OF CLATSKANIE* and shall be referred to herein as "this title". (1996 Code 17.04.010)

9-1-2: PURPOSES:

A. General: It is the general purpose of this title to provide the principal means for the implementation of the Clatskanie comprehensive plan. This title is designed to regulate the division of land and to classify, designate, and regulate the location and use of buildings, structures, and land; and to divide the city into zones to carry out these regulations and provide for their enforcement.

B. Special: This title also has the following special purposes:

1. To promote coordinated, sound development with consideration for the city's natural environment, amenities, views, and the appearance of its buildings and open spaces;
2. To achieve a balanced and efficient land use pattern, to protect and enhance real property values, to promote safe and uncongested traffic movement and to avoid uses and development that might be detrimental to the stability and livability of the city;
3. To safeguard and enhance the appearance of the city through the advancement of effective land use, architectural design and city planning;
4. To aid in the rendering of fire and police protection;
5. To provide adequate open spaces for light and air;
6. To prevent undue concentration of population;
7. To facilitate adequate provisions for community utilities and facilities; and
8. In general, to promote public health, safety, convenience and the general welfare. (1996 Code 17.04.020)

9-1-4: INTERPRETATION OF TERMS, REGULATIONS:

The city manager shall have the authority to interpret all terms, provisions and requirements of this title. The city manager shall not substitute an interpretation in conflict with any ruling or decision of the planning commission. A request for interpretation may be made orally or in writing. The city

manager's interpretation may be appealed to the planning commission for its interpretation. (Ord. 643, 3-1-2006)

9-1-5: APPEAL OF INTERPRETATION:

If the person making the request disagrees with the planning commission's interpretation, such person may appeal it to the city council. The council will hear the appeal as a consideration item at its next regularly scheduled meeting. (1996 Code 17.04.080)

9-1-6: SEVERABILITY:

The provisions of this title are severable. If any section, sentence, clause or phrase is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions. (1996 Code 17.04.140)

CHAPTER 2 DEFINITIONS

9-2-1: INTERPRETATION GENERALLY:

The terms or words used in this title shall be interpreted as follows where the context demands:

- A. Words in the present tense include the future.
- B. The singular number includes the plural and vice versa.
- C. The word "shall" is mandatory and not discretionary; the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. The term "this title" shall be deemed to include the text, the accompanying zoning map and all amendments made to either after the effective date hereof. (1996 Code 17.04.060)

9-2-2: DEFINITIONS:

The words and phrases used in this title shall have the meanings given in this section, as follows:

ABUT: Contiguous to; adjoining with a common boundary line (see illustration, appendix A, on file at city hall).

ACCESS: The place, means or way by which pedestrians, vehicles, or both, shall have safe, adequate and usable ingress and egress to a property or use. A private access is one not in public ownership or control by means of deed, dedication or easement.

ACCESSORY STRUCTURE OR USE: A structure or use incidental, appropriate and subordinate to the main structure or use.

ACRE: A measure of land containing forty three thousand five hundred sixty (43,560) square feet.

ADJACENT: A parcel, property, or use next to the subject site or separated only by public right of way.

ADULT BUSINESS: Any person, group, firm, business, or organization that prohibits admission to all or a portion of the premises to any persons younger than twenty one (21) years of age.

ADVERSE POSSESSION: The right of an occupant to acquire title to a property by having continuously and openly used and maintained a property over a statutory period of time.

AGRICULTURAL USE: Means and includes farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry.

ALTERATION, STRUCTURAL: "Structural alteration" means any change or repair of the supporting members of a building or structure. Any change in the external dimensions of the building is a structural alteration.

APARTMENT: One or more rooms with private bath and kitchen comprising an independent, self-contained dwelling unit, located in a building which is occupied as a residence.

APPEAL: A request for review of any interpretation or decision regarding any provision of this title.

APPLICANT: The owner of the affected property, or such owner's authorized agent or representative.

AREA OF SHALLOW FLOODING: A designated AO or AH zone of the flood insurance rate map (FIRM). The base flood depths range from one to three feet (3'); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. AO is characterized as sheet flow and AH indicates ponding.

AUTOMOBILE SERVICE STATION: Any building or land area used, or intended to be used, for the retail sale of vehicular fuels. It may include, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories.

AUTOMOBILE WRECKING YARD: See definition of Junkyard.

AWNING: A shelter projecting from, and supported by, the exterior wall of a building on a supporting framework. The awning may be constructed of rigid or nonrigid material.

BASE FLOOD: "Base flood", also referred to as the "100-year flood", means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. Designation on flood insurance rate maps (FIRM) always includes the letters A or U.

BASEMENT: Any floor level below the first story in a building; except, that a floor level in a building having only one floor level shall be classified as a basement, unless such floor level qualifies as a first "story" as defined herein.

BED AND BREAKFAST INN: A use subordinate to the principal use of a single-family dwelling, and involving not more than three (3) bedrooms, which provides temporary overnight lodging and a morning meal in return for compensation. The owner or manager must reside on site. The building design must be compatible with the residential neighborhood and be inspected by both the fire district and the county.

BERM: A manmade mound of earth, two (2) to six feet (6') high with a two to one (2:1) slope (see illustration, appendix A, on file at city hall), used to deflect sound or to buffer incompatible areas.

BIKE LANE, PATH OR WAY: Any trail, path or part of a highway shoulder, sidewalk or any other travelway specifically signed and/or marked for bicycle travel.

BLOCK: A group of lots, tracts or parcels within well defined boundaries, usually streets.

BOARD OF ADJUSTMENT: The planning commission shall act as the "board of adjustment" for the purposes of this title.

BOND: Any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the city.

BUFFER: A landscaped area providing separation between uses, or as a shield to block noise, lights and other nuisances.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT: The vertical distance from the average elevation of the finished grade to the highest point of the structure excluding certain appurtenances.

BUILDING LINE: A line parallel to the street right of way, at a distance equal to the depth of the required front yard.

BUILDING, PRINCIPAL: "Principal building" means the structure within which is conducted the principal use of the lot.

CARPOR: A roofed structure providing space for the parking or storage of motor vehicles, and having not more than three (3) sides enclosed.

CENTERLINE: The centerline of a street shall be the line that coincides with the centerline of the original right of way, or as established by the city.

CITY: The city of Clatskanie, Oregon.

CITY MANAGER: The appointed chief administrative officer of the city, who is responsible for the administration of all city ordinances.

COMMUNICATION TOWER: Any tower, lattice, monopole, or other type of structure, used for transmitting and/or receiving signals to or from other communication towers or communication equipment including, but not limited to, cell phones, radios or televisions.

COMPREHENSIVE PLAN: A plan for the guidance of growth and improvement of the city, including any amendments that may be made from time to time.

CONDITIONAL USE PERMIT: A permit issued by the city stating that the use must meet all of the conditions placed on it by the planning commission and by this title.

CONVENIENCE STORE: A retail store containing less than five thousand (5,000) square feet of gross floor area designed and stocked to sell primarily food, beverage and other household supplies to customers purchasing only a relatively few items (in contrast to a "supermarket").

COUNCIL: The city council of Clatskanie, Oregon.

COURTYARD: A landscaped area enclosed by two (2) or more walls.

COVERAGE, BUILDING OR LOT: "Building or lot coverage" means the percentage of the total lot area covered by buildings.

CURB LINE: The line indicating the edge of the vehicular roadway within the overall right of way.

DAYCARE: Care provided to not more than five (5) unrelated children during a period not to exceed twelve (12) hours in a twenty four (24) hour day.

DAYS: Calendar days, unless working days are specified, which shall mean Monday through Friday, exclusive of official city holidays.

DE NOVO: A new hearing, usually without consideration of any previous hearing testimony.

DEDICATION: The donation of property by its owner to the city for any public purpose (e.g., the construction or widening of a street).

DENSITY: The number of dwelling units allowed on a parcel of land, frequently expressed as the number of units per acre.

DENSITY, GROSS: "Gross density" includes in the computation of density all of the land within the boundaries of the lot.

DENSITY, NET: "Net density" excludes from the computation of density those lands necessary for streets and underground utilities, as well as easements, floodways and steep slopes.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DWELLING, APARTMENT: "Apartment dwelling" means a single building, or portion thereof, containing four (4) or more dwelling units.

DWELLING, SEMIDETACHED: "Semidetached dwelling" means two (2) dwelling units, each located on a separate lot, sharing a fire resistant common wall which follows the property line.

DWELLING, SINGLE-FAMILY: "Single-family dwelling" means one dwelling unit, structurally separated from any other dwelling on the same lot.

DWELLING, THREE-FAMILY OR TRIPLEX: "Three-family dwelling" or "triplex" means a structure on a single lot containing three (3) dwelling units connected by either fire resistant common walls, unpierced from ground to roof, and/or an unpierced ceiling and floor.

DWELLING, TWO-FAMILY OR DUPLEX: "Two-family dwelling" or "duplex" means a structure on a single lot containing two (2) dwelling units connected by either a fire resistant common wall, unpierced from ground to roof, and/or an unpierced ceiling and floor.

DWELLING UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the applicable codes designed for occupancy by only one family (see definition of Family).

EASEMENT: The granting, by a recorded interest, of one or more property rights by the owner to the public, another person or entity.

EMPLOYEES: All persons, including proprietors, working on the premises during the largest shift.

FAMILY: One or more individuals related by blood or marriage, or up to five (5) unrelated individuals, occupying a dwelling unit and living as a single household.

FENCE, SIGHT OBSCURING: "Sight obscuring fence" means a fence or wall constructed in such a way as to obstruct vision from a point not more than one foot (1') above grade to a maximum height of six feet (6').

FINAL ACTION: A final determination made by the review body, accompanied by adopted findings, and signed by the review body.

FINDINGS: A written statement of fact, conclusions and determinations based on the evidence presented at a public hearing in relation to the criteria and accepted by the review body in support of their decision.

FLAG LOT: A lot which has access to a right of way by means of a narrow strip of land (see illustration, appendix A, on file at city hall).

FLOOD FRINGE: The area bordering the floodway, and within the floodplain, that acts as a reservoir of floodwaters (see illustration, appendix A, on file at city hall).

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the federal emergency management administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal insurance administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPLAIN: The combined area of the "floodway" and the "flood fringe", as defined in this chapter (see illustration, appendix A, on file at city hall).

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

FLOOR AREA: The area included within the surrounding exterior walls of a building, or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area located under the horizontal projection of the roof or floor above.

FRONT LOT LINE: The lot line separating a lot from the street right of way.

FRONTAGE: The side of a lot abutting a street; the length of the front lot line (see illustration, appendix A, on file at city hall).

GARAGE, RESIDENTIAL: A "residential garage" is a fully enclosed building used for the parking or storage of not more than the number of vehicles, trailers, or boats as possessed by a resident or owner of the principal residential building.

GRADE: The degree or rise of a sloping surface (see illustration, appendix A, on file at city hall).

GRADE, FINISH: "Finish grade" means the final elevation of the ground surface after development.

GRANDFATHER CLAUSE: See definition of Nonconforming Use.

GROUP CARE HOME: Facilities providing convalescent care to elderly or physically dependent people for periods exceeding twenty four (24) hours; or providing daily care and training for physically or mentally handicapped people.

GUEST HOUSE: An accessory building used for the purpose of providing temporary living accommodations and having no cooking facilities.

HEDGE, SIGHT OBSCURING: "Sight obscuring hedge" means an evergreen barrier grown for the purpose of obstructing vision, which shall be at least two feet (2') tall at the time of planting, and capable of obscuring at least eighty percent (80%) of the view between two (2) and six feet (6') from the ground within five (5) years of planting.

HIGHWAY, STATE: "State highway" means a primary or secondary state highway that has been so designated by the Oregon transportation commission.

HISTORIC BUILDING OR SITE: Any building or site designated by the city as a landmark based on its special historical or architectural value, character or interest as part of the development, heritage or history of neighboring residents.

HOME OCCUPATION: A lawful, income producing activity conducted in a dwelling while maintaining the residential character, having no outward appearance of a business and no infringement on the rights of neighboring residents (see section 9-13-4 of this title).

HOTEL/MOTEL: A building or portion thereof designed for occupancy with no provisions for cooking in any individual room or suite.

IMPROVEMENT: Any building, structure, parking facility, fence, gate, wall, other object constituting a physical betterment of real property, or any part of such betterment.

INDUSTRIAL PARK: A large tract of land that has been planned as an integrated facility for a number of individual industrial uses, with special attention given to traffic circulation, parking, utility needs, landscaping and compatibility of uses.

JUNKYARD: Any land area, building or part thereof used for the storage, collection, processing, sale, purchase or abandonment of two (2) or more unregistered and inoperable motor vehicles, wastepaper, scrap metal, discarded goods, machinery or other materials.

KENNEL: Any premises where five (5) or more dogs, cats or other small animals are kept for board, training, propagation or sale.

LAND USE DECISION: A final decision or determination by the city that concerns the adoption, amendment or application of the goals, a comprehensive plan provision, a land use regulation or a new land use regulation. A land use decision does not include a decision which: a) is made under land use standards not requiring interpretation or the exercise of factual, policy or legal judgment; b) approves, approves with conditions, or denies a subdivision or partition, as described in Oregon Revised Statutes 92, located within the urban growth boundary where the decision is consistent with land use standards; or c) approves or denies a building permit made under land use standards which do not require interpretation or the exercise of factual, policy or legal judgment.

LANDSCAPING: Includes ground cover, trees, grass, bushes, flowers, garden areas and arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas.

LEGISLATIVE AMENDMENT: A change to the text of this title, to the comprehensive plan text, to the plan map, or to the zoning map, that is general in nature or large in size of area, and therefore, affects a significant number of properties and owners.

LOADING SPACE: An off street space or berth for the temporary parking of commercial vehicles while loading or unloading, located on the same lot with a main building or use, or contiguous to a group of buildings.

LOT: A unit of land that is created by a subdivision of land.

LOT AREA: The total horizontal area enclosed within the lot lines of a lot.

LOT, CORNER: "Corner lot" means a lot with two (2) adjacent sides abutting streets other than alleys.

LOT COVERAGE: The area of a lot covered by buildings, normally expressed as a percentage.

LOT DEPTH: The average distance between the front lot line and the rear lot line.

LOT LINE: Any property line bounding a lot (see illustration, appendix A, on file at city hall).

LOT LINE ADJUSTMENT: Movement of a common boundary without creating a new lot, or reducing either of the existing lots to less than the lot area required by the zone.

LOT LINE, FRONT: "Front lot line" means, for an interior lot, a line separating the lot from the street; for a corner lot, a line abutting either (but not both) frontages on the street.

LOT LINE, REAR: "Rear lot line" means a lot line opposite to and most distant from the front lot line; or, in the case of an irregular or triangular shaped lot, a line ten feet (10') long drawn entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT OF RECORD: A legally created lot meeting all applicable regulations in effect at the time of creation, and held in separate ownership from abutting properties shown on the records of Columbia County at the time the ordinance was adopted that established zoning for the property.

LOT WIDTH: The average horizontal distance between the side lot lines.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title found in chapter 9, article B of this title.

MAJOR PARTITION: A partition which includes the creation of a road or street.

MANUFACTURED DWELLING: Means and includes:

A. A "residential trailer", meaning a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962;

B. A "mobile home", meaning a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction; or

C. A "manufactured home". See definition of Manufactured Home.

D. A "manufactured dwelling" does not include any building or structure constructed to conform to the state of Oregon structural specialty code or the low-rise residential dwelling code adopted pursuant to Oregon Revised Statutes or any unit identified as a recreational vehicle by the manufacturer.

MANUFACTURED DWELLING PARK: A residential lot, tract or parcel of land under the same ownership, with the primary purpose of renting space, or offering space free in connection with securing trade or patronage, and on which two (2) or more manufactured dwellings are placed.

MANUFACTURED DWELLING SUBDIVISION: A residential lot, tract or parcel of land subdivided, according to the provisions of this title regulating land division, for the purpose of providing sites for manufactured dwellings.

MANUFACTURED HOME: A particular manufactured dwelling constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed on or after June 15, 1976, and met the construction requirements of the federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MINOR PARTITION: A partition that does not include the creation of a road or street.

MOBILE HOME: See definition of Manufactured Dwelling.

MOBILE HOME PARK: See definition of Manufactured Dwelling Park.

MOBILE HOME SUBDIVISION: See definition of Manufactured Dwelling Subdivision.

MODULAR HOME: A dwelling unit constructed in accordance with the standards set forth in the uniform building, plumbing, and electrical codes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) sections transported to the site in a manner similar to a mobile home (except the modular home meets the building code requirements for site built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after the effective date hereof.

NONCONFORMING LOT: A lot which was lawful in terms of size, area, dimensions or location, prior to the adoption of this title, or revision or amendment of this title, which now fails to conform to the requirements of the zoning district.

NONCONFORMING SIGN: Any sign lawfully existing on the effective date of this title, or amendment to this title, which renders such sign nonconforming because it does not conform to all the standards and regulations.

NONCONFORMING STRUCTURE: A structure the size, dimensions or location of which were lawful prior to the adoption, revision or amendment of this title, but which fails to meet the present requirements of the zoning district.

NONCONFORMING USE: An activity lawfully existing prior to the effective date of this title, or any amendment to this title, but which fails to meet current standards and requirements of the zone.

OCCUPANCY PERMIT: A required permit allowing occupancy of a building after it has been determined that all requirements are met.

ON THE RECORD: An appeal procedure in which the decision is based on the record established at the initial hearing. New information may be added only under certain limited circumstances.

OPEN SPACE: An area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use, or for the use of owners and occupants of land adjoining or neighboring such open space.

PARCEL: A unit of land that is created by a partitioning of land.

PARTITION: Either an act of partitioning land or an area or tract of land partitioned.

PARTITION LAND: To divide land into two (2) or three (3) parcels of land within a calendar year, but does not include: a) a division of land resulting from a lien or 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 line where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance; 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 purpose; provided, that such road or right of way complies with the applicable comprehensive plan, Oregon Revised Statutes 215.213(2)(q) and 215.283(2)(p) through (r).

PARTITION PLAT: Means and includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.

PERMIT: An official document or certificate, issued by the city, authorizing, and required prior to, the performance of a specified development activity.

PERMITTED USE: Any use allowed in a zone, subject to the applicable standards.

PLANNING COMMISSION: The planning commission of the city.

PLAT: Means and includes a final subdivision plat, replat or partition plat.

POTENTIAL FUTURE FLOODING: Exists when a property elevation is at or below the established 100-year floodplain.

PROFESSIONAL OFFICE: The office of an occupation or vocation requiring training or extended experience in the liberal arts or the sciences or advanced study in a specialized field, such as attorney, doctor, accountant, and the like, maintained for the conduct of that occupation or vocation.

QUASI-JUDICIAL AMENDMENT: A change to the text of this title, the comprehensive plan text, the plan map, or the zoning map, that is specific in nature or involves only a small number of properties.

REPLAT: Means and includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, location, specifications, dedications, provisions and information concerning a recorded subdivision.

RESERVE STRIP: A strip of land, usually one foot (1') in width, across the end of a street or alley which shall be under the ownership of the city to restrict access.

RESIDENTIAL FACILITY: A facility, licensed by or under the authority of the state of Oregon, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the facility.

RESIDENTIAL HOME: A home, licensed by or under the authority of the state of Oregon, which provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the facility.

RIGHT OF WAY: A strip of land acquired by reservation, dedication, forced dedication or condemnation, and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

ROAD, COUNTY: "County road" means dedicated public thoroughfare, easement, or right of way intended for vehicular travel and maintained by, or under the jurisdiction of the county.

ROAD, FRONTAGE: "Frontage road" means a minor road substantially parallel and adjacent to an arterial street, providing access to abutting properties and separation from through traffic.

ROAD, PRIVATE: See definition of Street, Private.

SCHOOL: Any public kindergarten, elementary, junior high, high school, college or comparable private school.

SHOP, RESIDENTIAL: A "residential shop" means a home workshop located in a dwelling or an accessory building that is used by a resident of the dwelling for noncommercial purposes.

SIGN: Any lettered or pictorial device designed to inform or attract attention, and which shall comply with chapter 12 of this title.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, and/or work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a

basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the construction of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STEEP SLOPE: A slope with a gradient of twenty five percent (25%) or greater (see definition of Grade).

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet (6') above "grade", as defined herein, such usable or underfloor space shall be considered as a story.

STORY, HALF: "Half story" means a story under a gable, hip or gambrel roof, the wall plates of which are not more than two feet (2') above the floor of such story on the least two (2) opposite exterior walls.

STREET, ALLEY: "Alley street" means a narrow way providing a secondary means of access to the back or side of abutting properties that have access on another street.

STREET, ARTERIAL: "Arterial street" means a major street carrying large amounts of traffic and so designated on the official city street map.

STREET, COLLECTOR: "Collector street" means a street carrying traffic between minor and arterial streets.

STREET, CUL-DE-SAC: "Cul-de-sac street" means a street that terminates in a vehicular turnaround.

STREET, HALF: "Half street" means the dedication of right of way equal to one-half (1/2) the planned width of a city street and running the length of the property frontage. The same term can be applied to the street improvements made to the centerline of the street.

STREET LIGHTING: The entire system of wiring, poles, fixtures and lamps that are necessary to light a street or pedestrianway.

STREET, MINOR: "Minor street" means a street created to provide access to abutting properties.

STREET, PRIVATE: "Private street" means a street created to provide access to the parcels of a major partition as a nonexclusive easement and not dedicated for public use.

STRUCTURE: A walled and roofed building (including a gas or liquid storage tank) that is principally above ground.

SUBDIVISION: A site with four (4) or more lots.

SUBDIVISION PLAT: Means and includes a final map and other writings containing all the descriptions, location, specifications, dedications, provisions and information concerning a subdivision.

SUBSTANTIAL IMPROVEMENT: A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds eighty percent (80%) of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

B. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

C. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TEMPORARY IMPROVEMENT: An improvement determined by the planning commission as necessary to protect the public health, safety and welfare during construction.

TERRACE: An open, often paved area adjacent to a dwelling at ground level, such as a patio.

TRAILER, RECREATION: "Recreation trailer" means a mobile shelter, usually smaller than nine hundred (900) square feet, and used for recreational outings rather than as a permanent habitation.

UNSTABLE SOIL: Soil types which pose severe limitations upon development due to potential slides, slumping, flooding, structural instability or inadequate sewage waste disposal, as defined by the federal law.

UNUSED MANUFACTURED HOME: A manufactured home that has not been occupied for residential or commercial use.

URBAN GROWTH BOUNDARY: An adopted line used as a planning guideline to designate the future urban area of the city, and indicating areas into which city services will be extended upon annexation.

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

VARIANCE: A grant of relief from the standards of this title which permits construction in a manner that would otherwise be prohibited, when it can be shown that, due to unusual conditions related to a piece of property, strict application of the title would result in an unnecessary hardship (see section 9-14-1 of this title).

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

YARD: Open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this title.

YARD, EXTERIOR SIDE: "Exterior side yard" means a yard extending from the front yard to the rear lot line on the street side of a corner lot.

YARD, FRONT: "Front yard" means a yard extending across the full width of the lot, with a depth equal to the minimum horizontal distance between the front lot line and a line drawn parallel to it at the nearest point of the building.

YARD, REAR: "Rear yard" means a yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.

YARD, SIDE: "Side yard" means a yard between the main building and side lot line, extending from the front yard to the rear yard, and measured horizontally from the nearest point of the side lot line to the nearest point of the principal building. (1996 Code Ch. 17.08; amd. Ord. 599, 11-3-1999; Ord. 605, 4-4-2001; Ord. 621, 11-6-2002; 2004 Code; Ord. 643, 3-1-2006)

**CHAPTER 3
ADMINISTRATION AND ENFORCEMENT**

9-3-1: ENFORCEMENT OFFICIAL:

The city manager is hereby authorized and directed to enforce all the provisions of this title. (1996 Code 17.04.110; amd. 2004 Code)

9-3-2: ADMINISTRATIVE AUTHORITY:

A. Planning Commission: The planning commission shall have authority to approve or deny, in whole or in part, all requests involving conditional uses, nonconforming uses, signs and land division. (1996 Code 17.84.010)

B. City Manager:

1. The city manager shall have the authority administratively to approve, approve with conditions, or deny, in whole or in part, all requests involving the following sections of this title: (Ord. 599, 11-3-1999; amd. 2004 Code)

9-11-4 regarding parking; (Ord. 599, 11-3-1999; amd. 2004 Code; Ord. 643, 3-1-2006)

9-13-3 regarding special setbacks for rights of way; and

9-15-2 regarding lot line adjustments.

2. Except for the sections listed in subsection B1 of this section, the planning commission shall be the authority to approve, approve with conditions, or deny, in whole or in part, all other requests involving conditional uses, nonconforming uses, signs and land divisions.

C. Appeals To Planning Commission: Appeals of the city manager's decisions shall be to the city planning commission. (Ord. 599, 11-3-1999; amd. 2004 Code)

D. Appeals To Council: Appeals of the planning commission decisions shall be to the city council.

E. Land Use Actions: Land use actions involving annexations, zone changes and amendments shall be heard by the planning commission and a recommendation made to the city council.

F. Other Planning Commission Functions: The planning commission shall perform any other functions that may be designated by the city council. (1996 Code 17.84.010)

9-3-3: PERMITS AND APPROVALS:

A. Conditions For Issuance:

1. Permits and approvals shall be issued only when a review of the application indicates the development will comply with the provisions of this title.
2. All development shall occur in accordance with such permits and approvals.
3. The intended use shall not commence nor shall a building be occupied nor shall lots be sold until all of the requirements have been complied with. (1996 Code 17.04.040)

B. Time Limit For Authorization: Authorization for a permit shall be void after two (2) years if no substantial construction has taken place, unless the planning commission grants an extension for one additional two (2) year period. (1996 Code 17.04.050; amd. Ord. 643, 3-1-2006)

C. Plans Review: The planning commission and Clatskanie rural fire protection district shall review and approve all new construction plans for commercial and industrial development and all plans for multi-family residential with density greater than two (2) units per lot. (Ord. 643, 3-1-2006)

9-3-4: FEES:

To defray expenses incurred in connection with the processing of applications, report preparation, notice publications, and similar matters, the city may charge fees as established by resolution of the council. The filing of an application shall not be considered complete, nor shall action be taken to process it, until the required fee has been paid. (1996 Code 17.04.150)

9-3-5: PERMITTING OF SIMILAR USES:

The planning commission may permit a use that is not specifically named in the allowed uses listed for a zone, provided the use is of the same general type and similar in nature to those allowed, and is not already allowed in any other zone. (1996 Code 17.04.090)

9-3-6: QUASI-JUDICIAL HEARINGS:

A. Decisions: The planning commission shall conduct quasi-judicial hearings, and decide on the following:

1. Applications for temporary permits;
2. Conditional use permits;
3. Variances from the standards of the applicable zone; and (1996 Code 17.84.020)

B. Other Duties: The planning commission shall perform any other duties as provided by this title. (1996 Code 17.84.020; amd. Ord. 643, 3-1-2006)

9-3-7: PUBLIC HEARINGS:

- A. Acceptance Of Applications: Applications shall be accepted only from property owners or their authorized agents. Applications may only be made using forms provided for that purpose by the city, and will not be considered complete until the required fee has either been paid or waived by decision of the council.
- B. Contents Of Application: At a minimum, the application will include:
 - 1. A description of the land use action being applied for; and
 - 2. A site plan, drawn to scale, showing lot lines, the dimensions and location of existing and proposed structures, easements, street access, and structures abutting properties within ten feet (10') of the lot line.
- C. Quasi-Judicial Hearings: A hearing that will result in a determination as to the permissible use of a specific property shall be conducted as a quasi-judicial hearing. All parties are entitled to an opportunity to be heard, to present and rebut evidence, and to have a decision based on the evidence and supported by the findings of fact as part of the record. (1996 Code 17.84.030)
 - 1. The city manager shall review each application for completeness. If the application does not meet the applicable requirements, the city manager shall advise the applicant of the deficiencies prior to placing it on the planning commission's agenda. The applicant may withdraw the application at any point up to the time that the public hearing is opened. The planning commission may refuse to hear an incomplete application, and may return it to the applicant for additional information.
 - 2. The city manager may place the application on the planning commission's agenda for a public hearing to be held within forty (40) days of the date the application was found to be complete. (1996 Code 17.84.030; amd. Ord. 643, 3-1-2006)
 - 3. Copies of the complete application shall be distributed by the city manager to members of the city staff and to the Clatskanie rural fire department and to affected agencies for their comments.
 - 4. Following the review period, the city manager shall coordinate and assemble the application data and reports and distribute to the planning commission, applicant, city staff and to the press, not less than five (5) days prior to the hearing date. (Ord. 643, 3-1-2006)
 - 5. The city shall take final action on an application within the time period required by state law, unless the applicant requests an extension, or the parties have agreed to mediation. An issue which may be the basis for an appeal to the land use board of appeals shall be raised not later than the close of the record at or following the final evidentiary hearing on the proposal. Such issues shall be raised with sufficient specificity so as to afford the hearings

body and the parties an adequate opportunity to respond to each issue. (1996 Code 17.84.030; amd. 2004 Code)

D. Legislative Hearings: A hearing on a proposed change that is general in nature or large in size of area and, therefore, affects a significant number of properties and owners, shall be conducted as a legislative hearing. The city council, planning commission, advisory board or record owner of property, may initiate the application process.

1. The procedures described in subsections C1 through C4 of this section shall apply.
2. A minimum of two (2) hearings, one before the planning commission and one before the city council, are required except where only a hearing by the city council is required.
3. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes chapter 197, applicable comprehensive plan policies and provisions of the implementing ordinances shall apply.
4. Notice of the hearing shall be published in a newspaper of general circulation at least ten (10) days prior to the hearing. The procedures described in subsections E3 through N of this section shall apply. (1996 Code 17.84.030; amd. Ord. 643, 3-1-2006)

E. Notice Of Public Hearings: Notice shall be provided in the following manner, depending on the type of action: (1996 Code 17.84.030)

1. Quasi-Judicial: The quasi-judicial land use hearing notice requirements shall be regulated under the Oregon Revised Statutes. (1996 Code 17.84.030; amd. 2004 Code)
2. Legislative: The legislative land use hearing notice requirements shall be regulated by subsection D of this section and under Oregon Revised Statutes. (Ord. 643, 3-1-2006)
3. Contents Of Notice: The notice provided by the city shall:
 - a. Explain the nature of the application and the proposed use or uses which could be authorized;
 - b. List the applicable criteria;
 - c. Identify the subject property;
 - d. State the date, time and location of the hearing;
 - e. State that failure of an issue to be raised in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the land use board of appeals based on that issue; and
 - f. Include the name of local government representative to contact and the telephone number for additional information;

g. State that a copy of the application and all related documents will be available for inspection (at the counter) at no cost at least seven (7) days prior to the hearing and that the public may obtain copies, for their own use, at reasonable cost. (1996 Code 17.84.030; amd. 2004 Code)

F. Owner Of Record: The city shall use, for the purpose of ascertaining the property owners, the names and addresses of the owner of record, as shown in the current copy of the Columbia County assessor records.

G. Failure To Receive Notice: Failure to send notice to an individual, or failure of a person to receive notice, shall not invalidate any proceeding.

H. Ex Parte Contacts: Members of the hearing body shall not communicate with representatives of either the proponents or opponents in a land use action unless opportunity is provided for all parties involved (including the entire hearing body) to participate. At the commencement of the hearing, members of the hearing body shall reveal any prehearing contact they may have had with the applicant, the applicant's representative, or with anyone in opposition to the proposal.

I. Hearing Commencement, Statement: At the commencement of the hearing a statement shall be made to those in attendance that:

1. Lists the applicable substantive criteria;
2. States that testimony and evidence must be directed toward the criteria or toward some other criteria in the plan or land use regulations which the person believes to apply to the decision; and
3. States that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the land use board of appeals based on that issue. (1996 Code 17.84.030)

J. Planning Commission Action: The planning commission shall, depending on the type of land use application involved, take the following action:

1. Quasi-Judicial: The planning commission shall, following a public hearing, approve or disapprove the request. If the decision is to approve, the planning commission may add conditions designed to guarantee fulfillment of public service demands created or increased by the proposed use, and mitigate any adverse effects upon surrounding property owners or the city.
2. Legislative: The planning commission may recommend that the city council approve, deny or modify the proposed amendment. (1996 Code 17.84.030; amd. Ord. 643, 3-1-2006)
3. Criteria: The applicant has the burden of proof on all criteria. For all applications, it shall be established that:
 - a. The proposal conforms with the city comprehensive plan; and

b. The proposal complies with all applicable statutory and ordinance requirements and regulations.

4. Continuation: A hearing may be continued, if necessary, to obtain more information. If the hearing body announces the date, time and place of the next meeting, no additional notice is required; however, to encourage citizen involvement, the city may choose to provide additional notice. (1996 Code 17.84.030)

5. Findings: The planning commission shall make findings, based upon the record before it, to support its decision. (1996 Code 17.84.030; amd. Ord. 643, 3-1-2006)

K. Appeal Period: The ten (10) day appeal period shall begin on the date the order is signed.

L. Notice Of Council Hearing: Notice of a city council hearing shall be given in the same manner as described in subsection E of this section, depending on the type of land use action being requested.

M. Council Action: For those land use actions requiring council approval, the planning commission's recommendation shall be considered during the hearing, and may be adopted, modified or rejected.

N. Reapplication: Following denial of an application, or of an appeal, the applicant shall be required to wait a period of twelve (12) months before filing a similar request. (1996 Code 17.84.030)

9-3-8: AMENDMENTS:

A. Initiation: Amendments to the text of this title, and/or to the city zoning map, may be initiated by:

1. A petition from the affected property owner, or such owner's authorized agent, filed with the city manager; or
2. The planning commission on its own motion; or
3. The council on its own motion.

B. Referral To Planning Commission: All requests for amendments, however initiated, shall be referred to the planning commission for a public hearing, which shall be scheduled within forty (40) days. (1996 Code 17.84.040)

C. Notice Of Planning Commission Hearing:

1. Notice of the planning commission hearing on a proposed amendment shall be given in the manner as for a legislative action, described in section 9-3-7 of this chapter. (Ord. 643, 3-1-2006)
2. If an application would change the zone of property which includes all or part of a mobile home park as defined in Oregon Revised Statutes 446.003, the city council shall give written notice by first class mail to each existing mailing address for tenants of the mobile home

park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. The city council may require an application. The city council may require an applicant for such a zone change to pay the cost of such notice.

D. Failure To Receive Notice: Failure to send notice to an individual, or failure of a person to receive notice, shall not invalidate any proceeding.

E. Ex Parte Contacts: The restrictions described in subsection 9-3-7H of this chapter shall apply.

F. Planning Commission Action: The planning commission may recommend that the city council adopt, modify or reject the proposed amendment. (1996 Code 17.84.040)

G. Notice Of City Council Hearing: Notice shall be given in the manner required by Oregon Revised Statutes. (1996 Code 17.84.040; amd. 2004 Code)

H. City Council Action: In making their decision regarding the proposed amendment, the city council may adopt, modify or reject the planning commission's recommendation. (1996 Code 17.84.040; amd. Ord. 643, 3-1-2006)

I. Record Of Amendment: The city manager shall maintain a record of all amendments made to the text of this title and to the city zoning map, in a form and location convenient to the public. (1996 Code 17.84.040)

9-3-9: APPEALS:

A. Right To Appeal; Notice: An applicant, or any aggrieved person, may appeal an order (decision) of the planning commission by submitting, on a form provided by the city, written notice to the city manager within ten (10) days of the date the order is signed by the planning commission chairperson or the chairperson's designee. (1996 Code 17.84.050; amd. Ord. 643, 3-1-2006)

B. Filing Fee: A filing fee in the amount set by the city council is due at the time the appeal is filed. The city council may waive the required fee upon a showing of good cause.

C. Hearing Date: The appeal hearing date shall be set for the next regularly scheduled council meeting. (1996 Code 17.84.050)

D. Contents Of Notice: Notice of the hearing shall be provided in the same manner as for the original hearing in accordance with state law.

E. Testimony; Evidence: At the hearing, testimony shall be limited to the applicant(s) and the appellant(s) and evidence shall be limited to the record of the planning commission decision. The city council may decide to hear additional testimony or additional evidence on any specific appeal. (Ord. 643, 3-1-2006)

F. Burden Of Proof: The applicant shall bear the burden of proof. (1996 Code 17.84.050)

G. City Council Action:

1. The city council may decide to uphold or to overturn the planning commission decision, or it may remand the application to the planning commission for another hearing. (1996 Code 17.84.050; amd. Ord. 643, 3-1-2006)
2. If the city council decides to uphold the planning commission decision, no new findings are necessary. (1996 Code 17.84.050)

9-3-10: COMPLAINTS REGARDING VIOLATIONS:

Whenever a violation of this title is alleged to have occurred, a signed written complaint may be filed by any individual. Such complaint shall state fully the situation on which it is based and the section of this title that has been violated. The city manager shall then record the complaint, investigate (with police assistance, if necessary) and take action as provided by this title. (1996 Code 17.04.120)

9-3-11: PENALTY FOR VIOLATION OF TITLE:

Unless otherwise provided in this title, any violation of any code provision of this title shall be punishable by a fine not to exceed one hundred dollars (\$100.00). Each day's violation of any code provision of this title constitutes a separate offense. (1996 Code 17.04.130; amd. 2004 Code)

ARTICLE A. CLAIMS PROCEDURE

9-3A-1: PURPOSE:

This article is intended to establish procedures for the implementation of ballot measure 37, passed by voters of the state of Oregon on November 2, 2004, which amended chapter 197 of Oregon Revised Statutes. These procedures establish a prompt, open, thorough, and consistent process that enables a property owner an adequate and fair opportunity to present a claim to the city. These procedures preserve and protect limited public funds and establish a record of the city's decision suitable for circuit court review. (Ord. 637, 12-1-2004, eff. 12-2-2004)

9-3A-2: DEFINITIONS:

As used in this article, the following words and phrases mean:

CITY MANAGER: The city manager of the city of Clatskanie, or his or her designee.

CLAIM: A claim filed under ballot measure 37.

EXEMPT LAND USE REGULATION: A land use regulation that:

- A. Restricts or prohibits activities commonly and historically recognized as public nuisances under common law. This subsection shall be construed narrowly in favor of a finding of compensation under this article;
- B. Restricts or prohibits activities for the protection of public health and safety, which may include, but not be limited to, such regulations as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, pollution control regulations, and transportation infrastructure requirements;
- C. Is required in order to comply with federal law;
- D. Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or
- E. Was enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.

FAMILY MEMBER: Includes the wife, husband, son, daughter, mother, father, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, the estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.

LAND USE REGULATION: Includes:

- A. Any statute regulating the use of land or any interest therein;
- B. Administrative rules and goals of the land conservation and development commission;
- C. Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;
- D. Metropolitan service district regional framework plans, functional plans, planning goals and objectives; and
- E. Statutes and administrative rules regulating farming and forest practices.

OWNER: The present owner(s) of real property, or any interest therein, which is the subject of a claim. The owner is a person who is the sole fee simple absolute owner of the real property or all joint owners whose interests add up to a fee simple absolute interest in property, including all persons who represent all recorded interests in the property, such as co-owners, holders of less than fee simple interests, leaseholders, and security interest holders.

VALID CLAIM: A claim that meets all of the following conditions:

- A. A claim that is submitted by the owner(s) of real property that is subject to a land use regulation adopted or enforced by the city that restricts the use of the private real property in a manner that reduces fair market value of the real property;
- B. If an owner wishes to assert that more than one regulation restricts use of the property, and has the effect of reducing the fair market value of the property, all claims regarding that property must be filed simultaneously and considered by the city simultaneously; and
- C. A claim based on regulations that contain discretionary criteria for approval of development on a property may only be filed after the city has enforced its regulations through approval or denial of a land use application. Such approval or denial is necessary to establish whether a particular land use regulation "restricts the use" of the subject property. (Ord. 637, 12-1-2004, eff. 12-2-2004)

9-3A-3: CLAIM FILING PROCEDURES:

A. A person seeking to file a claim under this article must be the present owner of the property that is the subject of the claim at the time the claim is submitted. The claim shall be filed with the city manager's office, or another office so designated by the city manager.

B. A claim shall include:

1. The name(s), address(es) and telephone number(s) of all owners, and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each;
2. The address, tax lot, and legal description of the real property that is the subject of the claim, together with a title report issued no more than thirty (30) days prior to the submission of the claim, that reflects the ownership interest in the property, or other documentation reflecting sole ownership of the property by the claimant, and the date the property was acquired;
3. If the claim is based upon the date a family member acquired the property, then documentation sufficient to establish the familial relationship along with a chain of title showing continual ownership;
4. The current land use regulation(s) that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property;
5. A statement as to the preferred resolution of the claim, such as compensation, waiver, or modification of an applicable regulation;
6. The amount of any compensation requested, based on the alleged reduction in value of the real property supported by an appraisal by an appraiser licensed by the appraiser certification and licensure board of the state of Oregon;
7. Copies of any leases or covenants, conditions, and restrictions ("CCRs") applicable to real property, if any, that impose restrictions on the use of the subject property; and
8. A processing fee deposit of five hundred dollars (\$500.00) that may or may not be refunded depending on the resolution of the claim by the city council.

C. Commencement of the one hundred eighty (180) day period allowed for local government claim procedures prior to any cause of action being authorized for the owner in circuit court as specified in Oregon Revised Statutes chapter 197 starts on the date the city manager deems the claim complete and accepts it for filing.

D. Notwithstanding a claimant's failure to provide all of the information required by this section, the city may review and act on a claim. (Ord. 637, 12-1-2004, eff. 12-2-2004)

9-3A-4: CITY MANAGER INVESTIGATION AND RECOMMENDATION:

A. Following an investigation of a claim, the city manager shall forward a recommendation to the city council that the claim be:

1. Denied;
2. Investigated further;
3. Declared valid, and waive or modify the land use regulation, or compensate the claimant;
or
4. Evaluated with the expectation of the city acquiring the property by condemnation. (Ord. 637, 12-1-2004, eff. 12-2-2004)

9-3A-5: CITY COUNCIL PUBLIC HEARING:

The city council shall conduct a public hearing before taking final action on a recommendation from the city manager. Notice of the public hearing shall be provided to the claimant, to owners and occupants of property within three hundred feet (300') of the perimeter of the subject property, and neighborhood groups or community organizations officially recognized by the city council whose boundaries include the subject property. (Ord. 637, 12-1-2004, eff. 12-2-2004)

9-3A-6: CITY COUNCIL ACTION ON CLAIM:

A. Upon conclusion of the public hearing and prior to the expiration of one hundred eighty (180) days from the date the claim was filed, the city council shall:

1. Determine that the claim does not meet the requirements of measure 37 and this article, and deny the claim; or
2. Adopt a resolution with findings therein that supports a determination that the claim is valid and either directs that the claimant be compensated in an amount set forth in the resolution for the reduction in value of the property, or directs the removal, modification, or waiver of the challenged land use regulation with respect to the subject property.

B. The city council's decision to waive or modify a land use regulation or to compensate the owner shall be based on whether the public interest would be better served by compensating the owner or by removing or modifying the challenged land use regulation with respect to the subject property. (Ord. 637, 12-1-2004, eff. 12-2-2004)

9-3A-7: PROCESSING FEE DEPOSIT:

A five hundred dollar (\$500.00) processing fee deposit shall accompany a claim submittal. This deposit shall be refunded only when the city council adopts a resolution that supports a determination that the claim is valid and either directs that compensation be made, or directs the removal, modification, or waiver of the challenged land use regulation with respect to the subject property. If the claim is denied by the city council, then this deposit shall be kept by the city as a processing fee and will not be returned to the claimant. (Ord. 637, 12-1-2004, eff. 12-2-2004)

9-3A-8: CONDITIONS OF APPROVAL, REVOCATION OF DECISION AND PROPERTY RIGHTS TRANSFER:

A. The city council may establish any relevant conditions of approval for compensation, should compensation be granted, or for any other action taken under this article.

B. Failure to comply with any condition of approval is grounds for revocation of the approval of the compensation for any claim, grounds for recovering any compensation paid, and grounds for revocation of any other action taken under this article.

C. In the event the owner, or the owner's successor in interest, fails to fully comply with all conditions of approval, the city may institute a revocation or modification proceeding before the city council.

D. Unless otherwise stated in the city's decision, any action taken under this article runs with the subject property and is transferred with ownership of the property. All conditions, time limits or other restrictions imposed with approval of a valid claim will bind all subsequent owners of the subject property. (Ord. 637, 12-1-2004, eff. 12-2-2004)

9-3A-9: APPLICABLE STATE LAW, NO INDEPENDENT RIGHTS CREATED BY THIS ARTICLE:

For all claims filed with the city, the applicable state law is those portions of Oregon Revised Statutes chapter 197 added or made a part of said chapter by ballot measure 37, passed on November 2, 2004, and/or as amended, modified or clarified by subsequent amendments or regulations adopted by the Oregon state legislature or Oregon administrative agencies. No rights independent of said provisions are created by adoption of this article. (Ord. 637, 12-1-2004, eff. 12-2-2004)

**CHAPTER 4
ZONES ESTABLISHED; ZONING MAP**

9-4-1: ZONES DESIGNATED:

To carry out the purpose and the provisions of this title, the following zones are hereby established.

Short

Zone Type	Title	
Residential	R-10	Single-family residential with a minimum lot size of 10,000 square feet
R-7	Single-family residential with a minimum lot size of 7,000 square feet	
R-5	Two-family residential with a minimum lot size of 5,000 square feet	
MFR	Multi-family residential	
Commercial	NC	Neighborhood commercial
C-1	General commercial use	
Industrial	M-2	Light industrial
M-1	Heavy industrial	
Community	CS	Community service
CO	Community open space	
Special or overlay	H	Historic overlay
FH	Flood hazard	
WRC	Wetland and riparian corridor overlay	

(1996 Code 17.16.010; amd. Ord. 575, 8-7-1996; Ord. 601, 5-3-2000)

9-4-2: ZONING MAP:

A. Adoption: The boundaries of the zones established in this title are to be indicated on a map entitled the "Zoning Map Of The City Of Clatskanie", referred to in this title as the "city zoning map", which is hereby adopted by reference. The map shall be dated with the effective date of adoption and be signed by both the mayor and city recorder. (1996 Code 17.64.010)

B. Amendments: Amendments to the city zoning map may be made in accordance with the provisions of section 9-3-8 of this title. Copies of all map amendments shall be maintained together

with the zoning document, on file in the office of the city manager. (1996 Code 17.64.020; amd. 2004 Code)

C. Maintenance: The city recorder shall maintain an up to date copy of the city zoning map. Any map amendments shall be accurately portrayed, listed in the amendment column on the face of the map, with the date, the number of the ordinance authorizing the change and initials of the city recorder. (1996 Code 17.64.030)

9-4-3: BOUNDARY DETERMINATION STANDARDS:

When there is uncertainty, contradiction or conflict as to the intended location of any zone boundary, the exact location shall be determined by the city manager in accordance with the following standards:

A. Street Lines: Where the boundaries are indicated as following approximately the street, alley, or railroad centerlines, such lines shall be construed to be the zone boundaries.

B. Street Vacations: Whenever a street is lawfully vacated, the area vacated shall revert (in equal proportions) to the adjoining properties and shall acquire the zone classification of the property to which it reverts.

C. Lot Lines: Where the boundaries are indicated as following approximately the lot lines, such lot lines shall be construed to be the zone boundaries. If a zone boundary divides a lot into two (2) zones, the entire lot shall be placed in the zone that accounts for the greater area of the lot, by means of an adjustment of the boundary.

D. Watercourses: The boundary lines are intended to follow the centerlines of watercourses. (1996 Code 17.64.040)

9-4-4: ZONING OF ANNEXED AREAS:

For provisions on the zoning of annexed areas, see section 9-14-3 of this title. (1996 Code 17.64.050)

**CHAPTER 5
RESIDENTIAL ZONES**

ARTICLE A. R-10 SINGLE-FAMILY RESIDENTIAL ZONE

9-5A-1: PERMITTED USES:

A. Uses Designated: In an R-10 zone, the following uses and their accessory uses are permitted:

- Accessory building.
- Residential facility.
- Residential home.
- Single-family dwelling.
- Unused manufactured single-family home. (1996 Code 17.20.010; amd. 2004 Code; Ord. 643, 3-1-2006)

B. Similar Uses; Home Occupations: Any other use determined by the planning commission to be similar in nature to the uses listed in subsection A of this section shall be allowed; including home occupations, provided the requirements of section 9-13-4 of this title are met. (2004 Code)

9-5A-2: CONDITIONAL USES:

In an R-10 zone, the following uses may be permitted by the planning commission in accordance with section 9-14-2 of this title, and after a public hearing:

- Bed and breakfast inn.
- Church or other religious structure.
- Communication tower.
- Daycare facility licensed by the state of Oregon.
- Manufactured single-family dwelling other than an unused manufactured home.
- School. (1996 Code 17.20.020; amd. Ord. 605, 4-4-2001; 2004 Code; Ord. 643, 3-1-2006)

9-5A-3: STANDARDS:

For standards in the R-10 zone, see section 9-10-1 of this title. (1996 Code 17.20.030)

9-5A-4: PARKING REQUIREMENTS:

For parking requirements in the R-10 zone, see chapter 11 of this title. (1996 Code 17.20.040)

9-5A-5: LANDSCAPING REQUIREMENTS:

For landscaping requirements in the R-10 zone, see section 9-10-6 of this title. (1996 Code 17.20.050)

ARTICLE B. R-7 SINGLE-FAMILY RESIDENTIAL ZONE

9-5B-1: PERMITTED USES:

A. Uses Designated: In an R-7 zone the following uses, and their accessory uses, are permitted:

Accessory building.

Residential facility.

Residential home.

Single-family dwelling.

Unused manufactured single-family home. (1996 Code 17.24.010; amd. 2004 Code; Ord. 643, 3-1-2006)

B. Similar Uses; Home Occupations: Any other use determined by the planning commission to be similar in nature to the uses listed in subsection A of this section shall be allowed; including home occupations, provided the requirements of section 9-13-4 of this title are met. (2004 Code)

9-5B-2: CONDITIONAL USES:

In an R-7 zone, the following uses may be permitted by the planning commission in accordance with section 9-14-2 of this title, and after a public hearing:

Bed and breakfast inn.

Church or other religious structure.

Communication tower.

Daycare facility licensed by the state of Oregon.

Manufactured single-family dwelling other than an unused manufactured single-family home.

School.

Two-family dwelling. (1996 Code 17.24.020; amd. Ord. 605, 4-4-2001; 2004 Code; Ord. 643, 3-1-2006)

9-5B-3: STANDARDS:

For standards in the R-7 zone, see section 9-10-1 of this title. (1996 Code 17.24.030)

9-5B-4: PARKING REQUIREMENTS:

For parking requirements in the R-7 zone, see chapter 11 of this title. (1996 Code 17.24.040)

9-5B-5: LANDSCAPING REQUIREMENTS:

For landscaping requirements in the R-7 zone, see section 9-10-6 of this title. (1996 Code 17.24.050)

ARTICLE C. R-5 TWO-FAMILY RESIDENTIAL ZONE

9-5C-1: PERMITTED USES:

A. Uses Designated: In an R-5 zone, the following uses, and their accessory uses, are permitted:

Accessory building.

Bed and breakfast inn.

Residential facility.

Residential home.

Single-family dwelling.

Two-family dwelling.

Unused manufactured home. (1996 Code 17.28.010; amd. 2004 Code; Ord. 643, 3-1-2006)

B. Similar Uses; Home Occupations: Any other use determined by the planning commission to be similar in nature to the uses listed in subsection A of this section shall be allowed; including home occupations, provided the requirements of section 9-13-4 of this title are met. (2004 Code)

9-5C-2: CONDITIONAL USES:

In an R-5 zone, the following uses may be permitted by the planning commission in accordance with section 9-14-2 of this title, and after a public hearing:

Church or other religious structure.

Communication tower.

Daycare facility licensed by the state of Oregon.

Manufactured dwelling other than an unused manufactured home.

School.

Three-family dwelling. (1996 Code 17.28.020; amd. Ord. 605, 4-4-2001; 2004 Code; Ord. 643, 3-1-2006)

9-5C-3: STANDARDS:

For standards in the R-5 zone, see section 9-10-1 of this title. (1996 Code 17.28.030)

9-5C-4: PARKING REQUIREMENTS:

For parking requirements in the R-5 zone, see chapter 11 of this title. (1996 Code 17.28.040)

9-5C-5: LANDSCAPING REQUIREMENTS:

For landscaping requirements in the R-5 zone, see section 9-10-6 of this title. (1996 Code 17.28.050)

**CHAPTER 6
COMMERCIAL ZONES**

ARTICLE A. NC NEIGHBORHOOD COMMERCIAL ZONE

9-6A-1: PERMITTED USES:

In an NC zone, the following uses, and their accessory uses, are permitted:

A. Uses Within Enclosed Building: Any of the following uses, if conducted entirely within an enclosed building:

- Accessory buildings located on the same lot.
- Bakery, provided all goods produced are sold on the premises.
- Barbershop or beauty parlor.
- Book or stationery store.
- Candy store.
- Drugstore.
- Film exchange.
- Grocery, fruit, vegetable, or meat market, or delicatessen.
- Photographer.
- Self-service laundry.
- Shoe store or shoe repair shop.
- Tailor shop.

B. Similar Uses: Any other use determined by the planning commission to be similar to those listed in subsection 9-6B-1A of this title. (1996 Code 17.36.010)

9-6A-2: CONDITIONAL USES:

In an NC zone, the following uses may be permitted by the planning commission in accordance with section 9-14-2 of this title, and after a public hearing:

- Any residential use permitted in the MFR zone.
- Communication tower.
- Daycare facilities licensed by the state of Oregon.
- Dwelling(s) in a commercial structure.
- Professional offices, clinics, or studios. (1996 Code 17.36.020; amd. Ord. 605, 4-4-2001; 2004 Code)

ARTICLE B. C-1 GENERAL COMMERCIAL USE ZONE

9-6B-1: PERMITTED USES:

In a C-1 zone, the following uses and their accessory uses are permitted:

A. Dwellings: Dwellings in conjunction with a business or attached to a commercial use. (1996 Code 17.40.010)

B. Within Enclosed Building: Any of the following uses, if conducted entirely within an enclosed building:

- Animal hospital and boarding kennel, with no outside activities.
- Antique shop.
- Assisted living facilities.
- Automobile repair.
- Bank or office.
- Blueprinting or photostating shop.
- Business college or private school.
- Catering.
- Cleaning.
- Frozen food locker.
- Furniture sales or interior decorating studio.
- Hotel/motel.
- Jewelry store.
- Lumber sales.
- Newsstand.
- Nursery.
- Pawnshop or secondhand store.
- Pet shop or taxidermist.
- Restaurant, cafe or tavern.
- Retail store.
- Sign painting.
- Theater.
- Tire store.
- Upholstery, cabinet or carpenter or plumbing shop. (1996 Code 17.40.010; amd. Ord. 599, 11-3-1999; 2004 Code; Ord. 643, 3-1-2006)

C. Outdoor Uses: Outdoor uses for the following:

- Automobile filling station.
- Food service.
- Outdoor goods.
- Sale of one used personal vehicle owned by the property owner, lessee, or employee. (Ord. 643, 3-1-2006)

D. RV Park: Recreation vehicle park. (Ord. 580, 10-2-1996; amd. Ord. 643, 3-1-2006)

9-6B-2: CONDITIONAL USES:

In a C-1 zone, the following uses may be permitted, with conditions, by the planning commission in accordance with section 9-14-2 of this title, and after a public hearing:

Adult businesses.

Automobile sales.

Automobile tire sales with outdoor storage.

Communication tower.

Lumberyard with outdoor storage.

Any other use determined by the planning commission to be similar in nature to the above uses, with any conditions deemed necessary to protect the public health, safety and welfare. (Ord. 643, 3-1-2006)

CHAPTER 7 INDUSTRIAL ZONES

ARTICLE A. M-2 LIGHT INDUSTRIAL ZONE

9-7A-1: PERMITTED USES:

In an M-2 zone, the following uses and their accessory uses are permitted:

- A. Uses Designated: Any of the following uses, if conducted entirely within an enclosed building:
- Distribution plant or parcel delivery with off street loading bay.
 - Electroplating shop.
 - Laundry, using only non-explosive and nonflammable cleaning fluid.
 - Machine shop not using drop hammer or punch processes.
 - Manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials, with the exception of paint that employs a boiling process, and a planing mill.
 - Manufacture, compounding, processing and packaging of products (with the exception of sauerkraut, vinegar or pickles), tools, equipment and mobile or modular homes.
 - Manufacture of pottery and other similar ceramic products, using only previously pulverized clay.
 - Professional, executive and administrative offices.
 - Research, experimental or testing laboratories involving nonhazardous materials.
 - Spinning or knitting.
 - Trade or commercial school, provided no odor, vibration or similar disturbances are detectable at an objectionable level beyond the property line of the site.
 - Warehousing, wholesale storage and distribution, and motor freight terminals. (1996 Code 17.44.010)
- B. Similar Uses: Any other use determined by the planning commission to be similar in nature to the above uses; provided, that such uses do not cause noise, odor, vibration or similar disturbances that are detectable at an objectionable level beyond the property line of the site, and with any conditions deemed necessary by the planning commission to protect the public health, safety and welfare. (1996 Code 17.44.010; amd. Ord. 643, 3-1-2006)

9-7A-2: CONDITIONAL USES:

In an M-2 zone, the following uses may be permitted by the planning commission in accordance with section 9-14-2 of this title, and after a public hearing:

A. Commercial Zone Uses: Any use permitted in a commercial zone. (1996 Code 17.44.020)

B. Uses Designated: Any of the following uses:

Adult business.

Auto wrecking.

Building or repair of small boats.

Communication tower.

Planing mill. (1996 Code 17.44.020; amd. Ord. 605, 4-4-2001; Ord. 621, 11-6-2002)

C. Similar Uses: Any other use determined by the planning commission to be similar in nature to the above uses. (1996 Code 17.44.020; amd. Ord. 643, 3-1-2006)

ARTICLE B. M-1 HEAVY INDUSTRIAL ZONE

9-7B-1: PERMITTED USES:

In an M-1 zone, the following uses and their accessory uses are permitted.

A. Light Manufacturing Zone: Any use permitted on the M-2 light manufacturing zone. (1996 Code 17.48.010)

B. Uses Designated: Any of the following uses:

Abrasive material manufacturing.

Accessory buildings located on the same lot.

Automobile or truck assembly, painting, upholstering, repair, body and fender work; tire retreading or recapping and battery manufacture.

Automobile wrecking.

Bottle or can manufacturing plant.

Cleaning compound manufacture, provided no highly combustible or explosive materials are used and no off site odor produced.

Dry cleaning or dyeing using explosive materials.

Enameling and metal coating; sheet and ornamental metal works.

Fish smoking, curing and canning.

Mattress factory.

Pickle, sauerkraut or vinegar production.

Planing or saw mill.

Plastic or rubber manufacturing.

Poultry or rabbit slaughter.

Storage of all types, including grain elevator.

Tool and hardware manufacture.

Welding and/or machine shop with drop hammer or punch press.

Wool pulling or weaving of fibrous material on power looms.

Yeast plant. (1996 Code 17.48.010; amd. 2004 Code)

C. Similar Uses: Any other use determined by the commission to be similar in nature to the above uses.

D. Additional Conditions: The planning commission may attach conditions relating to setbacks, screening, off street parking and loading, construction standards and maintenance, and landscaping, which they deem necessary to protect the public health, safety and welfare of the adjacent property owners and the public interest. (1996 Code 17.48.010)

9-7B-2: CONDITIONAL USES:

In an M-1 zone, the following uses may be permitted, with conditions, by the planning commission in accordance with section 9-14-2 of this title, and after a public hearing:

Adult business.

Communication tower. (Ord. 605, 4-4-2001; amd. Ord. 621, 11-6-2002)

CHAPTER 8 COMMUNITY ZONES

ARTICLE A. CS COMMUNITY SERVICE ZONE

9-8A-1: PURPOSE:

The CS zone may be used either for the purpose of implementing the public lands comprehensive plan designation, or as an overlay district for minor institutions established in any other zone. (1996 Code 17.52.010)

9-8A-2: PERMITTED USES:

In a CS zone, the following uses and their accessory uses are permitted:

A. Major Institutions: "Major institutions", defined as the following:

- Government office buildings.
- Hospital, clinic or extended care facility.
- Public or private cemetery, crematory or mausoleum.
- Schools, public and private, and associated facilities. (1996 Code 17.52.020)

B. Minor Institutions: "Minor institutions", defined as the following:

- Church.
- Daycare facilities licensed by the state of Oregon.
- Dwelling for a watchman or caretaker for a permitted use.
- Library.
- Parks, playground, sports arena, golf course.
- Police and fire station, or armory.
- Private club, fraternal organization lodge, grange hall.
- Utility facilities, including electric power substation, telephone switching station, sewage pumping station, sewage treatment plant, water treatment plant, water storage reservoir, public works shop, telephone microwave facility and radio or television transmission facilities. (1996 Code 17.52.020; amd. 2004 Code)

C. Similar Uses: Any other use determined by the planning commission to be similar in nature to the uses listed in subsections A and B of this section. (1996 Code 17.52.020)

9-8A-3: CONDITIONAL USES:

In a CS zone, the following uses may be permitted, with conditions, by the planning commission in accordance with section 9-14-2 of this title, and after a public hearing:

- Communication tower. (Ord. 605, 4-4-2001)

ARTICLE B. CO COMMUNITY OPEN SPACE ZONE

9-8B-1: PURPOSE:

The CO zone is for the preservation and protection of recreational and other open spaces. (Ord. 575, 8-7-1996)

9-8B-2: PERMITTED USES:

A. Uses Designated: In a CO zone, the following uses and their accessory uses are permitted:

Boat launching facilities and docks.

Golf courses.

Marinas.

Open space preservation areas.

Parks.

Paths and trails.

Playgrounds.

Public rest areas.

B. Similar Uses: Any other use determined by the planning commission to be similar in nature to the above uses. (Ord. 575, 8-7-1996)

9-8B-3: CONDITIONAL USES:

In a CO zone, the following uses may be permitted, with conditions, by the planning commission in accordance with section 9-14-2 of this title, and after a public hearing:

Communication tower. (Ord. 605, 4-4-2001)

**CHAPTER 9
SPECIAL OR OVERLAY ZONES**

ARTICLE A. HISTORIC OVERLAY ZONE

9-9A-1: PURPOSE:

The H historic overlay zone has been designed for the preservation of historically significant sites within the city. The H overlay zone may be used with any land use designation in the comprehensive plan. (1996 Code 17.56.010)

9-9A-2: CHANGE OF USE OR EXTERNAL MODIFICATION:

A change of use or an external modification of a historic structure may be permitted by the planning commission after a public hearing at which the applicant demonstrates that the change will not alter the structure or site in such a way as to destroy the historic value of either. Input may be requested from the state historic preservation officer prior to the planning commission's decision. (1996 Code 17.56.020; amd. Ord. 643, 3-1-2006)

9-9A-3: CONDITIONS:

The planning commission may attach conditions to any allowed change of use or external modification relating to setbacks, screening, off street parking and loading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the historic character of the structure or site, as well as the public health, safety and welfare of the adjoining property owners and the public interest. (1996 Code 17.56.030)

9-9A-4: DEMOLITION OF HISTORIC STRUCTURE:

A. Demolition Permit; Waiting Period: There shall be a ninety (90) day waiting period before any requested demolition permit can be issued. During this time, the city staff shall, with the assistance of any interested civic group, investigate possible methods to purchase and preserve the site or structure.

B. Preservation Plan:

1. If a preservation plan is developed, the demolition permit shall not be issued until a good faith effort has been made by all parties involved to implement such a plan. However, if not successful within one year, the preservation plan shall be void and a demolition permit issued.
2. If no preservation plan is developed within the ninety (90) day waiting period, the demolition permit shall be issued. (1996 Code 17.56.040)

ARTICLE B. FH FLOOD HAZARD ZONE

9-9B-1: PURPOSE:

It is the purpose of this title to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by methods and provisions designed for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (1996 Code 17.60.010)

9-9B-2: JURISDICTION; DEVELOPMENT PERMIT:

This article shall apply to all areas of special flood hazard within the jurisdiction of the city. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this article. The permit shall be for all structures and all development as defined in this article, including fill and other activities. (1996 Code 17.60.020)

9-9B-3: DUTIES AND RESPONSIBILITIES OF COMMISSION:

- A. Grant Or Deny Permit: The planning commission shall grant or deny development permit applications in accordance with the provisions of this article. (1996 Code 17.60.030)
- B. Duties: The duties of the planning commission shall include the review of all development permits to determine the following: (1996 Code 17.60.030; amd. Ord. 643, 3-1-2006)
 - 1. The permit requirements of this article have been met.
 - 2. All necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - 3. The encroachment provisions of this article have been met, if the proposed development is located in the floodway. (1996 Code 17.60.030)

9-9B-4: INFORMATION OBTAINED AND MAINTAINED:

Where base flood elevation data is provided through the flood insurance study or required, the planning commission shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. For all new or substantially improved floodproofed structures, the planning commission shall: (1996 Code 17.60.040; amd. Ord. 643, 3-1-2006)

A. Verify and record the actual elevation (in relation to mean sea level); and

B. Maintain the floodproofing certifications required. All records pertaining to the provisions of this title must be maintained for public inspection. (1996 Code 17.60.040)

9-9B-5: BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD:

The areas of special flood hazard identified by the federal insurance administration in a scientific and engineering report entitled "The Flood Insurance Study For The City Of Clatskanie" dated September 29, 1986, with accompanying flood insurance maps is hereby adopted by reference and declared to be a part of this article. The flood insurance study is on file at city hall. When base flood elevation data has not been provided in accordance with this section, the planning commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this article. (1996 Code 17.60.050; amd. Ord. 599, 11-3-1999; Ord. 643, 3-1-2006)

9-9B-6: ALTERATION OF WATERCOURSES:

Notification shall be provided to adjacent communities and the division of state lands prior to any alteration or relocation of a watercourse, and evidence of such notification submitted to the federal insurance administration. The planning commission shall require that maintenance is provided within the altered or relocation portion of the watercourse, so that the flood carrying capacity is not diminished. (1996 Code 17.60.060)

9-9B-7: INTERPRETATION OF FIRM BOUNDARIES:

The planning commission shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of section 1910.6 of the rules and regulations of the national flood insurance program (24 CFR 1909 et seq.). (1996 Code 17.60.070)

9-9B-8: FLOOD HAZARD PROTECTION:

In all areas of special flood hazard, the following standards are required:

A. Anchoring:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation In Flood Hazard Areas" guidebook for additional techniques).

B. Construction Materials And Methods:

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the component during conditions of flooding.

C. Utilities:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
3. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Applications: Applications shall be consistent with the need to minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and shall have adequate drainage provided to reduce exposure to flood damage; and, where base flood elevation data has not been provided or is not available from subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

E. Review Of Building Permits: Where elevation data is not available from the flood insurance study or some other authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

F. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a

registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot (1') above grade.
3. Openings may be equipped with screens, louvers, or other covering or devices; provided, that they permit the automatic entry and exit of floodwaters.

G. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (1996 Code 17.60.080)
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. (1996 Code 17.60.080; amd. 2004 Code)
4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection F of this section.
5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).

H. Manufactured Homes: All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection A2 of this section.

I. Building Setbacks: Within the flood hazard zone, a twenty five foot (25') building setback from the ordinary high water line of all rivers and streams shall be maintained. Within this building setback, riparian vegetation shall be maintained to the maximum extent feasible. The intent of this provision is the stabilization of the river and stream banks by maintaining the existing vegetation. Requests for a variance to this standard must be accompanied with a plan to mitigate the adverse impacts of construction on this sensitive vegetation. This plan may include the replanting of the area with vegetation such as willows or other riparian vegetation to restore the area after construction is finished. (1996 Code 17.60.080)

9-9B-9: FLOODWAYS:

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements and other development are prohibited, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article. (1996 Code 17.60.090)

9-9B-10: STANDARDS FOR SHALLOW FLOODING AREAS:

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet (3') where a clearly defined channel does not exist, or where the path of flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

A. Residential Structures: New construction and substantial improvements of residential structures within AO zones shall have the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least 2 feet if no depth number is specified).

B. Nonresidential Structures: New construction and substantial improvements of nonresidential structures within AO zones shall either:

1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least 2 feet if no depth number is specified); or
2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in subsection 9-9B-8G3 of this article.

C. Drainage Paths: Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures. (1996 Code 17.60.100)

ARTICLE C. WRC WETLAND AND RIPARIAN CORRIDOR OVERLAY ZONE

9-9C-1: PURPOSE:

A. General: The wetland and riparian corridor overlay zone implements the Clatskanie comprehensive plan and is intended to resolve conflicts between development and conservation of significant wetlands, streams, and riparian corridors identified in the "City Of Clatskanie's (City) Local Wetland Inventory And Riparian Assessment (LWI)". Specifically, it is the intent of this article to allow reasonable economic use of property while establishing clear and objective standards to: maintain and enhance water quality; maximize flood storage capacity; preserve native plant cover; minimize stream bank erosion; maintain and enhance fish and wildlife habitats; and conserve scenic, recreational, and educational values of water resource areas.

B. Safe Harbor: It is the intent of the WRC overlay zone to meet the requirements of statewide planning goal 5 (natural resources) and the safe harbor provisions of the goal 5 administrative rule (Oregon Administrative Rules 660, division 23). These provisions generally require that significant wetlands and riparian corridors be mapped and protected. (Ord. 601, 5-3-2000)

9-9C-2: DEFINITIONS:

For the purpose of this article, the following words and terms shall have the meanings ascribed to them in this section:

FILL: The total of deposits of sand, sediment, or other organic material by artificial means at one location in any wetland or water area.

RIPARIAN AREA: The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

RIPARIAN CORRIDOR: The goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian corridor boundary.

STREAM: A channel, such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding human made irrigation and drainage channels.

TOP OF BANK: A clearly recognizable sharp break in the stream bank. It has the same meaning as "bankfull stage" as defined in Oregon Administrative Rules 141-85-010(2). It is the stage or elevation at which water overflows the natural banks of streams and begins to inundate the upland. In the absence of physical evidence, the two (2) year recurrence interval flood elevation may be used to approximate the bankfull stage.

WATER AREA: The area between the banks of a lake, pond, river, perennial or fish bearing intermittent stream, excluding human-made farm or logging ponds.

WATER DEPENDENT USE: A use or activity that can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water borne transportation, recreation, energy production, or source of water.

WATER RELATED USE: A use that is not directly dependent upon access to a water body, but that provides goods or services that are directly associated with water dependent land or waterway use, and that, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water dependent or water related uses or facilities, residences, parking lots, spoils and dump sites, streets, restaurants, businesses, and factories are not generally considered dependent upon or related to water location needs. (Ord. 601, 5-3-2000)

9-9C-3: DEVELOPMENT PERMIT; AGENCY APPROVAL:

A. Permits And Applications: A development permit shall be obtained before construction or development begins in an area or on a parcel within the WRC overlay zone. The permit shall be required for all structures and all development, including fill and other activities, except that no permit shall be required for permitted vegetation management. An application for a use identified in this article shall not be deemed complete until the application has addressed all appropriate and applicable development standards in writing. For construction or development in significant riparian corridors, the permit application shall include an erosion control plan that identifies the specific measures to be implemented during and after construction to protect the riparian area and adjacent upland areas from erosion, siltation, and the effects of deleterious construction materials.

B. Agency Approval: Any development proposal for a parcel within the WRC overlay zone, in addition to meeting the standards of this article, may also need to be approved by the U.S. army corps of engineers (COE) and/or the Oregon division of state lands (DSL), and any other federal, state, or local governmental agencies from which prior approval is required. (Ord. 601, 5-3-2000)

9-9C-4: APPLICABILITY OF PROVISIONS:

A. Resources Covered: The regulations of this article shall apply to the following significant wetlands and riparian corridors identified in the LWI, including: wetlands - CR02, CR03, CR04, CR05, CR06, CR08, CR09, CR10, CR11, CR12, CR13, CR14, and CR18; and riparian corridors - CRO1 Clatskanie River, CR05 Conyers Creek, CR15 Fall Creek and CR16 Beaver Dredge Cut. The maps depicting the WRC overlay zone boundaries shall be maintained and updated as necessary by the city. When a wetland or stream not inventoried in the LWI is identified, it shall become subject to the requirements of this article only after an inventory and analysis meeting the appropriate requirements of goal 5 has been completed and an ordinance has been adopted adding the wetland or stream to the list of significant wetlands and riparian corridors subject to the protection regulations of this article.

B. Authority: If a conflict occurs between the WRC overlay zone and the underlying zone, the more restrictive provisions and standards of the WRC shall apply. (Ord. 601, 5-3-2000)

9-9C-5: BUFFERS AND WIDTHS ESTABLISHED:

A. Significant Wetlands. The WRC overlay zone includes significant wetlands identified in section 9-9C-4 of this article, and an associated wetland buffer of twenty five feet (25') measured from, and including, the upland edge of each significant wetland. Site specific delineations may be necessary to determine the exact location of the boundary of the significant wetland. Site specific delineation shall be performed by qualified individuals using a method acceptable to the COE and DSL. Where wetland delineation is prepared, the mapping it contains shall replace that of the LWI.

B. Significant Riparian Corridors: The WRC overlay zone includes the significant riparian corridors identified in section 9-9C-4 of this article. A significant riparian corridor shall consist of the water area and banks of the riparian area, and a fifty foot (50') wide setback on both sides measured upland from the top of each bank. Where a significant riparian corridor includes all or portions of a significant wetland, the width is measured from, and includes, the upland edge of the wetland. (Ord. 601, 5-3-2000; amd. 2004 Code)

9-9C-6: PERMITTED USES:

A. Significant Wetlands: The following uses and activities shall be permitted outright in significant wetlands within the WRC overlay zone, in conformance with the standards of this article, and if permitted outright in the base zone:

Vegetation management, limited to perimeter mowing of existing cultivated lawns and pruning or removal of vegetation necessary for hazard prevention.

B. Significant Wetland Buffers And Riparian Corridors: The following uses and activities shall be permitted outright in significant wetland buffers and riparian corridors within the WRC overlay zone, subject to the issuance of a development permit and in conformance with the standards of this article, and if permitted outright in the base zone:

1. Transportation facilities and structures not exceeding sixteen feet (16') in width and requiring less than fifty (50) cubic yards of fill, including: roads and driveways, bridges, bridge crossing support structures, culverts, and pedestrian and bike paths.
2. Low impact, passive, water dependent recreational, educational, or scientific facilities including, but not limited to: viewing shelters, floating docks, water accesses, picnic tables, nature trails, and interpretive signs, or similar types of uses. Platforms, docks, trails, and other construction shall be no greater than ten feet (10') in width.
3. Installation, repair, replacement, or maintenance of underground or aboveground utilities where the affected area is no greater than ten feet (10') in width.
4. Vegetation management, limited to perimeter mowing of existing cultivated lawns and pruning or removal of vegetation necessary for hazard prevention. A permit shall not be required for these vegetation management activities.
5. Replacement of existing structures or development with structures or development in the same location that does not disturb additional buffer or riparian areas.
6. Irrigation pumps (riparian corridors only). (Ord. 601, 5-3-2000)

A. Significant Wetlands: The following uses and activities may be permitted in significant wetlands within the WRC overlay zone, subject to the issuance of a development permit and in conformance with the standards of this article, and if permitted outright or conditionally in the base zone:

1. Transportation facilities and structures, including: roads and driveways, bridges, bridge crossing support structures, culverts, and pedestrian and bike paths.
2. Installation, repair, replacement, or maintenance of underground or aboveground utilities.
3. Vegetation management other than perimeter mowing of existing cultivated lawns and pruning or removal of vegetation necessary for hazard prevention.
4. Wetland enhancement, including, but not limited to, removal of non-native vegetation and replacement with native plant species, and compensatory mitigation.

B. Significant Wetland Buffer And Riparian Corridors: The following uses and activities may be permitted in wetland buffers and riparian corridors within the WRC overlay zone, subject to the issuance of a development permit and in conformance with the standards of this article, and if permitted outright or conditionally in the base zone:

1. Transportation facilities and structures exceeding sixteen feet (16') in width and requiring more than fifty (50) cubic yards of fill, including: roads and driveways, bridges, bridge crossing support structures, culverts, and pedestrian and bike paths.
2. Installation, repair, replacement, or maintenance of underground or aboveground utilities where the affected area is greater than ten feet (10') in width.

3. Vegetation management other than perimeter mowing of existing cultivated lawns and pruning or removal of vegetation necessary for hazard prevention.
4. Excavation or fill greater than fifty (50) cubic yards in conjunction with permitted development.
5. Wetland buffer or riparian area enhancement, including, but not limited to, removal of non-native vegetation and replacement with native plant species, and compensatory mitigation.
6. Commercial water dependent and water related uses, including facilities greater than ten feet (10') in width.
7. Bank protection and stabilization, and flood control.
8. Point source storm water discharge and alternative storm water management practices.
9. Permanent alteration of a wetland buffer or riparian area by placement of structures or impervious surfaces not otherwise permitted. Such alteration shall be accompanied by enhancement or restoration, or other similar measure, of an equal or larger size area of the wetland buffer or riparian area being altered. The enhancement or restoration shall be located adjacent to the portion of the resource area being altered, and may occur on an adjacent parcel. In no case shall such alterations occupy more than fifty percent (50%) of the width of the wetland buffer or the riparian corridor, measured from the upland edge of the wetland buffer or corridor. (Ord. 601, 5-3-2000)

9-9C-8: USES AND ACTIVITIES PROHIBITED:

The following uses and activities shall be prohibited in significant wetlands and buffers and significant riparian corridors within the WRC overlay zone, unless specifically authorized in this article as or in conjunction with a permitted or conditional use:

- A. Excavation solely for the purpose of removal of gravel, aggregate, sand, minerals, or other inorganic or organic materials.
- B. Removal of native plant species without replacement or mitigation.
- C. Placement of new structures or impervious surfaces.
- D. Grading and placement of fill.
- E. Application or use of herbicides, soil amendments, or fertilizers.
- F. Dumping of garbage, lawn or yard debris, or other unauthorized materials.
- G. Creation of a parcel that would be wholly within the WRC overlay zone or result in an unbuildable parcel, as determined by the city manager. (Ord. 601, 5-3-2000)

9-9C-9: DECISION OPTIONS:

The approval authority shall approve, approve with conditions, or deny an application in accordance with the criteria and standards of this article. The approval authority may require conditions necessary to comply with the intent and provisions of this article. (Ord. 601, 5-3-2000)

9-9C-10: GENERAL DEVELOPMENT STANDARDS:

A. General: The following standards shall apply to all uses and activities within the WRC overlay zone. The uses and activities shall also be subject to the standards of the base zone. If a conflict occurs between the standards of the WRC overlay zone and the underlying zone, the more

restrictive standards of the WRC shall apply. Development may also be subject to specific standards in subsequent sections of this article.

- B. Review Of Uses: Standards for review of all uses within the WRC overlay include the following:
1. Within fifty feet (50') of any protected water resources, excavation and vegetation removal shall be prohibited on slopes of twenty five percent (25%) or greater in slide hazard areas, except where necessary to construct public facilities or to ensure slope stability.
 2. For significant riparian corridors, construction and maintenance shall be conducted during times approved by the Oregon department of fish and wildlife ODFW for fish bearing waterways.
 3. Fill, when permitted, shall be subjected to the following standards:
 - a. All fill material shall be clean and free of contaminates.
 - b. Fills shall be designed in a manner that does not worsen flooding on adjacent or nearby flood prone lands, and avoids restricting the flow of water to or through protected resources.
 - c. Fill side slopes shall be revegetated with native plant species to stabilize the slopes.

C. Review Of Conditional Uses: Standards for review of all conditional uses within the WRC overlay zone include the following:

1. Uses and activities in significant wetlands and buffers and significant riparian corridors may be approved only after the applicant demonstrates that the following alternative actions have been addressed:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action (this would include, for example, having the use or activity occur entirely on uplands).
 - b. Fill side slopes shall be revegetated with native plant species to stabilize the slopes.
2. Where a use or activity can be located in either the protected resource (significant wetland/riparian corridor) or its associated buffer, preference shall be given to the location of the use or activity in the buffer. (Ord. 601, 5-3-2000)

9-9C-11: TRANSPORTATION FACILITIES AND STRUCTURES DEVELOPMENT STANDARDS:

A. General: The following standards shall apply to transportation facilities and structures within the WRC overlay, including roads and driveways, bridges, bridge crossing support structures, culverts, and pedestrian and bike paths.

- B. Review Of Conditional Uses: Standards for review of conditional uses include the following:
1. Protected resources shall be crossed only where there are no practicable alternatives.
 2. Transportation facilities and structures crossing protected resources and associated buffers shall be no wider than necessary to serve their intended purposes.
 3. For significant wetlands and buffers, new roads, driveways and pedestrian and bike paths may be placed on piling or on fill in a manner that allows the free flow of water beneath the structure. Pile supported construction is preferred over fill. Water circulation shall be facilitated through the use of culverts or bridges. (Ord. 601, 5-3-2000)

9-9C-12: UTILITY DEVELOPMENT STANDARDS:

A. General: The following standards shall apply to permitted crossing, trenching, or boring for the purpose of developing a utility corridor for electric power lines, telephone lines, cable television lines, water lines, wastewater collection lines, and natural gas lines within or crossing parcels in the WRC overlay zone.

B. Review Of Utility Uses: Standards for review of all utility uses include the following:

1. Utility maintenance roads in or crossing protected resources shall meet applicable standards for transportation facilities and structures in protected resources.
2. For underground utilities, the following additional standards shall apply:
 - a. Common trenches, to the extent allowed by the building code, shall be required in order to minimize disturbance of the protected resource.
 - b. Boring under the waterway, directional drilling, or aerial crossing are preferable to trenching. If trenching is the only alternative, it shall be conducted in a dry or dewatered area with stream flow diverted around the construction area to prevent turbidity.
 - c. Materials removed or excavated during trenching, boring, or drilling shall be deposited away from the protected resource, and either returned to the trench as backfill, or if other material is to be used as backfill in the trench, excessive materials shall be immediately removed from the protected resource and its associated buffer. Side casting of removed material into a protected resource shall not be permitted.
 - d. The ground elevation of a protected resource shall not be altered as a result of utility trench construction or maintenance. Finish elevation shall be the same as starting elevation.
 - e. Topsoil and sod shall be conserved during trench construction or maintenance, and replaced on top of the trench.

C. Review Of Conditional Uses: Standards for review of conditional uses include the following: Utility corridor routes shall be selected to minimize vegetation removal. (Ord. 601, 5-3-2000)

9-9C-13: VEGETATION MANAGEMENT STANDARDS:

A. General: The standards set out in subsection B of this section shall apply to vegetation in significant wetlands and buffers and significant riparian corridors.

B. Review Of Conditional Uses: Standards for review of conditional uses include the following:

1. Vegetation removal, pruning, or mowing in a significant wetland or riparian corridor shall be the minimum necessary and in no case shall substantially impair any wetland functions and values associated with the stream. Vegetation removal, pruning, or mowing in the wetland buffer shall be the minimum necessary. Removal, pruning, or mowing of vegetation shall be permitted if the applicant demonstrates one of the following:
 - a. The action is necessary for the placement of a structure or other allowed use for which a building permit has been issued;
 - b. The action is necessary for maintenance of an existing structure or transportation facility;
 - c. The action is necessary for correction or prevention of a hazardous situation;
 - d. The action is necessary for completion of a land survey;
 - e. The action involves the maintenance of an existing landscape area;

- f. The action is part of an approved restoration, enhancement, mitigation, or erosion control plan, including, but not limited to, invasive or noxious species removal and replacement with native species, and wetland or riparian area restoration, mitigation, or enhancement;
 - g. The action is part of a landscape plan approved by the city, and any other appropriate agencies, in conjunction with a building permit that minimizes adverse impacts on protected resources; or
 - h. In the case of a significant riparian corridor only, the action is necessary for the maintenance of a stream's water carrying capacity.
2. Planting of new vegetation within a significant wetland and buffer or riparian corridor shall be permitted in accordance with the following standards:
- a. The planning is part of a landscape plan using appropriate native plant species, and the plan is approved by the city in conjunction with approval of a building permit; or
 - b. The planting is part of a landscape plan using appropriate native plant species, and the plan is approved by the city in conjunction with approval of a building permit; or
 - c. The planting is to replace dead or damaged plants that were either part of a maintained landscape or part of the existing native plant community. (Ord. 601, 5-3-2000)

9-9C-14: BANK STABILIZATION FOR EROSION CONTROL STANDARDS:

- A. General: The standards set out in subsection B of this section shall apply to structural bank stabilization in a protected riparian corridor.
- B. Review Of Conditional Uses: Standards for review of conditional uses include the following:
- 1. Projects for bank stabilization shall meet the following priorities, in order:
 - a. Maintain existing riparian vegetation;
 - b. Where existing vegetation must be removed, plant native riparian vegetation; and
 - c. Where structural stabilization, such as riprap, is proposed, evidence shall be provided by the applicant that a higher priority method of erosion control will not work.
 - 2. Placement of structural bank stabilization material shall be permitted only if the following is demonstrated:
 - a. There is critical need to protect an existing structure from an erosion hazard;
 - b. Impacts on adjacent downstream property are minimized;
 - c. Visual impacts are minimized; and
 - d. Existing riparian vegetation is preserved as much as possible. (Ord. 601, 5-3-2000)

9-9C-15: ENHANCEMENT AND MITIGATION STANDARDS:

A. General: Projects involving removal or fill in a significant wetland or significant riparian corridor may require issuance of a removal or fill permit by the DSL or COE, as appropriate. The DSL or COE often require compensatory mitigation as part of their issuance of a fill permit. The following standards shall apply to all wetland and riparian area enhancement and mitigation in significant wetlands or significant riparian corridors.

- B. Review of Conditional Uses: Standards for review of conditional uses include the following:
1. An enhancement or mitigation plan shall be submitted before an enhancement or mitigation project can proceed. The project must follow the approved plan, which shall include the following in addition to any requirements of the DSL or the COE, if applicable:
 - a. A written description of the proposal, including a graphic planting plan and numbers and species of plants;
 - b. Identification of a goal or goals for the project; and
 - c. A description of the evaluation techniques to be used to measure progress toward the project goal.
 2. All components of the enhancement or mitigation plan must comply with applicable standards of this article.
 3. Any excavation related to enhancement or mitigation shall be subject to the following standards:
 - a. No more material than necessary and specified in the plan shall be excavated; and
 - b. Side casting for disposal of excavated material is not permitted. However, excavated material may be placed in a significant wetland or buffer area for enhancement purposes, as specified in the enhancement or mitigation plan. (Ord. 601, 5-3-2000)

9-9C-16: VARIANCES:

A. General: Variances to the use provisions of this article are not permitted. Variances from measurable (dimensional) provisions of this article shall be discouraged and may be considered only as a last resort. The planning commission shall hear and decide variances from dimensional provisions of this article in accordance with section 9-14-1 of this title.

B. Hardship Variances: In addition to the general variance criteria described in section 9-14-1 of this title, the planning commission may grant a variance to any dimensional provision of this article only when the applicant has shown that all of the following conditions exist:

1. The variance is necessary to allow reasonable economic use of the subject parcel of land, which is owned by the applicant, and which was not created after the effective date of this article.
2. Strict application of the provisions of this article would otherwise result in the loss of a buildable site for a use that is permitted outright in the underlying zoning district, and for which the applicant has submitted a formal application.
3. The applicant has exhausted all options available under this article to relieve the hardship.
4. The variance is the minimum necessary to afford relief, considering the potential for increased flood and erosion hazard, and potential adverse impacts on native vegetation, fish and wildlife habitat, and water quality.
5. No significant adverse impacts on water quality, erosion, or slope stability will result from approval of this hardship variance, or these impacts have been mitigated to the greatest extent possible.
6. Loss of vegetation cover shall be minimized. Any lost vegetation cover shall be replaced on the site, on a one to one basis, by native vegetation.

C. Mapping Error Variances: In addition to the general variance criteria described in section [9-14-1](#) of this title, the planning commission may grant a variance to any dimensional provision of this article when the applicant has shown that the following conditions exist:

9-9C-17: PLAN AMENDMENT OPTION:

Any owner of property affected by the WRC overlay zone may apply for a quasi-judicial comprehensive plan amendment. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove the WRC overlay zone from the property. The applicant shall use either of the following methods to demonstrate that such an amendment is justified:

A. ESEE Analysis: The applicant may prepare an "Environmental, Social, Economic, And Energy (ESEE)" consequences analysis in accordance with Oregon administrative rules 660-23-040.

1. The analysis shall consider the ESEE consequences of allowing the proposed conflicting use, considering impacts on the specific resource site in comparison with other comparable sites within the Clatskanie planning area
2. The ESEE analysis must demonstrate to the satisfaction of the city council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource.
3. In particular, the ESEE analysis must demonstrate why the use cannot be located on buildable land consistent with the provisions of this article, and that there are no other sites within the Clatskanie planning area that can meet the specific needs of the proposed use.
4. The ESEE analysis shall be prepared by a team of professionals, such as a wildlife biologist or wetlands ecologist and a land use planner or land use attorney, all of whom are qualified in their respective fields and experienced in the preparation of goal 5 ESEE analysis.
5. If the application is approved, the ESEE analysis shall be incorporated by reference into the Clatskanie comprehensive plan, and the "City Of Clatskanie Wetland And Riparian Inventory Section Maps" shall be amended to remove the site from the inventory.

B. Determination Of "Insignificance": In this case, the applicant must demonstrate that the protected resource site(s) no longer meet(s) the applicable significance threshold defined by the goal 5 administrative rule relative to other comparable resources within the Clatskanie planning area.

1. Significance thresholds are described and applied in the LWI and adopted by reference as part of this article.
2. In considering this claim, the city council shall determine that the decline in identified resource values did not result from a violation of this article or any other provision of the Clatskanie development code. (Ord. 601, 5-3-2000)

**CHAPTER 10
REGULATIONS AND STANDARDS**

9-10-1: TABLE OF STANDARDS:

The following table entitled "Table Of Standards" shows the lot area, width and depth, setbacks, percentage of coverage and building height requirements for each zone:

**Table 9-10-1
TABLE OF STANDARDS**

	Minimum Lot		Maximum						
	Lot Area	Minimum Lot	Maximum Lot	Height Of					
Zone	(Square Feet)	Dimension	Coverage	Required Yard	Buildings				
Width	Depth	Front	Side	Rear					
Residential*									
R-10									
Single-family	10,000a,b	70	90	30%	20	10 each	20	2 1/2 stories or 35 feet	
Manufactured home	10,000a,b	70	90	30%	20	10 each	20		
R-7									
Single-family	7,000a,b	60	80	35%	20	8/10d	20	2 1/2 stories or 35 feet	
Two-family	10,000a	60	80	35%	20	8/10d	20	2 1/2 stories or 35 feet	
Three-family	15,000a	60	80	40%	20	8/10d	20	2 1/2 stories or 35 feet	
Manufactured home	7,000a,b	60	80	35%	20	8/10d	20		
R-5									
Single-family	5,000a,b	50	80	35%	20	5/10d	20	2 1/2 stories or 35 feet	
Two-family	10,000a	50	80	35%	20	5/10d	20	2 1/2 stories or 35 feet	
Three-family	15,000a	50	80	40%	20	5/10d	20	2 1/2 stories or 35 feet	
Manufactured home	5,000a,b	50	80	35%	20	5/10d	20		
MFR									
Single-family	5,000a,b	60	80	35%	20	8/10d	15	2 1/2 stories or 35 feet	
Two-family	7,000a	60	80	40%	20	8/10d	15	2 1/2 stories or 35 feet	
Three-family	11,000a	60	80	40%	20	8/10d	15	2 1/2 stories or 35 feet	
Four unit apartments	14,000a	60	80	45%	20	8/10d	15	2 1/2 stories or 35 feet	
Five plus units	3,000/unit	60	80	50%	20	8/10d	15		
Manufactured home	5,000a,b	60	80	35%	20	8/10d	15		
*Note: Residential homes and residential facilities are permitted uses in all residential zones.									
Industrial									
M-2	6,000	60	None	None	20	15c	15c	40 feet	
M-1	None	None	None	None	20	15c	15c	60 feet	
Commercial									
NC	40,000g	None	None	50%	20	10d,e	Nonee	30 feet	
C-1	None	None	None	None	20h	5d,e	Nonee	45 feet	

Notes:

- a. Minimum lot area shown is for a lot with public sewer and public water. If, in the opinion of the county sanitarian, a lot is found to be insufficient for a private water system and/or private septic system, the area requirement shall be increased, and a redivision plan shall be submitted to show how the lot can be divided when public sewer and water are available to the site.
- b. Single-family dwellings on a lot of record having less than the minimum number of square feet required may be allowed if the lot is larger than 3,000 square feet.
- c. Yard requirements of 50 feet apply when use is adjacent to a residential zone.
- d. On the street side of a corner lot.
- e. The same setbacks as the adjoining residential zone shall apply.
- f. The planning commission may approve structures higher than this limit, if such is necessary for the operation of an allowed use.
- g. Maximum lot area.
- h. The front setback will be reduced to a distance equal to that which has been previously established by existing buildings on either side.

(1996 Code 17.68.010; amd. Ord. 599, 11-3-1999; 2004 Code)

9-10-2: MINIMUM LOT SIZE:

All lots created within the city after the effective date hereof shall have a minimum width, depth and lot area as shown on table 9-10-1, the table of standards, for the zone indicated. It is not the intent of this title to deprive owners of substandard lots the use of their property. Lots of record lawfully created prior to the adoption of this title may be built on according to the following:

- A. Connection To Public Water And Sewer: Residential lots with substandard lot area may be built on if public sewer and public water are available to the site and the new residence is connected to these public facilities.
- B. Minimum Area: The residential lot has an area of more than three thousand (3,000) square feet.
- C. Substandard Lot: Only one residential unit is allowed on a substandard lot.
- D. Setbacks: A residentially zoned lot of record having less width or depth than required by this title may be occupied by one dwelling unit; provided, that either all required setbacks for yards are complied with, or a variance is granted by the planning commission.
- E. Lots Without Public Sewer And/Or Water Availability: Residential lots without public sewer and/or public water may be built on if:
 - 1. The minimum lot size for the residential lots without public sewer and public water is increased to forty thousand (40,000) square feet.
 - 2. Lots with public water, but no public sewer, shall have a minimum lot size of twenty thousand (20,000) square feet. (1996 Code 17.68.020)
 - 3. These minimum lot sizes may be increased if the county sanitarian certifies that it is necessary for the proper installation of a septic system under DEQ rules. (1996 Code 17.68.020; amd. Ord. 599, 11-3-1999)
 - 4. A redivision plan shall be filed with any requests for building permits on a residential lot without public sewer and/or water. The plan shall indicate how the lot can be redivided at such time that public sewer and public water are available to the site. (1996 Code 17.68.020)

9-10-3: REQUIRED YARDS AND SETBACKS:

In all zones except C-1, every building constructed after the effective date hereof shall maintain the setbacks listed in table 9-10-1, "Table Of Standards", of this chapter, for the zone indicated. Every part of the required yard shall remain unobstructed, with the following exceptions (see table 9-10-1, note h, for C-1): (1996 Code 17.68.030; amd. Ord. 599, 11-3-1999)

- A. A new structure being located between two (2) existing buildings that were sited closer to the street than allowed for in this title may use an average of the depths of the two (2) existing front yards to establish the front setback.
- B. Porches, decks, terraces, and detached accessory buildings may be constructed in a required rear yard, but shall remain not less than five feet (5') from the property line. Accessory buildings structurally attached to the principal building may not be constructed into any required yard.

C. Ordinary building projections, such as eaves, cornices and chimneys may project into the required yards by not more than twenty four inches (24"). (1996 Code 17.68.030)

9-10-4: HEIGHT LIMITATIONS:

A. Certain Structures Excepted: A building constructed after the effective date hereof shall not exceed the height listed in table 9-10-1, "Table Of Standards", of this chapter, for the zone indicated, unless it is included in the following list of structures, which are not subject to the building height limitations of this title: church spires, chimneys, cupolas, tanks, smokestacks, flagpoles, radio and television towers, communication towers, and other similar projections. (1996 Code 17.68.040; amd. Ord. 605, 4-4-2001)

B. Addition To Existing Structure: The height standard in table 9-10-1 of this chapter shall be an average height of the entire structure when applying to any additions to an existing structure. (2004 Code)

C. Variance To Requirement: Anyone seeking an exception to the building height limitations shall apply for a variance. In addition to the variance standards, for every foot of height allowed by the planning commission beyond the established limit, six inches (6") shall be added to the required setbacks for the front, side and rear yards. (1996 Code 17.68.040)

9-10-5: LIMITATION ON RESIDENTIAL STRUCTURES:

In R-10, R-7 and R-5 zones, only one principal building shall be allowed on each lot. (1996 Code 17.68.050)

9-10-6: LANDSCAPING REGULATIONS:

A. General Requirements: All landscaping, screening and buffering required by this title and approved by the planning commission shall be installed prior to the issuance of any occupancy permits, or a bond shall be posted to ensure that it will be installed. All landscaping shall be maintained as originally approved by the planning commission, unless later altered with its approval. (1996 Code 17.68.080; amd. Ord. 643, 3-1-2006)

B. Minimum Landscaping: In each zone, the minimum amount of landscaping required shall be:

1. Residentially Zoned Properties: All residential lots built upon after the effective date hereof shall have the front yard and at least ten percent (10%) of the total lot area landscaped.
2. Nonresidential Use Abutting Residential Zone: A minimum buffer of twenty feet (20') is required and a six foot (6') high fence or sight obscuring hedge is to be maintained along the common property line by the nonresidential property owner.

3. Commercially Zoned Properties: In the commercial zones, all sites built upon after the effective date hereof shall have not less than fifteen percent (15%) of the lot area landscaped.

4. Industrially Zoned Properties: In the industrial zones, all sites built upon after the effective date hereof shall have landscaping based on the size of the property. Sites up to twenty thousand (20,000) square feet in size shall have at least fifteen percent (15%) of the lot area landscaped.

C. Reduction In Requirements: These requirements may be diminished by the planning commission pursuant to the variance procedure in section 9-14-1 of this title. (1996 Code 17.68.080)

CHAPTER 11 PARKING, LOADING AND ACCESS

9-11-1: SCOPE; COMPLIANCE WITH REGULATIONS:

The provision and maintenance of off street parking and loading spaces is a continuing obligation of the property owner. After the effective date hereof, every use commenced and every building erected or altered shall have permanently maintained parking spaces in accordance with the provisions of this title. No permits shall be issued until plans are presented to show that the required parking is, and will remain, available within two hundred feet (200') of the business location it serves. Where a use has been established prior to the effective date hereof and does not meet the terms imposed, all of the requirements of this title shall fully apply and be complied with at the time the use, or the occupancy of a building, changes. (1996 Code 17.68.060)

9-11-2: OFF STREET PARKING GENERAL REQUIREMENTS:

Off street parking spaces shall be provided and maintained as set forth in this chapter for all uses in all zones. Off street parking shall not be located in the required front yard, except in a residential driveway area. The required spaces shall be available for parking, and not used for storage, sale, repair or servicing of vehicles. Nothing in this title shall be interpreted to prevent the occasional use of parking areas for community events, special sales, public gatherings and similar activities not otherwise prohibited. The parking shall be provided at the time:

- A. A new building is ready for occupancy.
- B. A building or use existing on the effective date hereof is enlarged or expanded.
- C. There is a change in the use of a building with a corresponding change in the number of parking spaces required by this title. (1996 Code 17.68.060)

9-11-3: PLANS REQUIRED:

A plot plan, drawn to scale, shall be submitted in duplicate to the city manager with each application for a building permit, and shall contain the following:

- A. Dimension of the parking lot.
- B. Access to the streets and location of curb cuts.
- C. Location and size of parking spaces.
- D. Circulation pattern.

E. Grade and drainage.

F. Abutting property.

G. A landscaping plan, including the location and names of all vegetation, size and location of fencing or other screening, to be approved by the city. (1996 Code 17.68.060)

9-11-4: JOINT USE OF FACILITIES:

Owners of two (2) or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces if hours of operation do not overlap and the city manager is provided with documentary evidence in the form of leases or contracts securing full access to such spaces for all parties. (1996 Code 17.68.060; amd. Ord. 599, 11-3-1999)

9-11-5: LOCATION OF SPACES:

Parking spaces required by this chapter shall be provided on the site of the primary use or within two hundred feet (200'); unless the planning commission determines that, on the basis of practical difficulties, the parking may be sited up to a maximum of three hundred feet (300') distant, measured in a straight line. Loading spaces shall be located either on or abutting the property served. (1996 Code 17.68.060; amd. Ord. 599, 11-3-1999; Ord. 643, 3-1-2006)

9-11-6: PARKING AND LOADING STANDARDS:

The following standards shall apply to all properties, except those developed with single-family and two-family dwellings. Areas used for the parking or maneuvering of vehicles shall meet the following standards: (1996 Code 17.68.060; amd. Ord. 599, 11-3-1999)

A. Surface: A durable, hard and dustless surface that is maintained adequately for all weather uses and is drained to avoid flow of water across sidewalks.

B. Screening: Screening and design to minimize the disturbance of residents living adjacent to the parking lot. (1996 Code 17.68.060)

C. Average Grade: Driveways more than one hundred fifty feet (150') in length will not exceed an average grade of twelve percent (12%). The driveway and driveway apron shall be built and maintained by the property owner according to specifications determined by the city based on slope and the presence of adjacent public facilities such as a sidewalk or paved street. (Ord. 613, 4-22-2002)

D. Location And Access: Location and driveway access such that groups of more than four (4) parking spaces will not require backing movements or other maneuvering within a street right of way.

E. Loading Spaces, Dimensions: Loading spaces shall provide a minimum vertical clearance of thirteen feet (13') and a width of at least thirty five feet (35') in multi-family residential and commercial zones and sixty feet (60') in industrial zones.

F. Parking Spaces, Dimensions: Each parking space shall be not less than eighteen feet (18') long and nine feet (9') wide, except for those spaces marked "Compacts Only" which may be sixteen feet (16') long and eight feet (8') wide, and handicapped parking addressed in subsection G of this section.

G. Handicapped Parking Spaces: Where less than twenty four (24) spaces are provided, at least one shall be for handicapped use, and where a greater number are provided, the ratio shall be one handicapped space for every twenty five (25) spaces. Each handicapped space shall be at least twelve feet (12') wide and eighteen feet (18') long and be posted with a sign indicating its limited use, per Oregon Revised Statutes 447.233. The handicapped spaces shall be located nearest to the main building entry.

H. Access Dimensions: Access shall be provided by not more than one 45-foot wide curb cut driveway for each one hundred fifty feet (150') of street frontage, or fraction thereof, per site.

I. Aisles: Aisles shall not be less than twenty five feet (25') in width for ninety degree (90) parking, twenty feet (20') in width for sixty degree (60) parking, twenty feet (20') in width for forty five degree (45) parking, and twelve feet (12') in width for parallel parking.

J. Parking Bays: All parking areas, except for truck loading areas, shall be divided into bays of not more than twenty (20) parking spaces. Between and at the end of each parking bay there shall be planters which have a minimum width of five feet (5') and be at least seventeen feet (17') in length. Each planter shall contain one major tree and ground cover which has been deemed appropriate by the city manager.

K. Separation Of Parking Areas: Parking areas shall be separated from the exterior wall of a structure, exclusive of paved pedestrian entranceways, by a five foot (5') wide strip of landscaping.

L. Adjacent To Residential Zone; Setback; Sight Obscuring Hedge: Parking areas abutting any residential zone shall meet the building setback of the adjoining zone, and shall install along the common boundary line a sight obscuring hedge.

M. Setback Areas: Parking areas shall be set back from a lot line adjoining a street. The setback area shall be landscaped.

N. Landscaping: A minimum of ten percent (10%) of the parking area shall be landscaped and the maintenance of the landscaping shall be the owner's responsibility. (1996 Code 17.68.060)

O. Sight Obscuring Hedge Location: Parking and/or sight obscuring hedges or shrubbery shall not be located in vision clearance areas. (Ord. 599, 11-3-1999)

9-11-7: NUMBER OF PARKING AND LOADING SPACES REQUIRED:

A. Residential Uses:

Elderly or special housing projects	1 space per unit
Mobile home park or subdivision	2 spaces per unit, plus 1 guest space for every 2 units
Multifamily or apartment	1 1/2 spaces per unit
One-family, two-family or three-family dwelling	2 spaces per unit
Planned unit development	2 spaces per unit, plus 1 guest space for every 2 units

B. Public And Semipublic Uses:

Church or meeting hall	1 space for every 4 seats
Elementary school	1 space per 12 seats in the main auditorium
High school	1 space for every 10 seats in each classroom
Library	1 space per 400 square feet of reading area, plus 1 for every 2 employees
Preschool, daycare or kindergarten	1 space per 2 employees, plus a driveway designed for the drop off and pick up of children

C. Commercial Uses: One loading space per twenty five thousand (25,000) square feet (or fraction thereof) of floor area, plus one parking space for every two (2) employees and public parking as follows:

Bank or office, including medical/dental	1 space per 300 square feet
Billiards/pool	1 space per table
Bowling alley	5 spaces per alley
Eating and drinking establishments	1 space per 100 square feet
Hospital, convalescent, nursing home, or other care or assisted living facilities	1 space per 4 beds
Motel/hotel	1 space per guest unit
Repair garages and services	2 spaces per repair bay
Retail store	1 space per 400 square feet
Service or repair or retail handling of bulky merchandise (e.g., furniture)	1 space per 600 square feet
Theater	1 space for every 4 seats

D. Industrial Uses: One loading/delivery space per twenty five thousand (25,000) square feet (or fraction thereof) of floor area, plus parking as follows:

Manufacturing	1 space per employee
Warehouse or storage	1 space per 700 square feet of patron service area and 1 space per employee

(1996 Code 17.68.060; amd. Ord. 599, 11-3-1999)

CHAPTER 12 SIGN REGULATIONS

9-12-1: PURPOSE:

The purpose of this chapter is to provide guidelines for sign design, location, material, type, size, and manner of display. All signs must comply with the provisions of this chapter; however, only certain types of signs or sign alterations require a permit. These regulations are intended to allow such signs that will not by their size, location, design, construction or manner of display endanger the public safety of individuals, obstruct vision necessary for traffic safety, and maintain the city's aesthetic environment. (Ord. 639, 6-1-2005)

9-12-2: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

AWNING: A shelter projecting from, and supported by, the exterior wall of a building on a supporting framework.

BANNER: A temporary paper, cloth, or plastic sign advertising a single event of civic or business nature.

BILLBOARD: A sign or structure subject to the provisions of the Oregon motorist information act of 1971 and erected for the purpose of leasing advertising space to promote an interest other than that of an individual, business, product or service available on the premises on which the billboard is located.

BUILDING FRONTAGE: The linear frontage of a building measured along a street or alley between two (2) lines projecting perpendicular from the street to the corners of the building.

CONSTRUCTION SIGN: Any information sign, which identifies the architect, engineers, contractors, and other individuals or firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.

DIRECTIONAL SIGN: An on premises sign designed to be read from within the premises and used only to identify and locate an office, motor vehicle entrances or exits, telephone or similar place, service or route.

ELECTRONIC CHANGING SIGN: An electronic sign upon which the entire copy or message may appear or change from time to time upon a lamp bank, such as time and temperature displays, which by its nature and intensity is not a flashing sign.

FLAG: Any fabric banner usually supported on one edge containing distinctive colors, patterns, or symbols.

FLASHING SIGN: Any sign which contains or is illuminated by a light source, which produces a flash and darkness on an alternating basis, which results in a pulsating effect designed primarily to attract attention.

FREESTANDING SIGN: A single or multiple faced sign eight (8) or more feet above grade, supported by one or more uprights in the ground and detached from any building or structure.

GRADE: The relative finished ground level within twenty feet (20') of the sign.

GROUND SIGN: A sign which is mounted on the ground and supported by one or more uprights, poles or braces in or upon the ground.

HEIGHT OR HEIGHT OF SIGN: The vertical distance from the average grade within twenty feet (20') of the structure to the highest point of a sign or any vertical projection thereof, including its supporting columns.

INCIDENTAL SIGN: Small signs, less than two (2) square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephone, etc. Also included in this group of signs are those designed to guide vehicular traffic to an area or place on the premises of a business, building or development by means of a directory designating names and addresses only.

LIGHTING: Any sign illuminated with either an internal or indirect light source.

MOVING SIGN: Any sign which produces apparent motion of the visual image, including, but not limited to, illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation or any similar effect of animation which is designed or operated in a manner primarily to attract attention.

POLITICAL SIGN: A temporary sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot.

PORTABLE SIGN: Any sign not meeting the anchorage requirements of the uniform sign code and is capable of being transported from one place to another.

PROJECTING SIGN: A single or multiple faced sign which is designed and constructed to be mounted to the wall of a building and which will extend more than twelve inches (12") from the wall.

PROPERTY LINE: The line denoting the limits of legal ownership of property.

READER BOARD OR TRACK BOARD SIGN: A portable sign on which the letters are readily replaceable.

ROOF SIGN: Any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building, including a sign affixed to any equipment attached to the building.

SANDWICH BOARD OR A-FRAME: A double faced sign hinged or connected at the top, which is spread for stabilization and set upon the ground.

SIGN: An object or device situated outdoors or indoors which is used to advertise, or identify an object, person, institution, organization, business, product, service, event or location that can be viewed from a public street right of way, or another property.

SIGN AREA: The surface contained within a single continuous perimeter, which encloses the entire sign cabinet, but excluding any support of framing structure that does not convey a message. Where signs are of a three-dimensional, round, or other solid shape, the largest cross section viewed as a flat projection shall be used for the purpose of determining the sign area. Signs visible from more than one direction or without clearly defined sign faces shall be considered as having two (2) faces and each face calculated in the total allowable area.

STREET FRONTAGE: Street(s), alley(s), or public right(s) of way parallel to the property line used to compute the area of sign(s) intended to be located in such a manner as to have primary exposure on that street or right of way.

TEMPORARY SIGN: Any sign, banner, pendant, or advertising display that is portable and not permanently mounted to a structure.

VISION CLEARANCE AREA: A triangular area on a lot at the intersection of two (2) public rights of way, a street and a railroad, or point of vehicular access and a public right of way, two (2) sides of which are lines measured from the corner intersection to a distance of twenty feet (20'). The third side of a triangle is a line across the corner of the lot connecting the lines of the other two (2) sides. The vision clearance area should contain no signs higher than three feet (3') or lower than eight feet (8') measured from the grade of the street centerline, though a single pole having a diameter of eighteen inches (18") or less is permitted.

WALL SIGN: A single face sign painted or otherwise affixed to the face of a building and extending not more than twelve inches (12") from the wall to which it is attached.

WINDOW SIGN: A sign placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window. (Ord. 639, 6-1-2005)

9-12-3: PERMIT PROCESS:

A. A permit for a new sign or an alteration of an existing sign shall be required from the city only when it is either placed in or over the public right of way or when an inspection will be required for building code compliance.

B. A sign permit application that does not require planning commission approval shall be forwarded by the city to Columbia County for processing within twenty one (21) days after receipt of a complete application.

C. A sign permit application that requires planning commission approval shall be scheduled for a public hearing within thirty (30) days after receipt of a complete application requesting a variance. (Ord. 639, 6-1-2005)

9-12-4: VARIANCE FROM REGULATIONS:

Following a public hearing, the planning commission may authorize variances from the requirements of this chapter. In granting a variance, the planning commission may attach conditions that it deems necessary to protect the interest of the surrounding property owners and otherwise achieve the purpose of this title. (Ord. 639, 6-1-2005; amd. Ord. 643, 3-1-2006)

A. The application for a variance shall be filed by the business owner or authorized agent, using the city forms prescribed for that purpose. The planning commission may request additional drawings and/or information. The fee for an application requesting a variance from this chapter shall be the same fee as charged for a sign permit. The application shall not be considered complete until the application fee is paid and the following information is provided:

1. A description of the variance being requested.
2. A plan drawn showing the dimensions and arrangement of the proposed sign placement.

B. The planning commission may grant a variance only when the applicant has shown that all of the following conditions exist:

1. The granting of the variance will not violate any other provision of this title, and will not create any significant obstacle to implementation of the plan or zoning regulations.
2. The granting of the variance: a) will not be detrimental to the public safety, health or welfare or be injurious to the property, adjoining properties, neighborhood or the community; b) will not change the character of the neighborhood or reduce the value of nearby property; and c) will not impose any significant cost upon the city or nearby property owners.
3. The granting of the variance will not result in a use that is otherwise prohibited in the zoning district in which the variance is being requested. (Ord. 639, 6-1-2005)

C. The planning commission may attach conditions to an approved variance as it deems necessary. The planning commission may require guarantees and evidence that the conditions are being met. Such conditions may include, but are not limited to, the following: limitations on the number of signs and locations; sight obstruction compliance; or ongoing maintenance. (Ord. 639, 6-1-2005; amd. Ord. 643, 3-1-2006)

9-12-5: GENERAL REGULATIONS:

A. All signs, including temporary and permanent signs, shall be maintained in a proper state of safety, cleanliness, and good repair, including illumination.

B. All signs shall comply with the following requirements and those specified by the zoning district:

1. Construction shall satisfy the prevailing applicable requirements of the uniform building code, including all specialty codes.
2. Except for exempt signs, all signs shall be securely attached to a building or the ground.
3. All signs, including exempt signs, shall conform to all vision clearance requirements.
4. All signs, including exempt signs, together with their supports, braces, and guides shall be maintained in a safe and secure manner.

C. The following signs and devices shall not be subject to the provisions of this chapter:

1. Directional, warning or information signs or structures required or authorized by law, or by federal, state, county or city authority.
2. Memorial tablets, cornerstones, historical site plaques or similar plaques not exceeding six (6) square feet.
3. Residential identification signs not exceeding two (2) square feet.
4. A sign identifying the name of the occupant or owner provided the sign is not larger than one square foot, is nonilluminated and is either attached to the structure or located within the front setback.
5. Structures intended for a separate use such as phone booths, Goodwill containers, etc.
6. Official and legal notices issued by any court, public body, person or officer in performance of a public duty or in giving any legal notice.
7. Official flags of the United States of America, counties, municipalities, official flags of foreign nations, and flags of internationally and nationally recognized organizations.
8. On premises signs not readable from the public right of way, i.e., menu boards, etc.
9. Small nonilluminated information signs such as "open/closed", credit card, rating or professional association, and signs of similar nature.
10. Temporary political signs, provided such signs shall not exceed four (4) square feet in area in a residential zone or thirty two (32) square feet in commercial/industrial zones or be posted more than forty five (45) days before the election to which they relate and are removed within fifteen (15) days following the election.
11. Temporary nonilluminated residential real estate signs (no more than 1 sign per street frontage for each parcel) not exceeding four (4) square feet, provided said signs are removed within fifteen (15) days after sale, lease, or rental of the property.
12. Temporary nonilluminated commercial real estate signs (no more than 1 sign per street frontage for each parcel) not exceeding thirty two (32) square feet in commercial or industrial districts, provided said signs are removed within fifteen (15) days after sale, lease, or rental of the property.
13. Temporary nonilluminated construction and subdivision signs not exceeding thirty two (32) square feet in area, which are removed when construction is completed.
14. Temporary paper signs that serve as public notice when removed promptly after such meeting is held.
15. Temporary paper signs that serve as public notice issued by any court, public body, person or officer in performance of a public duty or in giving any legal notice.
16. Temporary paper or painted signs placed on the interior windows of a nonresidential building, when such signs do not obscure more than fifty percent (50%) of the window area.
17. Temporary banners, pennants and flags advertising civic events, subject to removal within three (3) days after said event concludes.

D. The following signs are generally prohibited:

1. Signs attached to utility, streetlight, or traffic control standard poles or otherwise located in the public right of way without a permit.
2. Signs in a dilapidated or hazardous condition.
3. Signs on doors, windows, or fire escapes that restrict free ingress or egress.
4. Signs that resemble an official traffic sign or signal which could cause confusion with any official sign, or which obstruct the visibility of any traffic sign or signal.
5. Swinging signs.
6. Billboards and any off premises sign.
7. Signs that contain flashing elements.

- 8. Signs that contain moving, rotating or otherwise animated parts, but do not include digital displays.
- 9. Signs that contain luminescent, fluorescent or phosphorescent paint or paper. This includes paints referred to as Day-Glo, hot or neon.
- 10. Signs placed so that the sign extends above a flat roof or the ridge of a pitched roof.
- 11. A public address system, sound system, or similar device, either permanently or temporarily installed exterior to a building, whether or not it is used to advertise a business or product, where the sound is audible from a public street or adjacent property.

E. Temporary signage allowed and associated regulations:

- 1. Signs that are a digital display, but not more than one per business.
- 2. Devices or signs such as flags, pennants, streamers, spinners, windsocks or kites, or similar devices that move as a result of air pressure.
- 3. Sandwich board, reader board, track board, A-frame sign or otherwise portable sign, but not more than one per business. Portable signage must contain a message.
- 4. Temporary signs shall be attached in a manner that prevents the sign from being moved or blown from its location.
- 5. Temporary signs shall be nonilluminated and not exceed thirty two (32) square feet.

F. All freestanding signs shall comply with the following provisions:

- 1. A freestanding sign shall be placed behind the property line and no closer than ten feet (10') to any adjacent private property line.
- 2. Freestanding signs may project over the public property line, provided they conform to the standards established for projecting signs.

G. All ground signs shall comply with the following provisions:

- 1. The bottom of the sign shall not be lower than two feet (2') from the ground.
- 2. The height shall not be more than eight feet (8') from the ground.
- 3. A maximum size of twenty four (24) square feet if placed within twenty feet (20') of the public right of way.
- 4. A maximum size of forty eight (48) square feet if placed beyond twenty feet (20') of the public right of way, but not within twenty feet (20') of any adjacent private property boundary.

H. All projecting signs shall comply with the following provisions:

- 1. No projecting sign shall extend above the highest structural component of the building to which it is attached.
- 2. Signs over the public right of way, including freestanding signs, shall conform to the following standards:

Clearance	Maximum Projection
Less than 8 feet	Not permitted
8 feet	1 foot
9 feet and above	2 feet for every foot above 8 feet in height but no more than 9 feet

- 3. No projecting sign shall be placed within a vehicular right of way.

I. All wall signs shall conform to the following provisions:

1. Wall signs placed flat against a building which supports it, not extending more than twelve inches (12") from the wall, and not exceeding ten percent (10%) of the gross area of the face of the building to which the sign is attached.
2. Wall signs shall not extend above the height of the wall to which they are attached.

J. Any sign that is unlawful may be abated by the city according to the following:

1. The city may order the removal of any sign erected or maintained in violation of this chapter. It shall give ten (10) days' notice in writing to the owner of the sign, structure, or property on which the sign is located, to remove the sign or bring it into compliance.
2. The city may remove a sign immediately and without notice, at its discretion, if condition of the sign presents an immediate threat to the safety of the public. Neither the city nor any of its agents shall be liable for any damage to any sign that is summarily abated. (Ord. 639, 6-1-2005)

9-12-6: SIGNS IN RESIDENTIAL ZONES:

A. Neighborhood identification: One nameplate or identification sign with a maximum of two (2) faces shall be permitted at each entry point to a subdivision. The sign shall not exceed an area of twenty four (24) square feet per sign, nor five feet (5') in height above grade.

B. Multiple-family residential and mobile home parks: Where otherwise permitted, one sign of not more than twenty four (24) square feet shall be permitted. A freestanding sign shall be mounted in a planter or landscaped area and shall not exceed eight feet (8') in height. (Ord. 639, 6-1-2005)

9-12-7: SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES:

A combination of signage consisting of temporary, wall, freestanding, ground, projecting, and window signs are allowed on a per structure basis in commercial and industrial zones in compliance with the provisions of this chapter and the regulations in this section.

A. Quantity And Size: The quantity and size of allowable areas of signs per structure shall be as follows:

1. One ground or freestanding sign.
2. A total sign area of one and one-half (1.5) square feet for each linear foot of building frontage or one square foot for each linear foot of lot frontage, whichever results in the larger sign area.
3. Freestanding or projecting signs bordering Highway 30 shall be limited to one hundred fifty (150) square feet per side. Such signs shall not exceed twenty four feet (24') in height from grade to the highest element.
4. Freestanding or projecting signs not bordering Highway 30 shall be limited to forty eight (48) square feet per side. Such signs shall not exceed twenty four feet (24') in height from grade to the highest element.

B. Businesses Within Shopping Centers: Within shopping centers, each individual business shall be allowed a total sign area as calculated in accordance with subsection A2 of this section.

C. Shopping Centers: In addition to the sign area allowed for individual businesses, shopping centers with more than one hundred thousand (100,000) square feet of floor area shall be allowed one double faced sign along each street right of way. Such signs shall neither extend beyond the property line nor be placed in the right of way and shall be used solely to identify the shopping center, shopping area, or business or activities conducted therein. These signs shall not exceed three hundred (300) square feet per face and shall not exceed thirty feet (30') in height from the grade to the highest element of the sign.

D. Awning Signage: The maximum sign area shall not exceed thirty percent (30%) of the awning area. The sign shall be integrated into the design and material of the awning on which it is located. (Ord. 639, 6-1-2005)

9-12-8: NONCONFORMING SIGNS:

A. Existing Signs: An existing on premises sign on private property that does not conform to the size or height regulations of this chapter may be continued as allowed by this section.

B. Changes Or Alterations: A nonconforming sign shall not be changed, expanded or altered in any manner, which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.

C. Termination Of Nonconforming Signs:

1. Change In Business: Nonconforming signs, which advertise a business no longer conducted, shall be terminated by the city within thirty (30) days after closure of the business.

2. Damage Or Destruction: Any nonconforming sign damaged or destroyed, by any means, to the extent of fifty percent (50%) of its replacement cost, shall be terminated and shall not be restored. For the purpose of this regulation, the value of any sign shall be the estimated cost to replace the sign, as determined by the city.

3. Termination: Termination shall consist of either removal of the sign or alteration of the sign to eliminate all nonconforming features. (Ord. 639, 6-1-2005)

9-12-9: RIGHT OF WAY SIGNS:

A. Defined: A right of way sign includes every type of decoration, sign, or banner displayed over or upon the public rights of way, including all temporary signage or signs attached to any other structure.

B. Permit Required:

1. No person, firm, corporation or association shall display or cause to be displayed over or upon the city streets of the city any sign without having first obtained a permit from the city.
2. A request for a right of way sign shall show the approximate location of the proposed installation(s), height above street or sidewalk, location on a pole or building, the approximate size of sign to be displayed, whether the sign is to be attached to utility poles, buildings or other structures, and the dates of installation and removal.
3. The city may establish additional requirements on the permit relating to use of the public right of way or to ensure public safety.

C. Insurance Requirement: The city may require that the permittee obtain a certificate of insurance naming the city and affected property owner(s) as additional insureds at an amount sufficient to the city for protection from injury or property damage relating to the placement, maintenance or removal of the sign.

D. Installation/Removal Requirements:

1. Right of way signs other than those installed by utility company crews are to be installed from a mechanical hoist or OSHA approved procedures and equipment, so that the individuals making installations do not have to climb utility poles.
2. The holder of a permit for a right of way sign shall be responsible for the maintenance of the sign in a safe and attractive condition at all times and for its safe and prompt removal upon the expiration of the permit authorized or in the event the sign may become a hazard or unsightly upon the public right of way at any time.
3. The duration of a permit for a right of way sign shall not exceed sixty (60) days, unless the city approves an extension.
4. The city shall have the right to remove or cause to be removed any right of way sign that is a hazard without notice to the permittee. (Ord. 639, 6-1-2005)

9-12-10: ABANDONED SIGNS OR SIGNS IN DISREPAIR:

The city shall notify the owner of the real property where a sign has been abandoned or allowed to fall into disrepair, and shall require reasonable repair, replacement or removal within thirty (30) days. If compliance does not occur, the city may cause the removal of such signs and collect from the owner of the real property from which it was removed any or all expenses incurred by the city in the enforcement of this provision. (Ord. 639, 6-1-2005)

9-12-11: PENALTY:

Any person, firm or corporation, whether as a principal, agent, employee or otherwise violating or upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00) per offense. Such person, firm or corporation may be deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed or continued by such a person, firm or corporation and shall be punishable as herein provided. (Ord. 639, 6-1-2005)

CHAPTER 13 SPECIAL REGULATIONS

9-13-1: ACCESSORY USES AND STRUCTURES:

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are permitted, except as prohibited specifically or by necessary implication in this title or any other title or building code adopted by the city. The following special rules are applicable:

- A. Size: Maximum size shall not be more than seven hundred (700) square feet and one story in height. (1996 Code 17.72.010)
- B. Location: Location of a separate structure shall not be less than five feet (5') from any other building. (1996 Code 17.72.010; amd. 2004 Code)
- C. Residential Garage: A residential garage, defined as "garage, residential" in section 9-2-2 of this title and meeting the provisions of subsections A and B of this section, is considered an "accessory building" for the purposes of this title.
- D. Residential Shop: A residential shop, defined as "shop, residential" in section 9-2-2 of this title and meeting the provisions of subsections A and B of this section, is considered an "accessory building" for the purposes of this title. (1996 Code 17.72.010)

9-13-2: VISION CLEARANCE :

On all corner lots, the sight triangle (described in appendix A, on file at city hall) shall be maintained in a manner that allows unimpeded views between three feet (3') and ten feet (10') above the centerline grades of the intersecting streets. (1996 Code 17.72.020)

9-13-3: SPECIAL RIGHT OF WAY SETBACKS:

The minimum front yard or side yard setbacks as required by this title shall be increased where such setback abuts a street having insufficient right of way to serve the area. The necessary setback shall be increased by the amount needed to reserve the standard right of way for abutting streets. (1996 Code 17.72.030; amd. Ord. 599, 11-3-1999)

9-13-4: HOME OCCUPATION PERMIT:

A. Permit Allowed: A home occupation permit is allowed with a business license in any residential zone if it meets the approval standards and requirements of this section.

B. Application Requirements; Fee; Protests; Denial: Application and the required fee as set by resolution of the council shall be made to the city. All properties within two hundred fifty feet (250') of the proposed home occupation shall be notified in writing and shall have ten (10) days from receipt of notification to comment. The city manager is authorized to issue a permit if no protests are received that address any of the conditions listed under subsection D of this section. If one or more protests are received that address any of the conditions listed under subsection D of this section, then the application shall be denied. The application fee will not be refunded if the application is denied.

C. Appeal To Planning Commission; Fee; Hearing: Any such denial may be appealed to the planning commission along with any required fee as set by council resolution. The planning commission shall review the home occupation permit application after a public hearing and may approve or deny the application with conditions. The application fee will not be refunded if the application is denied.

D. Conditions: The following conditions shall apply to each home occupation unless otherwise approved by the planning commission:

1. The home occupation activity takes place solely within a residential structure.
2. The residential character, use and appearance of the structure is maintained.
3. Employees in the residence shall only be the immediate members of the household.
4. The home occupation will not be unreasonably detrimental to an adjacent property owner or the neighborhood and will not impose any significant cost upon any adjacent property owner.
5. Up to two (2) clients or customers per day are allowed at the residence.
6. Storage of any business related materials or supplies shall not be visible from outside the residence.
7. There shall be no display, advertising, banners, etc., indicating the residence is used for any purpose other than a dwelling, other than signage that may be allowed under [chapter 12](#) of this title.

E. Multiple Permits: More than one home occupation permit may be approved on the same premises, provided all requirements of this section are met as if there were only one home occupation on the premises, and provided that a business license is obtained for each home occupation. (Ord. 581, 10-2-1996; amd. 2004 Code)

9-13-5: STATE AND FEDERAL REGULATIONS:

All development shall conform with:

- A. Noise: The noise level standards established by the state department of environmental quality.
- B. Air Quality: The air quality standards established by the state department of environmental quality.
- C. Water: The clean water standards established by the state department of environmental quality and the federal environmental protection agency.
- D. Wetlands: The provisions of Oregon Revised Statutes 196.600 to 196.665 and 196.800 to 196.990, regarding the conservation and maintenance of wetlands. (1996 Code ♦ 17.72.050)

9-13-6: WETLAND DEVELOPMENT:

This section provides procedures for wetland development in conformance with Oregon Revised Statutes 227.350. (1996 Code 17.72.155; amd. Ord. 599, 11-3-1999)

A. Acceptable Activities: After the department of state lands has provided the city with a copy of the applicable portions of the statewide wetland inventory, the city shall provide notice to the department, the applicant and the owner of record, within five (5) working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the statewide wetlands inventory:

1. Subdivisions;
2. Building permits for new structures;
3. Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in floodplains and floodways; and
4. Conditional use permits and variances that involve physical alterations to the land or construction of new structures.

B. Exceptions: The provisions of subsection A of this section do not apply if a permit from the department of state lands has been issued for the proposed activity.

C. Notice Statements: Approval of any activity described in subsection A of this section shall include one of the following notice statements:

1. Issuance of a permit under Oregon Revised Statutes 196.600 to 196.665 and 196.800 to 196.900 by the department of state lands required for the project before any physical alteration takes place within the wetlands;
2. Notice from the department of state lands that no permit is required; or
3. Notice from the department of state lands that no permit is required until specific proposals to remove, fill or alter the wetlands are submitted.

D. Response Time Limit: If the department of state lands fails to respond to any notice provided under subsection A of this section within thirty (30) days of notice, the city approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits.

E. Local Approval; Need For Permits: The city may issue local approval for the parcels identified as or including wetlands on the statewide wetlands inventory upon providing to the applicant, and the owner of record of the affected parcel, a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the department of state lands with a copy of the notification of:

1. Comprehensive plan map or zoning map amendments for specific properties; and
2. Major and minor partitions.

F. Notice Of Authorized Activities: Notice of activities authorized within an approved wetland conservation plan shall be provided to the department of state lands within five (5) days following the local approval.

G. Failure By City To Provide Notice: Failure by the city to provide notice as required in this section will not invalidate city approval. (1996 Code 17.72.055; amd. 2004 Code)

9-13-7: HAZARD AREAS:

Vegetative cover shall be maintained in slide hazard areas and on steep slopes (greater than 20 percent) to the maximum extent practical. The intent of this provision is to maintain the stability of these areas and reduce erosion problems on these sites. If more than fifty percent (50%) of the trees and/or vegetative cover in such a site is removed during one year, that area shall be seeded with grass, replanted with trees or vegetative cover reestablished in some other fashion within six (6) months' time in order to preserve the stability of the area. (1996 Code 17.72.060)

9-13-8: COMMUNICATION TOWERS:

These structures may be permitted as a conditional use in various zones in the city.

A. Application For Permit; Requirements: The application for a permit for these structures shall contain the following requirements:

1. At the time of construction, the tower will not be allowed between any property and the primary view from a home or business (i.e., dike land, mountains, waterways).
2. The tower will only be allowed on property that is larger than the minimum size lot in the zone.
3. The space designed for the tower must additionally provide at least the minimum size lot for any residential building remaining on the property.
4. Photo simulations are required of any proposed tower from the four (4) cardinal compass points and/or abutting rights of way, whichever provides the most accurate representation of the proposal from a variety of vantage points. (Ord. 605, 4-4-2001)
5. The city may require information regarding electromagnetic impacts if the city manager deems it appropriate. (Ord. 605, 4-4-2001; amd. 2004 Code)

6. Information as to why this proposal is necessary as opposed to collocating it with another existing facility.

7. Information provided by a qualified engineer as to potential interference with other communications, communication devices and/or systems. Assurances must be given that no negative impacts will be present if a tower is constructed and used.

B. Lighting: Prior to approval of a conditional use permit and its conditions, the designation of FAA required lighting shall be obtained and provided to the city. It is the intent of the city to not allow any structure with overly bright strobe type lighting.

C. Conditions Of Permit: The permit for these structures shall contain at least the following conditions:

1. Appropriate screening, landscaping, parking, setbacks and security shall be provided. If part or all of screening is from abutting trees and/or other off site plant life, a provision shall be made to require on site plantings or guarantees of maintenance of off site screening to remain or be replaced in-kind (size and species).
2. Appropriate painting of tower and facilities, to blend in with screening and/or background shall be required
3. Lighting shall be deflected away from adjoining property and street rights of way. Any FAA required lighting shall not shine into residential homes nor interfere with traffic on public streets.
4. Changing requirements by FAA or other state or federal agencies regarding a change or modification of height or lighting standards requires the applicant to submit the change for additional conditions by the city.
5. The applicant must return the site to a natural condition after a six (6) month abandonment of the tower and attached antenna facilities. (Ord. 605, 4-4-2001)

ARTICLE A. MODULAR HOUSING AND MANUFACTURED DWELLINGS

9-13A-1: MODULAR HOUSING:

A. Siting: (Rep. by Ord. 643, 3-1-2006)

B. Conformance With Regulations: Modular housing shall meet the same regulations as required for manufactured dwellings that are stated in this article. (Ord. 643, 3-1-2006)

9-13A-2: MANUFACTURED DWELLINGS:

A. Within Park Or Subdivision: "Manufactured dwellings", as defined in subsection C of said defined term in section [9-2-2](#) of this title, may be sited in a manufactured dwelling park or subdivision.

B. Lots Outside Park Or Subdivision: "Manufactured dwellings", as defined in subsection C of said defined term in section [9-2-2](#) of this title, may be sited on individual lots outside of a manufactured dwelling park or subdivision, in any residential zone, in conformance with section [9-13A-5](#) of this article. (1996 Code 17.72.070; amd. 2004 Code)

9-13A-3: SITING STANDARDS FOR MANUFACTURED DWELLING PARKS:

A. Compliance With State Standards: All manufactured dwelling parks shall meet or exceed the state standards listed in Oregon Revised Statutes chapter 446 and Oregon administrative rules 814, division 28.

B. Application And Review Procedures: The procedures for application and review of a proposed manufactured dwelling park are described in sections [9-15-4](#) through [9-15-7](#) of this title.

C. Required Information: In addition, the following information shall accompany the tentative plan:

1. Proposed circulation patterns, parks, playgrounds, open spaces and existing natural features that will be maintained.
2. Proposed layout indicating that each dwelling, and any attached accessory structures, will be located not less than:
 - a. Fifteen feet (15') from any other dwelling or attached accessory structure;
 - b. Ten feet (10') from any detached accessory building, or other building located within the proposed park; and
 - c. Five feet (5') from the proposed park property line. (1996 Code 17.72.075)

9-13A-4: SITING STANDARDS FOR MANUFACTURED DWELLING SUBDIVISIONS:

A. Compliance With State Standards: All manufactured dwelling subdivisions shall meet or exceed the state standards listed in Oregon Revised Statutes chapter 446, and Oregon administrative rules 814, division 28. (1996 Code 17.72.080; amd. Ord. 599, 11-3-1999)

B. Application And Review Procedures: The procedures for application and review of a proposed manufactured dwelling subdivision are described in sections [9-15-4](#) through [9-15-7](#) of this title. (1996 Code 17.72.080)

9-13A-5: PLACEMENT STANDARDS OUTSIDE PARKS OR SUBDIVISIONS:

In addition to the standards of the zone in which the manufactured dwelling is to be located, the following placement standards must be satisfied:

A. Multisectional: The manufactured dwelling must be multisectional (a "tip out" is not considered to be multisectional) and enclose at least eight hundred (800) square feet.

B. Foundation: The dwelling must be located not more than twelve inches (12") above grade on an excavated and backfilled foundation which is enclosed at the perimeter. (1996 Code 17.72.085)

C. Pitched Roof, Slope: The dwelling must have a pitched roof, with a slope of at least three feet (3') in height for each twelve feet (12') in width.

D. Siding: Exterior siding must be of wood, hardboard or aluminum (vinyl covered or painted but not exceeding the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

E. Roof Finish: The roof must be finished with materials used for standard residential construction. (1996 Code 17.72.085; amd. 2004 Code)

F. Exterior Thermal Envelope: The exterior thermal envelope must meet performance standards equivalent to those required for single-family dwellings under the state building code.

G. Garage Or Carport: The manufactured dwelling must have either a garage or a carport. (1996 Code 17.72.085)

9-13A-6: NONCONFORMING MANUFACTURED DWELLINGS:

A "manufactured dwelling" that does not meet the definition of said term, subsection C, in section 9-2-2 of this title and the provisions of section 9-13A-5 of this article and is currently sited on an individual lot outside a manufactured dwelling park or subdivision shall be considered a nonconforming manufactured dwelling. The dwelling shall be allowed to remain at its current site until such time as: (1996 Code 17.72.090)

A. The dwelling is substantially damaged due to fire, windstorm or earth movement; (Ord. 596, 11-3-1999)

B. The primary use of the dwelling changes from residential to nonresidential; or

C. The dwelling becomes structurally unsafe, a fire hazard, dilapidated or abandoned for a period of more than one year. (1996 Code 17.72.090)

ARTICLE B. RECREATION VEHICLE PARKS

9-13B-1: PURPOSE:

The purpose of this article is to ensure that recreation vehicle parks are located, developed, and occupied in accordance with standards and regulations that will protect the health, safety, general welfare, and convenience of the occupants of such parks and the residents of the city. (Ord. 631, 3-3-2004)

9-13B-2: DEFINITIONS:

As used in this article, unless the context or subject matter requires otherwise, the words and phrases defined in this section shall have the below indicated meanings:

PARK MODEL: A structure or vehicle that is distinguished from standard recreational vehicles by the lack of self-contained holding tanks. A "park model" is not an RV.

RV PAD: A concrete surface area provided as the parking location for the RV within a recreation vehicle park.

RECREATION VEHICLE, OR RECREATIONAL VEHICLE, OR RV: A vehicle or portable structure built and designed to be used for temporary occupancy. Such RVs shall contain plumbing, heating, and electrical systems that are operated with or without connection to outside utilities. RVs may include, but are not limited to, campers, motor homes, camping trailers, tent trailers, fifth wheels, and travel trailers.

RECREATION VEHICLE PARK: A tract or parcel of land comprising a minimum of three (3) acres upon which RV spaces are located for temporary occupancy.

RECREATION VEHICLE SPACE: A plot of ground with a sufficient all weather surface area within an RV park intended for temporary location of a recreation vehicle. (Ord. 631, 3-3-2004; amd. Ord. 643, 3-1-2006)

9-13B-3: USE RESTRICTIONS:

A. **Commercial And Industrial Zones:** RV parks are a permitted use within a commercial zone (C-1), and RV parks may be allowed as a conditional use within a light industrial zone (M-2).

B. **Temporary Occupancy:** An RV park owner or operator shall only allow temporary occupancy in the RV park for recreation vehicles.

C. **Connection To Utilities:** Unless located in an RV park, no permanent electrical, water or sewer connections are permitted for RVs, nor shall space for RVs be rented or leased for consideration. (Ord. 631, 3-3-2004)

9-13B-4: MINIMUM DESIGN STANDARDS:

The city shall review all improvements on the site for conformance with state statutes, state administrative rules, and local design standards. In addition to any public facilities that may be required for a commercial development that is reviewed by the city, the following design standard shall apply to RV parks:

A. Density: Provided all other standards and requirements of this title are met, the maximum density of an RV park shall not exceed twenty (20) RV spaces per gross acre.

B. Trash Receptacles: Exterior trash receptacles are not allowed, except for those provided for customers by the RV park operator or owner. Such receptacles shall be a minimum size of two (2) cubic yards, placed in conveniently accessible areas, and adequately screened on three (3) sides. (Ord. 631, 3-3-2004)

C. RV Space, Pad: Each RV space shall have an RV pad constructed of concrete, minimum fourteen feet (14') in width, and be drained appropriately to prevent standing water. The length of each RV pad shall be adequate to allow the RV to be parked on the RV pad. An RV pad shall not be located closer than fourteen feet (14') to any other RV pad and not closer than ten feet (10') to any building, dwelling, street or roadway boundary. An RV pad shall not be located closer than fifteen feet (15') to any property line. An RV space shall not be located in any required off street parking space or required yard areas. (Ord. 631, 3-3-2004; amd. Ord. 643, 3-1-2006)

D. Vehicle Parking: All parking spaces within the RV park shall be constructed of asphalt or concrete. In addition to the RV pad, which shall be constructed of concrete, each RV space shall have parking for at least two (2) passenger vehicles. (Ord. 643, 3-1-2006)

E. Internal Streets, Access Roads And Pedestrian Paths:

1. Internal streets and pedestrian paths in the RV park shall be provided and maintained by the property owner. One-way access roads shall have a width of at least fourteen feet (14'). Two-way access roads shall have a width of at least twenty eight feet (28'). If parallel parking is to be allowed, an additional ten feet (10') of improved width is required along the side where parking is allowed. Any pedestrian path along a street shall be provided on an all weather surface area at least four feet (4') in width.

2. Access roads and interior roads and streets shall be paved and each shall have a direct connection to a public paved street. The entrances and exits to the RV park shall be designed with adequate parking area for those registering, checking out, or stopping at any convenience store without blocking access to designated RV spaces and without causing traffic congestion on adjacent streets. The turning radii at intersections and corners shall be adequate to enable safe turning movements and continuous forward motion for RVs.

F. Utility Connections: Each RV space shall provide utility connections for electrical, sewer and water service. Water supply shall be sufficient to meet all fire flow requirements. All utilities in the RV park shall be underground.

G. Lighting: All outdoor lighting shall be directed away from adjacent residential properties and streets.

H. Structures Prohibited: No permanent or temporary structures, including, but not limited to, porches, decks, sheds, and carports, shall be allowed at any RV space.

I. On Site Manager, Off Street Parking Spaces: Two (2) off street parking spaces shall be provided and designated for the on site manager. Off street parking will be required for additional employees in compliance with chapter 11 of this title.

J. Accessory Buildings Allowed: Accessory buildings are permanent structures that may be constructed on site for RV park users for any of the following uses:

1. Office.
2. Recreation.
3. Equipment and maintenance storage.
4. Clubhouse.
5. Laundry, restroom, and shower facilities.
6. Tourist information center.
7. Storage areas for RV park users.
8. Convenience and grocery store.

K. Access To Accessory Buildings: Accessory buildings shall be accessible only from streets internal to the RV park. Signage for accessory uses, except for the office location, shall not be visible from any street outside the RV park in any manner that is intended to attract customers other than occupants of the RV park.

L. Laundry Facilities: One unit of laundry facilities shall consist of a washer and a dryer. One unit of laundry facilities shall be provided for every ten (10) RV spaces in the park.

M. Restroom Facilities: One unit of restroom facilities shall consist of a separate shower, toilet, and dressing area for each sex. One unit of restroom facilities for each sex shall be provided for every twenty five (25) RV spaces in the park. Restroom facilities shall be provided with floor drains to permit easy cleaning.

N. Storage Of Equipment, Materials: All storage of equipment or materials for maintenance of the premises shall be in permanent structures.

O. Landscaping: Landscaping shall be installed in accordance with section 9-10-6 of this title and maintained in a healthy condition at all times. Included within this landscape requirement shall be the following for an RV park:

1. One shade tree shall be provided for each three (3) RV spaces in the park.
2. An RV park with twenty (20) or more spaces shall provide a play field or playground for children.

P. Fencing Required: The perimeter of the RV park, except for that area that fronts on the primary street for access, shall be surrounded by a six foot (6') high sight obscuring fence and trees which will reach a minimum height of six feet (6') upon maturity. The perimeter trees shall not count toward the calculation of landscape requirements under section 9-10-6 of this title.

Q. Spaces Numbered Or Lettered: Each RV space within an RV park shall have numbers or letters for identification in accordance with state statutes and administrative rules. (Ord. 631, 3-3-2004)

9-13B-5: GENERAL REQUIREMENTS:

A. Residency, Length of Stay:

1. No RV space shall be used as a permanent place of residency.
2. No RV shall occupy any space or spaces in an RV park for more than one hundred eighty (180) days during any twelve (12) month period. Length of stay restrictions shall not apply to temporary construction workers who are working at the Port Westward industrial site until after December 31, 2006. A longer length of stay request may be granted by the city for good cause upon written petition by the owner or operator of an RV park on behalf of a particular RV park user.

B. Mobile Homes Prohibited: RV parks shall not be occupied by mobile homes or park models.

C. Storage Restrictions:

1. Materials shall not be stored on top of or under any RV except for those travel containers that are accessories to the RV.
2. Household goods, clotheslines, and storage containers, including sheds of any kind, shall not be visible from the outside at any RV space.

D. External Appurtenances: No external appurtenances, such as carports, cabanas, or patios may be attached to any RV while it is in an RV park, except for portable awnings and screens that are accessories to and transported with the RV.

E. Sales Of Food And Supplies: Camping supplies and convenience foods may be sold within a permanent enclosed structure for the convenience of RV park users.

F. Manager, Customer Records: Each RV park shall have an on site manager available at all times to respond to customer concerns. The RV park manager shall maintain records for all customers pertaining to length of stay, and such records shall be made available to the city upon its request.

G. Flood Hazard Zone: If the RV park is located in a flood hazard zone, the on site manager of the park will cooperate with government officials upon notice of evacuation. To facilitate an evacuation, the manager of the park will ensure that RVs are able to move quickly out of the floodplain. (Ord. 631, 3-3-2004)

9-13B-6: PERFORMANCE BOND:

The city may require that a developer provide a performance bond to the city in an amount sufficient to cover any off site improvements for public facilities. (Ord. 631, 3-3-2004)

9-13B-7: APPEARANCE AND COMPLIANCE:

The RV park operator or owner shall be responsible for the following: maintenance of the RV park including landscaping and on site utilities; ensuring a nuisance free and clean appearance for the RV park to the satisfaction of the city; and compliance with any special use permit or approved plan conditions. (Ord. 631, 3-3-2004)

9-13B-8: PROCEDURE FOR TENTATIVE PLAN REVIEW:

A. Plan Copies, Application And Fee: Ten (10) copies of a plan, drawn to scale, shall be submitted to the city manager with a completed application form and the required fee. The plan shall include the minimum design standards as outlined in section 9-13B-4 of this article.

B. Review By City: The city manager shall review the submittal to determine whether the application is complete, as described in subsection 9-3-7C1 of this title.

C. Public Hearing: A public hearing before the planning commission shall be scheduled and held in accordance with section 9-3-7 of this title.

D. Tentative Plan Approval: Approval of the tentative design plan shall not constitute final acceptance of the recreation vehicle park design. However, the approval of a tentative design shall be binding on the city and the applicant for the purpose of preparing the final recreation vehicle park design. The final design plan must comply with all conditions set forth by the city in the tentative design approval, and the city may require only such changes in the design as are necessary for compliance with the conditions of the tentative plan approval and compliance with all laws and regulations.

E. Time Limitation: The tentative design shall be valid for one year from the date of its approval. The planning commission, upon receipt of the applicant's written request, may grant an extension of the tentative plan approval for a period of one year. In granting an extension, the planning commission shall make a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan. (Ord. 643, 3-1-2006)

9-13B-9: PROCEDURE FOR FINAL PLAN REVIEW:

A. Submission: The applicant shall submit a final design plan prior to the expiration of the tentative design approval. Any final design not submitted prior to the expiration of the tentative plan approval shall be considered void.

B. Information Requirements: The final design shall conform to the information requirements of section 9-13B-5 of this article. The planning commission shall review the final design to determine that it conforms to the tentative design and all applicable conditions.

C. Review By City: The city manager shall review the submittal to determine whether the application is complete, as described in subsection 9-3-7C1 of this title.

D. Final Design Approval: The final design plan approval must comply with all conditions set forth by the city for tentative plan approval, and the city may require only such changes in the design as are necessary for compliance with the terms of the tentative plan approval and compliance with all laws and regulations.

E. Completion Of Improvements: As a condition of final plan approval, the city may require that a performance bond be provided to the city to cover the cost of any improvements required for public facilities. (Ord. 643, 3-1-2006)

CHAPTER 14 PROCEDURES

9-14-1: VARIANCES:

Following a public hearing, the planning commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific property, the literal interpretation of this title would cause an undue or unnecessary hardship. No 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. In granting a variance, the planning commission may attach conditions which it deems necessary to protect the interests of the surrounding property owners or neighborhood and to otherwise achieve the purposes of this title.

A. Application: Application for a variance shall be filed by the property owner or authorized agent, using the city forms prescribed for that purpose. The planning commission may request additional drawings and/or information. The application shall not be considered complete until the required fees are paid. At a minimum, the application shall contain the following: (1996 Code 17.76.010; amd. Ord. 643, 3-1-2006)

1. A description of the variance being requested; and
2. A site plan, drawn to scale, showing dimensions and arrangement of the proposed development, as well as the adjacent land uses within fifty feet (50') of the sites' property lines.

B. Criteria For Granting A Variance: The planning commission may grant a variance only when the applicant has shown that all of the following conditions exist:

1. The granting of the variance will not adversely affect the realization of the comprehensive plan, will not violate any other provision of this title, and will not create any significant obstacle to implementation of the plan and the zoning code.
2. The granting of the variance will not be detrimental to the public safety, health or welfare or be injurious to the property, adjoining properties, the neighborhood, or the community, will not change the character of the neighborhood or reduce the value of nearby property, and will not impose any significant cost upon the city or nearby property owners.
3. The conditions upon which the request for a variance is based are not generally applicable to other property due to the size, shape, topography, or location of the site or the location of existing buildings or other conditions.
4. The granting of the variance will not result in a use that is not otherwise permitted in the zoning district in which the variance is being requested. (1996 Code 17.76.010)

C. Conditions Attached To Variance: The planning commission shall designate such conditions to an approved variance as it deems necessary to secure the purpose of this title. Said planning commission may require guarantees and evidence that the conditions are being complied with. Such conditions may include, but are not limited to, the following: additional setbacks for yards and open space, construction of fences and/or walls, limitations on the number and location of vehicular ingress and egress, requiring sight obscuring hedges and/or landscaping and ongoing maintenance, and regulation of the times certain activities shall be allowed.

D. Time Limit For Variance: If no substantial construction has occurred, authorization of a variance shall be void after two (2) years. Upon receipt of a request, the planning commission may extend a permit for one additional two (2) year period, if the planning commission finds that circumstances beyond the control of the applicant have prevented action being taken on the variance.

E. Administrative Variance: The city manager and the planning commission chairperson are authorized to jointly grant a variance of the setback, yard, height, lot coverage, lot size, width or depth standards of this title without notice or a public hearing being required. The maximum variance shall not exceed twenty five percent (25%) of the required standard. Applications shall be made in the same manner as described in subsection A of this section. In granting an administrative variance, written findings shall be made relative to the criteria listed in subsection B of this section. Reasonable conditions, such as described in subsection C of this section, may be attached to an administrative variance. In the event the city manager and planning commission chair decline to grant an administrative variance, the applicant shall be notified in writing. The decision may be appealed by the applicant to the planning commission within ten (10) days of receiving the notification. (1996 Code 17.76.010; amd. Ord. 643, 3-1-2006)

9-14-2: CONDITIONAL USES:

Following a public hearing, the planning commission may grant a conditional use, subject to such reasonable modifications and conditions as are deemed necessary to protect the interests of surrounding property owners or neighborhood, and to otherwise achieve the purposes of this title. Nothing in this title shall be interpreted as requiring that a conditional use request be granted. Approval of a conditional use shall not constitute a change of zoning and shall be granted only for the specific use requested. The setbacks and limitations of the underlying zone shall apply to the approved use. (1996 Code 17.76.020)

A. Permit Requirements: A conditional use permit shall be obtained for each use approved prior to development of the use. The permit shall stipulate any conditions or modifications imposed by the planning commission, in addition to these specifically set forth in this title. The conditions may be changed after the granting of the permit only by the mutual agreement of the city and the permit holder.

1. A permit may be suspended or revoked by the planning commission, following a quasi-judicial public hearing, if the conditions imposed are not satisfied. Notice of the hearing shall be provided as described in section 9-3-7 of this title. A suspended permit may be reinstated by the planning commission if it determines the conditions have been satisfied. A revoked permit may not be reinstated; a new application must be made to the planning commission.
2. The conditional use must be established within two (2) years of permit approval or the permit shall be declared null and void. Upon receipt of a request, the planning commission may extend a permit for one additional two (2) year period, if it finds that circumstances beyond the applicant's control have prevented action being taken to establish the use. (1996 Code 17.76.020; amd. Ord. 643, 3-1-2006)

B.Criteria For Granting Conditional Use: A conditional use request may be approved if the planning commission finds that the use meets all of the following criteria:

1. The use is listed as a conditional use in the zone currently applied to the site.
2. The use meets the specific standards as listed in this section.
3. The proposed location is one that can be adequately served by public facilities, or the proposed use can be located in a manner that will not preclude the development of public facilities planned for the future.
4. The characteristics of the site are suitable for the proposed use considering the size, shape, location, topography, existence of improvements, and the natural features. (1996 Code 17.76.020)
5. The proposed use will not create any hazardous conditions. (1996 Code 17.76.020; amd. Ord. 599, 11-3-1999)

C.Standards For Conditional Use In Residential Zone:

1. The use shall be located on a collector or arterial street.
2. The use shall be served by public sewer and water. (1996 Code 17.76.020)
3. Home occupations shall meet the requirements of section [9-13-4](#) of this title, and may be required to provide off street parking if such is deemed necessary by the planning commission. (1996 Code 17.76.020; amd. Ord. 643, 3-1-2006)
4. A landscaping plan shall be submitted meeting the requirements of section 9-10-6 of this title.

D. Standards For Conditional Use In R-7 Or R-5 Zone: In addition to those listed in subsection C of this section, the minimum lot size for a triplex shall be ten thousand (10,000) square feet.

E. Standards For Conditional Use In MFR Zone: In addition to those listed in subsection C of this section, a mobile home park request shall comply with the following:

1. A development plan shall accompany each application and shall contain details on the following items: topography, public utilities, parking, streets, landscaping, and any other reasonable information required by the planning commission.
2. The development plan shall comply with all applicable codes and ordinances and the following minimum standards:
 - a. Each site shall be adequately served by public services and facilities such as water, sewers, sidewalks and improved streets. Each mobile home unit shall be provided with water, sewer and electrical connections.
 - b. There shall not be more than fifteen (15) mobile home units per gross acre.
 - c. All mobile homes shall be located at least twenty five feet (25') from any public street or highway and at least ten feet (10') from a side or rear property line.
 - d. No structure shall exceed thirty five feet (35') in height.
 - e. There shall be a minimum of two (2) off street parking spaces for every mobile home unit. (1996 Code 17.76.020)
 - f. Accessways or driveways shall be lighted in accordance with the city street lighting standards for urban residential streets as approved by the planning commission. (1996 Code 17.76.020; amd. Ord. 643, 3-1-2006)
 - g. All mobile home parks containing a total area of ten (10) acres or more shall provide secondary access into the park. (Ord. 643, 3-1-2006)
 - h. Cul-de-sacs shall not exceed five hundred feet (500') in length.
 - i. Driveways shall be designed to provide for all maneuvering and parking of mobile homes without encroaching on a public street.

- j. A sight obscuring fence, evergreen hedge or wall, not less than five feet (5') nor more than eight feet (8') in height, may be required by the planning commission in order to surround or partially surround each mobile home park site.
 - k. The planning commission may require a public access walkway.
 - l. Each mobile home space shall contain a minimum of two thousand five hundred (2,500) square feet; however, the owner has the option to reduce the minimum size to two thousand (2,000) square feet if an area of two hundred fifty (250) square feet for each mobile home is provided as recreational area. Recreational area requirements are detailed in subsection E2m of this section. Each mobile home space shall be a minimum of twenty five feet (25') in width, and shall abut on a drive with unobstructed access to a street. Mobile homes shall be sited so as to have a minimum of fifteen feet (15') between each unit.
 - m. Recreational areas, as required under this section, shall be a minimum of two thousand five hundred (2,500) square feet in size, suitably equipped, restricted to recreational uses and protected from streets and parking areas.
 - n. No mobile home shall remain in a mobile home park unless space is available. (1996 Code 17.76.020)
 - o. Permanent structures located on any mobile home space shall be used for storage purposes only. These structures shall have a minimum area of twenty five (25) square feet, be located not less than six feet (6') from any mobile home and shall be subject to all of the applicable provisions of the state building code standards. These structures shall be uniform and included in the plan submitted to and approved by the planning commission. (1996 Code 17.76.020; amd. 2004 Code)
3. The planning commission may approve, disapprove or modify any application and attach reasonable conditions to the development plan. No building permit shall be issued except for construction conforming to the approved development plan. (1996 Code 17.76.020; amd. Ord. 643, 3-1-2006)

F. Standards For Conditional Use In Commercial Zone:

- 1. The use shall be located on an arterial or collector street.
- 2. The use shall be served by public sewer and water.
- 3. The use shall conform with all other restrictions of the zone.
- 4. Signs advertising the use shall meet the provisions of [chapter 12](#) of this title. (1996 Code 17.76.020)

G. Standards For Adult Business Conditional Use:

- 1. In addition to the regulations of this title, an adult business must comply with all the requirements of this code, which would be applicable to the use as if such activity were not restricted to any persons under twenty one (21) years of age. (Ord. 621, 11-6-2002)
- 2. The adult business shall not be located within two hundred fifty feet (250') of any tax lot upon which there is located a church or other religious institution, educational institution primarily attended by minors, a public park or recreational facility, a nursery, preschool or childcare center, a governmental institution, or library. The distance shall be measured in a straight line from the closest edge of the structure in which the adult business is located to the closest edge of the tax lot upon which the above listed facilities are located.
- 3. The adult business shall not be located within two hundred fifty feet (250') of any multi-family residential zone (MFR). The distance shall be measured in a straight line from the closest edge of the structure in which the adult business is located to the closest edge of the MFR zone. (Ord. 650, 11-7-2007)

4. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area.
5. Any change in the nature of a nonconforming adult business activity shall be reviewed by the planning commission and may be permitted as a conditional use after a public hearing. The nature of adult business activities consists of the following: gambling, including lottery machines; the serving of alcohol on premises; nudity; or other types of adult business activity. (Ord. 621, 11-6-2002)

9-14-3: ANNEXATIONS:

The city council shall approve or deny an annexation by ordinance, based on a recommendation from the planning commission. (1996 Code 17.76.030)

A. Application: A property owner may initiate an annexation by filing an application with the city, using city forms and paying a filing fee, which may be waived by the council. The planning commission shall hold a public hearing on the request, with notice provided in the same manner as for a quasi-judicial action, and make a recommendation to the council. (1996 Code 17.76.030; amd. Ord. 643, 3-1-2006)

B. Criteria: The application shall meet the following:

1. Comply with the comprehensive plan and all other applicable city policies and ordinances;
2. Comply with the applicable sections of Oregon Revised Statutes chapter 222; and
3. City has the capacity to provide urban level services. (1996 Code 17.76.030; amd. Ord. 599, 11-3-1999)

C. City Council Action: The city council shall hold a public hearing on the request, with notice provided in the same manner as for a quasi-judicial action, and may decide to approve or deny the application.

D. Zoning Newly Annexed Areas: At the time an annexation is approved, the city council shall zone the site in a manner comparable with the county zone previously in place.

E. Service Extensions: Property owners in the annexed area must bear the costs associated with the extension of sewer and major water main needed to facilitate the functioning of the citywide system, or to accommodate substantial future growth. At the discretion of the city council, the city may assess property owners in the annexed area for a portion of the costs associated with major facilities. (1996 Code 17.76.030)

F. Waiver Of Hearing Requirement: Notwithstanding the other provisions of this section, if an application seeks, pursuant to Oregon Revised Statutes 222.125, annexation of territory contiguous to the city as to which all of the owners of the land in that territory and not less than fifty percent (50%) of the electors, if any, residing in the territory consent in writing and file a statement of consent with the council, then the council shall not be required to hold a public hearing on the request or provide notice as for a quasi-judicial action, but shall act upon the recommendation of the planning commission to the council. (1996 Code 17.76.030; amd. Ord. 643, 3-1-2006)

9-14-4: NONCONFORMING USES AND STRUCTURES:

Except as provided in this section, a nonconforming use or structure may be continued, even though it is not in conformity with the use, height, area and all other regulations for the zone in which it is located.

A. Normal Maintenance And Repairs: Normal maintenance of a nonconforming building or structure containing a nonconforming use is permitted, including structural alterations to the bearing walls, foundation, columns, beams or girders; provided, that:

1. No change in the basic use of the building occurs that would make the use less conforming to the zone.
2. No alterations which would enlarge the exterior structure are made.

B. Change To Conforming Use: A nonconforming use may be changed to a use allowable under the underlying zone. After a nonconforming use changes to a conforming use, it shall not, thereafter, be changed back to a nonconforming use.

C. Reinstatement Of Discontinued Use: A nonconforming use may be resumed if the discontinuation is for a period less than one year. If the use has been discontinued for a period greater than one year, the building or land shall thereafter be occupied and used only for a conforming use. (1996 Code 17.76.040)

D. Rebuilding, Change, Moving Of Use:

1. Requirements; Findings: A nonconforming building or use may be rebuilt, moved or changed to a use of the same restrictive classification, subject to the provisions outlined herein, only if, upon public hearing, the planning commission finds all of the following to exist: (1996 Code 17.76.040; amd. Ord. 643, 3-1-2006)

- a. That such modifications are necessary because of practical difficulties or public need.
- b. That such modifications are no greater than are necessary to overcome the practical difficulties or meet the public need.
- c. That such modifications will not significantly interfere with the use and enjoyment of other land in the vicinity, nor detract from the property value thereof.
- d. That such modifications will not endanger the public health, safety and general welfare.

2. Rebuilding: When a building or structure is damaged by fire or any other cause beyond the control of the owner, it may be rebuilt, so long as the cost of the renewal of the damage does not exceed one hundred percent (100%) of the current assessed valuation of the improvements on the property, using new materials. If the estimated cost of renewal is greater than the above, then such building or use shall be discontinued.

3. Change Of Use: A nonconforming use may be changed to a use of the same or a more restrictive classification, but not to a use of a less restrictive classification.

4. Moving: A nonconforming use may be moved to another location on its lot, provided the height and yard requirements of the zone in which it is located are met.

E. Enlargement Of Nonconforming Use Or Structure:

1. Requirements: A nonconforming use or structure may be enlarged only once. This enlargement must be approved by the planning commission. The expansion of a nonconforming structure shall not exceed twenty five percent (25%) of the floor area; the expansion of a nonconforming use shall not exceed ten percent (10%) of the land area currently occupied by the nonconforming use. The expansion of a nonconforming use or structure may occur only if the planning commission finds that:
 - a. The proposed enlargement will not have a significantly adverse impact upon the adjoining properties.
 - b. The proposed enlargement is necessary for the continued efficient operation of the existing use or structure.
 - c. The enlargement or expansion of the nonconforming use or structure is in keeping with the intent of the comprehensive plan. (1996 Code 17.76.040)

2. Conditions: The planning commission may attach to the approval of the expansion of a nonconforming use or structure, conditions such as setbacks, screening, off street parking and unloading, construction standards and maintenance, and landscaping which may be deemed necessary to protect the public health, safety and welfare, the adjacent property owners and the public interest. (1996 Code 17.76.040; amd. Ord. 643, 3-1-2006)

F. Adult Businesses: An adult business nonconforming use or structure may be replaced after a period of business closure or loss of structure only if an adult business is resumed or the city accepts a building permit application within six (6) months of such business closure or loss of structure. In addition to the requirements of this section, any change in the nature of the activities of an adult business nonconforming use shall be reviewed by the planning commission and may be permitted as a conditional use after a public hearing. (Ord. 621, 11-6-2002; amd. Ord. 643, 3-1-2006)

9-14-5: TEMPORARY USES; PERMIT:

The planning commission may allow temporary uses by issuance of a permit that shall be valid for a period of not more than one year. The planning commission may attach conditions to the permit that are deemed necessary to carry out the intent and purpose of this title. Such permits may be issued for the following: (1996 Code 17.76.050; amd. Ord. 643, 3-1-2006)

- A. Storage of equipment during the building of roads or developments.
- B. Real estate offices located in subdivisions for the sale of lots or housing only for those subdivisions.
- C. Temporary storage of structures or equipment, including boats and trailers.
- D. Sheds or fences used in conjunction with the building or renovation of a structure.
- E. Other uses of a temporary nature when approved by both the planning commission and the city council. (1996 Code 17.76.050)

9-14-6: TEMPORARY HOUSING:

A. Time Limitation On Use: A manufactured dwelling, mobile home, residential trailer, travel trailer, camper, motor home, or recreational vehicle may be used as temporary housing for a limited period of time, not to exceed six (6) months.

B. Siting For No More Than Six Months, Conditions: The siting of a manufactured dwelling, mobile home, residential trailer, travel trailer, camper, motor home, or recreational vehicle on private property for the purpose of temporary housing for a period of no more than six (6) months may be allowed by the planning commission under the following conditions:

1. The lot on which the manufactured dwelling, mobile home, residential trailer, travel trailer, camper, motor home, or recreational vehicle is to be sited has no other principal building and meets the minimum square footage and other requirements of the zone in which it is located.
2. Must be placed only with permission of the property owner.
3. Must be in compliance with Oregon Revised Statutes 446.125.
4. An application is filed according to subsection 9-3-7C of this title regarding quasi-judicial hearings, and a public hearing is held before the planning commission.

C. Siting For Thirty Days Or Less, Conditions: The siting of a manufactured dwelling, mobile home, residential trailer, travel trailer, camper, motor home, or recreational vehicle on private property for the purpose of temporary housing for a period of thirty (30) days or less may be permitted by the city manager under the following conditions:

1. Must be placed only with permission of the property owner.
2. Can be placed on a lot containing another principal building, provided it meets all setback requirements, except as provided in subsection C3 of this section.
3. Can be set on a driveway, provided it does not interfere with meeting the off street parking requirement of the zone.
4. Must be in compliance with Oregon Revised Statutes 446.125.
5. The filing of an application and the payment of the administrative fee.

D. Prohibited On Public Right Of Way Or Easement: No temporary housing is allowed on or within any public right of way or easement. (Ord. 579, 10-2-1996)

CHAPTER 15 LAND DIVISION

9-15-1: REDIVISION PLAN:

When public water and/or sewer are not yet available to a site being partitioned, the lots created through the partition process shall be of sufficient size to allow for subsurface sewage disposal and/or wells, and the partitioning approval not be granted until a redivision plan, showing how the lots can be redivided when public services become available, has been filed with the city manager. The redivision plan shall be drawn to the same scale as the tentative partition plan, referred to in sections 9-15-4 and 9-15-6 of this chapter, and shall show: a) the lot lines included in the partition being requested; b) the location of the proposed buildings; and c) the future lots that could be created to meet all of the dimensional requirements of the same when public services are available. (1996 Code 17.80.010)

9-15-2: LOT LINE ADJUSTMENT:

A. Definition: A "lot line adjustment" is a change in the boundary between two (2) or more parcels which does not create a new parcel or lot. It is not considered a land division for the purposes of this chapter. However, because it does change existing parcel boundaries and land use patterns, it requires review and approval by the city manager.

B. Allowing Adjustment: Following public notice, the adjustment of a lot line by mutual consent of the property owners may be permitted by the city manager in any zone, provided the adjustment in no way increases the degree of nonconformity of any parcel or violates any other provision of this chapter. (Ord. 574, 8-7-1996; amd. Ord. 599, 11-3-1999; 2004 Code)

C. Public Response; City Action:

1. If there is no negative public response that addresses the criteria for the proposed lot line adjustment, it may be approved administratively.
2. If there is objection based on the criteria for the proposed lot line adjustment, the application must be forwarded to the planning commission for its decision after a public hearing on the application. (Ord. 599, 11-3-1999; amd. 2004 Code)

9-15-3: LIMITATIONS ON PARTITIONING AND SUBDIVIDING:

A. Compliance With State And Local Laws: No land may be partitioned or subdivided except in accordance with this title and state law.

B. Street Or Road Creation: No person shall create a street or road for the purpose of partitioning land without the approval of the city.

C. Dedicating Land To Public Use: No instrument dedicating land to the public use shall be accepted for recording unless it has been approved by the city. (1996 Code 17.80.015)

D. WRC Overlay Zone, Standards: Subdivisions, replats, partitions, and property line adjustments in the WRC overlay zone shall be subject to the following standards:

1. Each lot created shall have at least one thousand (1,000) square feet of upland available for building coverage, required off street parking, and required access.
2. The building site shall not include significant wetlands and buffers, or significant riparian corridors.
3. Protected resources may be counted toward meeting the base zone's minimum lot size for each lot, and may be included in front, side, and rear yard setbacks, as appropriate. (Ord. 601, 5-3-2000)
4. Transportation facilities and structures, including, but not limited to, streets and driveways; and utility lines, including, but not limited to, water lines, sewer lines and storm water lines, shall be located in accordance with city standards and approval. (Ord. 601, 5-3-2000; amd. 2004 Code)
5. For lots or parcels created subject to these provisions, the existence of a protected resource or buffer area shall not form the basis for a future setback reduction or variance request. (Ord. 601, 5-3-2000)

9-15-4: APPLICATION FOR PARTITION OR SUBDIVISION:

A. Application, Tentative Plan Required: Before a plat may be approved and recorded, the person proposing the partition or subdivision shall submit an application accompanied by a tentative plan showing the general design of the proposed partition or subdivision.

B. Tentative Plan Information: The tentative plan shall include the following information:

1. The date, north arrow, scale and location, by township, range and section, of the parcel to be partitioned.
2. Names and addresses of the owner(s), the applicant(s), the engineer and/or surveyor employed in the preparation of the plan.
3. Amount of acreage in the original parcel, the acreage of the resulting parcels and the dimensions of each.
4. Current use(s) of the property, including an outline showing size and location of existing structures and noting whether they are to remain. (1996 Code 17.80.020)
5. Approximate location of physical features such as wooded areas, rock outcrops, wetlands, floodplains and drainageways. If the property is wholly or partially within the WRC overlay zone, the significant wetland-upland boundary, as determined by a wetland delineation prepared by a qualified individual, and the significant riparian corridor boundary shall be included. (Ord. 601, 5-3-2000)
6. Locations, names and widths of all streets and easements adjacent to and within the parcel to be partitioned and a layout showing the relationship of each new parcel to the existing or proposed streets and easements.
7. Locations of all wells, water lines and subsurface sewage disposal systems on the parcel, if any.
8. Proposed locations of sewer and water systems, and site drainage easements. (1996 Code 17.80.020)
9. Location, name, width, approximate radius of curves and grade of all proposed streets, the relationship of such streets to any projected or existing streets adjoining the proposed partition, and the location and width of all rights of way, easements, and sidewalks within the

proposed partition or subdivision. All streets and sidewalks shall comply with the standards adopted by ordinance or resolution of the council ³⁶. (Ord. 572, 8-7-1996)

10. When slopes on the site exceed ten percent (10%), contour lines shall be shown at intervals of two feet (2').

11. The city manager may also require approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed major partition showing the finished grade of streets and the nature and extent of street construction.

C. Lot Size:

1. All residential parcels or lots created under this title shall contain the minimum lot size required by the zone, unless a larger lot size is necessary to provide adequate area for subsurface sewage disposal.

2. If larger lots are necessary, the potential for future redivision of these lots shall be assured by a redivision plan as described in section 9-15-1 of this chapter. (1996 Code 17.80.020)

9-15-5: PROCEDURE FOR TENTATIVE PLAN REVIEW:

A. Plan Copies, Application And Fee: Ten (10) copies of a tentative plan, drawn to scale, shall be submitted to the city manager with a completed application form and the required fee. The tentative plan shall follow the format outlined in section 9-15-4 of this chapter.

B. Review By Manager: The city manager shall review the submittal to determine whether the application is complete, as described in subsection 9-3-7C1 of this title. (1996 Code 17.80.025)

C. Water Right Statement: The city manager shall notify the applicant of the requirement to file a statement of water right and, if a water right is appurtenant, a copy of the acknowledgment from the state of Oregon must be attached before the county recording officer may accept the plat for recording pursuant to Oregon Revised Statutes 92.120. (1996 Code 17.80.025; amd. 2004 Code)

D. Wetland Areas: If the property is wholly or partially within areas identified as wetlands on the statewide wetlands inventory, the city manager shall notify the applicant, the owner of record and the division of state lands, as described in section 9-13-6 of this title.

9-15-6: FORMAT AND CONTENT OF PLAT:

A. Compliance With State And Local Laws: All plats subdividing or partitioning land shall be prepared in accordance with the requirements of this title and state laws, including, but not limited to, Oregon Revised Statutes 92.080 and 92.120.

B. Format: The format of the plat shall be as follows:

Permanent black India type ink or silver halide permanent photocopy, upon material that is eighteen inches by twenty four inches (18" x 24") in size with an additional three inch (3") binding edge on the left side when required by the county clerk or the county surveyor, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the county surveyor. The plat shall be of such a scale as required by the

county surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch (1"). The subdivision or partition plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon three (3) or more sheets.

C. Information Required: The information contained on the plat shall include:

1. The name of the partition, date the plat was prepared, scale, north arrow, legend and features such as highways and railroads.
2. Reference and bearings, to adjoining surveys.
3. The location and descriptions of all monuments found or set shall be carefully recorded upon all plats and the property courses and distances of all boundary lines shall be shown.
4. Exact location and width of streets and easements intersecting the boundary of the subdivision.
5. Partition and lot boundary lines, with the acreage of each parcel. Lots numbered beginning with "1" and numbered consecutively in each block, using the same sequence as sections are numbered in a township.
6. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be a written statement of the easement, and the plat will show the width, length and bearing, as well as sufficient ties to locate the easement with respect to the partition. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
7. Locations and widths of drainage channels, railroad rights of way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the partition.
8. Parcels to be dedicated shall be distinguished from lots intended for sale with acreage and alphabetical symbols for each parcel indicated.
9. A statement of water rights noted on the partition plat.
10. Major partition and subdivision plats will also require street right of way centerlines with dimensions to the nearest one-hundredth of a foot (0.01'), bearings of deflection angles, radii, arcs, points of curvature, chord bearings and distances, and tangent bearings. Partition boundaries, lot boundaries and street bearings shall be shown to the nearest thirty (30) seconds. The name and width of the streets being dedicated, the width of any existing right of way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated. (1996 Code 17.80.030)

9-15-8: MAJOR PARTITION:

The procedure for application and review of a major partition is described in sections 9-15-4 through 9-15-7 of this chapter. (1996 Code 17.80.040)

9-15-9: MINOR PARTITION:

The procedure for application and review of a minor partition is described in sections 9-15-4 through 9-15-7 of this chapter. (1996 Code 17.80.045)

9-15-10: SUBDIVISION:

A. Application And Review: The procedure for application and review of a subdivision is described in sections 9-15-4 through 9-15-7 of this chapter.

B. Information Required: In addition, the following information shall accompany the plat:

1. A copy of the subdivision's deed restrictions, which shall include building setback lines, if any;
2. A copy of any dedication requiring separate documents;
3. Warranty deeds conveying any property to the city; and
4. The vacation of any existing easements.

C. Nonresidential Partitions Or Subdivisions, Standards: Nonresidential partitions or subdivisions shall also be subject to the following standards:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street right of way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the city with respect to street, curb, gutter and sidewalk design and construction.
4. Special requirements may be imposed by the city with respect to the installation of public utilities, including water, sewer and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels abutting existing or potential residential development and provisions for a permanently landscaped buffer strip.
6. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas. (1996 Code 17.80.050)

9-15-11: MINIMUM RESIDENTIAL STREET AND SIDEWALK DEVELOPMENT STANDARDS:

Minimum residential street and sidewalk development standards are hereby established for the city, as follows:

A. Width Standards:

Type Of Street	Right Of Way	Street Width	Sidewalk Width
Low density residential	40 feet	28 feet	4 feet, 1 side
Standard residential	50 feet	36 feet	4 feet, both sides
Residential collector	60 feet	40 feet	5 feet, both sides

B. Low Density Residential Defined: "Low density residential" shall be defined as: cul-de-sacs and dead end streets serving no more than ten (10) dwelling units when fully developed, subdivisions with a minimum lot size of fifteen thousand (15,000) square feet, or specific areas where topographic conditions prevent a wider right of way.

C. Sidewalks: All sidewalks shall be placed within the public right of way.

D. Pedestrian Access: All residential subdivisions shall provide a reasonable and safe pedestrian access to the central part of the community. (Res. 95-31, 11-15-1995)

CHAPTER 16 PLANNED UNIT DEVELOPMENT

9-16-1: PURPOSES:

The purposes of the planned unit development (PUD) are:

- A. To provide a means for creating planned environments through the application of flexible standards, which allow for the application of new techniques and new technology in community development, which will result in an enhanced living arrangement.
- B. To facilitate the efficient use of land, which may be accomplished by such development design alternatives such as clustering or grouping lots or housing types to maximize common space for the benefit of residents and may include such amenities as recreation facilities and incidental residential services.
- C. To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities.
- D. To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site.
- E. To encourage development that recognizes the relationship between various structures, open spaces, and access, and thereby maximize the opportunities for innovative and diversified living environments.
- F. To encourage comprehensive development rather than parcel by parcel development.
- G. To allow for a more flexible and creative approach to the development of land that will result in an efficient, aesthetic, and desirable use of open areas while maintaining the density permitted in the base zone.
- H. To allow flexibility in the design and placement of buildings, open spaces, circulation facilities, and off street parking areas to best utilize the site potential and characteristics of topography and parcel size and shape. (Ord. 626, 12-18-2003, eff. 1-1-2004)

9-16-2: APPROVAL PROCESS:

- A. Development, Residential Zones: The PUD designation is a method of development applicable to all residential zones.
- B. Steps In Process: There are three (3) steps to the PUD approval process:
 - 1. Approval by the planning commission of the preliminary PUD site plan.
 - 2. Approval by the planning commission of the final PUD development plan.
 - 3. Approval by the city council of all related development agreements.

C. Application For Zone Change, PUD Approval: The application for a zone change and for approval of the preliminary PUD site plan may be heard concurrently if an application for each of the actions is submitted. (Ord. 626, 12-18-2003, eff. 1-1-2004)

9-16-3: APPLICATION ADMINISTRATION:

A. Application By Recorded Owner: The applicant for a PUD preliminary and final development plan approval shall be the recorded owner of the property or an agent authorized in writing by the owner.

B. Minimum Size Of Land: A PUD shall not be allowed on any lands less than one acre in size.

C. Meet With City Staff: The applicant is encouraged to meet with city staff prior to application submittal. Failure of the city to provide any of the information required shall not constitute a waiver of any standard, criterion, or requirement for the application. (Ord. 626, 12-18-2003, eff. 1-1-2004)

9-16-4: EXPIRATION OF APPROVAL AND EXTENSION OF TIME:

A. Detailed Development Plan Required: The preliminary development plan approval by the planning commission shall lapse if a detailed development plan proposal has not been submitted for approval within eighteen (18) months or unless an extension of time is applied for and granted.

B. Extension Of Time: The planning commission may grant an extension of time for final plan submittal not to exceed one year. The applicant must provide a written request for this extension.

C. Preliminary Plan Changes, Fee: If the extension of time request or the final development plan contains substantial changes to the preliminary plan in the opinion of the city manager, then the applicant shall be required to pay an additional application fee and resubmit the changes for preliminary plan approval. (Ord. 626, 12-18-2003, eff. 1-1-2004)

9-16-5: NONCOMPLIANCE AND PERFORMANCE BOND:

A. Noncompliance A Violation: Noncompliance with an approved detailed development plan shall be a violation of this title.

B. Performance Bond Or Other Security: The development shall be completed in accordance with the approved final detailed development plan including landscaping and recreation areas before any occupancy permits are issued. The city may, as a precondition to the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the condition by a time certain not to exceed one year. The performance bond or other surety shall be in an amount sufficient to cover city's cost to complete work that is unfinished by the developer in accordance with the final detailed development plan or development agreement. The performance bond or other surety may cover the following:

1. When the city determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition.
2. When development may impede or disrupt access or usage of utilities including, but not limited to, streets, water, sanitary sewer, power, or other rights of way.
3. When development includes provision of public facilities or trade of land not included within the boundaries of the PUD.
4. When a phased development includes the provision of public facilities in future phases. (Ord. 626, 12-18-2003, eff. 1-1-2004)

9-16-6: APPLICABILITY OF BASE ZONE PROVISIONS:

A. Application Of Base Zone Provisions: The provisions of the base zone are applicable as follows:

1. Lot Dimension Standards: The minimum lot size, lot depth, and lot width standards shall not apply except as related to the density computation listed below.
2. Building Height: The building height provisions shall not apply except within one hundred feet (100') of the perimeter of the PUD.
3. Structure Setbacks:
 - a. Front, rear, and side setbacks for structures on the perimeter of the PUD shall be the same as that required by the base zone.
 - b. Front, rear, and side setbacks shall not apply to structures on the interior of the PUD.
 - c. In determining setback requirements for individual parcels, the planning commission may consider several factors, including, but not limited to, public safety, emergency vehicle access, solar access, environmental and scenic features, clustered or common wall housing, and compatibility with adjacent uses.
4. Density Computation: The maximum number of residential units allowable within the PUD shall be computed as follows:
(Gross square feet - right of way area)/lot size of base zone = residential units

B. Other Provisions: All other provisions of the base zone shall apply, except as modified by this section. (Ord. 626, 12-18-2003, eff. 1-1-2004)

9-16-7: PHASED DEVELOPMENT:

A. Time Schedule Approval; Limitation: The planning commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than three (3) years without reapplying for preliminary development plan review.

B. Criteria For Approval: The criteria for approving a phased detail development plan proposal is that:

1. The public facilities shall be constructed in conjunction with or prior to each phase.
2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A "temporary public facility" is any facility not constructed to the applicable city standard. (Ord. 626, 12-18-2003, eff. 1-1-2004)

9-16-8: APPROVAL STANDARDS:

A. Public Hearing: A public hearing before the planning commission shall be scheduled and held in accordance with section 9-3-7 of this title.

B. Findings Of Planning Commission: The planning commission shall make findings that the requirements of this code and other land development standards are satisfied when approving, or approving with conditions, or that the criteria is not satisfied when denying an application.

C. Appeal: The decision of the planning commission may be appealed to the city council in accordance with section 9-3-9 of this title. (Ord. 643, 3-1-2006)

D. Criteria: In addition, the following criteria shall be met:

1. Structures located on the site shall not be in areas subject to ground slumping and sliding. For any area of suspected hazard, the city may require a soils and/or an engineering geologic study based on the proposed project, which shows the analysis that the area can be made suitable for the proposed development.
2. There shall be adequate distance between on site buildings and other on site and off site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.
3. The structures shall be oriented with consideration for the sun and wind directions, where possible.
4. Adequate buffering, screening, and compatibility between adjoining uses.
5. On site screening from view from adjoining properties of such things as service areas, storage areas, parking lots, and mechanical devices on roofs shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening.
6. For privacy and noise, nonresidential structures within one hundred fifty feet (150') of an adjacent residential zone to the PUD shall be located on the site or be designed in a manner to protect the private areas on the adjoining properties from view and noise.
7. Private outdoor areas shall be screened or designed to provide privacy for the use of this space.

8. All circulation patterns within a development must be designed to accommodate emergency vehicles.
9. Provisions shall be made for pedestrianways and bikeways if such facilities are shown on an adopted plan.
10. A minimum of ten percent (10%) of the site shall be landscaped.
11. Compliance with all other local, state, and federal laws, practices, and standards. (Ord. 626, 12-18-2003, eff. 1-1-2004; amd. Ord. 643, 3-1-2006)

9-16-9: APPLICATION SUBMISSION REQUIREMENTS; PRELIMINARY DEVELOPMENT PLAN:

A. Forms; Accompaniments: All applications shall be made on forms provided by the city and shall be accompanied by:

1. Ten (10) complete copies of the preliminary development plan and necessary data or narrative that explains how the development conforms to the standards.
2. The required fee.

B. Plan, Data, Narrative: The preliminary development plan, data, and narrative shall include the following:

1. A detailed site plan.
2. A grading plan.
3. A landscape plan.
4. A copy of all existing or proposed restrictions or covenants.
5. Any other information or detail as may be required by the city manager. (Ord. 626, 12-18-2003, eff. 1-1-2004)

9-16-10: DETAILED SITE PLAN:

A. Plan Requirements: A detailed site plan shall include existing site conditions and proposed improvements to include the following:

1. Identification information, including the name and address of the owner, developer, and project designer, and the scale and north arrow.
2. A vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrianways and bikeways, and utility access.
3. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot lines, section lines, corners, and monuments, and a calculation for gross area.
4. Contour lines at two foot (2') intervals for slopes from zero to ten percent (10%) and five foot (5') intervals for slopes over ten percent (10%).
5. The location, dimensions, and names of all existing and platted streets and other public ways, railroad tracks and crossings, and easements on adjacent property and on the site.
6. Preliminary engineering plan showing proposed size and placement of water and sanitary sewer service.
7. The location, dimensions and setback distances of all existing and proposed structures, improvements, and utility and drainage facilities on the site and on adjoining properties.

8. The location and dimensions of existing and proposed entrances and exits to the site, parking and circulation areas, pedestrian and bicycle circulation areas, outdoor recreation spaces, common areas, and aboveground utilities.
9. The location of areas to be landscaped.
10. Potential natural hazard areas including:
 - a. Floodplain areas.
 - b. Unstable ground (areas subject to slumping, earth slides or movement).
 - c. Areas having a severe soil erosion potential.
 - d. Areas having severe weak foundation soils.
11. Resource areas including:
 - a. Wetland areas.
 - b. Wildlife habitat areas.
 - c. Streams and riparian corridors.

B. Area Subject To Landslides, Other Hazards: Where the site is subject to landslides or other potential hazards, a soils, hydrology, and/or engineering geologic study based on the proposed project may be required by the city which shows the analysis that the area can be made suitable for the proposed development. (Ord. 626, 12-18-2003, eff. 1-1-2004)

9-16-11: GRADING AND DRAINAGE PLAN:

The grading and drainage plan shall be at the same scale as the site plan and shall include the following:

- A. Identification information including the name and address of the owner, developer, project designer, and the project engineer.
- B. Drainage patterns and drainage courses on the site and on adjacent lands.
- C. The location and extent to which grading will take place indicating general contour lines, slope ratios, and slope stabilization proposals.
- D. Certification stamp that the plan has been produced by a professional engineer registered in Oregon and that such plan conforms to all regulatory requirements. (Ord. 626, 12-18-2003, eff. 1-1-2004)

9-16-12: LANDSCAPE PLAN:

The landscape plan shall include the following:

- A. The conceptual location of the underground irrigation system or hose bibs where applicable.
- B. The location and height of fences and other buffering or screening materials.
- C. The location, species, and function (buffer, shading, cover, etc.) of existing and proposed plant materials. (Ord. 626, 12-18-2003, eff. 1-1-2004)

9-16-13: COMMON SPACE:

Where open space or shared use facilities are designated on the plan as common space, the following applies:

A. Indicated On Final Plan And Recorded: The common space area shall be shown on the final plan and recorded with the city.

B. Methods Of Conveyance: The common space shall be conveyed in accordance with one of the following methods:

1. By dedication in perpetuity to the city as publicly owned and maintained as public open space. Such space proposed for dedication to the city must be acceptable to the city with regard to the size, shape, location, improvement, and budgetary and maintenance limitations.
2. By leasing or conveying permanent title (including beneficial ownership) to a corporation, home association, or other legal entity, with the city retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the city for guaranteeing the following:
 - a. The continued use of such land for the intended purposes.
 - b. Continuity of property maintenance for open spaces and shared use facilities, and the availability of funds required for such maintenance.
 - c. Adequate insurance protection and payment of current and future local government taxes, fees, and assessments.
 - d. Recovery for loss sustained by casualty and condemnation or otherwise.
 - e. Mandatory responsibility and apportionment of financial obligations for all original and future property owners in the PUD.

C. Recording Of Documents: The following original and executed documents in a form approved by the city shall be recorded with the final survey if required by the city: conveyance of title to common spaces; homeowner's association agreement, articles, bylaws, and certificate of formation with a state of Oregon seal; and any other such documentation as may be required by the city to ensure adequate maintenance and financial sustainability of properties within the PUD. (Ord. 626, 12-18-2003, eff. 1-1-2004)

CHAPTER 17
CONSTRUCTION STANDARDS; STATE AND UNIFORM CODES

9-17-1: CONFORMANCE WITH STATE STANDARDS:

A. Fire Safety: The policy of the city is that fire safety standards in the city be as high as the standards of fire safety prescribed by state law. Notwithstanding any lesser standard of fire safety indicated by a city ordinance, any standard of fire safety prescribed by Oregon Revised Statutes or the Oregon administrative rules applies as a city requirement in the same manner as that standard applies as a state requirement.

B. Building Construction: The policy of the city is that the standards of building construction and related activities in the city be at all times in compliance with the current Oregon building codes. Notwithstanding any standard affecting construction contained in a city ordinance, any standard in the Oregon building codes applies as a city requirement in the same manner as that standard applies as a state requirement. If a standard established by the city is in conflict with the state building code, the state standard shall prevail. (1996 Code 15.04.010; amd. 2004 Code)

9-17-2: COMPLIANCE OF CONSTRUCTION:

No person may engage in construction or other activity not meeting the state standards or other requirements of this chapter as the standards provide at the time of the activity. (1996 Code 15.04.020)

9-17-3: ADOPTION OF CERTAIN CODES:

The following are adopted:

A. Structural Specialty: The state of Oregon structural specialty code and fire and life safety code; including chapter 70, "Excavation And Grading" of the appendix to the Oregon building codes. (1996 Code 15.04.030; amd. 2004 Code)

B. Mechanical: The state of Oregon mechanical specialty code and mechanical fire and life safety code.

C. Solar Heating, Cooling And Hot Water: The Oregon code for solar heating, cooling and hot water systems. (1996 Code 15.04.030)

D. Plumbing: The state building codes for plumbing specialty.

E. Mobile Homes And Mobile Home Parks: The state of Oregon regulations and standards governing the installation, plumbing and electrical hook up and alteration of mobile homes and construction of mobile home parks.

F. Electrical: The state building codes for electrical.

G. One- And Two-Family Dwellings: The state building codes for one- and two-family dwelling specialty.

H. Dangerous Buildings: The state building codes for the abatement of dangerous buildings.

I. Housing Code: The state building codes for housing. (1996 Code 15.04.030; amd. 2004 Code)

9-17-4: CONTRACT FOR BUILDING CODE SERVICES:

The city shall contract for specialty code review, including plan checking with fire and life safety plan review, permit issuing and inspection for structural, mechanical and mobile home installation, hook up, alteration and mobile home park construction. (1996 Code 15.04.040)

9-17-5: BOARD OF APPEALS:

The city council shall appoint a five (5) member board of appeals as set forth in the uniform building code, section 204, to serve on any matters as needed, including Oregon Revised Statutes chapter 447. (1996 Code 15.04.050)

9-17-6: VIOLATION; PENALTY; SUIT OR ACTION:

A. Violation; Penalty Imposed:

1. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. (1996 Code 15.04.060)

2. Any person, firm or corporation in violation of any provision of this chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00). Each day's violation of any provision of this chapter constitutes a separate offense. (1996 Code 15.04.060; amd. 2004 Code)

B. Suit Or Action: In addition to any penalty for violation of any code provision in this chapter, the city may institute an appropriate court suit or action to enjoin the use and/or occupancy, or threatened use and/or occupancy, of a building or structure until an occupancy permit is approved by the city and issued by the building official. In such case, the city shall be entitled to recover from the defendant(s) in such suit or action and in addition to statutory costs, its reasonable attorney fees to be fixed by the trial court and such further sum as may be fixed by the appellate court in case of an appeal. (1996 Code 15.04.070; amd. 2004 Code)