Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

November 29, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Cottage Grove Plan Amendment
DLCD File Number 011-07

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 14, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE:** **THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
Steve Oulman, DLCD Transportation Planner
Amanda Punton, DLCD Natural Resource Specialist
Amanda Ferguson, City of Cottage Grove

<paa> ya/

FORM 2

DLCD
Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF
NOV 26 2007
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **City of Cottage Grove** Local file number: **OA 2-07**

Date of Adoption: **11/19/2007** Date Mailed: **11/23/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 3/21/2007

☐ Comprehensive Plan Text Amendment ☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment ☐ Zoning Map Amendment

☒ New Land Use Regulation ☐ Other:

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

Deleted/repealed Chapter 18 Zoning Code and adopted Chapter 14 Development Code. Repealed Chapter 17 Subdivision.

Does the Adoption differ from proposal? No, no explaination is necessary

Plan Map Changed from: to:

Zone Map Changed from: to:

Location: Acres Involved:

Specify Density: Previous: New:

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☐ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? ☒ **Yes** ☐ **No**

If no, do the statewide planning goals apply? ☐ **Yes** ☐ **No**

If no, did Emergency Circumstances require immediate adoption? ☐ **Yes** ☐ **No**

DLCD # 011-07 (15979)

DLCD file No. _____

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

Lane County, ODOT

Local Contact: **Amanda Ferguson** Phone: **(541) 942-3340** Extension: **124**

Address: **400 Main Street** Fax Number: **541-942-1267**

City: **Cottage Grove** Zip: **97424-** E-mail Address: **planner@cottagegrove.org**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 2959
CITY OF COTTAGE GROVE

AN ORDINANCE REPEALING TITLE 17 & 18 OF THE COTTAGE GROVE MUNICIPAL CODE AND ADOPTING TITLE 14 OF THE COTTAGE GROVE MUNICIPAL CODE

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to repeal Cottage Grove Municipal Code Title 17, Subdivision and Title 18, Zoning Code, and adopt Title 14, Development Code;

Section 2. Procedural Compliance. This amendment is based upon the City Council's determination, after a Planning Commission public hearing and recommendation, that this amendment is a proper implementation of the comprehensive land use plan and, therefore, is in the public interest for the health, safety and welfare of the residents of the City of Cottage Grove.

Section 3. Amendment. Title 17 Subdivisions of the Cottage Grove Municipal Code is hereby repealed.

Section 4. Amendment. Title 18 Zoning Code of the Cottage Grove Municipal Code is hereby repealed.

Section 5. Amendment. Title 14 of the Cottage Grove Municipal Code, which is attached as Exhibit A, is hereby adopted.

Section 6. Amendment. The *City of Cottage Grove Downtown Historic District Design Guidelines*, which is attached as Exhibit B, are hereby adopted as a Comprehensive Plan Refinement Plan.

Section 6. Findings. The findings attached as Exhibit C and forming a part of this Ordinance are adopted.

Section 7. Effectiveness. This ordinance shall be effective January 1, 2008.

Passed by the Council and approved by the Mayor this 19 day of Nov. 2007.

Richard Meyers, City Manager

Dated: Nov. 19, 2007

Gary Williams, Mayor

Dated: November 20, 2007

EXHIBIT A
TITLE 14
DRAFT DEVELOPMENT CODE

PREVIOUSLY DISTRIBUTED

EXHIBIT B

CITY OF COTTAGE GROVE
DOWNTOWN HISTORIC DISTRICT DESIGN GUIDELINES

PREVIOUSLY DISTRIBUTED

EXHIBIT C
To Ordinance No. 2959

Compliance with Statewide Goals

Findings of fact: Each of the statewide goals are reviewed below as they relate to this proposed ordinance:

Goal 1: Citizen Involvement: This public hearing meets this goal, as the Planning Commission is the body designated in the plan to consider zoning ordinance amendments. Our process also includes public hearings at the City Council level, various forms of notification of the public in the immediate area, notification of the general public through the media, and other governmental agencies through mailed notification. Additionally, 16 open meetings were held with 15-member Advisory Committee and 3 public open houses were conducted during the planning process. The draft document has been available on the City's website for review throughout the process.

Goal 2: Land Use Planning: The city has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed change will ensure that the City's planning process is in compliance with current state regulations.

Goal 3: Agricultural Lands: Not applicable.

Goal 4: Forest Lands: Not applicable.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources: The Development Code provides tools for the preservation of natural resources, open spaces and historic areas. It includes a requirement for the inventory of historic resources and the identification of natural resources at time of development, as well as standards for open space creation. This code is in compliance with this goal.

Goal 6: Air, Water and Land Resources Quality: Through the inclusion of standards for sensitive lands, including riparian areas, wetlands, floodplains, and hillsides, this code brings the City into compliance with this goal.

Goal 7: Areas Subject to Natural Disasters and Hazards: Through the inclusion of standards for sensitive lands, including riparian areas, wetlands, floodplains, and hillsides, this code brings the City into compliance with this goal.

Goal 8: Recreational Needs: Through the inclusion of standards for parks and recreation development, this code brings the City into compliance with this goal.

Goal 9: Economic Development: This code provides clear and objective standards as well as discretionary guidelines for commercial and industrial development. These clear and objective standards will facilitate economic development and bring the city further into compliance with this goal.

Goal 10: Housing: The Development Code addresses all types of housing needs, and establishes standards for application processing and design approval

for housing types from single-family homes to multi-family apartment buildings. The code establishes clear and objective standards and discretionary standards in conformance with Goal 10. The code also establishes density standards for each land use district to ensure that an adequate supply of all types of housing is constructed in Cottage Grove. This code is in compliance with Goal 10.

Goal 11: Public Facilities and Services: The Development Code includes Community Design Standards that codify the existing City of Cottage Grove Public Works Department standards for public facility construction. This will provide staff enforcement capability in relation to these standards, and ensure that these standards are adequately addressed at all phases in a development project. The standards comply with Goal 11.

Goal 12: Transportation: The Development Code includes Community Design Standards which are intended to implement the adopted Transportation System Plan. It also includes access management standards that have been approved by the Oregon Department of Transportation, and street cross sections and intersection/cul-de-sac standards that have been approved by ODOT, Lane County Transportation Planning, and South Lane Fire & Rescue District. These standards comply with Goal 12.

Goal 13: Energy Conservation: Not applicable.

Goal 14: Urbanization: The Development Code will apply to all properties within the City limits of Cottage Grove. It is designed to meet statewide goals of urbanization and natural resource preservation, and includes density standards, infill standards, and mixed use development standards which are designed to enhance the utilization of existing lands within the UGB.

Goal 15: Willamette River Greenway: Willamette River Greenway criteria is covered within the Conditional Use section of the Development Code. Any development that occurs on property included within the designated Willamette River Greenway will be required to receive conditional use permit approval, which requires compliance with the standards of Goal 15. This is in compliance with Goal 15.

Goal 16: Estuarine Resources: Not applicable.

Goal 17: Coastal Shorelands: Not applicable.

Goal 18: Beaches and Dunes: Not applicable.

Goal 19: Ocean Resources: Not applicable.

The proposed changes are in designation is in compliance with the Statewide Planning Goals.

TITLE 14
COTTAGE GROVE MUNICIPAL CODE
DEVELOPMENT CODE

CHAPTER 14.1.0 — Introduction

Chapter 14.1.1 — How to Use the Development Code 1-2

Chapter 14.1.2 — General Administration 1-3

Sections:

1.2.100 Severability 1-3
1.2.200 Compliance and Scope 1-3
1.2.300 Consistency with Plan and Laws 1-4
1.2.400 Use of a Development 1-4
1.2.500 Pre-Existing Approvals 1-4
1.2.600 Building Permit and Certificate of Occupancy 1-4
1.2.700 Official Action 1-4

Chapter 14.1.3 — Definitions

Sections:

1.3.100 Purpose 1-5
1.3.200 Applicability 1-5
1.3.300 Definitions 1-5

Chapter 14.1.4 — Use Categories

Sections:

Introduction to the Use Categories

1.4.010 Purpose 1-45

Residential Use Categories

1.4.100 Household Living 1-47
1.4.110 Group Living 1-48

Commercial Use Categories

1.4.200 Commercial Outdoor Recreation 1-49
1.4.210 Commercial Parking 1-49
1.4.220 Quick Vehicle Servicing 1-50
1.4.230 Major Event Entertainment 1-50
1.4.240 Educational Services, Commercial 1-51

1.4.250 Office 1-51
1.4.260 General Commercial Retail Sales and Service 1-51
1.4.265 Downtown Retail Sales and Services 1-53
1.4.270 Tourist-Oriented Retail Sales and Services 1-54
1.4.275 Outdoor Retail Sales and Services 1-54
1.4.280 Self-Service Storage 1-55
1.4.285 Vehicle Repair 1-55

Industrial Use Categories
1.4.300 Light Industrial Service 1-57
1.4.310 Medium/Heavy Industrial Service 1-57
1.4.320 Light Manufacturing and Production 1-58
1.4.330 Medium/Heavy Manufacturing and Production 1-58
1.4.340 Warehouse, Freight Movement, and Distribution 1-59
1.4.350 Waste-Related 1-60
1.4.360 Wholesale Sales 1-60

Institutional Use Categories
1.4.400 Basic Utilities 1-62
1.4.410 Colleges 1-62
1.4.420 Community Service 1-63
1.4.430 Daycare 1-64
1.4.440 Medical Centers 1-64
1.4.450 Parks and Open Areas 1-65
1.4.460 Religious Institutions and Places of Worship 1-65
1.4.470 Schools 1-65

Other Use Categories
1.4.500 Agriculture 1-67
1.4.520 Wireless Telecommunications Facilities 1-67
1.4.530 Rail Lines and Utility Corridors 1-68

Enforcement
1.5.100 Provisions of this Code Declared to be Minimum Requirements 1-69
1.5.200 Violation of Code Prohibited 1-69
1.5.300 Revocations of Approvals 1-69
1.5.400 Enforcement 1-69
1.5.500 Penalty 1-70
1.5.600 Complaints Regarding Violations 1-70
1.5.700 Inspection and Right of Entry 1-70
1.5.800 Abatement of Violations 1-70
1.5.900 Stop-Order Hearing 1-71

CHAPTER 14.2 — Land Use Districts

Chapter 14.2.1 — Organization of Land Use Districts

Sections:

2.1.100	Classification of Land Use Districts	2-2
2.1.200	Land Use District Map	2-3
2.1.300	Determination of Land Use District Boundaries	2-4

Chapter 14.2.2 — Residential Land Use Districts

Sections:

2.2.100	Residential Districts – Purpose	2-5
2.2.110	Residential Districts – Allowed Land Uses	2-7
2.2.120	Residential Districts – Development Standards	2-15
2.2.130	Residential Districts – Setback Yards and Build-To Line	2-19
2.2.140	Residential Districts – Infill Standards	2-21
2.2.150	Residential Districts – Housing Density	2-23
2.2.160	Residential Districts – Lot Coverage	2-24
2.2.170	Residential Districts – Building Height	2-25
2.2.180	Residential Districts – Building Orientation	2-27
2.2.190	Residential Districts – Architectural Design Standards	2-32
2.2.200	Residential Districts – Special Use Standards	2-38

Chapter 14.2.3 — Commercial Districts

Sections:

2.3.100	Commercial Districts – Purpose	2-52
2.3.110	Commercial Districts – Allowed Land Uses	2-53
2.3.120	Commercial Districts – Development Standards	2-59
2.3.130	Commercial Districts – Zero Setbacks and Build-To Line	2-61
2.3.140	Commercial Districts – Lot Coverage and Impervious Surface	2-61
2.3.150	Commercial Districts – Building Orientation and Block Layout	2-62
2.3.160	Commercial Districts – Building and Structure Height	2-65
2.3.170	Commercial Districts – Architectural Design Standards	2-66
2.3.180	Commercial Districts – Special Use Standards	2-70

Chapter 14.2.4 —Industrial (I) Districts

Sections:

2.4.100	Industrial Districts – Purpose	2-75
2.4.110	Industrial Districts – Allowed Uses	2-76
2.4.120	Industrial Districts – Setback Yards; Industrial Buffers	2-79
2.4.130	Industrial Districts – Lot Coverage	2-80
2.4.140	Industrial Districts – Site Layout and Design	2-80
2.4.150	Industrial Districts – Building and Structure Height	2-82

Chapter 14.2.5 — Parks & Recreation (PR) District

Sections:

2.5.100	Parks & Recreation District – Purpose	2-83
2.5.110	Parks & Recreation District – Allowed Uses	2-83
2.5.120	Parks & Recreation District – Setback Yards	2-87
2.5.130	Parks & Recreation District – Lot Coverage	2-87
2.5.140	Parks & Recreation District – Site Layout and Design	2-87
2.5.150	Parks & Recreation District – Building and Structure Height	2-89
2.5.160	Parks & Recreation District – Master Planned Development	2-89

Chapter 14.2.6 — Combining Districts

Sections:

2.6.100	Combining Districts – Purpose & Compliance	2-91
2.6.200	Airport Overlay District – Purpose	2-92
2.6.210	Airport Overlay District – Definitions	2-92
2.6.220	Airport Overlay District – Imaginary Surface and Noise Impact Boundary Delineation	2-95
2.6.230	Airport Overlay District – Notice of Land Use and Permit Applications within Overlay Zone Area	2-95
2.6.240	Airport Overlay District – Height Limitations on Allowed Uses in Underlying Zone	2-95
2.6.250	Airport Overlay District – Procedures	2-95
2.6.260	Airport Overlay District – Land Use Compatibility	2-96
2.6.270	Airport Overlay District – Water Impoundments within Approach Surfaces & Airport Direct and Secondary Impact Boundaries	2-97
2.6.280	Airport Overlay District – Nonconforming Uses	2-97
2.6.290	Airport Overlay District – Avigation Easement	2-98
2.6.300	Historic Preservation (HP) Overlay District – Purpose	2-99
2.6.310	HP Overlay District – Applicability	2-99
2.6.320	HP Overlay District – Historic Landmark designation	2-99
2.6.330	HP Overlay District – Allowed Uses	2-101
2.6.340	HP Overlay District – Development Standards	2-101
2.6.350	HP Overlay District – Alterations of historic landmarks	2-101
2.6.360	HP Overlay District – New construction and relocations on	2-103

	properties adjacent to historic landmarks	
2.6.370	HP Overlay District – Demolition of historic landmarks	2-104
2.6.380	HP Overlay District – Signs	2-105
2.6.390	HP Overlay District – Building code considerations	2-106

CHAPTER 14.3 — Community Design Standards

Chapter 14.3.0 - Design Standards Administration

Sections:

3.0.100	Design Standards – Purpose	3-2
3.0.200	Design Standards – Applicability	3-2

Chapter 14.3.1 — Access and Circulation

Sections:

3.1.100	Purpose	3-3
3.1.200	Vehicular Access and Circulation	3-3
3.1.300	Pedestrian Access and Circulation	3-13

Chapter 14.3.2 — Landscaping, Street Trees, Fences and Walls

Sections:

3.2.100	Purpose	3-16
3.2.200	Landscape Conservation	3-17
3.2.300	Landscaping	3-19
3.2.400	Street Trees	3-24
3.2.500	Fences and Walls	3-27

Chapter 14.3.3 — Parking and Loading

Sections:

3.3.100	Purpose	3-29
3.3.200	Applicability	3-29
3.3.300	Automobile Parking Standards	3-30
3.3.400	Bicycle Parking Requirements	3-41
3.3.500	Loading	3-44

Chapter 14.3.4 — Public Facilities

Sections:

3.4.010	Purpose and Applicability	3-45
3.4.100	Transportation Standards	3-46
3.4.200	Public Use Areas	3-62

3.4.300	Sanitary Sewer and Water Service Improvements	3-63
3.4.400	Storm Drainage Improvements	3-64
3.4.500	Utilities	3-65
3.4.600	Easements	3-66
3.4.700	Construction Plan Approval and Assurances	3-67
3.4.800	Installation	3-68

Chapter 14.3.5 — Surface Water Management

Sections:

[Reserved]

Chapter 14.3.6 — Other Standards

Sections:

[3.6.100 Reserved]

Chapter 14.3.7 — Sensitive Lands

Sections:

3.7.010	Purpose and Applicability	3-73
3.7.100	Hillside Development	3-73
3.7.200	Floodplain Development	3-81
3.7.300	Riparian Development	3-95
3.7.400	Willamette River Greenway	3-97

CHAPTER 14.4 – Administration of Land Use and Development

Chapter 14.4.1 — Types of Review Procedures

Sections:

4.1.100	Purpose and Applicability of Review Procedures	4-2
4.1.200	Type I Procedure	4-6
4.1.300	Type II Procedure	4-7
4.1.400	Type III Procedure	4-12
4.1.500	Type IV Procedure	4-20
4.1.600	General Provisions Applicable to All Reviews	4-27
4.1.700	Special Procedures – Expedited Land Divisions	4-33
4.1.800	Neighborhood Meetings	4-34
4.1.900	Traffic Impact Studies	4-34

Chapter 14.4.2 — Land Use Review and Site Design Review

Sections:

4.2.100	Purpose	4-37
4.2.200	Applicability	4-38
4.2.300	Land Use Review Procedure and Approval Criteria	4-39
4.2.400	Site Design Review - Application Review Procedure	4-39
4.2.500	Site Design Review - Application Submission Requirements	4-40
4.2.600	Site Design Review Approval Criteria	4-44
4.2.700	Bonding and Assurances	4-44
4.2.800	Development in Accordance With Permit Approval; Modifications; Permit Expiration	4-45

Chapter 14.4.3 — Land Divisions and Property Line Adjustments

Sections:

4.3.100	Purpose	4-47
4.3.110	General Requirements	4-48
4.3.115	Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes	4-49
4.3.120	Preliminary Plat Approval Process	4-50
4.3.130	Preliminary Plat Submission Requirements	4-52
4.3.140	Approval Criteria: Preliminary Plat	4-55
4.3.150	Variances Authorized	4-57
4.3.160	Final Plat Submission Requirements and Approval Criteria	4-57
4.3.170	Public Improvements	4-58
4.3.180	Performance Guarantee	4-58
4.3.190	Filing and Recording	4-59
4.3.200	Re-platting and Vacation of Plats	4-59
4.3.210	Property Line Adjustments	4-60

Chapter 14.4.4 — Conditional Use Permits

Sections:

4.4.100	Conditional Use Permits – Purpose	4-63
4.4.200	Conditional Use Permits - Approvals Process	4-63
4.4.300	Conditional Use Permits - Application Submission Requirements	4-63
4.4.400	Conditional Use Permits - Criteria, Standards & Conditions	4-64
4.4.500	Conditional Use Permits - Additional Development Standards	4-65

Chapter 14.4.5 — Master Planned Developments

Sections:

4.5.100	Master Planned Development – Purpose	4-66

4.5.110	Master Planned Development – Applicability	4-67
4.5.120	Master Planned Development - Review and Approvals Process	4-67
4.5.130	Master Planned Development - Modification of District Standards and Design Standards	4-68
4.5.140	Master Planned Development - Overlay Zone & Concept Plan Submission	4-68
4.5.150	Master Planned Development - Overlay Zone & Concept Plan Approval Criteria	4-69
4.5.160	Master Planned Development - Administrative Procedures	4-71
4.5.170	Master Planned Development - Detailed Development Plan Submission Requirements	4-71
4.5.180	Master Planned Development - Detailed Development Plan Approval Criteria	4-71
4.5.190	Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals	4-72

Chapter 14.4.6 — Modifications to Approved Plans and Conditions of Approval

Sections:

4.6.100	Modifications – Purpose	4-74
4.6.200	Modifications – Applicability	4-74
4.6.300	Major Modifications	4-75
4.6.400	Minor Modifications	4-77

Chapter 14.4.7 — Land Use District Map and Text Amendments

Sections:

4.7.100	Amendments – Purpose	4-78
4.7.200	Legislative Amendments	4-78
4.7.300	Quasi-Judicial Amendments	4-78
4.7.400	Approval Authority	4-78
4.7.500	Conditions of Approval on Quasi-Judicial Amendments	4-79
4.7.600	Conditions of Approval for Legislative & Quasi-Judicial Amendments	4-79
4.7.700	Record of Amendments	4-79
4.7.800	Transportation Planning Rule Compliance	4-80

Chapter 14.4.8 — Code Interpretations

Sections:

4.8.100	Interpretations – Purpose	4-82
4.8.200	Code Interpretation Procedure	4-82

Chapter 14.4.9 — Miscellaneous Permits

Sections:

4.9.100	Temporary Use Permits	4-83
4.9.200	Cottage Industry Permits	4-86

CHAPTER 14.5 — Exceptions to Code Standards

Chapter 14.5.1 — Variances

Sections:

5.1.100	Variances – Purpose	5-2
5.1.200	Variances – Applicability	5-2
5.1.300	Class A Variances	5-3
5.1.400	Class B Variances	5-3
5.1.500	Class C Variances	5-6
5.1.600	Variance Application and Appeals	5-7

Chapter 14.5.2 — Non-Conforming Uses and Developments

Sections:

5.2.100	Non-Conforming Uses and Developments – Purpose	5-9
5.2.200	Non-conforming Uses	5-9
5.2.300	Non-conforming Development	5-10
5.2.400	Non-conforming Use or Development Determination	5-10

Chapter 14.5.3 — Lots of Record

Sections:

5.3.100	Lots of Record – Purpose	5-12
5.3.200	Lots of Record – Applicability	5-12
5.3.300	Lots of Record – Procedure	5-12

CHAPTER 14.6 — Map Amendments and Code Interpretation

[Intentionally blank]

CHAPTER 1 — Introduction

Chapters:

1.1 How to Use the Development Code
1.2 General Administration
1.3 Definitions
1.4 Use Categories
1.5 Enforcement

Chapter 1.1 — How to Use the Development Code

Welcome to the City of Cottage Grove Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of City of Cottage Grove. The five chapters of the code are used together to review land use applications. They are organized as follows:

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

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

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

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

Chapter 5. Chapter 5 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development that do not comply with the code). This code cannot provide standards to fit every potential development situation. The city's varied geography and the complexities of land development require flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of the code.

Chapter 1.2 — General Administration

Sections:

1.2.100 Severability
1.2.200 Compliance and Scope
1.2.300 Consistency with Plan and Laws
1.2.400 Use of a Development
1.2.500 Pre-Existing Approvals
1.2.600 Building Permit and Certificate of Occupancy
1.2.700 Official Action

1.2.100 Severability

The provisions of this Development Code are severable. If any section, sentence, clause or phrase of the Development Code is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Development Code.

1.2.200 Compliance and Scope

A. Compliance with the provisions in the Development Code. Land and structures may be used or developed only as this Development Code ("Code") or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.

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

C. Most restrictive regulations apply. Where the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the higher standard shall govern.

D. Variances. Variances shall be governed by the provisions of Chapter 5.1.

E. Transfer of development standards prohibited. No lot area, yard, landscaping, or open space that is required by this Code for one use shall be a required lot area, yard, landscaping, or open space for another use, except as otherwise specifically allowed by this Code.

1.2.300 Consistency with Plan and Laws

This Development Code is designed to implement the City of Cottage Grove Comprehensive Plan. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan and applicable State and Federal laws.

1.2.400 Use of a Development

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 5. 2), and is not prohibited by law.

1.2.500 Pre-Existing Approvals

A. **Legality of pre-existing approvals.** Developments and uses for which approvals were granted prior to the effective date of this Code may occur pursuant to such approvals; except that modifications to those approvals shall comply with Chapter 4.6. Modifications to Approved Plans and Conditions of Approval.

B. **Subsequent development applications.** All developments and uses for which a complete application was first submitted on or after *[effective date of Development Code]* shall conform to the provisions of this Code.

1.2.600 Building Permit and Certificate of Occupancy

A. **Building permit.** A building permit shall not be issued until the Community Development Director has issued a Land Use Review or Site Design Review approval in accordance with the provisions of Chapter 4.2, or has otherwise found that such review is not required.

B. **Certificate of Occupancy required.** To ensure completion of a development or use in the manner approved, a building shall not be occupied and a use shall not begin until the Community Development Director has issued a Certificate of Occupancy following completion of the work in conformance to the applicable approvals and permits.

C. **Prior to final completion.** Prior to the final completion of all work, the Community Development Director, at his or her discretion, may issue a Certificate of Occupancy for a portion of the structure conditioned upon further work being completed by a date certain.

1.2.700 Official Action

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

B. **Severability.** Any permit or approval issued or granted in conflict with the provisions of this

Code shall be void, unless it is modified to conform to the Code. The Community Development Director shall determine when an approval is void and he or she may modify the approval, or refer it back to the original decision making body for modification, to make it conform to the Code.

C. **Notice.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, if the City can demonstrate by affidavit that such notice was given. Failure to post notice shall not invalidate any actions pursuant to this Code.

Chapter 1.3 — Definitions

Sections:

1.3.100 Purpose
1.3.200 Applicability
1.3.300 Definitions

1.3.100 Purpose

The purpose of Chapter 1.3 is to define terms that are used frequently in the City of Cottage Grove Development Code, to assist decision makers in interpreting and applying the Code. Some of the terms that are defined here may have different meanings in other communities.

1.3.200 Applicability

A. **Definitions.** The definitions in Chapter 1.3 apply to all actions and interpretations under the City of Cottage Grove Development Code. The meanings given terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control. Where a term used in this Code is already defined in another part of the City of Cottage Grove Code (e.g., the Uniform Building Code, etc.) the term is not redefined herein for purposes of that other code. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

B. **Land Use Categories.** Chapter 1.4 provides descriptions of the land use categories used in Chapter 2.

1.3.300 Definitions

The following definitions are organized alphabetically and some related terms are also grouped together and cross-referenced under group headings (e.g., Transportation-Related, Environment-Related, etc.). See also, Chapter 1.4 for descriptions of the land use categories used in Chapter 2.

A

Abutting. Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

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

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

Access management. The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include but are not limited to 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements, 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared access approaches, and 3) provision for future opportunities for mitigation by land dedication or easement.

Access spacing/intersection spacing. The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Access way. A walkway or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walkway on public or private property (*i.e.,* with a public access easement). See also, Walkway.

Accessible. Two meanings are possible depending on the specific code provision: In general, accessible means approachable by pedestrians, vehicles or other transportation mode, as applicable. Accessible may also mean, approachable and useable by people with disabilities, in conformance with the Federal Americans with Disabilities Act. Either or both definitions may apply in a particular situation. See Accessible Route.

Accessible route. A route that can be used by a disabled person using a wheelchair and that is also usable by people with other disabilities.

Accessory. Secondary or incidental to a primary use or structure.

Accessory dwelling unit. A second dwelling unit created on lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and always has a total floor area smaller than the house, attached house, or manufactured home. Accessory dwelling units are not allowed on lots with a duplex or an attached duplex.

Accessory parking facility. A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory. See also Commercial Parking in Chapter 1.4, Descriptions of Use Categories.

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

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

Adjacent. Abutting or located directly across a street, alley or railroad right-of-way.

Administrative. A discretionary action or permit decision made without a public hearing, but requiring public notification, opportunity to provide written comment, and opportunity for appeal. See Chapter 4.1.200 (Type II Review).

Adult foster care. A family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage. "Provider" means any person operating an adult foster care home. See also, "Group Home/Facility."

Adverse impact or **effect.** Negative effect that can be measured (e.g., air pollution, vibration, dust, property values, traffic, etc.).

Affordable. Housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, contact the federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

Agriculture. See use category under Chapter 1.4, and ORS 215.203(2)(a).

Airport related definitions. See Chapter 2.6.200.

Alley. A public right-of-way that is not a street that provides secondary vehicular access to the rear or side of a lot or lots. An alley may serve as an individual lot's primary access if otherwise allowed by this title.

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

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

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

Amendment. A change in the wording, context, or substance of this Code, or a change in the land use boundaries or area district boundaries upon the Zoning Map. An interpretation of the meaning of a particular Code provision is not an amendment to this Code.

Applicant. A person who applies for a land use review or building permit. An applicant can be the owner of the property, someone who is representing the owner, such as a builder, developer, consultant, or architect, or anyone who has written consent from the owner to apply, such as an optional purchaser.

Arborist. A professional listed as a certified arborist by the International Society of Arboriculture or a registered consulting arborist by the American Society of Consulting Arborists.

Arcade. An arched or covered passageway; often along building fronts or between streets.

Arterial. The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties. Arterials are streets of considerable continuity which serve as traffic arteries for intercommunication among large areas. See standards under Section 3.4.1.

Articulate/articulation. The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

As Built Plans. Architectural and/or engineering plans that reflect what was actually built during a construction project and which include any modifications made during construction to the original approved plans. "As Built Plans" should include the location of any utilities uncovered during construction that were not previously identified.

Assisted Living Facility. A residential facility providing a program approach which provides or

coordinates a range of services, available on a 24 hour basis, for support of an individual's independence in a residential setting and promotes resident self-direction and participation in decisions, including an Alzheimer care facility.

Attached Duplex. A duplex located on its own lot that shares one or more common or abutting walls with one other duplex (for a total of 4 dwelling units). The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling.

Attached House (Townhome or Rowhouse). A dwelling unit located on its own lot which shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a townhome, rowhouse, zero-lot line dwelling, or a common-wall house.

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

Automobile-dependent development. Primary or accessory uses servicing motor vehicles, or patrons in motor vehicles, such as motor vehicle repair, gas station, car wash, auto and truck sales, drive-up windows, kiosks, and similar uses.

Automobile-oriented development. Development in which the site layout and design gives preference to automobiles as the primary mode of transportation.

Automobile-oriented use. Automobiles and/or other motor vehicles are an integral part of the use, such as drive-through restaurants and banks.

B

Bed and breakfast inn. Any establishment located in a structure designed for a single family residence and structures appurtenant thereto, regardless of whether the owner or operator of the establishment resides in any of the structures, that:

(a) Has two or more rooms for rent on an overnight basis to the traveling public; and
(b) Offers a breakfast meal as part of the cost of the room.

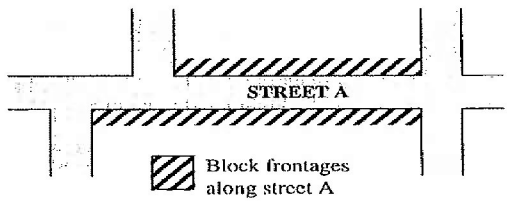
Berm. A small rise or hill in a landscape which is intended to buffer or visually screen certain developments, such as parking areas.

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

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

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

Block Frontage



Bollard. A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards may contain sidewalk or pathway lighting.

Boulevard. A street with broad open space areas; typically with planted medians. See standards under Section 3.4.1.

Building. Any temporary or permanent structure built and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattel or personal or real property of any kind. The words "building" and "structure" shall be synonymous.

Building area. The total area of a building, including all levels and floors, both above and below ground, as measured from the exterior faces of a building or structure. Gross building area does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.

Building coverage. The area that is covered by roofed buildings, porches, and decks, stairways and entry bridges that are more than 30 inches above grade. Eaves are not included in building coverage.

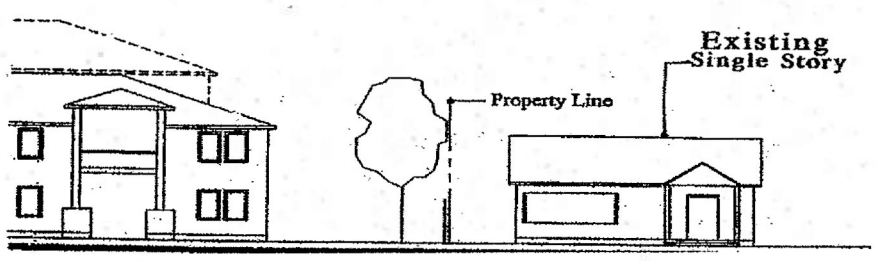
Building footprint. The outline of a building, as measured around its foundation, or Building Coverage, whichever is greater.

Building height. The vertical distance above the grade plane measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the midpoint of the ridgeline or highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The grade plane is the average of the finished

ground level adjoining the building at all exterior walls.

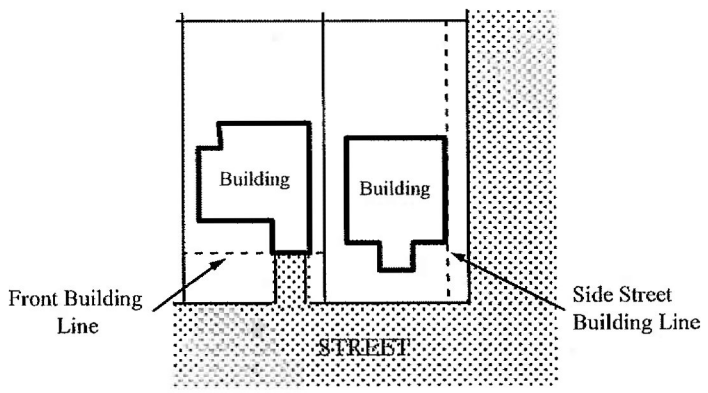
Building height step-down. A development standard that requires a transition in allowable building height, whereby the buildings in a specific land use district must "step-down" in elevation where they abut a lower-intensity land use district.

Building Height Step-down



Building line. A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site. See Figure.

Building Lines



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

Building mass. The aggregate size of a building, or the total height, width, and depth of all its parts.

Building Official. The person who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.

Building pad. A vacant building site on a lot with other building sites.

Building scale. The dimensional relationship of a building and its component parts to other buildings.

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

Bus stop. A location where bus service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.

C

Canopy. A permanent roofed structure that may be free-standing or be partially attached to a building, for the purpose of providing shelter to patrons on foot and/or in motor vehicles; does not include a completely enclosed structure. See also, Tree Canopy, under Environment-Related definitions.

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

Caretaker. An employee hired by a commercial or industrial business or enterprise to live on-site to provide security.

Centerline radius. The radius of a centerline of a street right-of-way.

Certified Engineering Geologist. Any Geologist who is certified in the specialty of Engineering Geology under the provisions of ORS 672.505 to 672.705 and registered in the state of Oregon.

Certificate of Occupancy. A certificate of occupancy or a certificate of inspection issued by the City at the completion of a building permit or change of occupancy.

Change of Use. Change in the primary type of use on a site.

Child Care Center, Family Child Care. Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family child care providers" provide care for not more than 12 children in a home. See ORS 657A for certification requirements.

City. The City of Cottage Grove, Oregon.

Clear and objective. Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

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

Collector, minor/major. Type of street that serves traffic within commercial, industrial, and residential neighborhood areas. Connects local neighborhood or district streets to the arterial network. Part of the street grid system. See standards under Section 3.4.1.

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

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

Common green. A courtyard that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.

Community Development Director. The director of the City of Cottage Grove Community Development Department, or official designee, which may include the positions of City Planner, Assistant Planner, Planning Technician or Office Administrator.

Community Garden. Small plots of land allocated to groups of people by some organization that holds title or lease to the land, sometimes for rent, sometimes simply as a grant of land, for use as a communal vegetable garden or green space. Individual plots within the garden may be tended by different people or the organization may tend the entire site.

Comprehensive Plan. The current adopted Comprehensive Plan of the City of Cottage Grove.

Conditional Use. A use that requires a Conditional Use Permit. See Chapter 4.4.

Condominium. Ownership of a single unit in a multi-unit structure that includes common areas and facilities.

Congregate Care Facility. Independent living facilities or developments that provide centralized amenities such as dining, housekeeping, transportation and organized social/recreational activities. Limited medical services (such as nursing and dental) may or may not be provided. Individuals may live in rooms with or without attached restrooms, but do not have private kitchen facilities in congregate care facilities.

Conservation easement. An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees or groves, floodplains, wildlife habitat, and similar resources.

Corner Lot. See Lot, Corner Lot.

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

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

Cottage. A small house, generally containing not more than 1,200 square feet of floor area that may be used as an accessory dwelling.

Cottage cluster. A group of two or more cottages on one lot.

Council. The City Council of Cottage Grove, Oregon.

Courtyard. A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

Crown cover. The area directly beneath the crown and within the drip line of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

Cul-de-sac. A local street terminating in a turnabout.

Curb cut. A driveway opening delineated by a concrete apron along a street.

D

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

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

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

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

Designated Sensitive Lands. Natural resources areas and landforms protected under the provisions of Chapter 3.7.

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

Development. All improvements on a site, including: buildings; other structures; parking and loading areas; landscaping; paved or graveled areas; areas devoted to exterior display, storage, or activities; dredging, mining, grading and filling; and the partitioning or subdividing of land.

Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

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

Disabled Person. For the purposes of this Code, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

Discontinued use. A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See Chapter 5.2, Non-Conforming Uses and Developments. A use is considered temporarily discontinued during the first six months after it ceases, after which it is considered permanently discontinued.

Discretionary. A permit action or decision that involves judgment or discretion.

Disturbance area. An area that contains all temporary and permanent development, exterior improvements, and staging and storage areas on the site, both existing and proposed. Vegetation planted for resource enhancement and agricultural and pasture land is not included.

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

Drip-line. Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

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

Driveway. There are two types of driveways:

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

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

Driveway apron/approach. That portion of the driveway within the public right-of-way; usually constructed of concrete.

Drought-tolerant/drought-resistant plants or **Xeriscaping.** As listed and described in the Sunset Western Garden Book for the area in which the development site is located (latest edition).

Duplex. A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

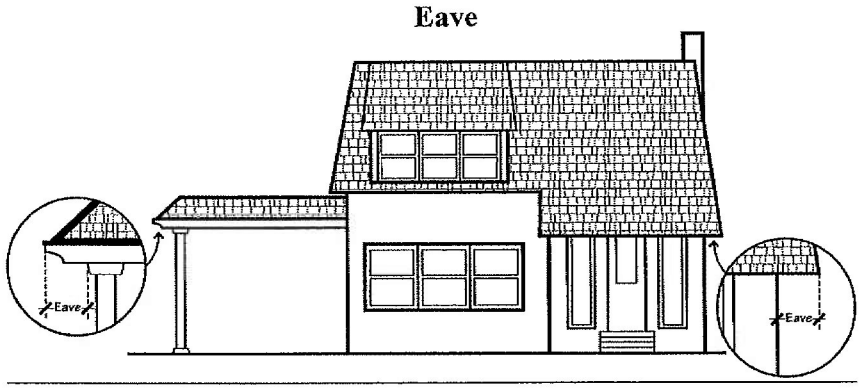
Dwelling Unit. A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain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

E

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, or limit or restrict the use that a property owner may make of the property owner's own land, such as access, or to locate utilities.

Eave. Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure.

Eave



Ecologically/Scientifically significant natural areas. Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, and which is significant for historical, scientific, paleontological, archeological, or natural features.

Elevation. Scaled drawing of the outside wall of a building or structure, from grade to roof ridgeline, typically specifying materials, color, and dimensions.

Emergency action. An action that must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property.

Erosion. The wearing away of the earth's surface as a result of the movement of wind, water or ice.

Evidence. Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

Excavating or filling. Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting there from, whether permanent or temporary in nature. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

Exterior Alteration. An alteration that is on the outside of any building.

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

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

Exterior storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel;

building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments. See also, Exterior Display and Exterior Work Activities.

Exterior work activities. Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. See Exterior Display and Exterior Storage.

F

Facade. The front or street-facing elevation of a structure.

Family day care. See Child Care Center, Family Child Care.

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

Fish and wildlife habitat areas. Lands that contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.

Fire apparatus lane or **fire lane.** Unobstructed area or driveway meeting Uniform Fire Code requirements; typically may not be used for parking or loading area

Flag Lot. See Lot.

Flood hazard area. Land that is in the 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA).

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

Floor area. The total floor area of a building, including all levels and floors both above and below ground with a clear ceiling height of at least 7 feet. Floor area is measured from the interior walls of a building or structure and does not include the following:

- Roof area;
- Roof top mechanical equipment; and

- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50% or more of their perimeter.

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

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

Frontage street or road. A minor street that parallels an arterial street or highway in order to provide access to abutting properties and minimize direct access onto the arterial or highway.

Functional classification. The classification given to streets by the road authority (e.g., "local/collector/arterial"). See Transportation-Related definitions, and Section 3.4.1 for street standards.

Future division plan or **future development plan.** A document that shows lot, tract and right-of-way boundaries for all potential future phases of a land division. The plan is not binding on the City or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting City standards.

G

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

Geological assessment. An assessment prepared and stamped by a Certified Engineering Geologist, detailing the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to geological hazards.

Geotechnical Engineer. A Professional Engineer, registered with the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice or geotechnical or soils engineering practices.

Geotechnical Report. A report prepared and stamped by a Certified Engineering Geologist or Geotechnical Engineer, evaluating the site conditions and mitigation measures necessary to reduce the risk associated with development in geologically hazardous areas.

Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in the Oregon Structural Specialty Code (the Uniform Building Code as amended

by the State).

Grade Plane. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls.

Grading. See Development-Related Definitions.

Ground cover. Living or processed plant material (e.g., mulch, bark chips) that is used to cover bare ground. See Chapter 3.2, Landscaping.

Ground disturbance. Any excavation of 50 cubic yards or more.

Group Living Structure. A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses: residential facility/group care facility; residential home/group care home; congregate care facility.

H

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

Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July, 1987, U. S. Environmental Protection Agency; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101

Hillside area. A property with slopes of 15% or more. Level 1 Hillside areas include any areas with slopes of 15-20%; Level 2 includes slopes of 20-25%; and Level 3 includes any area with slopes of greater than 25%.

Historic context. The significant historic environment and background related to a historic resource that describes or explains the role played by that resource in the development of the city, region, state or nation. This includes physical development, notable events, and other human activity.

Historic ensemble. A geographic grouping of historic resources that collectively have historic significance that is greater than the individual significance of any one resource in the group.

Historic landmark. A historic resource that has been designated under the procedures described in this chapter and is therefore subject to its rules and regulations. Historic Landmark designations may include neighborhoods, buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit.

Historic resource. A structure or object that has historic significance. Historic Resources include:

- Historic Landmarks, including those that are listed in the National Register of Historic Places;
- Conservation Districts
- Historic Districts, including those listed in the National Register of Historic Places;
- Structures or objects that are identified as contributing to the historic significance of a Historic District ;
- Structures or objects that are included in the City's Historic Resources Inventory; and
- Any building, structure, site, district and/or object that potentially can meet one or more of the criteria for designation as a historic landmark, or has been so designated.

Historic resources inventory. The Historic Resources Inventory is a documentation and preliminary evaluation of historic resources maintained by the City. Information for each resource includes a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and, in most cases, a ranking for significance.

Historic resource alteration. Any physical change or modification of a historic landmark or its environs, with the exception of simple cleaning and maintenance. Alteration includes repair, replacement, addition and/or removal of material to or from a historic landmark. The following terms are included under the definition of alteration:

1. Historic Resource Relocation. The act of removing and relocating a historic landmark, including the removing or relocating of a non-historic resource within a designated historic district or site, or upon property directly adjacent to a historic landmark.

2. Historic Resource Demolition. The destruction, razing, defacing or dismantling of a historic landmark which causes partial or total ruin.

3. Historic Resource New Construction. The development of new additions and/or structures upon a historic landmark or its site, including any site, structure or object in a designated historic district or upon property directly adjacent to a designated landmark.

Historic value. A physical, aesthetic, scenic, educational, or other characteristic that is a reminder of important events or developments in the community's past.

Home occupation, home occupation site. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site, subject to the provisions of Chapter 2.2 (Residential Districts) and Section 4.9.300 (Home Occupation Permits).

Horticulture. The cultivation of an orchard, garden or nursery on a small or large scale.

Hospital. Any building or institution devoted primarily to the rendering of diagnostic, treatment,

and nursing care, including associated support services (such as out-patient clinics, adult day care and nursing facilities, laboratories, medical offices, food service areas, gift shops, maintenance facilities, meeting areas, pharmacies, durable medical equipment dispensaries, and teaching facilities), for 2 or more non-related individuals where such are may be rendered over a period exceeding 24 hours. See Medical Centers, Chapter 1.4.

Hotel/Motel. A building, portion of a building, or group of buildings designed and used for occupancy of individuals lodged with or without meals for no more than 30 consecutive days. (See ORS 446.310.)

House. See Residential Structure Types.

Household. One or more persons related by blood, marriage, civil union, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit.

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

I

Impervious surface. Surface area that does not allow for water infiltration, or has a runoff coefficient of 0.90 or more (e.g., non-permeable pavement, solid rock roofs, foundations, underground tanks and vaults, and similar areas).

Incidental and **subordinate to.** Secondary to, and less apparent, than the primary use or other portion of the development.

Identified natural features (e.g., wetlands or streams). Natural features that are identified in the National Wetlands Inventory and/or other references used by the City or State as being significant and in need of protection.

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

J

Junk yard. (1) Any property or establishment on which one or more persons are engaged in

breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. (2) Any establishment or place of business on which 2 or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal processing facilities.

K

Kennel. Any location where 3 or more dogs or cats aged 6 months or older are boarded or bred. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

L

Land division. The process of dividing land to create parcels or lots. See Chapter 4.3.

Landing (stairs). A level part of a staircase, usually at the end of a flight of stairs. See also, Transportation-Related definitions for Airport Landing.

Landmark. See Historic Resource-Related definitions.

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

Landslide. The downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, and rockfalls.

Land use. The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses. See also, Chapter 1.4. Use Categories.

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

Land use district. As used in this code, a land use district is the same as a zoning district.

Land Use Review. An application for land use approval under Section 4.2.200.A, or the review of such application.

Lane, mid-block. A narrow, limited use roadway facility, similar to an alley in design, usually used to access a limited number of dwelling units.

Level of service ("LOS"). A quantitative standard for transportation facilities describing operational conditions. Level of Service may be described for intersections (signalized or

unsignalized) or street segments (between signalized intersections).

Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See also, Chapter 4.1.500 (Type IV Review).

Light manufacture. See Chapter 1.4, Use Categories.

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

Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other Chapters. See also, Chapter 3.3, Parking and Loading.

Local Improvement District ("LID"). A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485.

Local Street. A street used primarily for access to abutting properties.

Longest street-facing wall. The longest wall that faces a street. If two or more street-facing walls are of equal length, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of the Development Code. See also, Facade, and Chapter 2.3.150, Building Orientation in Commercial Districts.

Lot. A lot is a legally defined piece of land other than a tract that is the result of a subdivision, partition, or by a deed that was signed before 1978. Unless the context suggests otherwise, the terms "lot," "parcel," and "lot of record" are synonymous. See also, Ownership, Parcel, Site.

1. Corner lot. A lot that has frontage on more than one intersecting street. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figures below.

2. Flag lot. A lot with two distinct parts (See Figure below):
   a. The flag, which is the only building site, and is located behind another lot; and
   b. The pole, which connects the flag to the street, provides the only street frontage for the lot, and at any point is less than the minimum lot width for the zone.

   Note: The pole is not included in the dimension of the flag lot for purposes of minimum lot size.

3. Through lot. A lot that has frontage on two parallel or approximately parallel streets.

Lot lines/property lines. The property lines along the edge of a lot or site.

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

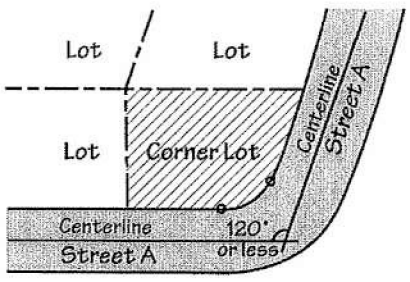
2. Rear lot line. A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figures below.

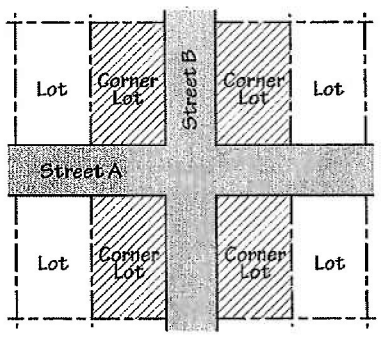
3. Side lot line. A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line. See Figures below.

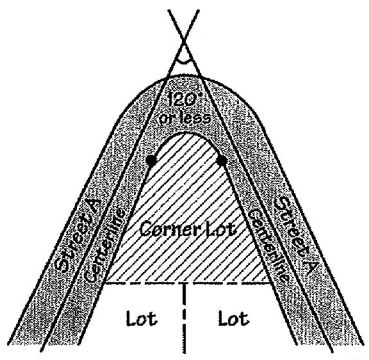
4. Side street lot line. A lot line that is both a side lot line and a street lot line. See Figures below.

5. Street lot line. A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are 2 (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures on following pages.

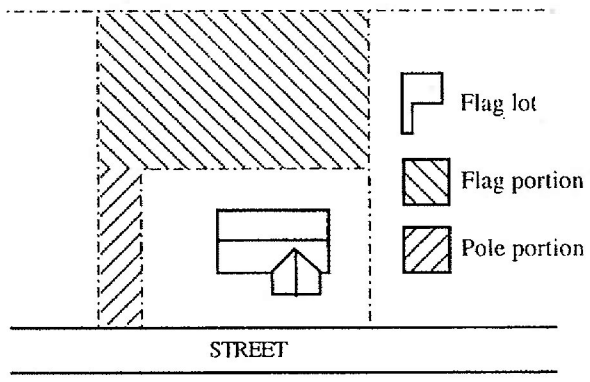
Corner Lots



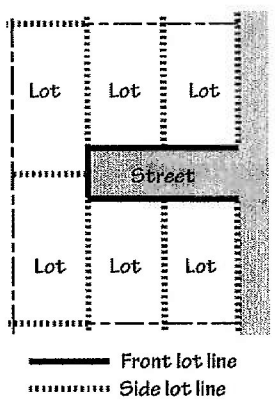




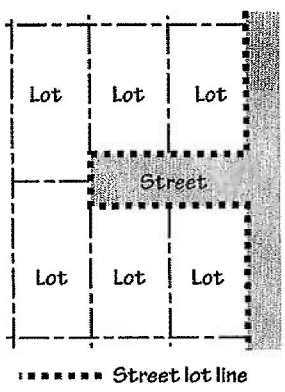
Flag Lot



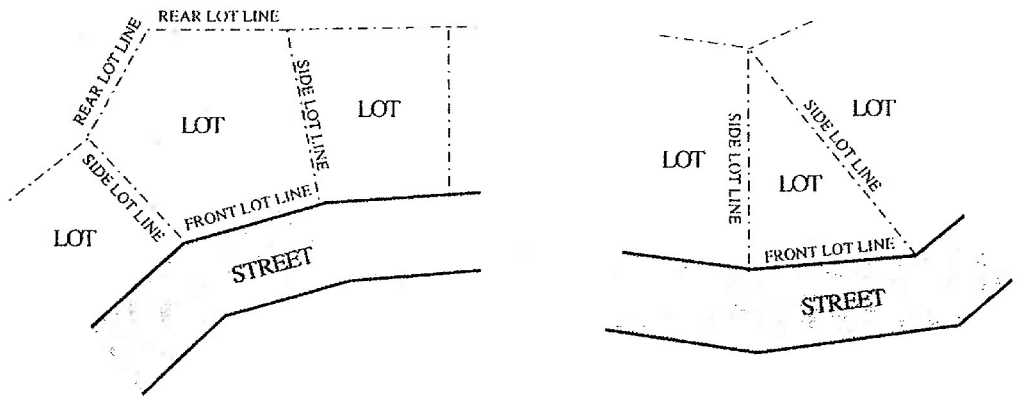
Front and Side Lot Lines



Street Lot Lines



Lot Lines on Irregular Lots



Lot, double-frontage. See Lot, Through Lot.

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

Lot coverage. The total area of a lot covered by building(s) or impervious surfaces, as allowed by the applicable land use district development standards.

Lot depth. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot line adjustment. See Property Line Adjustment.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

M

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

Major remodeling. Projects where the floor area is being increased by 50% or more, or by more than 1,000 square feet; or where the cost of the remodeling is greater than 50% the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

Manufactured dwelling. The term "manufactured dwelling" replaces the term "mobile home" (ORS 446). Includes residential trailers constructed before January 1, 1962; and, mobile homes constructed between January 1, 1962 and June 15, 1976, which met Oregon construction standards then in effect; and manufactured homes constructed to federal standards.

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

Manufactured Home. A structure with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C., Subsection 5401 et seq.), as amended on August 22, 1981.

Maneuvering area/aisle. The driving area in a parking lot where motor vehicles are able to turn around and access parking or loading spaces.

Mini park. A small park, usually less than one-half acre typically accessed by foot or wheelchair, or bicycle. Also called "nodal parks." See also, Pedestrian Amenities.

Ministerial. A routine administrative action or decision that involves no discretion. The issuance of a building permit is generally such an action. See Chapter 4.1.200 (Type I Review).

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

Mixed-use. The combination on a site of multiple uses (e.g., office with residential, retail with industrial, or civic with retail or community service, etc.

Mobile home park. Two or more mobile homes that are located on a single site for 30 days or more and intended for residential use. Mobile home park does not include sites where unoccupied mobile homes are offered for sale or lease. See also Recreational Vehicle Park.

Mobile home space. The area occupied by a mobile home and its accessory uses and structures in a mobile home park.

Motor home. See Recreational Vehicle, under Vehicle Types.

Motor vehicle. See Vehicle Types.

Multi-dwelling development. A grouping of individual structures where each structure contains 1 or more dwelling units. The land underneath the structures is not divided into separate lots. A multi-dwelling development project may include an existing single-dwelling detached building with 1 or more new detached structures located to the rear or the side of the existing house. It might also include a duplex in front with either 1 or more single-dwelling houses behind or 1 or more duplex units or multi-dwelling structures behind. There is no requirement for the structures on the sites to be attached.

Multi-dwelling structure. A structure that contains 3 or more dwelling units that share common walls or floor/ceilings with 1 or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.

Multi-use pathway. See Walkway and Bikeway.

N

Natural resource areas/natural resources. See Environment-Related Definitions.

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

Neighborhood. A residential area usually having distinguishing character or geography.

Neighborhood commercial. See Use Categories, Commercial.

Nonconforming development. An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards. Nonconforming development includes development that is over a maximum allowed amount of floor area. See Chapter 5.2.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zoning classification of the subject property, this Code, or other applicable land use regulations, the use is now prohibited. See Chapter 5.2.

Non-native invasive plants. Plants listed under current Oregon State University Extension Service Bulletin as non-native invasive plants in Oregon.

O

Off-street parking. All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. See Chapter 3.3 for parking standards.

On-street parking. Parking in the street right-of-way, typically in parking lanes or bays. Parking may be "parallel" or "angled" in relation to the edge of the right-of-way or curb. See Chapter 3.3 for parking standards.

Open space (public/common/private/active/passive). Land within a development that has been dedicated in common to the ownership within the development or to the public or privately held specifically for the purpose of providing places for recreation, conservation or other open space uses. See also, Common Area.

Orientation. To cause to face toward a particular point of reference (e.g., "A building oriented to the street"). See also, Pedestrian-Oriented Development.

Outdoor commercial use. A use supporting a commercial activity that provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Overlay zone/district. Overlay zones impose and/or relax requirements of an underlying land use district, or base zone, where characteristics of the land or neighborhood, or the types of development planned for an area, require special regulations. See Chapter 2.6.

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

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

P

Parcel. A legally defined area of land created through a partition. Unless the context suggests otherwise, the terms "lot," "parcel," and "lot of record" are synonymous. See also, Ownership, Site, Lot.

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

Parking lot perimeter. The boundary of a parking lot area that usually contains a landscaped buffer area.

Parking space. A space designed to provide standing area for a motor vehicle. See Chapter 3.3 for parking space standards.

Parking versus **storage.** Parking is to leave a motor vehicle or trailer for a temporary time, no longer than 72 hours. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use more than 72 hours in the future. See also, Exterior Display.

Partial Street. See Transportation-Related Definitions.

Partition. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. (See ORS 92. 010(8).)

Pathway. A walkway conforming to Chapter 3.2 that is not within a street right-of-way.

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

Pedestrian amenity(ies). See Development-Related definitions. Areas and objects that serve as places for public socializing and enjoyment and are usually closed to motorized vehicles. Examples include plazas, building frontage areas (extra-wide sidewalks), street furnishings (e.g., benches, drinking fountains, bus waiting shelters), and pocket parks adjacent to a street, and similar areas and objects. Sidewalks designed to meet the minimum sidewalk width standards under Section 3.4.1 are not "amenities" for the purpose of this Code.

Pedestrian connection. See Access way.

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

Performance agreement, guarantee or bond or **Developer's Agreement.** A financial commitment by the petitioner or subdivider and executed by an Oregon licensed surety company in an amount equal to the full cost of construction and improvements as required in Section 4.3.180 and conditioned upon the faithful performance thereof.

Planter strip. A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk. See also, Tree Well.

Plat. Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State

law definitions of "partition plat" and "subdivision plat". See also, Chapter 4.3, Land Divisions.

Plaza. An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping for use by pedestrians. See also, Pedestrian Amenities (Development-Related definitions).

Practicable. Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Preservation. The maintenance and repair of existing historic materials, and the conscious retention of the property's form as it has evolved over time. See the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67).

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

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

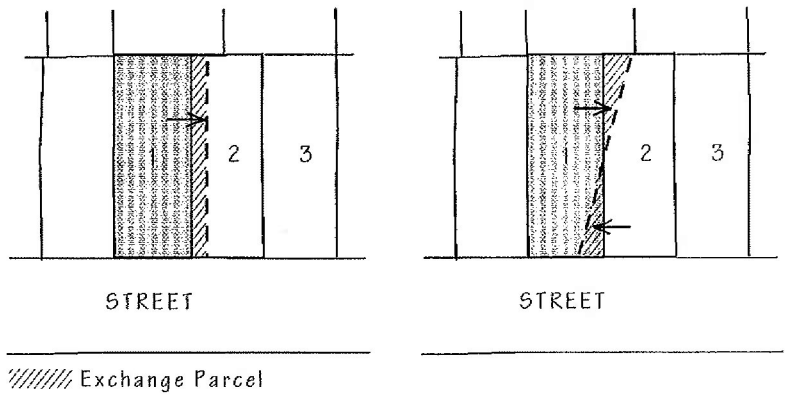
Project. An existing or proposed use or development.

Project, major. A project that requires Site Design Review (Sections 4.2.400-600), Subdivision or Partition review (Chapter 4.3), Conditional Use Permit review (Chapter 4.4), or Master Planned Development review (Chapter 4.5).

Project, minor. A project that requires Land Use Review (Section 4.2.300), but does not require Site Design Review (Section 4.2.400-600), Subdivision or Partition review (Chapter 4.3), Conditional Use Permit review, or Master Planned Development review (Chapter 4.5).

Property line adjustment. The relocation of a single common property line between two abutting properties, in conformance with ORS 92.010(11). See Figure.

Property Line Adjustment



Property line: front, rear, interior side, street side. See Lot Line.

Public access easement. A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

Public improvements. Development of public infrastructure, as required by the City, County, Special District, or Road Authority, as applicable. See Chapter 3.4.

Q

Quasi-judicial. An action or decision that requires discretion or judgment in applying the standards or criteria of this Code to the facts of a development proposal, and usually involves a public hearing. See Chapter 4.1.400 (Type III Review).

R

Rail right-of-way. A public or private right-of-way, for the purpose of allowing rail travel.

Recreation camp. (1) An area devoted to facilities and equipment for recreation purposes, including swimming pools, tennis courts, playgrounds, and similar uses, either open to the public upon payment of a fee, or limited to private membership. (2) An area designated by the landowner for picnicking or overnight camping and offered to the general public, with or without a fee or charge. (See ORS Chapter 446.)

Recreational vehicle. See Vehicle Types.

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

Rehabilitation. The treatment used when there is a need to alter or add to a historic property to meet needs of continuing or changing use while retaining the property's historical, cultural, and/or architectural values. See the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67).

Renovation plan. A written proposal to restore the distinctive and historically authentic architectural, historical, or cultural character of a historic resource while retaining or establishing the possibility for efficient, contemporary use.

Residence. Same as Dwelling. See Residential Structure Types.

Residential facility/group care facility. A residence for 6 to 15 physically disabled or socially dependent persons, and for staff persons, which is licensed by or under the authority of Department of Human Resources under ORS 443.400 to 443.460. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Care, Treatment or Training Facility.

Residential home/group care home. A residence for five or fewer physically or mentally disabled persons, and for staff persons, as regulated by the Department of Human Resources under ORS 443.400 to 443.460. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Training or Treatment Home.

Residential Structure Types.

- Accessory Dwelling Unit.
- Attached Duplex.
- Cottage.
- Cottage cluster.
- Duplex.
- Dwelling Unit.
- Residential facility/group care facility.
- Residential home/group care home.
- Manufactured dwelling.
- Manufactured Home.
- Multi-dwelling development.
- Multi-dwelling structure.
- Residential Trailer.
- Senior housing.

- Single Family House.
- Single room occupancy housing (SRO).

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

Restoration. The process of returning a historic property to its appearance in a particular time in the property's history. The process requires the removal of evidence of other time periods and does not illustrate the evolution of the building over time. See the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67).

Review Body. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Community Development Director, Planning Commission, and the City Council.

Ridge line (building). The top of a roof at its highest elevation.

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

Riparian areas. Lands adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils that are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

Road authority. The City or other agency (e.g., Oregon Department of Transportation, Lane County, a special purpose district, or other agency) with jurisdiction over a road or street.

Roadway. The portion of a right-of-way that is improved for motor vehicle travel, regardless of the type of surface used. Roadway includes vehicle travel lanes and may include bicycle lanes, planting or median strips that divide vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

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

S

Senior housing. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary.

Sensitive lands. Wetlands, significant trees, steep slopes, flood plains, Willamette River Greenway and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

Setback/Setback yard. The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from the nearest exterior point of a building to a specified property line.

Shared driveway. See Transportation-Related definitions. When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.

Shared parking. See Development-Related Definitions. Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities. See Chapter 3.3.

Shopping street. A driveway in a commercial development that is designed to mimic a public street with sidewalks, tree wells, pedestrian lighting, and street furnishings. A shopping street may also have on-street parking.

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

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

Sign. Any fabricated emblem or display, including its structure, consisting of any letter(s), character, design, figure, line, logo, mark, picture, plane, point, poster, stripe, stroke, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened, or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, Chapter, machine or merchandise display. See Chapter 3.9.

Sign area. The entire area within a single continuous perimeter formed by lines joined at right angles which encloses the extreme limits of a sign, and which in no case passes through or between any adjacent elements of the same. However, this perimeter does not include any structural elements lying outside and below the limits of the sign that do not form an integral part of the display.

Single Family House. A detached dwelling unit located on its own lot.

Single room occupancy housing (SRO). A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes

structures commonly called residential hotels and rooming houses.

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

- If a proposed development includes multiple ownerships, then the site is the combined area of all the ownerships.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site design review. A discretionary review that applies to all developments except those specifically designated for Land Use Review. A development proposal is reviewed in light of the basic Chapter 2 land use district development standards and more detailed design standards and public improvement requirements in Chapter 3. See Chapter 4.2.

Site frontage. The part of a site that abuts a street. See also, Block Frontage.

Slope. An inclined earth surface, the inclination or which is expressed with a given rise in elevation over a given run in distance. A 15% slope, for example, refers to a 15 foot rise in elevation over a distance of 100 feet. Slopes are measured across a horizontal rise and run calculation within any horizontal 25 foot distance.

Standards and **criteria.** Both are code requirements for how to develop uses and structures on land. A standard is a quantitative requirement, or a qualitative requirement that is used in interpreting a subjective criterion. (*Example*. Criterion: All developments subject to site design review shall comply with the Chapter 3 parking standards. Standard: Medical and dental office uses must provide one vehicle parking space for each *x* square feet of gross floor area.)

Steep slopes. Slopes of greater than 15%. See also, Hillside Area in Environmental-Related definitions.

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

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

Stormwater management system. A stormwater facility (e.g., conveyance, detention/retention,

treatment system or outfall.)

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

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

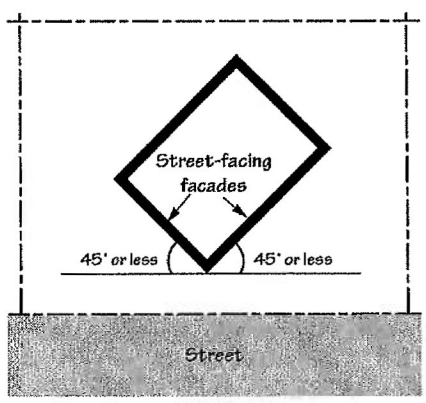
Stream channel. An area with evidence of perennial or seasonal water passage. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

Street. A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or freeways and their onramps. Includes the terms road, highway, lane, avenue or similar designation.

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

Street-facing façade/wall. All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure below.

Street-facing Facade



Street furniture/furnishings. Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities; may be located within a street furnishings zone or building front zone of a sidewalk or in a plaza. See also, Pedestrian Amenities.

Street stub. A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street tree. A tree planted in a planter strip or tree well between the street and sidewalk.

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

Structure height. The height of a structure, and the cumulative height of a building with any appurtenant structures.

Subdivision. To divide land into four or more lots within a single calendar year. See also, Chapter 4.3, Land Divisions, and ORS 92.010(13).

Surface water management. *[This is a placeholder.]*

Swale. A type of stormwater facility. Usually a broad, shallow depression with plants that filter and process contaminants.

T

Tangent. Meeting a curve or surface in a single point.

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

Through lot. See Lot.

Through Street. A street that connects to other streets at both ends.

Top of bank. The first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level.

Topographical constraint. Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or manmade feature (e.g., embankment or berm) make conformance with a Code standard impracticable.

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

Transit Street. A street that is classified in the Transportation Element of the Comprehensive Plan as a bus route.

Transportation mode. The method of transportation (e.g., automobile, bus, walking, bicycling, train, etc.).

Travel trailer. A vacation structure or self-propelled vehicle equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink or toilets; used for vacation and recreational purposes; and not used as a residence. (See ORS 446.003(5), (24).)

Travel trailer/recreational vehicle park/campground. A lot or parcel on which two or more travel trailers, recreational vehicles, motor homes, tent trailers, tent sites, capers, and/or similar vehicles or devices are permitted outright, with or without a charge or fee.

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

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

Turnaround. A City-approved vehicle maneuvering area at the end of a street that connects to another street at only one end (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around. See Section 3.4.1 for related standards.

U

Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained. See also, Chapter 1.4, Use Categories.

Utilities. For the purposes of this Code, utilities are telephone, cable, natural gas, electric, water, sanitary sewer, stormwater, and telecommunication facilities. See also, Chapter 3.6.100, Wireless Telecommunication Facilities.

V

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

Vacation home rental. A commercial use of a single family or duplex dwelling unit where the unit is rented for periods of time of 28 or fewer consecutive days.

Variance. An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. See Chapter 5.1.

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

Vehicle Types.

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

- **Passenger vehicle.** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicles are passenger cars and multipurpose passenger vehicles as defined by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.

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

  1. Motor home. Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.

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

- **Truck.** A motor vehicle that is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. See also, National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.

  1. Light Truck. Trucks and similar vehicles with single rear axles and single rear wheels.

2. Medium Truck. Trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.

3. Heavy Truck. Trucks, including truck tractors, and similar vehicles with two or more rear axles.

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

V

Vision Clearance Area. Those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety and to maintain adequate sight distance. See standards in Chapter 3.1.200. A triangular area at the street corner of a corner lot, the alley-street intersection of a lot, or the alley-sidewalk intersection of a lot, the space being defined by a line across the corner the ends of which are the roadway lines, or sidewalk lines, an equal and specified distance from the corner of the triangle and containing no planning, walls, structures or temporary or permanent obstruction from 2 and 1 ½ feet in height above the curb level to 15 feet above the curb level.

W

Walkway. A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to City standards, or to other roadway authority standards, as applicable. See also, Access way, Pathway, Sidewalk.

Water bodies. Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water bodies include rivers, streams, creeks, sloughs, drainage ways, lakes, and ponds.

Waste collection areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

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

Willamette River Greenway. A protected corridor along the Coast Fork of the Willamette River. The State of Oregon established the Greenway in 1975, "to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands

along the Willamette River as the Willamette River Greenway."

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

Wireless telecommunication facility. A facility designed and/or used for the purpose of transmitting, receiving, and relaying voice and data signals from antennae, towers and ancillary facilities. Typical wireless telecommunication equipment includes cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving. For purposes of this code, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not 'wireless telecommunication facilities'.

Wrecking yard, motor vehicles and building materials. Any premises used for the storage, dismantling or sale of either used motor vehicles, trailers, machinery or building materials or parts thereof.

X

Y

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

Z

Zero-lot line house. A single-family detached dwelling with one "0 foot" side yard setback.

Chapter 1.4 — Use Categories

Sections:

Introduction to the Use Categories
1.4.010 Purpose

Residential Use Categories
1.4.100 Household Living
1.4.110 Group Living

Commercial Use Categories
1.4.200 Commercial Outdoor Recreation
1.4.210 Commercial Parking
1.4.220 Quick Vehicle Servicing
1.4.230 Major Event Entertainment
1.4.240 Educational Services, Commercial
1.4.250 Office
1.4.260 General Commercial Retail Sales and Service
1.4.265 Downtown Retail Sales and Services
1.4.270 Tourist Oriented Retail Sales and Services
1.4.275 Outdoor Retail Sales and Service
1.4.280 Self-Service Storage
1.4.285 Vehicle Repair

Industrial Use Categories
1.4.300 Light Industrial Service
1.4.310 Medium/Heavy Industrial Service
1.4.320 Light Manufacturing and Production
1.4.330 Medium/Heavy Manufacturing and Production
1.4.340 Warehouse, Freight Movement, and Distribution
1.4.350 Waste-Related
1.4.360 Wholesale Sales

Institutional Use Categories
1.4.400 Basic Utilities
1.4.410 Colleges
1.4.420 Community Service
1.4.430 Daycare
1.4.440 Medical Centers
1.4.450 Parks and Open Areas
1.4.460 Religious Institutions and Places of Worship
1.4.470 Schools

Other Use Categories
1.4.500 Agriculture
1.4.520 Wireless Telecommunication Facilities
1.4.530 Rail Lines and Utility Corridors

Enforcement
1.5.100 Provisions of this Code Declared to be Minimum Requirements
1.5.200 Violation of Code Prohibited
1.5.300 Penalty
1.5.400 Complaints Regarding Violations
1.5.500 Inspection and Right of Entry
1.5.600 Abatement of Violations
1.5.700 Stop-Order Hearing

Introduction to the Use Categories

1.4.010 Purpose

This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics, as follows:

A. Categorization. Uses are assigned to the category whose description most closely describes the nature of the primary use. The "Characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.

B. Interpretation. When a use's category is not clearly identifiable, the Community Development Director, through a Type II procedure, determines the applicable use category. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

- The description of the activity(ies) in relationship to the characteristics of each use category;
- The relative amount of site or floor space and equipment devoted to the activity;
- Relative amounts of sales from each activity;
- The customer type for each activity;
- The relative number of employees in each activity;
- Hours of operation;
- Building and site arrangement;
- Vehicles used with the activity;
- The relative number of vehicle trips generated by the activity;
- Signs;
- How the use advertises itself; and
- Whether the activity would function independently of the other activities on the site.

C. Developments with multiple primary uses. When all primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the Retail Sales and Service category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

D. Accessory uses. Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.

E. Use of examples. The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

Residential Use Categories

1.4.100 Household Living

A. Characteristics. Household Living is characterized by the residential occupancy of a dwelling unit by a household. Where units are rented, tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy (SRO) housing that do not have totally self-contained dwelling units are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. In addition, residential homes as defined by the State of Oregon are included in the Household Living category.

B. Accessory Uses. Accessory uses commonly found are recreational activities, raising of pets, hobbies, gardens, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, day cares and bed and breakfast inns are accessory uses that are subject to additional regulations. Family day cares are accessory uses so long as they meet the definition in this code.

C. Examples. Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, and other structures with self-contained dwelling units. Examples also include living in SROs if the provisions are met regarding length of stay and separate meal preparation.

D. Exceptions.

1. Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.

2. SROs that contain programs which include common dining are classified as Group Living.

3. Lodging in recreational vehicles and/or motor homes for more than 14 days (2 calendar weeks) in any 6 months is a prohibited accessory use unless a Temporary Use Permit has been granted. (See Chapter 4.9.)

4. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter.

1.4.110 Group Living

A. Characteristics. Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 1.3.300, Definitions).

B. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.

C. Examples. Examples include dormitories; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically disabled, mentally retarded, or emotionally disturbed; congregate care facilities; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.

D. Exceptions.

1. Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing.

2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.

3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

Commercial Use Categories

1.4.200 Commercial Outdoor Recreation

A. Characteristics. Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.

B. Accessory Uses. Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.

C. Examples. Examples include amusement parks, theme parks, golf driving ranges, miniature golf facilities, and marinas.

D. Exceptions.

1. Golf courses are classified as Parks and Open Space.

2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.

1.4.210 Commercial Parking

A. Characteristics. Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

B. Accessory Uses. In a parking structure only, accessory uses may include car washing, and vehicle repair activities.

C. Examples. Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).

D. Exceptions.

1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.

2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility. See Accessory Parking Facilities in Chapter 1.3.300, Definitions.

3. Public transit park-and-ride facilities are classified as Basic Utilities.

1.4.220 Quick Vehicle Servicing

A. Characteristics. Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility and the area where the service is performed (See Chapter 1. 300, Definitions). Full-serve and mini-serve gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.

B. Accessory Uses. Accessory uses may include auto repair and tire sales.

C. Examples. Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, and quick lubrication services.

D. Exceptions.

1. Truck stops are classified as Industrial Service.

2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use.

1.4.230 Major Event Entertainment

A. Characteristics. Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.

B. Accessory Uses. Accessory uses may include restaurants, bars, concessions, parking, maintenance facilities and caretaker housing.

C. Examples. Examples include sports arenas, racetracks (auto, horse, dog, etc.), BMX tracks, rodeos, auditoriums, exhibition and meeting areas, outdoor amphitheaters, and fairgrounds.

D. Exceptions.

1. Exhibition and meeting areas with less than 10,000 square feet of total event area are classified as Retail Sales and Service.

2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.

3. Theaters, including drive-in theaters, are classified as Retail Sales and Service.

4. School ballfields and sports facilities are classified as accessory to Schools when part of same development site. When developed separately, they are classified as Parks and Open Space.

1.4.240 Educational Services, Commercial

A. Characteristics. Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving students with supplemental education, enrichment, and/or tutoring.

B. Accessory uses. Accessory uses may include incidental retail (e.g., sale of instructional materials), parking, or other amenities primarily for the use of employees and customers.

C. Examples. Examples include tutoring centers, computer classes, after school math and reading centers, and arts and crafts classes.

1.4.250 Office

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

B. Accessory uses. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

C. Examples. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.

D. Exceptions.

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.

2. Contractors and others who perform construction or similar services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

3. Animal clinics and kennels that board overnight are considered Retail Sales and Service.

1.4.260 General Commercial Retail Sales and Service

A. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

B. Accessory uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

C. Examples. Examples include uses from the four subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting the following items, provided that yards and buildable areas shall not be used for the storage or display of used building materials or any scrap or salvage operation, storage or sale: consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles, in conjunction with an office.

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

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

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

D. Exceptions.

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop that is classified as Industrial Service.

3. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter. See Community Services.

4. Kennels that are limited to boarding, with no breeding are classified as Retail Sales and Service.

1.4.265 Downtown Retail Sales and Services

A. Characteristics. Downtown Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public within the Downtown Historic District. They may also provide personal services or entertainment, or provide some types of product repair or services for consumer and business goods.

B. Accessory uses. Accessory uses may include offices, storage of goods for sale, manufacture or repackaging of goods for on-site sale, sidewalk displays and parking.

C. Examples. Examples include uses from the three subgroups listed below:

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

2. Personal service-oriented: Branch banks, except drive-ins; urgency medical care; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; mortuaries; veterinarians; and animal grooming.

3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars, except drive-ins; pool halls; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, and Bed & Breakfast Inns.

D. Exceptions.

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.

3. In certain situations, hotels and motels may be classified as a Community Service use, such as short term housing or mass shelter. See Community Services.

4. Kennels that are limited to boarding, with no breeding are classified as Retail Sales and Service.

5. Repair-oriented Services are classified as General Commercial Retail Sales and Services.

1.4.270 Tourist-Oriented Retail Sales and Services

A. Characteristics. Tourist-Oriented Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide some types of product repair or services for consumer and business goods.

B. Accessory uses. Accessory uses may include offices, storage of goods for sale, manufacture or repackaging of goods for on-site sale, and parking.

C. Examples. Examples include uses from the three subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including antiques, imports and souvenirs, art, art supplies, gifts, novelty shops, candy, jewelry, sporting goods and recreational equipment; rental agencies for automobiles, bicycles, trucks, trailers, boats and motorcycles;

2. Personal service-oriented: tourist information center; hair, tanning and personal care services; photographic studios; tax preparers, accountants, real estate, legal, financial services; urgency medical care;

3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars, including drive-ins; movie theatres, legitimate theaters and studios; museums; recreation clubs; health clubs, gyms, membership clubs, and lodges; hotels and motels.

D. Exceptions.

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop that is classified as Industrial Service.

6. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter. See Community Services.

7. Kennels that are limited to boarding, with no breeding are classified as Retail Sales and Service.

1.4.275 Outdoor Retail Sales and Services

A. Characteristics. Outdoor Retail Sales and Service firms are involved in the sale, lease or rent of new or used products that are not principally contained within an enclosed space to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods that are typically shown or displayed outdoors.

B. Accessory uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, service and product repair, and parking.

C. Examples. Examples include outdoor plant sales; sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks and other recreation vehicles; recreational vehicle parks with an average length stay of less than 30 days; recycling drop-off; outdoor firing ranges.

D. Exceptions.

1. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks are classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks are classified as Industrial Service.

2. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.

3. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.

1.4.280 Self-Service Storage

A. Characteristics. Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.

B. Accessory uses. Accessory uses may include security and leasing offices. Living quarters for one resident manager per site are allowed. Other living quarters are subject to the regulations for Residential Uses. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

C. Examples. Examples include single story and multistory facilities that provide individual storage areas for rent, and may offer space for RV trailer and boat storage. These uses are also called mini warehouses.

D. Exceptions. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

1.4.285 Vehicle Repair

A. Characteristics. Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. (Different than Quick Vehicle Services category.)

B. Accessory Uses. Accessory uses may include offices, sales of parts, and vehicle storage.

C. Examples. Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto or boat upholstery shop, auto detailing, and tire sales and mounting.

D. Exceptions. Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

Industrial Use Categories

1.4.300 Light Industrial Service

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

B. Accessory uses. Accessory uses may include offices, parking, storage, rail spur or lead lines.

C. Examples. Examples include small welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storageof building materials; towing and vehicle storage; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; research and development laboratories; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories; carwashes.

D. Exceptions.

1. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.

2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

1.4.310 Medium/Heavy Industrial Service

A. Characteristics. Industrial Service firms are engaged in the repair or servicing of medium to heavy industrial, business or consumer machinery, equipment, products or by-products. Few customers, especially the general public, come to the site.

B. Accessory uses. Accessory uses may include offices, parking, storage, rail spur or lead lines.

C. Examples. Examples include salvage or wrecking of heavy machinery or metal; auto and truck salvage and wrecking; heavy truck servicing and repair; heavy machinery servicing and repair; tire retreading or recapping; fuel oil distributors; solid fuel yards; welding shops over 10,000 square feet in size.

D. Exceptions.

1. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.

2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

1.4.320 Light Manufacturing and Production

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

B. Accessory uses. Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, repair facilities, or truck fleets. Living quarters for one caretaker per site are allowed. Other living quarters are subject to the regulations for Residential Uses.

C. Examples. Examples include processing of food and related products; catering establishments; and wineries; weaving or production of textiles or apparel; woodworking, including cabinet makers; movie production facilities; ship and boat building; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of light machinery, equipment, instruments, including musical instruments, precision items, and other electrical items; production of artwork and toys; sign making; and the production of prefabricated structures, including mobile homes.

D. Exceptions.

1. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.

2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

1.4.330 Medium/Heavy Manufacturing and Production

A. Characteristics. Manufacturing and Production firms are involved in the medium to heavy manufacturing, processing, or fabrication of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or

consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

B. Accessory uses. Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, repair facilities, or truck fleets. Living quarters for one caretaker per site are allowed. Other living quarters are subject to the regulations for Residential Uses.

C. Examples. Examples include manufacturing and assembling of chemicals such as alcohol, ammonia, acid, paint, cement, glue, etc.; automobile painting; bottling plants; lumber mills; pulp or paper mills; textile manufacturing or assembling; welding shop; crematory; blast furnace or coke ovens; fertilizer; food smoking or canning; metal fabrication; incineration of garbage, dead animals, etc.; breweries and distilleries; slaughter houses, and meat packing; lumber mills, pulp and paper mills, and other wood products manufacturing; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of heavy machinery, equipment, and vehicles; and the production of energy.

D. Exceptions.

1. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

1.4.340 Warehouse, Freight Movement, and Distribution

A. Characteristics. Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

B. Accessory uses. Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, and repackaging of goods.

C. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

D. Exceptions.

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

2. Mini-warehouses are classified as Self-Service Storage uses.

1.4.350 Waste-Related

A. Characteristics. Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.

B. Accessory Uses. Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

C. Examples. Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

D. Exceptions.

1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.

2. Sewer pipes that serve a development are considered a Basic Utility.

1.4.360 Wholesale Sales

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

B. Accessory uses. Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

C. Examples. Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

D. Exceptions.

1. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.

2. Firms that engage in sales on a membership basis are classified as either Retail Sales and Service or Wholesale Sales, based on a consideration of characteristics of the use.

3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

Institutional and Civic Use Categories

1.4.400 Basic Utilities

A. Characteristics. Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public utility facilities are Basic Utilities.

B. Accessory uses. Accessory uses may include parking; service buildings; and control, monitoring, data or transmission equipment..

C. Examples. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; bus stops or turnarounds; and emergency communication broadcast facilities.

D. Exceptions.

1. Services where people are generally present, other than bus stops or turnarounds, transit centers, and public safety facilities, are classified as Community Services or Offices.

2. Utility offices where employees or customers are generally present are classified as Offices.

3. Bus barns are classified as Warehouse and Freight Movement.

4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.

1.4.410 Colleges

A. Characteristics. This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks, though they may be contained in a single building.

B. Accessory Uses. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.

C. Examples. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, computer schools, higher education religious schools, and seminaries.

D. Exceptions. Business and trade schools are classified as Retail Sales and Service.

1.4.420 Community Services

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

B. Accessory uses. Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; daycare uses; athletic facilities; assembly areas; radio communication equipment; and overnight detention facilities.

C. Examples. Examples include city hall, police stations, fire stations, libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, public utility offices and distribution centers, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, soup kitchens, and surplus food distribution centers.

D. Exceptions.

1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales and Service. Commercial museums (such as a wax museum) are in Retail Sales and Service.

2. Parks are in Parks and Open Areas.

3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.

4. Public safety facilities are classified as Basic Utilities.

1.4.430 Daycare

A. Characteristics. Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.

B. Accessory Uses. Accessory uses include: offices, play areas, and parking.

C. Examples. Examples include preschools, nursery schools, latch key programs, and adult daycare programs.

D. Exceptions. Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include care given by a "family daycare" provider as defined by ORS 657A. 250 if the care is given to 12 or fewer children at any one time including the children of the provider. Family daycare is care regularly given in the family living quarters of the provider's home.

1.4.440 Medical Centers

A. Characteristics. Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.

B. Accessory uses. Accessory uses include outpatient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.

C. Examples. Examples include hospitals and medical complexes that include hospitals and assisted living facilities.

D. Exceptions.

1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.

2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.

3. Urgency medical care clinics are classified as Retail Sales and Service.

1.4.450 Parks and Open Areas

A. Characteristics. Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping and active or passive outdoor recreation, playgrounds, historic or cultural sites, community gardens, or public squares. Lands tend to have few structures.

B. Accessory uses. Accessory uses may include clubhouses, maintenance facilities, play structures, athletic facilities, restrooms, open picnic shelters, sign kiosks, concessions, caretaker's quarters, boat launches, multi-use trails, and parking.

C. Examples. Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, historic sites, archeological sites, community baseball fields, and land used for grazing that is not part of a farm or ranch.

1.4.460 Religious Institutions and Places of Worship

A. Characteristics. Religious Institutions are intended to primarily provide meeting areas for religious activities.

B. Accessory uses. Accessory uses include Sunday school facilities, parking, caretaker's housing, daycare, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the average length of stay is less than 60 days. Religious schools, when accessory to a religious institution, are not considered a primary use.

C. Examples. Examples include churches, temples, synagogues, and mosques. See also, Religious Schools included in 1.4.480 Schools.

1.4.470 Schools

A. Characteristics. This category includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level, which provide state mandated basic education.

B. Accessory uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.

C. Examples. Examples include public and private daytime schools, boarding schools and military academies.

D. Exceptions.

1. Preschools are classified as Daycare uses.

2. Business and trade schools are classified as Retail Sales and Service.

Other Use Categories

1.4.500 Agriculture

A. Characteristics. Agriculture includes activities that raise, produce or keep plants or animals.

B. Accessory uses. Accessory uses include dwellings for proprietors and employees of the use, and animal training.

C. Examples. Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.

D. Exceptions.

1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing and Production.

2. Livestock auctions are classified as Wholesale Sales.

3. Plant nurseries that are oriented to retail sales are classified as Outdoor Retail Sales and Service.

4. When kennels are limited to boarding, with no breeding, the City may determine the use category is Agriculture or Retail Sales and Service.

1.4.520 Wireless Telecommunication Facilities

A. Characteristics. Wireless Telecommunication Facilities includes all devices, equipment, machinery, structures or supporting elements designed and/or used for the purpose of transmitting, receiving, and relaying voice and data signals from antennae, towers and ancillary facilities, including those that produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self-supporting, guyed, or mounted on poles or buildings.

B. Accessory Uses. Accessory use may include transmitter facility buildings.

C. Examples. Examples include broadcast towers, communication/cell towers, and point-to-point microwave towers.

D. Exceptions.

1. Amateur radio transmission facilities are not included in this category.

2. Radio and television studios are classified in the Office category.

3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

1.4.530 Rail Lines and Utility Corridors

A. Characteristics. This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

B. Examples. Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.

C. Exceptions.

1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.

2. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.

3. Railroad yards are classified in the Railroad Yards category.

Chapter 1.5 — Enforcement

Sections:

1.5.100 Provisions of this Code Declared to be Minimum Requirements
1.5.200 Violation of Code Prohibited
1.5.300 Revocations of Approvals
1.5.400 Enforcement
1.5.500 Penalty
1.5.600 Complaints Regarding Violations
1.5.700 Inspection and Right of Entry
1.5.800 Abatement of Violations
1.5.900 Stop-Order Hearing

1.5.100 Provisions of this Code Declared to be Minimum Requirements

A. **Minimum requirements intended.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.

B. **Most restrictive requirements apply.** When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

1.5.200 Violation of Code Prohibited

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

1.5.300 Revocations of Approvals

The Director may, in writing, suspend or revoke any permit or approval granted under the provisions of this Code whenever the permit or approval is granted in error on the basis of incorrect information supplied, or whenever the holder of the permit or approval violates the provisions of either this Code or the Cottage Grove Municipal Code.

1.5.400 Enforcement

Upon request from the Director, the City Attorney shall institute any necessary legal proceedings to enforce the provisions of this Code.

Enforcement of this Code shall be through the applicable procedures for abatement and civil infractions established in the Cottage Grove Municipal Code. The enforcement remedies available under this Code or the Municipal Code are not exclusive and do not preclude the City from using any other remedies available by law.

1.5.500 Penalty

A. Class 1 penalty. A violation of this Code shall constitute an unclassified misdemeanor. Convictions are punishable with a fine not to exceed $500.00, or by imprisonment for a period not to exceed 30 days, or both per infraction.

B. Each violation a separate infraction. Each violation of a separate provision of this Code shall constitute a separate infraction. Each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.

C. Abatement of violation required. Any use which is established, operated, erected, moved, altered, or maintained contrary to the regulations of this Code is unlawful and a public nuisance and may be abated as such. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to any other remedies available to the City. The City has the authority to abate a violation and charge the property owner for such abatement.

D. Responsible party. If a provision of this Code is violated by a firm or corporation, the officer or officers, and/or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

1.5.600 Complaints Regarding Violations

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

B. File complaint with City Manager. Complaints, stating fully the causes and basis thereof, shall be filed with the City Manager. The City Manager shall record complaints, investigate and take action thereon as provided by this Code.

1.5.700 Inspection and Right of Entry

Whenever the Director or designee reasonably believes a violation of any provision of this Code has occurred, or whenever necessary to investigate an application for or revocation of any approval made under this Code, the Director or designee may enter on any site in a reasonable manner.

1.5.800 Abatement of Violations

Any development or use that occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings.

1.5.900 Stop-Order Hearing

A. Stop order issued. Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the Community Development Director will order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval or being performed without required permits or approvals shall cease until it is authorized in writing by the city to continue.

B. Appeal opportunity. A person or organization that has been served a stop work order may appeal the decision by submitting a letter to the City Manager requesting a hearing with the City Council. The City Council shall hold this hearing within 60 days of the receipt of the letter, and make a determination as to the violation.

C. Stop order hearing. The City Manager may schedule a City Council hearing on the stop order. At the discretion of the City Manager, such hearing may be:

1. Part of a hearing on revocation of the underlying development approval; or

2. Solely to determine whether a violation has occurred.

The City Council shall hold this hearing and shall make a determination as to the violation. Upon finding a violation, the stop-order shall continue to be effective until the violating party furnishes sufficient proof to the City Manager that the violation has been abated.

CHAPTER 2 — Land Use Districts

Chapters:

2.1 Organization of Land Use Districts
2.2 Residential (R) Districts
2.3 Commercial (C) Districts
2.4 Industrial (I) Districts
2.5 Parks & Recreation (PR) District
2.6 Combining Districts

Chapter 2.1 - Organization of Land Use Districts

Sections:

2.1.100 Classification of Land Use Districts
2.1.200 Land Use District Map
2.1.300 Determination of Land Use District Boundaries

2.1.100 Classification of Land Use Districts

Every parcel, lot, and tract of land within the city limits of the City of Cottage Grove is designated with a land use (zoning) district. The use of land is limited to the uses allowed by the applicable land use district and/or overlay zone. The applicable land use districts and overlay zone(s) are determined based on the Land Use District Map and the provisions of this Chapter, which shall be consistent with the City of Cottage Grove Comprehensive Plan, as indicated in Table 2.1.100.

Table 2.1.100 Land Use Districts

Comprehensive Plan Designation	Applicable Land Use District
Low Density Residential	Single Family Restricted (R) Single Family Residential (R-1)
Medium Density Residential	Multifamily Residential (R-2) Residential Commercial (RC) Mobile Home Park (MHP)
High Density Residential	Multifamily Residential (R-3) Residential Commercial (RC)
Central Business District	Central Business District (C-2)
Community Commercial	Community Commercial (C-2P) Residential Commercial (RC)
Commercial Tourist	Commercial Tourist (CT) Limited Commercial Tourist (CT/L)
Industrial	Light Industrial (M-1) Heavy Industrial (M-2)
Public/Quasi Public	Parks & Recreation (PR)
Parks & Open Space	Parks & Recreation (PR)

Combining Districts	Airport Overlay (AO) Historic Preservation (HP) Willamette River Greenway (GR)

2.1.200 Land Use District Map

A. Consistency with Land Use District Map. The boundaries of the land use districts contained within this chapter shall coincide with the land use district boundaries identified on the City's official zoning map. Said map by this reference is made a part of this Development Code. The official zoning map, and any map amendments, shall be maintained by the City. See Chapter 6 for a compilation of recent map amendments.

B. Applicability of land use standards. Each lot, tract, and parcel of land or portion thereof within the land use district boundaries designated and marked on the zoning map is classified, zoned and limited to the uses hereinafter specified and defined for the applicable land use district.

2.1.300 Determination of Land Use District Boundaries

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

A. **Rights-of-way.** Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, irrigation canals, bridges, or other right-of-way shall be construed to follow such center lines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a land use district boundary, the lands within the right-of-way now vacated shall be allocated proportionately among the subject land use districts;

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

C. **Jurisdiction boundary.** Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary; and

D. **Natural features.** Boundaries indicated as approximately following a river, stream, drainage channel, drainage basin, topographic contour or other changeable natural feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature, except that the location may be corrected administratively through a Type II (Code Interpretation) procedure, in accordance with Chapter 4.8.

Chapter 2.2 - Residential Districts

Sections:

2.2.100 Residential Districts – Purpose
2.2.110 Residential Districts – Allowed Land Uses
2.2.120 Residential Districts – Development Standards
2.2.130 Residential Districts – Setback Yards and Build-To Line: Exceptions, Reverse Frontage Lots, Flag Lots, Garage/Carport
2.2.140 Residential Districts – Infill Standards
2.2.150 Residential Districts – Housing Density
2.2.160 Residential Districts – Lot Coverage and Impervious Surfaces
2.2.170 Residential Districts – Building Height: Measurement, Exceptions, R and R-1 Step-Down Requirement
2.2.180 Residential Districts – Building Orientation
2.2.190 Residential Districts – Architectural Design Standards
2.2.200 Residential Districts – Special Use Standards

2.2.100 Residential Districts – Purpose

The Residential Districts are intended to promote the livability, stability and improvement of the City's neighborhoods. Six districts are provided: 1) The Restricted Residential (R) zone is intended primarily for household living at lower densities in areas with development restrictions such as steep slopes; 2) The Single Family Residential (R-1) district is intended primarily for household living at low densities, with parks, schools, places of worship, and other supportive services that are at an appropriate neighborhood scale; 3) The Medium Density Multiple Family (R-2) district is intended to accommodate a wider variety of housing types and more intensive land use than the R-1 district; 4) The Mobile Home Park District is intended to accommodate existing mobile home parks; 5) The High Density Multiple Family Residential (R-3) district is intended to accommodate higher density residential development near commercial areas, with a mix of types of multifamily housing types adjacent to highways, major arterials and collector streets; and 6) The Residential-Commercial (RC) district is intended to combine a variety of housing similar to the R-2 district with public and commercial services at an appropriate neighborhood scale to provide a transitional zone between residential and commercial zones.

This chapter provides standards for land use and development in each of the six districts, based on the following principles:

- Promote the orderly expansion and improvement of neighborhoods.
- Make efficient use of land and public services and implement the Comprehensive Plan.
- Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing.
- Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.
- Provide for compatible building and site design at an appropriate neighborhood scale;

provide standards that are in character with the landforms and architecture existing in the community.

- Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- Provide direct and convenient access to schools, parks and neighborhood services.
- Maintain and enhance the City's historic architecture and historic neighborhoods.

2.2.110 Residential Districts – Allowed Land Uses

Table 2.2.110 identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4.

Table 2.2.110 – Land Uses Allowed in Residential Districts (R, R-1, R-2, R-3, RC)

Key:
P = Permitted, subject to land use/site review
S = Permitted with standards (Section 2.2.210)
CU = Conditional Use permit required (Chapter 4.4)
MP = Master Plan required (Chapter 4.5)
N = Not permitted

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Residential Categories						
Household Living						
Single Family (not attached)	P	P	P	N	N	CU
Accessory Dwelling, per Section 2.2.200.	S	S	S	N	N	S
Duplex (2 dwellings sharing a common wall on one lot) ■ One duplex on a corner lot ■ One duplex on interior lot	N N	P P	P P	N N	N N	P P
■ More than one duplex (4+ units) attached, per Section 2.2.200	N	N	S	N	S	S

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Single Family Attached (2 or more common-wall single family dwellings), each on its own lot, per Section 2.2.200	N	S	S	N	S	S
Cottage Cluster (2-4 single family dwellings on one lot, oriented to an alley or common green, and each containing 1200 square feet or less of floor area)	CU	CU	CU	N	CU	P
Manufactured Home, per Section 2.2.200	S	S	S	S	N	CU+S
Zero Lot Line Housing (not common wall), per Section 2.2.200	N	N	S	N	S	S
Multifamily (3 or more dwellings on lot), except as provided for Cottage Housing (includes Senior Housing, Assisted Living, and Single Room Occupancy Uses, but not Group Living)	N	N	S	S	S	S

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Group Living						
Group Home, per Section 2.2.200	S	S	S	N	S	S
Group Facility, per Section 2.2.200	N	N	S	N	S	S
Congregate Care Facility	N	N	N	N	CU	CU
Assisted Living Facility, Nursing Home (licensed by State)	CU	CU	CU	N	CU	CU
Commercial Categories						
Drive-up/Drive-in/Drive-through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190	N	N	N	N	N	N
Bed and Breakfast Inn	S	S	S	N	S	S
Educational Services, not a school (e.g., tutoring or similar services), gross floor area limited to 2,000 square feet per use	N	N	CU	N	CU	P
Entertainment, Major Event	N	N	N	N	N	N
Home Occupation	S	S	S	S	S	S

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Cottage Industry, per Section 2.2.200 and 4.9.200	CU+S	CU+S	CU+S	CU+S	CU+S	CU+S
Office, floor area limited to 2,000 square feet per use	N	N	N, or through MP	CU	CU	P
Outdoor recreation, Commercial	N	N	N	N	N	N
Quick Vehicle Servicing or Vehicle Repair	N	N	N	N	N	N
General Commercial Retail Sales and Service, gross floor area limited to 2,000 square feet per use	N	N	N, or through MP	CU	CU	P
Downtown Retail Sales and Service	N	N	N	N	P	P
Tourist Commercial Retail Sales and Service	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N
Industrial Categories						
Light or Medium/Heavy Industrial Service, enclosed in primary building	N	N	N	N	N	CU

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Light or Medium/Heavy Industrial Service, not enclosed	N	N	N	N	N	N
Manufacturing and production, enclosed in primary building	N	N	N	N	N	CU
Warehouse and Freight Movement	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	P	P	P	P	P	P
Colleges	CU	CU	CU	N	CU	CU
Community Service, no drive-up uses ■ limited to 2,000 square feet gross floor area ■ exceeding 2,000 square feet gross floor area	N N	N N	N N	N N	CU N	P CU
Family Child Care (12 or fewer children) under ORS 657A.250	P	P	P	P	P	P
Child Care	N	CU+S	CU+S	CU+S	S	S

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Parks and Open Space	CU	CU	CU	CU	CU	CU
Parks and Open Space, when designated on an adopted Specific Area Plan, or when part of a subdivision application (Chapter 4.3) or Master Planned Development application (Chapter 4.5)	P	P	P	P	P	P
Religious Institutions and Houses of Worship	CU	CU	CU	CU	CU	CU
Schools	CU	CU	CU	CU	CU	CU
Other Categories						
Accessory Structures (with a permitted use) ■ no taller than 14 ft. and no larger than 600 square feet of building footprint	P	P	P	P	P	P
■ taller than 14 ft. or larger than 600 square feet of building footprint	CU	CU	CU	CU	CU	CU

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Animals ■ Small Animals, limited to 3, such as cats, dogs, pot-bellied pigs, rabbits, chickens or similar size animal (excluding roosters and swine) ■ Livestock, limited to 1 head of cattle, horse, sheep or similar size animal per ½ acre undeveloped pasture	P P	P P	P N	P N	P N	P N
Medical Center	N	N	N	N	N	CU
Nurseries and similar commercial horticulture (indoor or outdoor)	N	N	N	N	N	CU
Wireless Telecommunication Facilities	N	N	N	N	N	N
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU	CU	CU	CU	CU	CU
Temporary Uses - Temporary Residential Trailers	S	S	S	S	S	S

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
- Temporary Fireworks Sales	N	N	N	N	N	CU
- Christmas Tree Lots	N	N	N	N	N	CU
- Similar uses	N	N	N	N	N	CU
- Temporary Food Vendors (not enclosed in building)	N	N	N	N	N	P
Transportation Facilities (operation, maintenance, preservation and construction)	P	P	P	P	P	P
Community Garden	CU	CU	CU	CU	CU	CU

2.2.120 Residential Districts – Development Standards

The development standards in Table 2.2.120 apply to all uses, structures, buildings, and development, and major remodels, in the Residential Districts. ***Note: MHP standards are specified in Section 2.2.200.I.***

Table 2.2.120 – Development Standards for Residential Districts (R, R-1, R-2, R-3, RC) (except as modified by 2.2.140 – Residential Infill Standards)

Standard	R	R-1	R-2	R-3	RC
Density (DU/acre) *– Minimum and Maximum*	3.0 min 5.0 max	4.0 min 6.0 max	6.0 min 12.0 max	10.0 min	6.0 min 12.0 max
Minimum Lot Area* (square feet)					
Single Family, not attached	10,000 sf	6,000 sf	5,500 sf	N/A	N/A
Single Family, attached	N/A	3,500 sf	3,000 sf	2,000 sf	3,000 sf
Duplex on corner lots	N/A	7,000 sf	7,000 sf	N/A	7,000 sf
Duplex on interior lots	N/A	9,000 sf	7,000 sf	N/A	7,000 sf
Multiple-Family or Cottage Cluster	N/A	10,000 sf	9,000 sf	8,000 sf	9,000 sf
Non-Residential Uses	N/A	N/A	6,000 sf	6,000 sf	6,000 sf
Flag lot	10,000 sf (not including panhandle)	6,000 sf (not including panhandle)	6,000 sf (not including panhandle)	6,000 sf (not including panhandle)	6,000 sf (not including panhandle)
*Lot size may be reduced through *lot size averaging*. See related land division procedures in Chapter 4.3.115. Minimum lot sizes do not apply to open space tracts.					
Minimum Lot Width					
Single Family, not attached	60 ft	60 ft	60 ft	N/A	N/A
Single Family, not attached, with alley access	60 ft	50 ft	40 ft	N/A	N/A
Single Family, attached	N/A	25 ft	20 ft	18 ft	18 ft
Duplex on corner lot	N/A	65 ft	65 ft	N/A	50 ft
Duplex on interior lots	N/A	65 ft	60 ft		
Multiple-Family or Cottage Cluster	N/A	60 ft	50 ft	50 ft	50 ft
Non-Residential Uses	N/A	60 ft	50 ft	50 ft	50 ft
For flag lots, width is measured at the front building line.					

Standard	R	R-1	R-2	R-3	RC
Minimum Lot Depth *Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots, Section 4.3.115.	80 ft	80 ft	80 ft	N/A	N/A
Maximum Building/Structure Height (See also, Sections 2.2.130 Setback Yards; 2.2.140, Infill Standards; 2.2.170, RL Height Step-Down; 3.1.2, Clear Vision, and 3.2.500, Fences and Walls.)	28 ft	28 ft	35 ft	40 ft	35 ft
Building Height Transition Required Adjacent to R and R-1 District, per Section 2.2.170	No	No	Yes	Yes	Yes
Fences, Retaining/Garden Walls					
Max. Height. – Front Yard	4 ft	4 ft	4 ft	4 ft	4 ft
Max. Height. – Interior Side	6 ft	6 ft	6 ft	6 ft	6 ft
Max. Height – Rear Yard	6 ft	6 ft	6 ft	6 ft	6 ft
Max. Height – Street Side or Reverse Frontage Lot (rear)	4 ft, or 6 ft with 5 ft setback	4 ft, or 6 ft with 5 ft setback	4 ft, or 6 ft with 5 ft setback	4 ft, or 6 ft with 5 ft setback	4 ft, or 6 ft with 5 ft setback
Height Bonus	N/A	N/A	Add'l 10 ft if recreation increased to 15% of site	Add'l 10 ft if recreation increased to 15% of site	Add'l 10 ft if recreation increased to 15% of site
Lot Coverage Max. Building Coverage (Foundation plane as % of site area)	50%	40%	50%	N/A	N/A
Min. Landscape Area (% site area), *except* does not apply to Single Family Dwellings. Landscape area may include plant areas and some non-plant areas as allowed under Section 3.2.300.D.	10%	10%	10%	10%	10%

Standard	R	R-1	R-2	R-3	RC
Minimum Setbacks (feet): *(See also, Sections 2.2.130 Setback Yards; 2.2.140, Infill Standards; 2.2.170, RL Height Step-Down; 3.1.2, Clear Vision, and 3.2.500, Fences and Walls.)*					
Front/Street Setback					
Structure except garage/carport entries	15 ft 10 ft if garage entry setback 25 ft or from rear	15 ft 10 ft if garage entry setback 25 ft or from rear	15 ft 10 ft if garage entry setback 25 ft or from rear	10 ft with garage access from rear or side	10 ft with garage access from rear or side
Garage/Carport Entry (measured from property line or rear of sidewalk, whichever is closer)	20 ft	20 ft	20 ft	N/A	N/A
Open Structures (e.g., porch, balcony, portico, patio, wall), where structure is less than 50% enclosed on side elevations	5 ft	5 ft	5 ft	5 ft	5 ft
Note: Always avoid utility easements when building near property lines.					
Side Setback, except alleys (total of 2 sides)					
Structure >28' height Structure 16'-28' height Structure </=16' height	15 ft total 15 ft total 15 ft total (3' min on each side)	10 ft total 10 ft total 10 ft total (3' min on each side)	10 ft total 10 ft total 10 ft total (3' min on each side)	10 ft total 10 ft total 10 ft total (3' min on each side)	10 ft total 10 ft total 10 ft total (3' min on each side)
Garage/Carport Entry, except alley	20 ft (rear of sidewalk)	20 ft (rear of sidewalk)	20 ft (rear of sidewalk)	20 ft (rear of sidewalk)	20 ft (rear of sidewalk)
Exceptions: Alley	5ft min	5ft min	5ft min	5ft min	5ft min
Common Walls/Zero Lot Line	0 ft	0 ft	0 ft	0 ft	0 ft
Note: Building/Fire Codes require additional protection for structures less than 5 ft from property line.					

Standard	R	R-1	R-2	R-3	RC
Minimum Setbacks (continued):					
Rear Setbacks, except alley					
Structure >28' height	15 ft	10 ft	10 ft	10 ft	10 ft
Structure 16'-28' height	10 ft	10 ft	10 ft	10 ft	10 ft
Structure </=16' height	10 ft	10 ft	10 ft	10 ft	10 ft
Accessory Structure </= 16' height	5 ft	5 ft	5 ft	5 ft	5 ft
Garage or Carport Entry	20 ft	20 ft	20 ft	20 ft	20 ft
Reductions: Open Structures (e.g., porch, balcony, portico, patio wall), where structure is less than 50% enclosed on side elevations	5 ft min. on side with open structure	5 ft min. on side with open structure	5 ft min. on side with open structure	5 ft min. on side with open structure	5 ft min. on side with open structure
Common Walls/Zero Lot Line	0 ft	0 ft	0 ft	0 ft	0 ft
Alley Setbacks					
All Structures	2 ft	2 ft	2 ft	2 ft	2 ft
Garage or Carport Entry (no conversion allowed)	5 ft	5 ft	5 ft	5 ft	5 ft
Note: Always avoid utility easements when building near property lines.					
Vision Clearance (per Section 3.1.200(N))					
Corner Lots (intersection of two streets)	20 ft	20 ft	20 ft	20 ft	20 ft
Alley-Street intersection	15 ft	15 ft	15 ft	15 ft	15 ft
Alley-Sidewalk intersection	10 ft	10 ft	10 ft	10 ft	10 ft
Build-To Line (feet): New Buildings Only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 2.3.180.)	N/A	N/A	N/A	10 ft, may be increased when pedestrian amenities are provided between a primary building entrance and street	10 ft, may be increased when pedestrian amenities are provided between a primary building entrance and street

2.2.130 Residential Districts – Setback Yards and Build-To Line: Exceptions, Garage/Carport, Reverse Frontage Lots, Flag Lots

A. Residential Yard Setbacks – Purpose.

Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The setback yard standards contained in Table 2.2.120 are also intended to promote human-scale design and traffic calming by diminishing the visual presence of garages along the street and encouraging the use of pedestrian amenities, such as extra-wide sidewalks and street furnishings in multiple family developments and in residential-commercial projects. The standards also encourage the orientation of buildings to provide street visibility for public safety and neighborhood security.

B. Setback Yards – Exceptions.

The following architectural features may encroach into the setback yards by no more than 24 inches, provided that a setback of not less than 36 inches is preserved, all applicable building and fire codes are met, and the clear vision standards in Section 3.1.2 are met:

1. Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into a setback yard by not more than 24 inches.

2. Covered porches and similar structures not exceeding 30 inches in height above grade may encroach into setbacks as provided in Table 2.2.120.

3. Uncovered patios and decks under 30 inches in height may be constructed up to the side and rear property lines.

4. Walls and fences built on property lines are subject to the height standards in Table 2.2.120 and the provisions of Sections 3.1.200, Vision Clearance, and 3.2.500, Fences and Walls.

C. Setback Yards – Garage and Carport Entries.

Setback requirements in Section 2.2.120 for garage and carport entries are measured from the property line or the rear of the sidewalk along a street, whichever is closer to the house. These setbacks are intended to allow for adequate space for the parking of vehicles in front of a garage or carport without overhanging the sidewalk. If the carport/garage entry is oriented so as to not face the street, the standard front/street setback for structures applies.

D. Setback Yards – Reverse Frontage Lots.

Buildings on reverse-frontage lots (through lots) shall be required to meet the build-to line standard on only one street. Reverse frontage lots are subject to the fence height and setback requirements in Section 2.2.120 and the landscape buffer requirements in Chapter 3.2.300.

E. Setback Yards – Flag Lots.

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

1. Parallel to the street from which access is taken, or

2. Parallel to the flag pole from which access is taken.

The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval. [Note: The City may impose such conditions as provided under Section 2.2.140 and Section 4.3.115.]

F. Setback Yards – Exclusions.

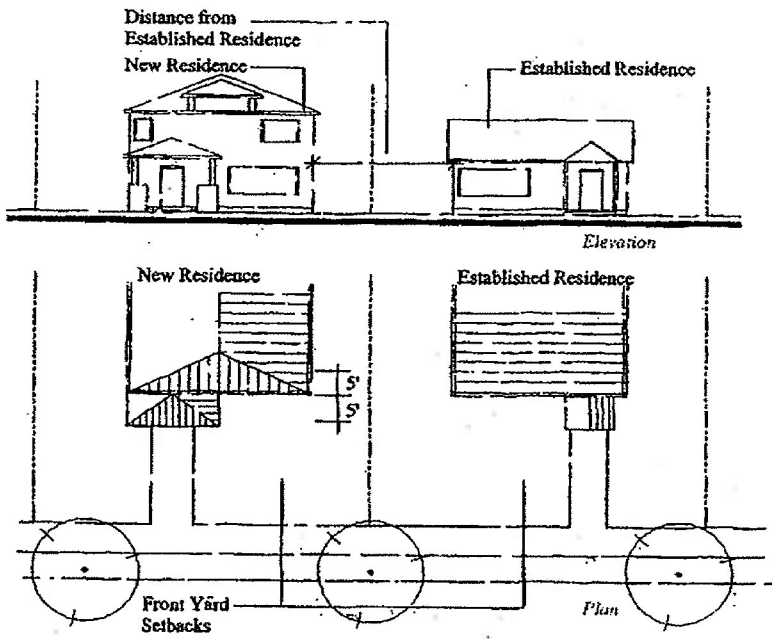
Required setbacks shall not be used for accessory buildings, storage of trailers, boats, cars or appliances, or of any materials, nor shall the required front or street side yards be used for the regular or constant parking of automobiles or other vehicles.

2.2.140 Residential Districts – Infill Standards

The purpose of Section 2.2.140 is to ensure compatibility of new development and redevelopment in existing subdivisions. The setback and building height standards in Section 2.2.140 supersede those in Table 2.2.120 when a new building or full story addition is proposed on a subdivision lot in a Residential District that was platted 10 years or more ago or a newly subdivided lot in an existing (platted 10 years or more ago) neighborhood. The approval body shall use the criteria and standards in subsections A-C, below, in determining applicable setbacks and building heights. In addition, the approval body shall use the criteria and standards in Subsection D for those buildings in historic neighborhoods. Application of Subsection D will require a Type II review.

A. **Compatibility with Yards of Adjacent Residence(s).** Except as provided in Section 2.2.140.D, when an existing single family residence is located within 40 feet of the subject site on the same side of the street, and said residence has a front yard setback that is greater than the minimum setback in Section 2.2.120, a front yard setback similar to that of the nearest single family residence(s) shall be used. "Similar" means the setback is equal to or within 10 percent of the setback provided by the nearest single family residence on the same side of the street. (Figure 2.2.140.A.) For example, if the existing single family residence has a front yard setback of 30 feet, then the new building shall have a front yard setback between 27 feet and 33 feet. If the new building is to be located between two existing residences, then the setback for the new building shall be the average setback of both adjacent residences, plus or minus 10 percent.

Figure 2.2.140.A – Residential Infill Front Yards



B. Compatibility with Building Height of Adjacent Residence(s). Except as provided in Section 2.2.140.D, when an existing single family residence is located within 40 feet of the subject site on the same side of the street, and said residence has a building height that is less than the maximum building height allowed in Table 2.2.120, a building height similar to that of the nearest single family residence(s) shall be used. "Similar" means the building height is not more than 110 percent of the height of the nearest single family residence on the same side of the street. (Figure 2.2.140.B) For example, if the existing single family residence has a height of 26 feet, then the new building shall have a height that does not exceed 28.6 feet. If the new building is to be located between two existing residences, then the height of the new building shall not exceed 110 percent of the average height of both adjacent buildings.

C. Exception to Standard for Redevelopment Potential on Adjacent Lot(s). The provisions of Section 2.2.140.A do not apply when the approval body finds that the subject single-family residential lots located within 40 feet of the subject site are redevelopable. "Redevelopable," for the purposes of this Section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from Lane County Assessor's Office; or the front yard of the subject lot is large enough that it could be subdivided based on the Residential District standards.

D. Compatible Architecture. For buildings to be located in a historic neighborhood (as identified in the City's historic resource inventory), the following standards also apply (through a Type II review process):

1. The building design follows, borrows from, or appropriately adapts a recognized architectural style of the community (e.g. Craftsman Bungalow, Prairie, Queen Anne, Vernacular, etc.) as exemplified in its ground plan, elevations (rhythm, color, materials, and structure (e.g. roof shapes, garage location, details such as windows and doors).

2. The placement of garages shall be similar to that on surrounding properties. Alley access is encouraged if typical for neighborhood.

3. Front porches are desirable to encourage neighbor interaction and visibility of the streetscape, thereby enhancing neighborhood safety. Front porches are required where compatible with surrounding neighborhood.

E. Discretionary Review. The applicant may apply for a Type III Site Design Review if they feel their proposed design meets the intent without meeting the letter of the above standards A-D.

2.2.150 Residential Districts – Housing Density

A. Residential Density Standard. To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new developments in the Residential Districts shall conform to the minimum and maximum densities prescribed in Table 2.2.120, except as provided below in subsections 1-3:

1. Residential care homes/facilities, senior housing, including assisted living, accessory dwellings, and subdivisions where the average slope exceeds 20% are exempt from the minimum density standard.

2. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.

3. Partitions and construction of single-family homes on lots exceeding 20,000 square feet shall be planned so that the land is used efficiently and future development on these lots or parcels can occur based on the minimum lot size and other dimensional standards of the district.

B. Residential Density Calculation.

1. Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard (e.g. "gross density").

2. Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating minimum densities.

2.2.160 Residential Districts – Lot Coverage and Impervious Surfaces

A. Lot Coverage Calculation. The maximum allowable lot coverage shall be as provided in Table 2.2.120. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plan area) and other structures with surfaces greater than 30 inches above the finished grade. It does *not* include paved surface-level developments such as driveways, parking pads, and patios. See subsection B, Impervious Surfaces.

B. Impervious Surface Calculation. Impervious surfaces are calculated as the percentage of a lot or parcel covered by the foundation plan area (lot coverage) and other non-permeable surface-level development (e.g., asphalt, concrete, and similar impervious paving). It does not include planted areas, and other areas allowing stormwater infiltration, as approved by the City.

2.2.170 Residential Districts – Building Height: Measurement, Exceptions, R/R-1 Step-Down Requirement

Building heights shall conform to the standards in Table 2.2.120, and subsections A-C, below:

A. Building Height Measurement. Building height is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the midpoint of the ridgeline or highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. Measurements shall be taken from the grade plane, a reference plane that is the average of the finished ground level adjoining the building within a five-foot horizontal distance of all exterior walls.

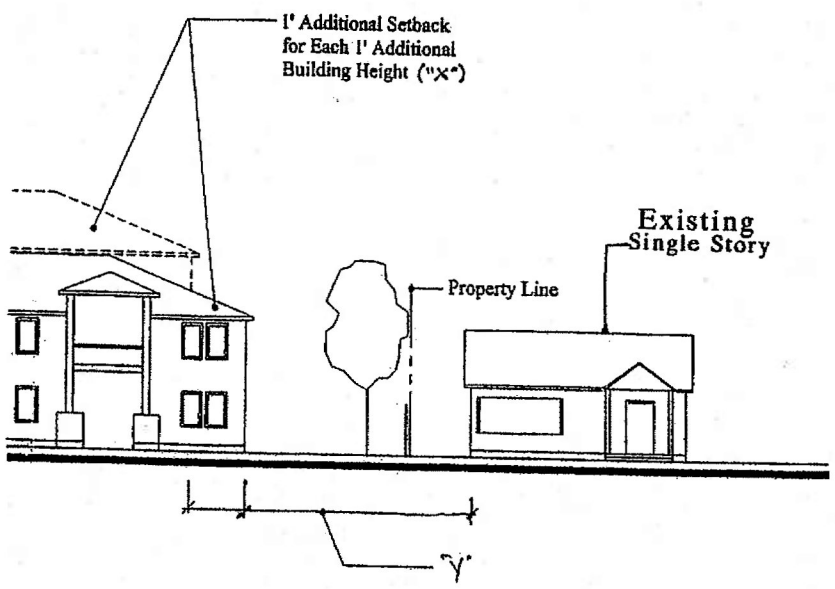
B. Exclusions from Maximum Building Height Standards. Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

C. Height Step-down – R/R-1 District Transition. To provide compatible scale and relationships between new multi-story buildings and existing single- family dwellings in the R or R-1 Districts, multi-story buildings and structures in R-2, R-3, RC, C2-P, CT, M-1, and M-2, districts shall "step-down" to create a building height transition to adjacent single-family building(s) in the R or R-1 Districts, as provided in subsections 1-2, below:

1. This standard applies to new and vertically expanded buildings and structures in any district that are within 20 feet (as measured horizontally) of an existing single family building in the R or R-1 Districts, as shown in Figure 2.2.170.C.

2. The transition standard is met when the height of the taller structure ("x") does not exceed 1 foot of height for every 1 foot separating the two structures ("y"), as shown in Figure 2.2.170.D.

Figure 2.2.170.C – R/R-1 Height Step-Down/Transition



Exception: The provisions of subsections 2.2.170.C.1-2 do not apply when the approval body finds that the subject single family buildings located within 20 feet of the subject site are redevelopable. "Redevelopable," for the purposes of this Section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from Lane County Assessor's Office; or the front yard of the subject lot is large enough that it could be subdivided based on the Residential District standards. Exceptions will require Type II application approval.

2.2.180 Residential Districts – Building Orientation

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

B. Applicability. Section 2.2.180 applies to all developments that are subject to Site Design Review, including developments that are reviewed as part of a Master Planned Development or Conditional Use application. The following supplements the building orientation standards in Table 2.2.120.

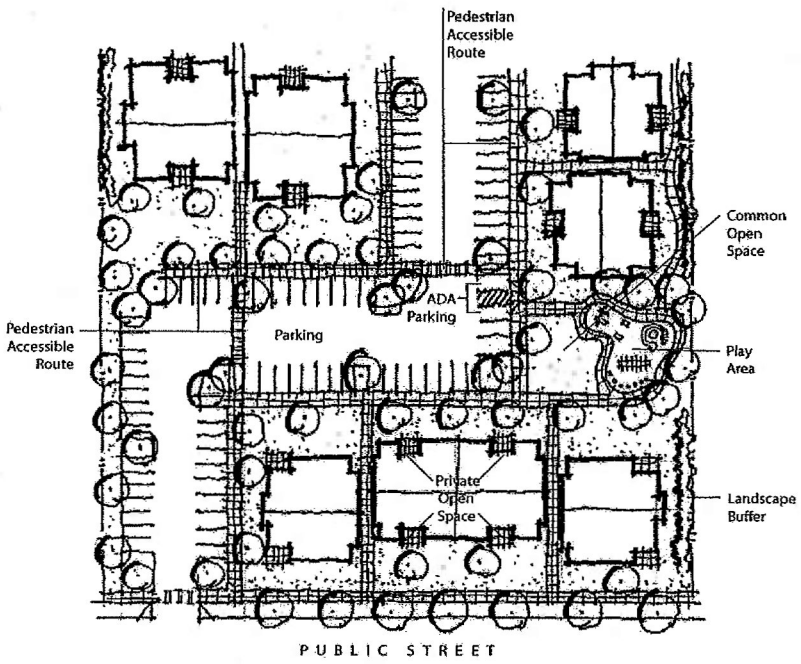
C. Building orientation standards. All developments that are subject to Section 2.2.180 shall have buildings that are oriented to a street. This standard is met when all of the following criteria are met:

1. Compliance with the setback and build-to line standards in Section 2.2.120;

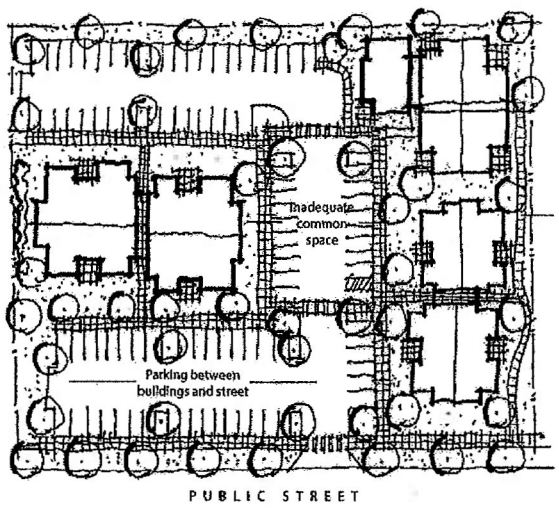
2. Except as provided in subsections 3 and 4, below, all buildings in the Residential Districts shall have at least one primary building entrance (i.e., dwelling entrance, a tenant space entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units or commercial spaces) facing an adjoining street, or if on a side elevation, not more than 20 feet from a street sidewalk. See Figures 2.2.180.C(1).

Figure 2.2.180.C(1) – Residential District Building Orientation

Acceptable



Not Acceptable



3. Off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, as per subsection 2 and Figure 2.2.180.C(1); except the following vehicle areas are allowed:

   a. Schools, multiple family buildings, assisted living facilities, and other institutional

uses may have one driveway not exceeding 20 feet in width plus parallel parking, including ADA accessible spaces, located between the street and the primary building entrance, provided that the building's primary entrance is connected to an adjacent street by a pedestrian walkway and the driveway/parking area is crossed by a clearly defined pedestrian walkway, as required by Section 3.1.300. The intent of this exception is to create driveways that have street-like features;

b. Attached single family housing developments (townhomes) with street-facing garages may have one driveway access located between the street and the primary building entrance for every two dwelling units, provided they meet the following criteria, as generally shown in Figure 2.2.180.C(2):

   1) Where two abutting townhomes have street-facing garages, they shall share one driveway access that does not exceed 20 feet in width where it crosses the sidewalk and intersects the street;

   2) All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than 5 feet wide;

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

   4) Street-facing garages shall be setback at least 20 feet from the street or sidewalk, whichever is closer.

c. Commercial buildings and uses (e.g., neighborhood commercial or mixed-use) shall have all of their off-street parking located behind or to the side of such buildings and uses and screened from abutting properties in accordance with Chapter 3.2, as generally shown in Figure 2.2.180.C(3). Off-street parking shall not be located between any building and any street.

d. Driveways for single-family or duplex homes that meet all requirements of 3.1.200 Vehicular Access and Circulation.

Figure 2.2.180.C(2) – Townhome Building Orientation

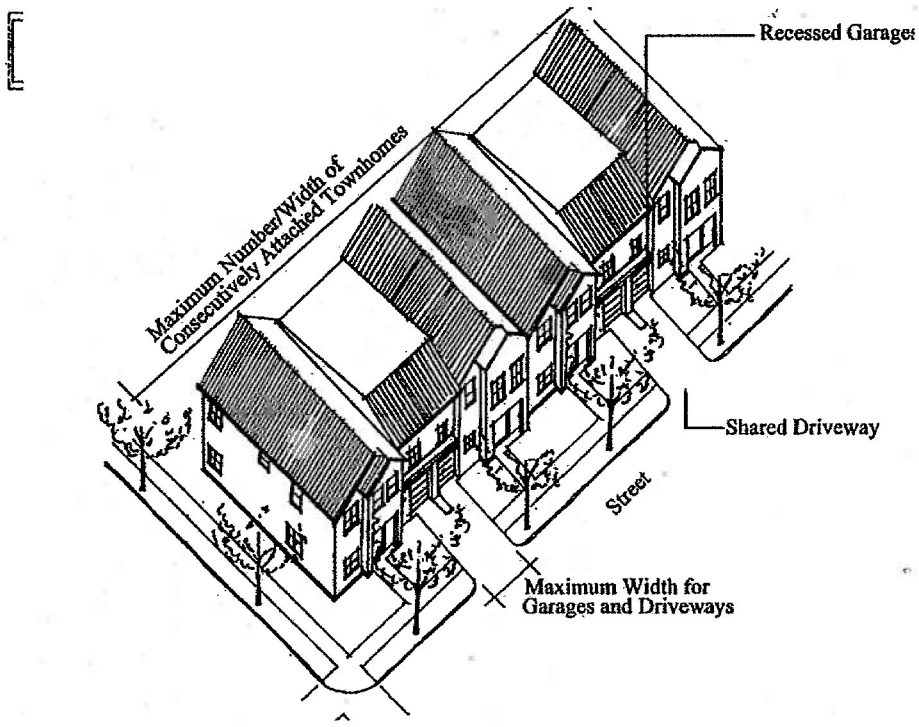
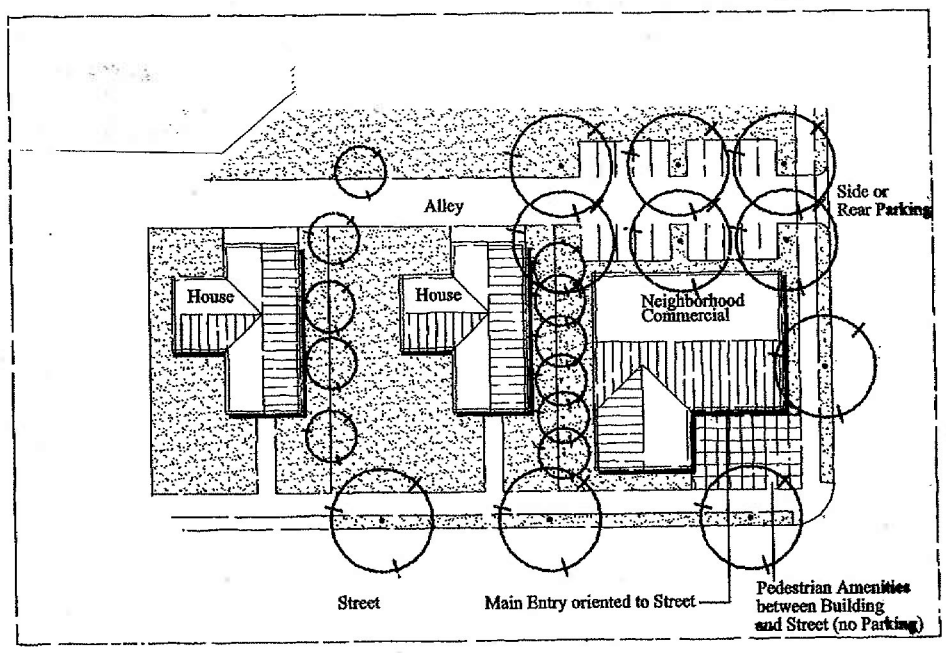


Figure 2.2.180.C(3) – Commercial Orientation in a Residential/Commercial District



4. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, open space, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in Section 3.1.3. See example in Figure 2.2.180.C(1) "acceptable site plan."

2.2.190 – Residential Districts – Architectural Design Standards

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

The following supplements the standards in Table 2.2.120. This section provides minimum, clear and objective standards for residential architecture which are intended to promote a human scale.

B. Applicability. Section 2.2.190 applies to all new buildings, including accessory buildings over 400 square feet in footprint and/or over one story in height. Other accessory structures are exempt. It is applied through the Land Use Review or Site Design Review procedure, as applicable, prior to building permit review and approval.

C. Standards. All projects that are subject to Section 2.2.190 shall meet all of the standards in subsections 1-4. The graphics provided with each standard are intended to show examples of how to comply and should not be interpreted as requiring a specific architectural style. Other building styles and designs can be used to meet the standards when the approval body finds they are consistent with the text. An architectural feature (i.e., as shown Figures 2.2.190.C(1) and (2)) may be used to comply with more than one standard.

1. Building Length. The continuous horizontal distance, as measured from end-wall to end-wall, of individual buildings shall not exceed 160 feet.

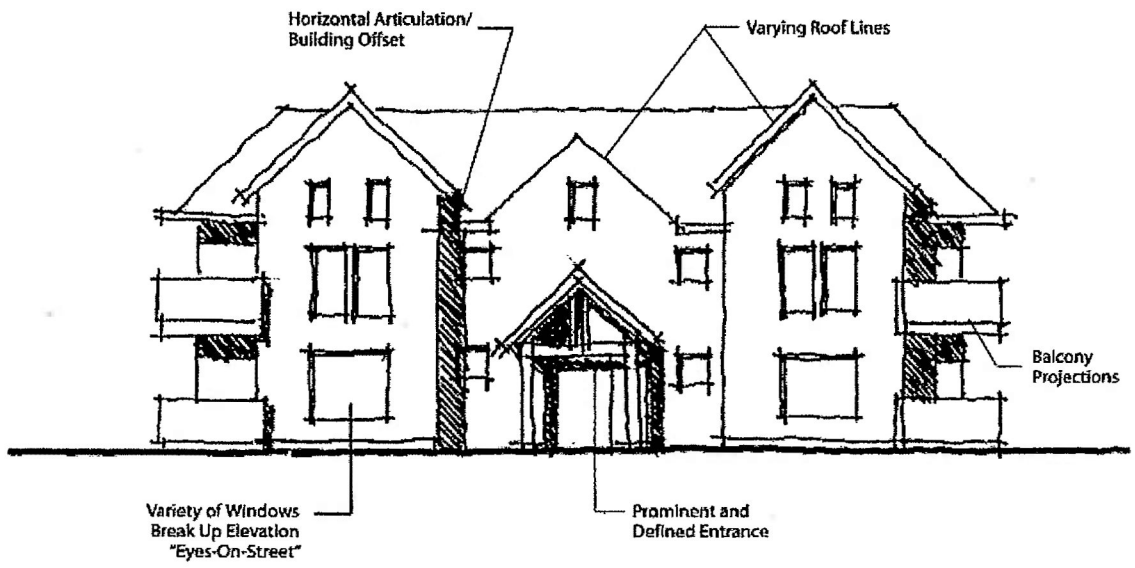
2. Articulation. All buildings shall incorporate design features such as varying roof lines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, decorative windows or surrounds, or similar elements to break up large expanses of uninterrupted building surfaces (blank walls). Along all vertical faces of a structure, such elements shall occur at a minimum interval of 30 feet, as generally shown in Figure 2.2.190.C(1):

   a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;

   b. Extension (e.g., floor area, deck, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

   c. Offsets or breaks in roof elevation of 2 feet or greater in height.

Figure 2.2.190.C(1) - Building Length and Articulation (Multi-family Housing Example)



3. Eyes on the Street. Front elevations visible from a street right of way shall provide a main entrance, and a combination of windows, porches, and/or balconies. Side elevations facing street-side setbacks shall provide a combination of windows, porches, and/or balconies. A minimum of 40 percent of front elevations (30 percent for manufactured homes that also conform to Section 2.2.200.D), and a minimum of 30 percent of street-side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows.

4. Detailed Design. All buildings shall provide detailed design on all street-facing walls (45 degrees or less from street lot line). Detailed design shall be provided by using **at least six (6)** of the architectural features in items "a" through "n," below, as is appropriate for the proposed building type and style. The applicant may select the elements that he or she wants and may use the same type of feature more than once to meet this standard. It is not within the approval body's authority to prescribe specific elements; except when the project is being reviewed as part of a Master Planned Development, Conditional Use Permit, or Site Design Review (item "o"), the approval body may require specific design elements or changes to promote compatibility with adjacent uses and to achieve the desired community character or pedestrian-orientation. Regardless of design options chosen, the home shall have similar style and quality window, door, trim and decorative moldings on all exterior building elevations.

   a. Dormers

   b. Gables

   c. Recessed entries

d. Covered porch entries or portico

e. Cupolas or towers

f. Pillars or posts

g. Eaves (minimum 6-inch projection)

h. Off-sets in building face or roof (minimum 16 inches)

i. Window trim (minimum 3 inches wide)

j. Bay windows

k. Balconies

l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)

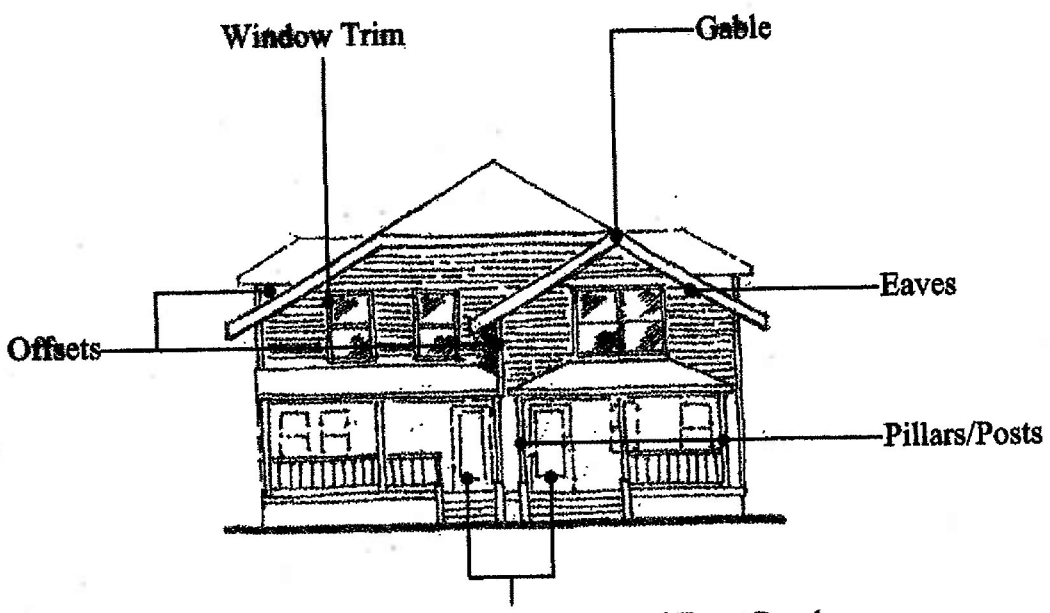
m. Decorative cornice or pediment (e.g., for flat roofs)

n. Decorative windows or doors

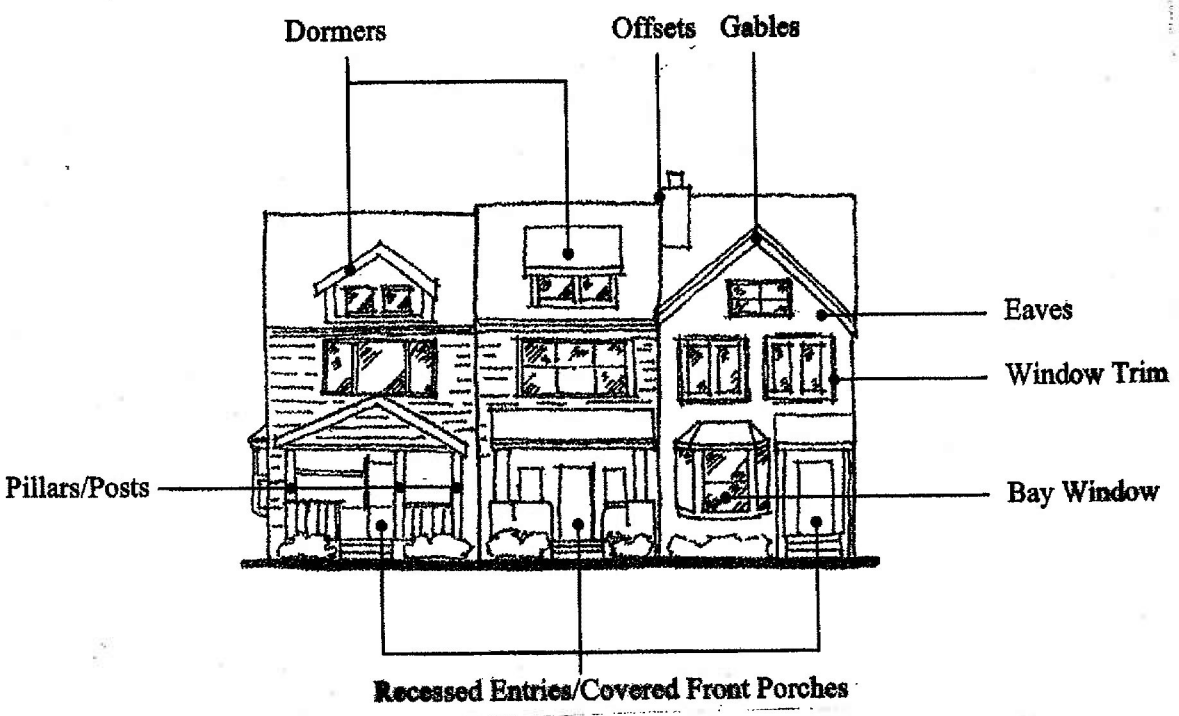
o. An alternative feature providing visual relief, similar to options a.-n., as approved through Site Design Review.

Figure 2.2.190.C(2) - Examples of Architectural Elements (illustrative only)

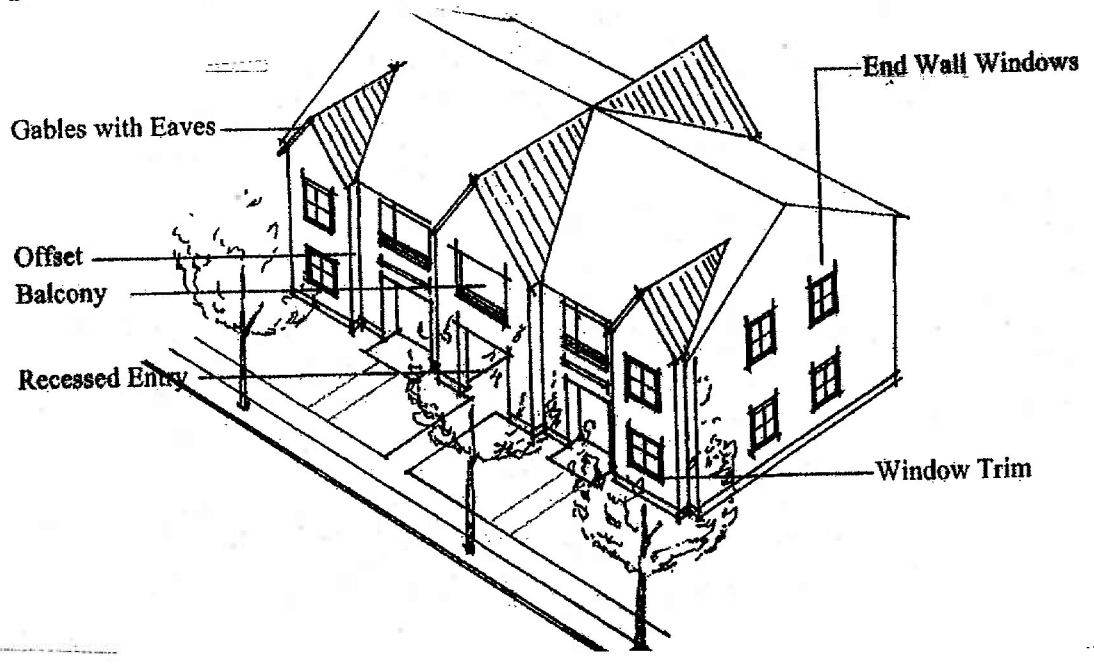
Example 1



Example 2



Example 3



D. Hillside Building Design. In addition to section C above, new buildings constructed on parcels or lots with 15% or greater slope shall meet the following architectural design standards. These standards are in addition to any requirements in 3.7.100 Hillside Development.

1. Hillside Building Height. The height of all structures shall be measured vertically from the natural grade to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade. Maximum hillside building height shall be 35 feet.

2. Cut buildings into hillsides to reduce effective visual bulk.

   a. Split pad or stepped footings should be incorporated into building design to allow the structure to more closely follow the slope.

   b. Reduce building mass by utilizing below grade rooms cut into the natural slope.

3. A building stepback shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. "Stepback" shall mean a change in the vertical plane of a structure, wherein the vertical plane is broken to move back or further away from a starting plane. Stepbacks shall be a minimum of six feet. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade.

4. All structures on 15% or greater slopes shall have stepped foundations that have been designed by an engineer or architect with demonstrable geotechnical design experience.

5. Roof forms and roof lines for new structures shall be broken into a series of smaller building components to reflect the irregular forms of the surrounding hillside.

6. Discretionary Review. The applicant may apply for a Type III Site Design Review if they feel their proposed design meets the intent of the above Hillside Building Design standards without meeting the letter of the above standards 1-6.

2.2.200 – Residential Districts – Special Use Standards

A. Purpose. Section 2.2.200 provides standards for specific land uses and building types that are identified as permitted with "Special Use ('S') Standards" in Table 2.2.110. These standards control the scale and compatibility of those uses within the Residential Districts. The standards in Section 2.2.220 supplement (are in addition to and do not replace) the standards in Sections 2.2.100 through 2.2.190. These standards are implemented through Land Use Review (Type I) or Site Design Review procedures, as applicable, prior to building permit review and approval.

This Section applies to the following uses and building types, as specified in subsections B-K:

- Accessory Dwellings
- Attached Single Family (Towhouses or Rowhouses) and Attached Duplexes
- Bed and Breakfast Inns
- Group Home or Facility (Residential Care Homes and Facilities)
- Child Care Center
- Home Occupations
- Manufactured Homes
- Manufactured/Mobile Home Parks
- Multiple Family Housing
- Zero-Lot Line Housing (not common wall)

B. Accessory dwelling (attached, separate cottage, or above detached garage). Accessory dwellings shall conform to all of the following standards:

1. Floor Area. Accessory dwellings shall not exceed 800 square feet of floor area. The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house;

2. Exempt from Density. Accessory dwellings are exempt from the housing density standards of the Residential District, due to their small size and low occupancy levels;

3. Oregon Specialty Codes. The structure shall comply with the Oregon Residential Specialty Code or Oregon Structural Specialty Code, as appropriate;

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

5. One Unit. A maximum of one accessory dwelling unit is allowed per lot;

6. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall be 28 feet or 110% of the height of the primary dwelling, whichever is lesser;

7. Buffering. The approval body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single family

dwelling, unless the applicant and the owner of the abutting single family dwelling agree in writing not to install the hedge or fence;

8. Deed Restriction. A deed restriction shall be recorded at Lane County Deeds and Records stating that the second dwelling unit is an "accessory dwelling unit", and cannot be used as justification for later land division or sale, or utilized other than as required by this code; and

9. Parking. Parking (carport, garage, or uncovered parking space) that is needed to meet the primary dwelling's on-site parking requirement (see Section 3.3.300) cannot be converted into an accessory dwelling unit.

C. Attached Single Family (Townhouses and Rowhouses) and Attached Duplexes. Single-family attached housing with three or more dwellings (lots), and attached duplex housing (two or more consecutively attached duplexes), shall comply with the standards in sections 1-3 below, which are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and to ensure management and maintenance of common areas.

1. Alley Access Required for Subdivisions Principally Containing Townhomes or Duplexes. Subdivisions, or phases of subdivisions, proposed to contain 3 or more consecutively attached single family dwellings, and developments with 2 or more attached duplexes (4+ dwelling units), shall provide vehicle access to all such lots and units from an alley or parking court, as described in Chapter 3.1.2. Alley(s) and parking court(s) shall be created at the time of subdivision approval, and may be contained in private tracts or, if approved by the City, in public right-of-way, in accordance with Chapter 3.4.1, Transportation Standards, and Chapter 4.3, Land Divisions.

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

3. Recreation Areas. A minimum of 10 percent of the site area shall be designated as public and/or private open space for developments containing 4+ units (single family attached or attached duplexes). Common open space shall use the criteria established by 2.2.200.J(2).

D. Bed and Breakfast Inns. Bed and Breakfast Inns are permitted in all Residential Districts and shall comply with all of the following standards. Bed and Breakfast Inns that do not meet and/or exceed these standards must apply for Conditional Use Permit approval.

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

2. Maximum Size. 4 bedrooms for guests, and a maximum of 8 guests are permitted per night. No separate structures are permitted, except for customary residential accessory structures as defined in section J. above.

3. Length of Stay. Maximum length of stay is 14 days per guest.

4. Employees. Up to 2 non-resident employees. There is no limit on residential employees.

5. Food Service. May be provided only to overnight guests of the business.

6. Owner-Occupied. Shall be owner-occupied.

7. Signs. One sign allowed per street frontage, not exceed a total of 4 square feet of surface area.

8. Parking. One additional off-street parking space must be provided for every 2 guest rooms in addition to required parking for private residence.

E. Group Home or Facility (Residential Care Homes and Facilities). Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals ("homes") or 6 to 15 individuals ("facilities") who need not be related. Staff persons required to meet State licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-.670:

1. Licensing. All residential care homes and facilities shall be duly licensed by the State of Oregon.

2. Parking. Parking in accordance with Chapter 3.3.

3. Oregon Specialty Codes. The structure(s) shall comply with the Oregon Residential Specialty Code or Oregon Structural Specialty Code, as appropriate.

4. Site Development Review. Site Development Review shall be required for new structures to be used as residential care facilities, to ensure compliance with the licensing, parking, and other requirements of this Code. Residential care homes are exempt from this requirement.

F. Child Care Center. Child care centers provide care and supervision of minor children for periods of less than 24 hours for more than 12 children, or for fewer than 12 children when not provided within a home occupied by the caregiver. This does not include "Family child care providers," which provide care for not more than 12 children in a home and are permitted outright in Residential Districts. See ORS 657A for certification requirements. Child care centers shall comply with the following standards, consistent with ORS 657A.

1. Licensing. All child care centers shall be duly licensed by the State of Oregon.

2. Parking. Parking in accordance with Chapter 3.3. Safe drop-off zones shall be located on-site (out of public right-of-way).

3. Recreation area. Recreation areas shall be fenced to provide a safe outdoor playing space for children and screened from adjoining residential neighbors with landscaping to provide noise buffering.

4. Oregon Structural Specialty Code. The structure(s) shall comply with the Oregon Structural Specialty Code.

5. Site Development Review. Site Development Review shall be required for new structures to be used as child care facilities, to ensure compliance with the licensing, parking, and other requirements of this Code. Family child care providers are exempt from this requirement.

G. Home Occupations. The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Two types of home occupations are contemplated by this Code: 1) Home Occupations meeting the standards in subsections 1-8, below, are allowed by right through a Type I application process; and 2) Home Occupations exceeding any of the threshold standards in subsections 1-8 may receive approval through the Type III Cottage Industry Permit procedure under Section 4.9.200.

Type I Standards for Home Occupations

1. Appearance of Residence:

   a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as to retain a residential appearance from street-side.

   b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

   c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).

   d. No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. Storage:

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

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

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

3. Employees:

   a. Other than family members residing within the dwelling located on the home occupation site, there shall be no other/employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the legal lot on which the home occupation is conducted.

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

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

4. Advertising and Signs: Signs shall comply with all applicable sign regulations. In no case shall a sign in a Residential District exceed 2 square feet of surface area per side.

5. Vehicles, Parking and Traffic:

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

b. There shall be no more than 3 commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 5 p.m. to 8 a.m.

c. There shall be no more than 1 client or customer vehicle at any one time and no more than 8 per day at the home occupation site. There shall be enough on-site parking to accommodate one client or customer vehicle in addition to parking required for residence by Section 3.3.

6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 6 p.m. only, Monday through Friday, subject to subsections 1 and 5, above.

7. Prohibited Home Occupation Uses:

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

b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to 1-6, above.

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

1) Animal hospital, veterinary services, kennels or animal boarding;

2) Auto and other vehicle repair, including auto painting;

3) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site; and

4) Food Preparation.

Note: Prohibited home occupations may be allowed through a Cottage Industry Conditional Use Permit (Type III Review).

8. Enforcement: The Community Development Director or designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance with Chapter 1.5.

H. Manufactured Homes. Manufactured homes are permitted on individual lots, subject to all of the following design standards. Exception: The following standards do not apply to units that existed onsite prior to the effective date of this Code.

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;

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

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

4. Garages and Carports. If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the house;

5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required;

6. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 24" inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;

7. Permanent Perimeter Foundation. The manufactured home shall have a permanent perimeter foundation of concrete or concrete block.

8. Prohibited. The manufactured home shall not be located in a designated historic district.

I. Manufactured/Mobile Home Parks. Manufactured and/or mobile home parks are permitted in areas with a Manufactured Home Park (MHP) land use designation, subject to all of the following design standards. Exception: The following standards do not apply to units that existed onsite prior to the effective date of this Code.

1. State Requirements. All mobile home parks and proposals must be reviewed by the appropriate state agencies for approval. Rules and regulations contained in ORS Chapter 446 and OAR 23 and 28 shall be applicable in the development and operation of a mobile home park. This section shall prevail where the provisions are more stringent than those imposed by state laws, rules or regulations.

2. Size of Site. The minimum area for a new mobile home park shall be 40,000 square feet.

3. Area & Dimension of Space. Each mobile home space shall be 4,000 square feet minimum. Each space shall be no less than 40 feet wide and 60 feet deep.

4. Setbacks. No building shall be located any closer than 25 feet from a park property line abutting a public street, 10 feet from all other park property lines and 10 feet from any public area within the park (e.g. park street, play area, common parking area).

5. Spacing. A mobile home and accessory structures shall be separated from an adjoining mobile home and its accessories by a minimum of 15 feet.

6. Height. Maximum building height shall be 28 feet; accessory buildings shall be no more than 18 feet in height.

7. Overnight spaces. Nom more than 5% of the total mobile home area may be used to accommodate persons wishing to park their mobile homes or camping vehicles overnight. Areas and spaces intended for overnight use shall be appropriately designated, sized and landscaped for that purpose. Overnight areas shall be buffered from other park areas.

8. Parking. 2 off-street parking spaces are required for each dwelling unit.

9. Park Streets and Walkways. Park streets shall connect each home site to a public street. Park streets shall be a minimum of 30 feet in width with a surface width of 20 feet (without parking) or 30 feet (with parking). Walkways of not less than 3 feet in width shall be provided for each mobile home site to any service building and recreation area.

10. Recreation. A minimum of 100 square feet of recreation space shall be provided per home space. Recreation areas shall be a minimum of 2500 square feet and minimum 25 feet wide. All areas shall be landscaped and maintained.

11. Landscaping. All park boundaries shall be landscaped with trees, plants, and fences/walls.

12. Storage. All outside storage shall be within a totally enclosed structure.

J. Multiple Family Housing. Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses. Figure 2.2.200.J provides a conceptual illustration of the requirements listed below.

1. Building mass. The maximum width or length of a multiple family building shall not exceed 160 feet from end-wall to end-wall, not including outdoor living areas (e.g., porches, balconies, patios, and similar unenclosed spaces).

2. Common open space. A minimum of 10 percent of the site area shall be designated and permanently reserved as common open space in all multiple family developments, in accordance with all of the following criteria:

   a. The site area is defined as the lot or parcel on which the development to be located, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.);

   b. In meeting the common open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents;

   c. Historic buildings or landmarks that are open to the public may count toward meeting the common open space requirements when approved by the planning commission;

   d. To receive credit under Section 2.2.200.J, a common open space area shall have an average width that is not less than 20 feet and an average length that is not less than 20 feet;

   e. Projects in the Residential-Commercial District or Central Business District that provide pedestrian amenities between primary building entrance(s) and adjoining street(s) are required to provide a minimum of 5 percent of the site in common open space.

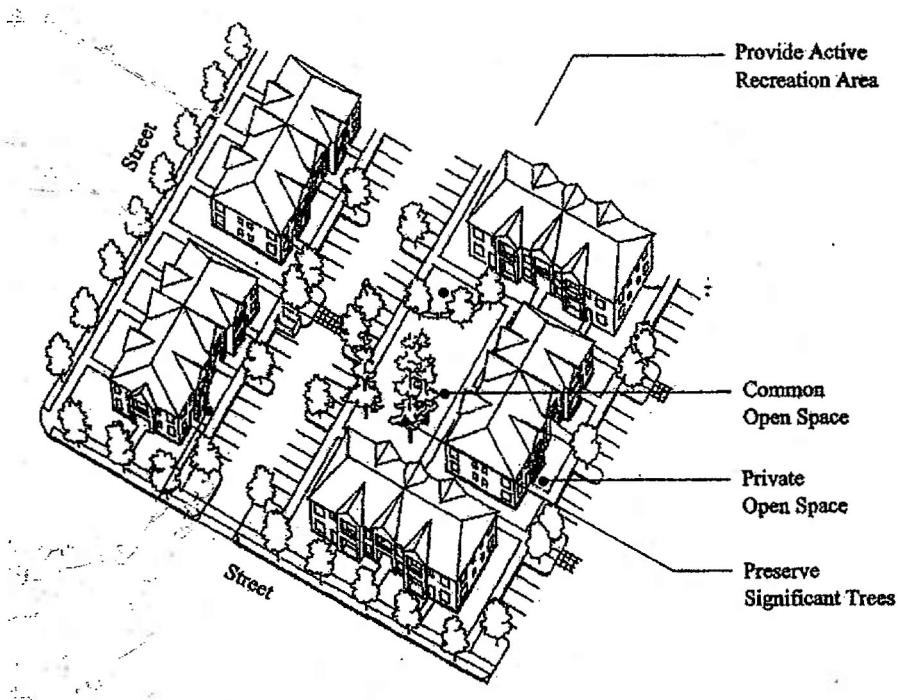
3. Private open space. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following criteria:

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

   b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 48 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and

c. In the Residential-Commercial District, multiple family dwellings are exempt from the private open space standard where the development contains pedestrian amenities located between primary building entrance(s) and adjoining streets.

Figure 2.2.200.J – Examples of Multiple Family Open Space



4. Trash receptacles. Trash receptacles shall be oriented away from building entrances, setback at least 10 feet from any public street and adjacent residences, oriented with openings away from adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than 5 feet in height. Receptacles must be accessible to trash pick-up trucks.

K. Zero-Lot Line Housing. Zero-lot line houses are subject to the same standards as non-attached single family housing, except that a side yard setback is not required on one side of the lot, as generally shown in Figure 2.2.200.K. The standards for zero-lot line housing are intended to ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance. All zero-lot line houses shall conform to all of the criteria in subsections 1-4, below:

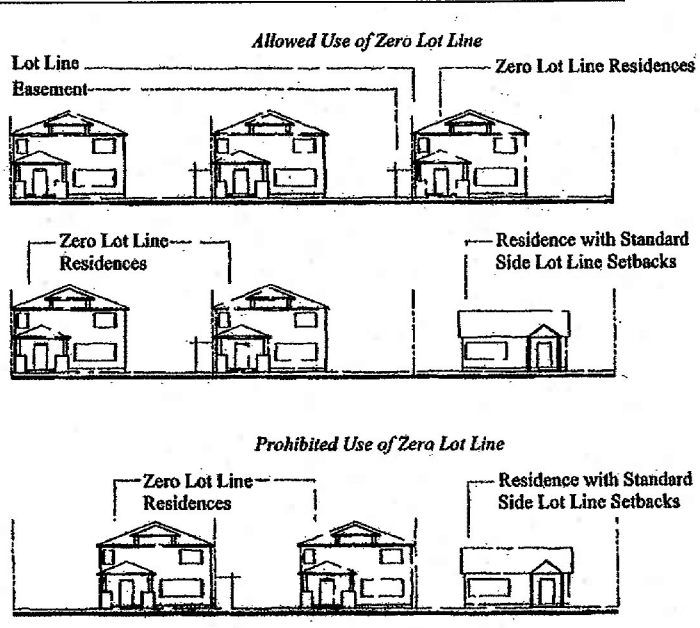
1. Site Design Review Required. Site Design Review is required for new zero-lot line developments. When a zero-lot line development is proposed as part of a Land Division, Master Planned Development, or other application, the Site Design Review may be combined with the other application(s).

2. Setbacks for Primary and Accessory Structures. The allowance of a 0 foot side yard setback is for one single family dwelling on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone;

3. Setbacks Adjacent to Non-Zero Lot Line Development. When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from that common property line by not less than 10 feet;

4. Building Orientation and Design. The building placement and/or design shall encourage privacy for the occupants of abutting lots. For example, this standard can be met by staggering foundation plans, by placing windows (along the zero lot line) above sight lines with direct views into adjacent yards, by using frosted/non-see-through windows, by avoiding placement of windows on the zero lot line, or other designs approved by the approval body through Site Design Review; and

Figure 2.2.200.K – Zero-Lot Line Housing



5. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not preclude the adjoining owner from landscaping the easement area.

Chapter 2.3 — Commercial Districts

Sections:

2.3.100 Commercial Districts – Purpose
2.3.110 Commercial Districts – Allowed Land Uses
2.3.120 Commercial Districts – Development Standards
2.3.130 Commercial Districts – Zero Setbacks and Build-To Line
2.3.140 Commercial Districts – Lot Coverage and Impervious Surface
2.3.150 Commercial Districts – Building Orientation and Commercial Block Layout
2.3.160 Commercial Districts – Building and Structure Height; Bonus for Mixed-Use
2.3.170 Commercial Districts – Architectural Design Standards
2.3.180 Commercial Districts – Special Use Standards

2.3.100 Commercial Districts – Purpose

Commercial districts are centers of business and civic life. This Chapter provides four commercial districts to accommodate the range of commercial land uses in the community. The Central Business District is focused on the historic commercial and civic core (i.e., the central business area) of the community. The Community Commercial District regulations apply to those commercial areas outside or adjacent to the central business area. The Commercial Tourist District regulations apply to those commercial areas along Gateway Boulevard and Row River Road adjacent to the I-5 (Exit 174) Interchange. The Commercial Tourist Limited District provides standards for a small area in the northeast portion of the community, between I-5, Row River Road and the Row River, which was brought into the City through an exception process to provide room for a golf course and hospital.

These districts are intended to:

- Promote efficient use of land and urban services;
- Create a mixture of land uses that encourages employment and housing options in close proximity to one another;
- Provide formal and informal community gathering places and opportunities for socialization (i.e., along an active street front);
- Encourage pedestrian-oriented development in all commercial areas;
- Create a distinct storefront character in the Central Business District;
- Provide connections to and appropriate transitions between residential areas and commercial areas;
- Discourage automobile-oriented and automobile-dependent uses in the Central Business District, and accommodate those uses with appropriate design standards in the Community Commercial District and Commercial Tourist Districts;
- Provide for visitor accommodations and tourist amenities;
- Implement design standards/guidelines that maintain and enhance the City's historic architecture.

2.3.110 Commercial Districts – Allowed Land Uses

Table 2.3.110 identifies the land uses that are allowed in the Commercial Districts. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4.

TABLE 2.3.110 -- Commercial District Land Uses

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Central Business (C-2)	Community Commercial (C-2P)	Commercial Tourist (CT)	Commercial Tourist Limited (CT/L)
Residential Categories				
Household Living				
All Residential Uses (Household Living and Group Living) allowed, if:				
- lawfully existing as of *[date]*, or	P	P	P	N
- new dwelling built in conjunction with a permitted commercial use (residential use is allowed *above* ground floor commercial or behind front 25' of commercial facade)	P	P	P	N
- through approved Master Plan	P	P	P	N
Group Living Uses shall conform to the provisions in Section 2.2.200.	MP	MP	MP	MP
Commercial Categories				
Drive-up/Drive-in/Drive-through (drive-up windows, kiosks, ATM's, similar uses/facilities), per 2.3.190	N	CU + S	CU + S	N
Bed and Breakfast Inn	CU+S	S	N	N
Educational Services, not a school (e.g., tutoring or similar services)	P	P	P	N

USE Categories	Central Business (C-2)	Community Commercial (C-2P)	Commercial Tourist (CT)	Commercial Tourist Limited (CT/L)
Entertainment, Major Event	CU	CU	CU	N
Office	P	P	P	N
Outdoor recreation, Commercial	N	CU	P	P
Parking Lot (when not an accessory use)	N	CU	CU	N
Quick Vehicle Servicing or Vehicle Repair. (See Drive-Up/Drive-In/Drive-Through Uses, Section 2.3.190.)	N	CU + S	CU + S	N
Downtown Retail Sales and Service - fully enclosed, limited to 20,000 square feet - fully enclosed, equal to or greater than 20,000 square feet - not enclosed	 P CU N	 N N N	 N N N	 N N N
General Commercial Retail Sales and Service (See also Drive-Up Uses) - fully enclosed, limited to 20,000 square feet - fully enclosed, limited to 110,000 square feet - not enclosed	 N N N	 P CU CU	 N N N	 N N N
Tourist Commercial Retail Sales and Service (See also Drive-Up Uses) - fully enclosed, limited to 20,000 square feet - fully enclosed, limited to 110,000 square feet - not enclosed	 N N N	 N N N	 P P CU	 N N N

USE Categories	Central Business (C-2)	Community Commercial (C-2P)	Commercial Tourist (CT)	Commercial Tourist Limited (CT/L)
Self-Service Storage	N	N	N	N
Industrial Categories				
Light Industrial Service - fully enclosed (e.g., office)	CU	P	CU	N
- not enclosed	N	CU	N	N
Medium/Heavy Industrial Service	N	N	N	N
Light Manufacturing and Production -- Fully enclosed (e.g. office)	N	CU	N	N
-- Not enclosed	N	N	N	N
Medium/Heavy Manufacturing and Production	N	N	N	N
Warehouse and Freight Movement	N	N	N	N
Waste-Related	N	N	N	N
Wholesale Sales -- fully enclosed, less than 20,000 square feet of floor area	N	P	P	N
-- fully enclosed, limited to 110,000 square feet of floor area	N	CU	CU	N
-- not enclosed	N	CU	CU	N

USE Categories	Central Business (C-2)	Community Commercial (C-2P)	Commercial Tourist (CT)	Commercial Tourist Limited (CT/L)
Institutional Categories				
Basic Utilities	P	P	P	P
Colleges	CU	CU	CU	N
Community Service				
- no drive-up uses	P	P	P	N
- with drive-up uses	N	P	P	N
Family Daycare (12 or fewer children) under ORS 657A.250	P	P	CU	P
Daycare, adult or child (exceeding 12)	N	P	N	P
Pedestrian Amenities	P	P	P	P
Parks and Open Space	CU	CU	CU	CU
Parks and Open Space, when designated on an adopted Specific Area Plan, or when part of a Master Plan	P	P	P	P
Religious Institutions and Houses of Worship	CU	CU	CU	CU
Schools	CU	CU	N	N
Other Categories				
Accessory Structures (with a permitted use)	P	P	P	P

USE Categories	Central Business (C-2)	Community Commercial (C-2P)	Commercial Tourist (CT)	Commercial Tourist Limited (CT/L)
Small Animals, limited to 3 cats and/or dogs, pot-bellied pigs, rabbits, chickens or similar size animal (excluding roosters and swine)	P	P	P	P
Nurseries and similar commercial horticulture (indoor or outdoor)	N	P	CU	N
Buildings and Structures exceeding the Height Limits in Table 2.3.120	CU	CU	CU	CU
Wireless Telecommunication Facilities	N	CU + S	N	N
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code	N	CU	CU	CU
Temporary Uses, per standards in Section 4.9.100				
- Temporary Residential Trailers	N	CU	CU	CU
- Temporary Fireworks Sales/Christmas Tree Lots or similar uses	N	P	P	P
- Temporary Food Vendors (not enclosed in building)	N	P	P	P
- Temporary Sales Office or Model Home	N	P	P	P
- Special Events	P	P	P	P

USE Categories	Central Business (C-2)	Community Commercial (C-2P)	Commercial Tourist (CT)	Commercial Tourist Limited (CT/L)
Intensification or Change of Use in Willamette River Greenway	CU	CU	CU	CU
Community Garden	CU	CU	CU	N

2.3.120 Commercial Districts – Development Standards

The development standards in Table 2.3.120 apply to all new structures, buildings, and development, and major remodels, in the Commercial Districts.

Table 2.3.120 – Development Standards for Commercial Districts

Standard	C-2	C-2P	CT	CT/L
Minimum Lot Area (square feet)	No standard	No standard	No standard	No standard
Minimum Lot Width Non-Residential Uses *For flag lots, width is measured at the front building line.*	15 ft	60 ft	50 ft	50 ft
Minimum Lot Depth	N/A	2 times width	2 times width	2 times width
Building/Structure Height* Level Site (slope less than 15%), maximum height	40 ft	40 ft	28 ft	40 ft
Sloping Site (15% or greater), maximum height	N/A	level site +5 ft	level site +5 ft	level site +5 ft
Height Bonus for Residential Use in Upper Building Story, per Section 2.3.160	10 ft	10 ft	N/A	N/A
Building Height Transition required adjacent to R/R-1 District, per Section 2.2.170	Yes	Yes	Yes	No
**Height may be exceeded with approval of a Conditional Use Permit, per Chapter 4.4.*				
Fences, Retaining/Garden Walls (See also, Sections 3.1.2, Vision Clearance; 3.2.500, Fences, Walls)	6 ft	6 ft	6 ft	6 ft

Standard	C-2	C-2P	CT	CT/L
Lot Coverage *(two options).*				
1. Max. Building Coverage (Foundation plane as % of site area)	100%	60%	50%	50%
2. Coverage Bonus	N/A	Yes	Yes	Yes
The allowable building coverage increases by a ratio of one-half (1/2) square foot for every one (1) square foot of required parking area that is paved using a City-approved porous/permeable paving material (i.e., allowing stormwater infiltration) or one-half (1/2) square foot for every one (1) square foot of City-approved water quality treatment area (e.g., vegetative swale or biofiltration) on the development site.				
Min. Landscape Area (% site area), *except* does not apply to Single Family Dwellings. Landscape area may include plant areas and some non-plant areas as allowed under Section 3.2.300.D.	0%	10%	15%	15%
Minimum Setbacks (feet): (See also, Section 2.2.170, R/R-1 Height Step-Down.)				
Front, Street, Side, and Rear property lines, except garage or carport	0 ft	0 ft	0 ft	0 ft
Garage/Carport Entry, setback from street	0 ft	20 ft	20 ft	20 ft
Alley	0 ft	3 ft	3 ft	3 ft
Adjacent to R/R-1 District	10 ft, and per Section 2.2.170	10 ft, and per Section 2.2.170	10 ft, and per Section 2.2.170	10 ft, and per Section 2.2.170
Build-To Line (feet): New Buildings Only: (Per Sections 2.3.130A, 2.3.170.)	0 ft	60 ft, may be increased per Section 2.3.170	60 ft, may be increased per Section 2.3.170	60 ft, may be increased per Section 2.3.170

2.3.130 Commercial Districts – Zero Setbacks and Build-To Line

A. Zero Setbacks and Build-To Line – Purpose; Fire Code; Clear Vision; and Applicability. Zero setbacks and build-to lines, as provided in Table 2.3.120, are intended to encourage pedestrian-oriented development, while providing more flexibility in site design than what is possible with large setbacks. With buildings placed close to the street, a development can afford good access for emergency service providers in the case of a fire or other emergency. Where no minimum setback is required, all structures and buildings shall conform to the vision clearance standards in Chapter 3.1 and the applicable fire and building codes (e.g., for attached structures, fire walls, and related requirements).

Build-To Line Applicability: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 2.3.170 and Section 2.3.180.)

B. Setback Yards – Reverse Frontage Lots and Corner Lots. Buildings on reverse-frontage lots (through lots) shall be required to meet the build-to line standard on only one street. Reverse frontage lots are subject to the fence height and setback requirements in Section 2.3.120 and the landscape buffer requirements in Chapter 3.2.200.

Buildings on corner lots shall be required to meet the build-to line standard on both streets.

C. Setback Yards – Flag Lots. The front yard of a flag lot shall conform to one of the following two options:

1. Parallel to the street from which access is taken, or

2. Parallel to the flag pole from which access is taken.

The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval. Note: The City may impose such conditions as provided under Section 2.2.140 and Section 4.3.115.

2.3.140 Commercial Districts – Lot Coverage and Impervious Surface

Lot coverage and impervious surfaces are calculated as provided under Section 2.2.160.

2.3.150 Commercial Districts – Building Orientation and Commercial Block Layout

A. Purpose. Section 2.3.150 orients buildings close to streets to promote pedestrian-oriented development where walking is encouraged. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more "eyes-on-the-street."

B. Applicability. Section 2.3.150 applies to that are subject to Site Design Review, Historic Alteration or Land Division Review, including those reviewed as part of a Master Planned Development.

C. Building orientation standards. Developments subject to this Section shall have their buildings oriented to a street, as generally shown in Figure 2.3.150.C(1). This standard is met when all of the following criteria are met:

1. Compliance with the setback and build-to line standards in Section 2.3.120, where applicable.

2. Except as provided in subsections 2.3.150.C(4) and (5), below, all buildings shall have at least one primary building entrance (i.e., dwelling entrance, a tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line).

3. In the Commercial Districts, off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented; except as provided under subsection 2.3.150.C(4). Off-street parking in the Commercial Districts shall be oriented internally to the site and divided by landscape areas into bays of not more than 24 parking spaces per bay, as generally shown in Figures 2.3.150.C(2).

Figure 2.150.C(1) – Building Orientation

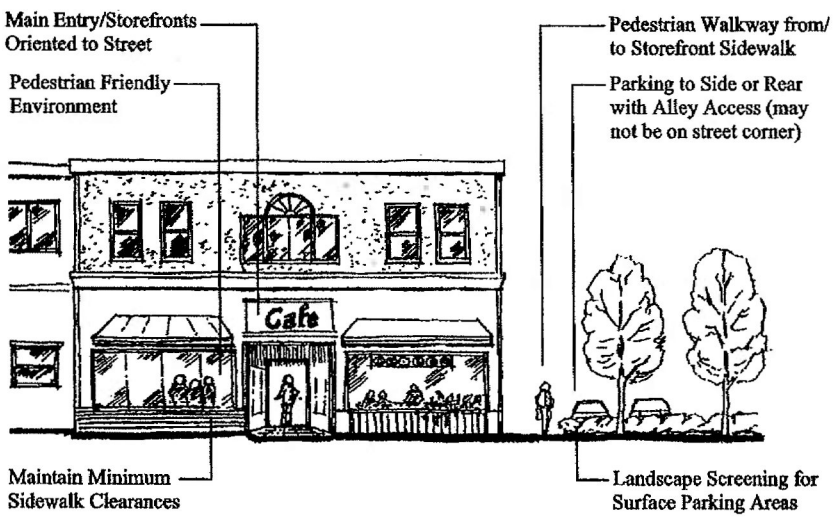
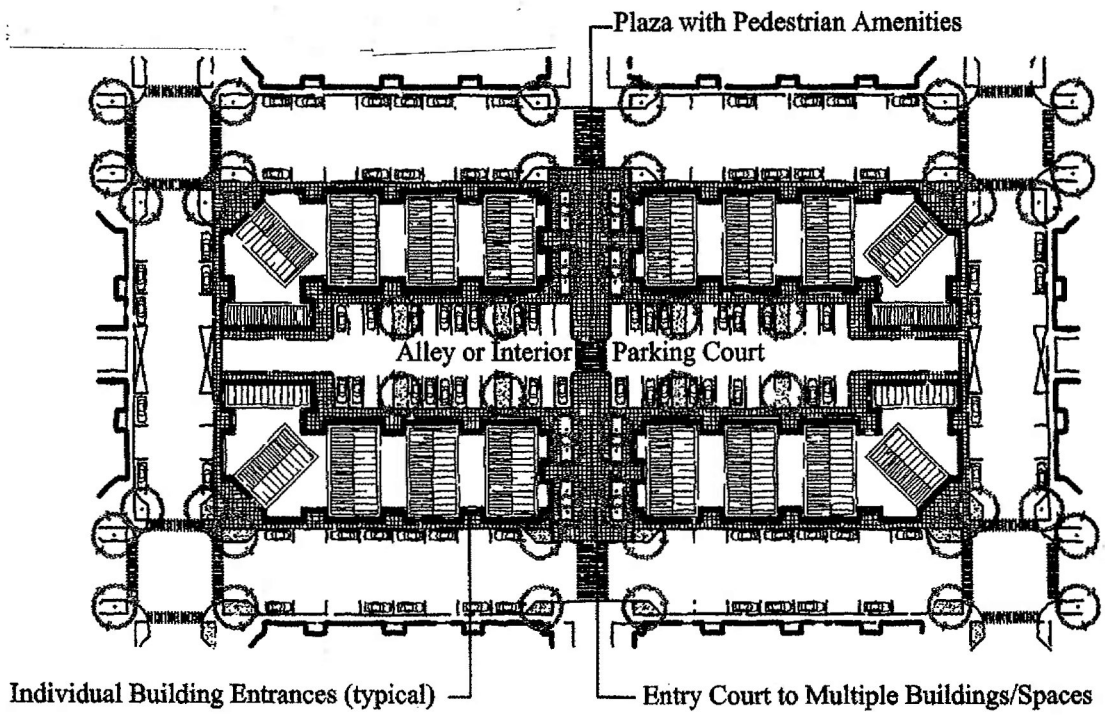


Figure 2.3.150.C(2) – Building Orientation With Internal Parking



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

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

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

   c. The building's primary entrance is connected to an adjoining street by a pedestrian walkway that meets the standards for pedestrian walkways under Section 3.1.3.

5. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green,

plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in Section 3.1.3.

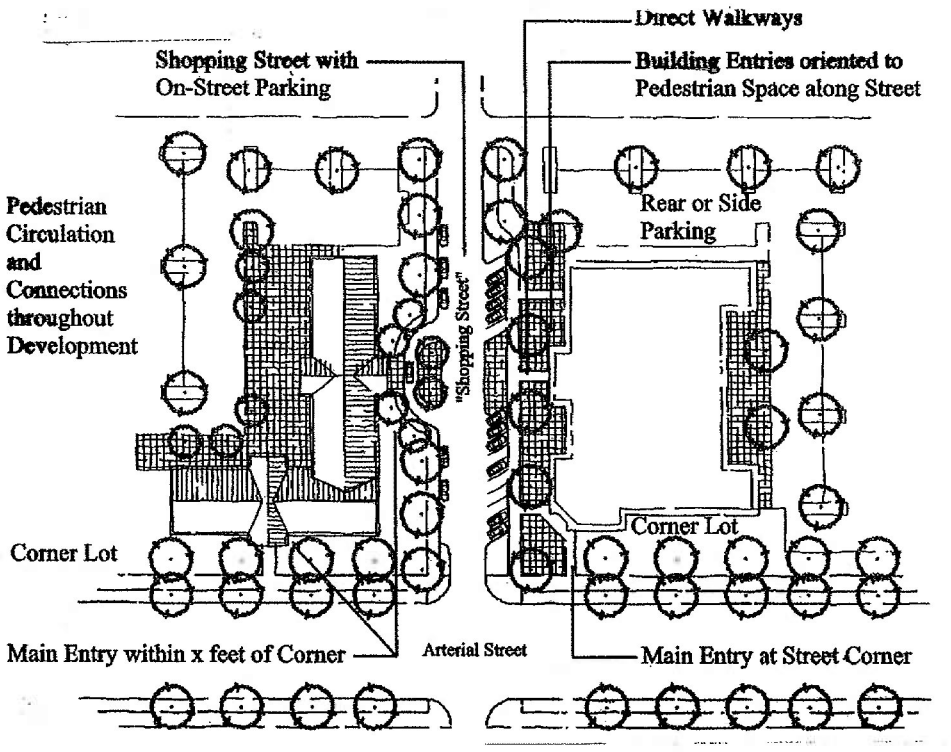
D. Block Layout Standard. Developments containing 40,000 square feet or more building floor area in the C-2P, CT or CT/L Districts, or 20,000 square feet or more floor area in the C-2 and RC Districts, shall meet all of the following standards:

1. The site shall be configured into blocks that have frontage onto streets, interior parking courts (as generally shown in Figure 2.3.150.C(2), above), or shopping streets (as generally shown in Figure 2.3 150.C(3), below). All parking courts and shopping streets shall contain on-street parking (parallel or angled parking), street- or court-facing building entrances and entrances at or near (i.e., within 40 feet of) block corners, sidewalks, street trees, and pedestrian lighting;

2. Blocks shall not exceed 400 feet in length in all commercial districts, and shall have a perimeter not exceeding 1,200 feet.

3. Pedestrian pathways shall connect the street right-of-way to building entrances and the interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking;

Figure 2.3.150.C(3) – Shopping Street Example

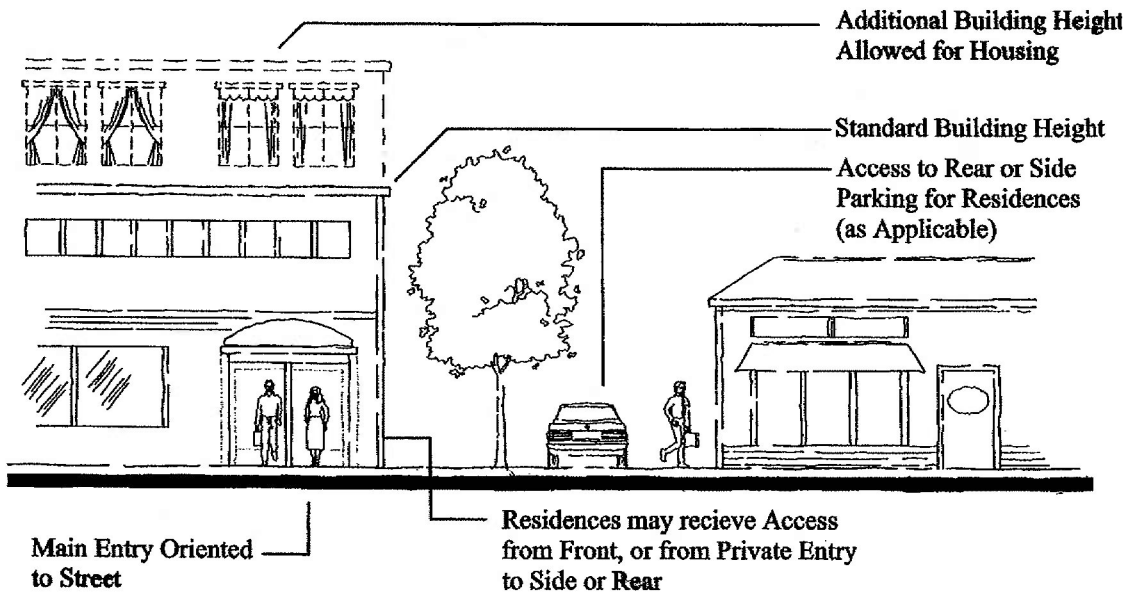


2.3.160 Commercial Districts – Building and Structure Height; Bonus for Mixed-Use

A. Method of Measurement. Building and structure heights shall conform to the standards in Table 2.3.120; height is measured in conformance with Section 2.2.170.

B. Height Bonus for Housing. The building height in the Central Business District may be increased by 10 feet when housing is provided above ground floor commercial use(s), as generally shown in Figure 2.3.160B. Where a second egress is required for fire safety, residences may have their entrances/egress oriented to any yard; such entrances need not be oriented to the street yard.

Figure 2.3.160B - Building Height Bonus for Housing



2.3.170 Commercial Districts – Architectural Design Standards

A. Purpose and Applicability. Section 2.3.170 is intended to provide detailed, human-scale design that is characteristic of Cottage Grove, while affording flexibility to use a variety of architectural building styles. All new buildings and major remodels shall meet the standards of subsections 2.3.170.B-D, which are applied through Site Design Review. The applicant demonstrates that the standards are met by complying with the criteria under each standard.

B. Pedestrian Orientation. The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the approval body finds that all of the criteria in 1-7, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard.

1. The building orientation standards under Section 2.3.150 are met; and

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

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

4. In the C-2P, CT/L and CT districts, at least 40 percent of the building's front façade (measured horizontally in linear feet) shall be located at the build-to line or closer to the street. In the C-2 district, 100 percent of the building's front façade shall be located at the build-to line. Build-to lines are prescribed by Section 2.3.120; and

5. Ground floor windows or window displays shall be provided along at least 40 percent of the building's (ground floor) street-facing elevation(s) in the C-2P, CT and CT/L districts, and along 70 percent of the building's street-facing elevation(s) in the C-2 district. Windows and display boxes shall be integral to the building design and not mounted to an exterior wall; and

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

7. Drive-up and drive-through facilities, when allowed, shall conform to Section 2.3.190; the provisions of which shall not be modified without a variance (Chapter 5.1).

C. Compatibility. All new buildings and major remodels shall be designed consistent with the architectural context in which they are located. This standard is met when the approval body finds that all of the criteria in 1-7, below, are met.

1. There is continuity in building sizes between new and existing buildings;

2. The ground floor and upper floor elevations and architectural detailing are compatible with adjacent commercial buildings;

3. Buildings adjacent to the R/R-1 district height step-down, as required by Section 2.2.170.C;

4. Roof elevation is compatible with adjacent commercial buildings (roof pitch, shape, height step-down);

5. There is continuity of building sizes on the site, if more than one building is proposed;

6. There is continuity in the rhythm of windows and doors on the proposed building(s);

7. The relationship of buildings to public spaces, such as streets, plazas, other areas, and public parking, including on-street parking, is strengthened by the proposed building(s);

8. Criteria for alterations of historic landmarks is met, as required by Chapter 2.6; and

9. New construction or relocations on properties adjacent to historic landmarks is compatible with the overall character of the landmark in use of exterior materials, such as roofing and siding; exterior features, such as roof pitch, eaves, window shapes, types and arrangements, doorways, porches, landscaping, etc., and size, height, bulk, mass, scale, placement, arrangement of spaces and overall proportions.

D. Human Scale. The design of all buildings shall be to a human-scale. This standard is met when the approval body finds that all of the criteria in 1-8, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard. Figure 2.3.170.D contrasts examples of building elevations that are consistent/inconsistent with human scale criteria.

1. Regularly spaced and similarly shaped windows are provided on all building stories;

2. Ground floor retail spaces have tall ceilings (i.e., 12-16 feet) with display windows on the ground floor;

3. Display windows are trimmed, recessed, or otherwise defined by wainscoting, sills, water tables, or similar architectural features;

4. On multi-story buildings, ground floors are defined and separated from upper stories by

appropriate architectural features (e.g., cornices, trim, awnings, canopies, arbors, trellises, overhangs, or other features) that visually identify the transition from ground floor to upper story; such features should be compatible with the surrounding architecture;

5. The tops of flat roofs are treated with appropriate detailing (i.e., cornice, pediment, flashing, trim, or other detailing) that is compatible with the surrounding architecture;

6. Pitched roofs have eaves, brackets, gables with decorative vents, or other detailing that is consistent with the surrounding architecture;

7. Historic design and compatibility requirements, where applicable, are met; and

8. Where buildings with greater than 5,000 square feet of enclosed ground-floor space are proposed, they shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least 1 of the following features for every 30 feet of building (horizontal length):

    a. Windows;

    b. Primary entrances;

    c. Weather protection (awnings, canopies, arbors, trellises), sheltering roofs;

    d. Building offsets;

    e. Projections;

    f. Changes in elevation or horizontal direction;

    g. Terraces;

    h. A distinct pattern of divisions in surface materials;

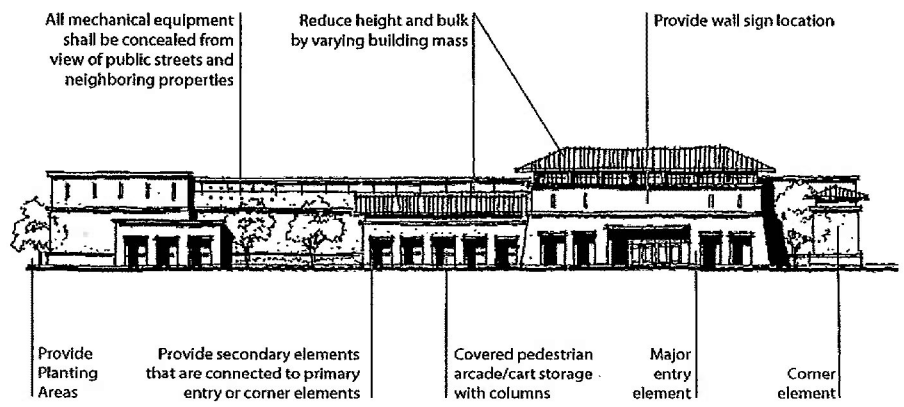
    i. Ornamentation;

    j. Screening trees;

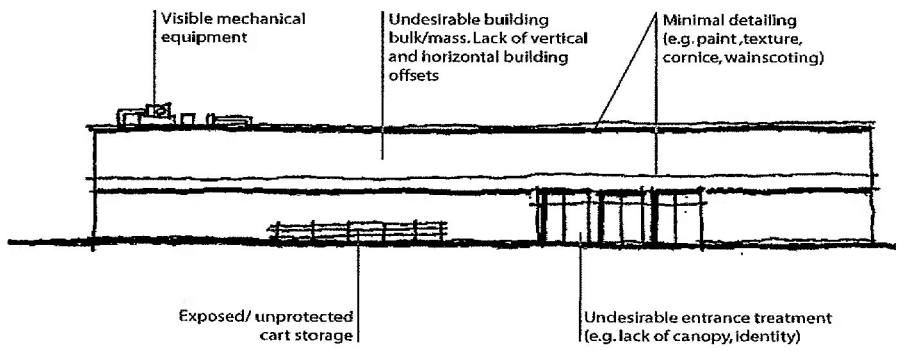
    k. Small-scale lighting (e.g., wall-mounted lighting, or up-lighting);

    l. And/or similar features as generally shown in Figure 2.3.170.D.

Figure 2.3.170D – Examples of Large Commercial Design Elements



Large Commercial Massing - Acceptable



Large Commercial Massing - Unacceptable

Note: Figure 2.3.170.D should not be interpreted as a required architectural style.

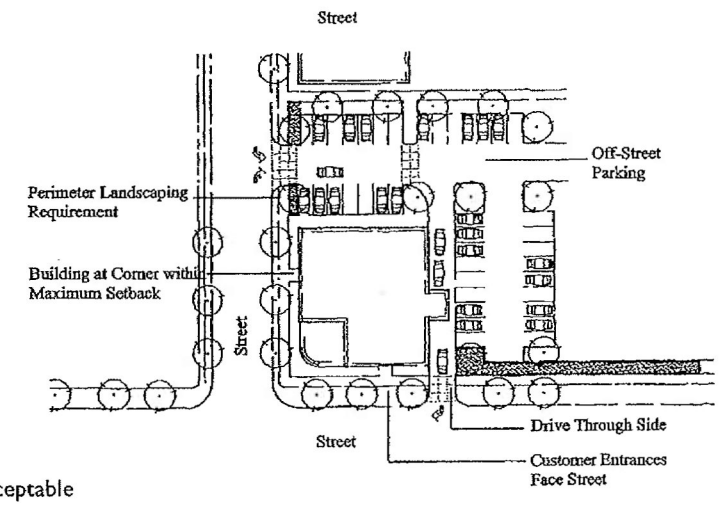
2.3.180 Commercial Districts – Special Use Standards

This section supplements the standards contained in Sections 2.3.110 through 2.3.170. It provides standards for the following land uses to control the scale and compatibility of those uses:

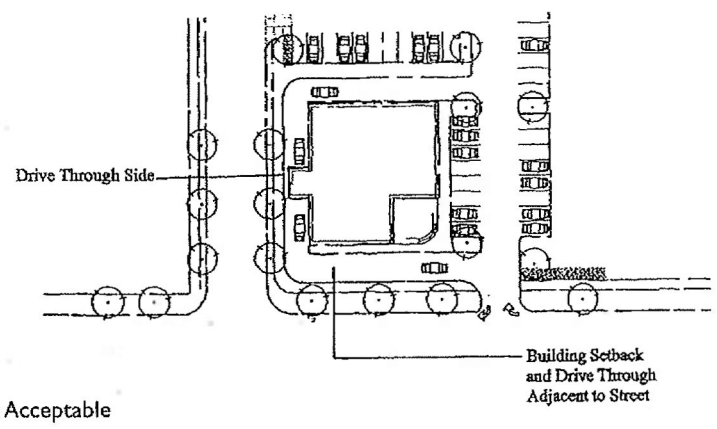
- Drive-up and Drive-through Uses and Facilities
- Vehicle Repair
- Wireless Telecommunication Uses and Facilities

A. Drive-Up/Drive-In/Drive-Through Uses and Facilities. When drive-up or drive-through uses and facilities are allowed, no driveways or queuing areas shall be located between the building and a street. See Figure 2.3.190.A(1).Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner.

Figure 2.3.190.A(1) – Drive-Up and Drive-Through Facilities



Acceptable



Not Acceptable

B. Vehicle Repair. When vehicle repair uses and facilities are allowed, they shall conform to all of the following standards, which are intended to mitigate the appearance of the use from the street.

1. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way;

2. Exterior storage of vehicles shall be located behind the facility or shall be screened from view so as to not be visible from the public right-of-way;

3. Exterior storage of parts and materials shall be screened from view or located so as to not be visible from any public right-of-way; and

4. Storage of combustibles shall meet fire code requirements.

C. Wireless Telecommunication Uses and Facilities. When wireless telecommunication uses and facilities are allowed, they shall conform to all of the following standards, which are intended to encourage the collocation of wireless telecommunication facilities; encourage the use of existing buildings, light or utility poles or water towers as opposed to construction of new telecommunication towers; and ensure that all wireless telecommunication facilities, including towers, antennas, and ancillary facilities, are located and designed to minimize the visual impact on the immediate surroundings and throughout the community, and minimize public inconvenience and disruption.

1. FCC approval. Any telecommunication facility shall first receive FCC approval, as specified in FCC Rules 1.1301 - 1.1319, as a condition of City approval prior to construction.

2. Separation between transmission towers. No transmission tower may be constructed within 2,000 feet of any pre-existing transmission tower. Tower separation shall be measured by following a straight line from the portion of the base of the proposed tower that is closest to the base of any pre-existing tower. For purposes of this paragraph, a tower shall include any transmission tower for which the city has issued a development permit, or for which an application has been filed and not denied.

3. Height limitation. The maximum height of a transmission tower, including antennas, in the C2-P, M-1, or M-2 zone is 100 feet. For freestanding structures, height shall be measured from the average grade adjacent to the structure to the highest point of the support structure or any attachment thereto. Average grade shall exclude fill and/or grading for the structure itself.

4. Collocation. New transmission towers shall be designed to accommodate collocation of additional providers.

   a. New transmission towers of a height of 80 feet or more shall be designed to accommodate collocation of a minimum of 2 additional providers either outright or

through future modification to the tower.

b. New transmission towers of a height of at least 60 feet and no more than 80 feet shall be designed to accommodate collocation of a minimum of 1 additional provider either outright or through future modification of the tower.

5. Setback. The following setbacks from adjacent property lines and adjacent streets:

   a. The transmission tower shall be set back from adjacent property lines a minimum number of 20 feet.

   b. The transmission tower shall be set back from adjacent public right-of-ways with a minor arterial designation a minimum number of feet that is equal to a ratio of 2:1 (the height of the tower to setback).

   c. Ancillary facilities, including the buildings, cabinets, vaults, closures and equipment required for operation of WTF, shall be setback as determined by the underlying zone.

6. Buffering: In all zones, existing vegetation shall be preserved to the maximum extent possible. Landscaping shall be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of 6 feet placed densely so as to form a screen outside of any protective fencing and any related equipment. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.

7. Noise reduction: In C2-P and in all other zones when the adjacent property is zoned for residential use or occupied by a dwelling, hospital, school, library, assisted living facility or nursing home, noise generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45dBa.

8. Lighting: No lighting shall be permitted on transmission towers except that required by the Federal Aviation Administration. Support facilities and equipment may be illuminated so long as the light pattern remains within the site boundaries and the light is shielded from view from adjacent public rights-of-way, residential uses and residential zoning districts.

9. Visual impacts: A WTF shall be located and installed in such a manner as to minimize the visual impact on the skyline and surrounding area. Site location and development shall preserve the existing character of the surrounding buildings, land use and the zoning district to the greatest extent possible, while maintaining the function of the communication equipment. To the greatest extent practicable, the application shall demonstrate that the following items have been incorporated in the proposal:

a. On site vegetation preserved and disturbance to the existing topography is minimized;

b. The WTF is sited in a location which has the least impact on residential uses and districts and public rights-of-ways;

c. The WTF is incorporated as a building element or architectural feature as part of an existing building;

d. Equipment facilities are located within a building or placed underground; and

e. The telecommunication facility incorporates stealth technology or is a neutral color such as white, gray, blue, black or green or similar to adjacent building color.

10. Display: No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than 3 square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than 2.

11. Removal of facilities. Not less than 30 days prior to the date that a WTF operator plans to abandon or discontinue operation of a facility, the provider must notify the city by certified U.S. mail of the proposed date of abandonment or discontinuation of operation. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the city's discovery of discontinuance of operation. Upon such abandonment, the provider shall have 60 days or additional period of time determined in the reasonable discretion of the director within which to:

a. Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility.

b. In the event that abandonment as defined in this chapter occurs due to the relocation of an antenna at a lower point on the support structure, reduction in the effective radiated power of the antenna or reduction in the number of transmissions from the antennas, the operator of the support structure shall have six months from the date of effective abandonment to co-locate another service on the support structure. If another service provider is not added to the support structure, then the operator shall promptly dismantle and remove that portion of the support structure that exceeds the minimum height required to function satisfactorily. Notwithstanding the foregoing, changes which are made to WTFs that do not diminish their essential role in providing a total system shall not constitute abandonment.

c. Dismantle and remove facility. If the support structure, antenna array, foundation and facility are not removed within the 60-day period or additional period of time allowed by the city, then the city may remove such support structure, antenna, foundation and related facility at the operator's expense. If there are two or more

operators co-locating on a facility, except as provided for in subsection b of this section, this provision shall not become effective until all operators cease using the facility.

d. At the earlier of 60 days from the date of abandonment without reactivating, or upon completion of dismantling and removal, city approval for the facility shall automatically expire.

e. To insure removal of the WTF, the applicant shall, as a condition of approval of the Conditional Use Permit, provide a performance bond payable to the City of Cottage Grove and acceptable to the Community Development Director to cover the cost of removal of the WTF and restoration of the site at the time the facility is removed.

f. The property owner shall bear the ultimate responsibility for removal of the WTF and shall sign a document that is recorded in the deed history of the subject property with Lane County Deeds and Records recognizing such responsibility.

Chapter 2.4 —Industrial (I) Districts

Sections:

2.4.100 Industrial Districts – Purpose
2.4.110 Industrial Districts – Allowed Uses
2.4.120 Industrial Districts – Setback Yards and Buffering
2.4.130 Industrial Districts – Lot Coverage
2.4.140 Industrial Districts – Site Layout and Design
2.4.150 Industrial Districts – Building and Structure Height

2.4.100 Purpose

Chapter 2.4 accommodates a range of industrial and commercial land uses in two Industrial Districts, Light Industrial (M-1) and Heavy Industrial (M-2). Both districts are intended to provide for land use compatibility while providing a high-quality environment for businesses and employees. The industrial districts are also intended to provide suitable locations for heavy industrial uses (e.g., raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods) that would not otherwise be compatible in other districts. Chapter 2.4 guides the orderly development of industrial areas based on the following objectives:

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

2.4.110 Land Uses Allowed in the Industrial Districts

Table 2.4.110 identifies the land uses that are allowed in the Industrial Districts. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4.

TABLE 2.4.110 Land Use in Industrial Districts (M-1, M-2)

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Light Industrial (M-1)	Heavy Industrial (M-2)
Residential Categories		
Household Living		
All Residential Uses	N	N
Commercial Categories		
Drive-up/Drive-in/Drive-through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190	N	N
Bed and Breakfast Inn	N	N
Educational Services, not a school (e.g., tutoring or similar services)	N	N
Entertainment, Major Event	N	N
Office - Primary use - Accessory Use	 N P	 N P
Outdoor recreation, Commercial	N	N
Parking Lot (when not an accessory use)	CU	CU
Quick Vehicle Servicing. (See also Drive-Up/Drive-In/Drive-Through Uses, per Section 2.3.190)	N	N
Vehicle Repair	CU	CU

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Light Industrial (M-1)	Heavy Industrial (M-2)
Retail Sales and Service - Accessory to primary use	CU	CU
Self-Service Storage	P	P
Industrial Categories		
Light Industrial Service	P	P
Medium/Heavy Industrial Service	N	N
Light Manufacturing and Production - fully enclosed (e.g., office) - not enclosed	P CU	P P
Medium/Heavy Manufacturing and Production	N	P
Warehouse and Freight Movement	N	P
Waste-Related	CU	P
Wholesale Sales	S	S
Institutional Categories		
Basic Utilities	P	P
Colleges	N	N
Community Service	CU	P

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Light Industrial (M-1)	Heavy Industrial (M-2)
Family Daycare (12 or fewer children) under ORS 657A.250	P	P
Daycare, adult or child (exceeding 12)	N	N
Pedestrian Amenities	P	P
Parks and Open Space	N	N
Parks and Open Space, when designated on an adopted Specific Area Plan, or when part of a Master Plan	P	P
Religious Institutions and Houses of Worship	N	N
Schools	N	N
Other Categories		
Accessory Structures (with a permitted use)	P	P
Small Animals, limited to 3 cats and/or dogs, pot-bellied pigs, rabbits, chickens or similar size animal (excluding roosters and swine)	P	P
Nurseries and similar commercial horticulture (indoor or outdoor)	CU	N
Buildings and Structures exceeding the Height Limits in Table 2.3.120	CU	CU
Wireless Telecommunication Facilities	CU	CU
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU	CU
Temporary Uses, per standards in Section 4.9.100 - Temporary Job Trailers	P	P
Transportation Facilities (operation, maintenance, preservation and construction)	P	P

2.4.120 Industrial Districts – Setback Yards; Industrial Buffers

A. Purpose. Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

B. Applicability. The setback yard and buffer standards in subsections 2.4.120.C-F are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development (but not buffers as required under subsection G). In granting a Conditional Use Permit, the approval body may increase the standard yards and/or buffers consistent with the criteria in Chapter 4.4. The approval body may also decrease the standard yards and/or buffers through the Conditional Use Permit process process, provided that all applicable building and fire safety codes are met.

C. Front and Street Yard Setbacks.

1. Light Industrial (M-1) District: Minimum of 20 feet.

2. Heavy Industrial (M-2) District: Minimum of 10 feet.

D. Rear Yard Setbacks.

1. Light Industrial (M-1) District: Minimum of 10 feet where adjacent to a Commercial or Industrial District, except common wall buildings with 0-setback are allowed;

2. Heavy Industrial (M-2) District: Minimum of 10 feet where adjacent to a Commercial or Industrial District, except common wall buildings with 0-setback are allowed;

3. Industrial District (M-1 or M-2) Abutting a Residential District: Minimum of 20 feet, and conformance with the R/R-1 height step-down standards in Section 2.2.170.C.

E. Side Yard Setbacks. There are no required side-yard setbacks, except a minimum of 20 feet and conformance with the R/R-1 height step-down standards in Section 2.2.170.C is required when an Industrial District abuts an R or R-1 District.

F. Minimum Landscape Area (% site area). The minimum landscape area for Industrial Districts shall be 5%. Landscape area may include plant areas and some non-plant areas as allowed under Section 3.2.300.D.

G. Buffering Other Yard Requirements.

1. Buffering. The approval body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in Chapter 3.2 when it finds through Site Design Review (Chapter 4.2), Conditional Use Permit review (Chapter 4.4), and/or Master Planned Development review (Chapter 4.5), as applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to

adjacent properties.

Developments within Industrial Districts abutting Residential Districts will be required at minimum to erect a fence, evergreen hedge or wall along the property line that is the zone boundary. The approval body may also require a fence, evergreen hedge or wall to be erected to screen the view of storage yards and operations not enclosed in a building. The fence, hedge or wall shall screen not less than 70 percent of the view and be between 5 and 8 feet in height.

2. Pedestrian Access. The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways shall conform to Section 3.1.300.

2.4.130 Industrial Districts – Lot Coverage

A. Light Industrial (M-1) District: Maximum lot coverage, including all impervious surfaces, 80 percent.

B. Heavy Industrial (M-2) District: Maximum lot coverage, including all impervious surfaces, 80 percent.

2.4.140 Industrial Districts – Site Layout and Design

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

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

2. The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in Section 2.4.120.

B. Large-Scale Commercial Development – M-1 District Only. Developments containing 40,000 square feet or more commercial, retail, wholesale, or office floor area in a Light Industrial District shall have pedestrian-oriented design. This standard is satisfied when the approval body finds that a development meets the all of the following criteria:

1. The commercial block layout standards in Section 2.3.150.D are met; and

2. The architectural standards in Section 2.3.170 are met. For the purpose of meeting the

build-to line standards in subsection 2.3.170.B(4), the build-to line is parallel to all abutting street property lines at a distance of 60 feet from the street property line.

2.4.150 Industrial Districts – Building and Structure Height

The maximum allowable height of buildings and structures in the M-1 and M-2 districts is 35 feet, except that taller buildings and structures are allowed when approved as part of a Conditional Use Permit, provided they conform to the R/R-1 height step-down.

Chapter 2.5 — Parks & Recreation (PR) District

Sections:

2.5.100 Parks & Recreation District – Purpose
2.5.110 Parks & Recreation District – Allowed Uses
2.5.120 Parks & Recreation District – Setback Yards; Buffers
2.5.130 Parks & Recreation District – Lot Coverage
2.5.140 Parks & Recreation District – Site Layout and Design
2.5.150 Parks & Recreation District – Building and Structure Height
2.5.160 Parks & Recreation District – Master Planned Development Requirement

2.5.100 Purpose

Chapter 2.5 is intended to implement the Parks, Recreation and Open Space element of the Cottage Grove Comprehensive Plan and the adopted *Cottage Grove Master Parks Plan*. This district includes private and public recreation uses.

2.5.110 Land Uses Allowed in the Parks & Recreation District

Table 2.5.110 identifies the land uses that are allowed in the Parks & Recreation District. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4, and with more specificity in the adopted *City of Cottage Grove Master Parks Plan*.

TABLE 2.5.110 -- Land Use in Parks & Recreation District (PR)

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Parks & Recreation (PR)
Residential Categories	
Household Living	
Dwelling for caretaker or watchman	CU
Commercial Categories	
Drive-up/Drive-in/Drive-through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190	N
Bed and Breakfast Inn	N
Educational Services, not a school (e.g., tutoring or similar services)	N
Entertainment, Major Event	CU
Office - Primary use - Accessory Use	 N P
Outdoor recreation, Commercial	CU
Parking Lot (when not an accessory use)	N
Quick Vehicle Servicing. (See also Drive-Up/Drive-In/Drive-Through Uses, per Section 2.3.190)	N
Vehicle Repair	N
Retail Sales and Service - Accessory to primary use	 CU
Self-Service Storage	N
Industrial Categories	
Light Industrial Service	N
Medium/Heavy Industrial Service	N

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Parks & Recreation (PR)
Light Manufacturing and Production	N
Medium/Heavy Manufacturing and Production	N
Warehouse and Freight Movement	N
Waste-Related	N
Wholesale Sales	N
Institutional Categories	
Basic Utilities	P
Colleges	N
Community Service, including museums, performing arts facilities or community centers	CU
Family Daycare (12 or fewer children) under ORS 657A.250	N
Daycare, adult or child (exceeding 12)	N
Pedestrian Amenities	P
Parks and Open Space	
- Mini parks	P
- Nodal parks on Greenway	P
- Neighborhood parks	P
- Natural Areas or environmental restoration	P
- Park furnishings, including gazebos, arbors, kiosks, play equipment, picnic tables, benches, bicycle racks, signage	P
- Cultural resources	P
- Interpretive centers of less than ½ acre	P
- Basketball or racketball courts	P
- Public or private climbing walls, BMX tracks, skate parks, and boat ramps	CU

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Parks & Recreation (PR)
Parks uses (cont') - Dog parks - Community parks - Natural Resource areas - Interpretive centers greater than ½ acre in size - Public or private racetracks or speedways - Public or private recreation facilities, including golf, swimming, tennis and country clubs - Public or private organized sports fields not on school district property, fairgrounds or arenas	CU MP MP MP MP MP MP
Cemeteries	CU
Religious Institutions and Houses of Worship	CU
Schools	CU
Other Categories	
Accessory Structures (with a permitted use)	P
Animals – on leash only, on temporary basis only	P
Community gardens and composting areas	CU
Buildings and Structures exceeding the Height Limits	CU
Wireless Telecommunication Facilities	N
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU
Temporary Uses, per standards in Section 4.9.100 - Special events, approved pursuant to Municipal Code Chapter 10.24	P
Transportation Facilities (operation, maintenance, preservation and construction)	P

2.5.120 Parks & Recreation District – Setback Yards

A. Purpose. Setback yards provide separation between park and non-park uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

B. Applicability. The setback yard standards in subsections 2.5.120.C-G are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development. In granting a Conditional Use Permit or Master Plan, the Planning Commission may increase the standard yards if necessary to meet the criteria in Chapter 4.4. The Planning Commission may also decrease the standard yards through the CUP process, provided that all applicable building and fire safety codes are met and impacts to adjoining properties have been considered.

C. Front and Street Yard Setbacks. All front and street-facing yard setbacks shall be a minimum of 15 feet. The front or street-facing yard shall not be used for regular or constant parking of automobiles or other vehicles.

D. Rear Yard Setbacks. Building, structures and accessory uses shall be setback not less than 5 feet from the rear property line.

E. Side Yard Setbacks. Each development shall maintain a side yard of not less than 5 feet. Side yards shall not be used for the regular or constant parking of automobiles or storage of boats, trailers, furniture, accessory buildings, etc.

F. Riparian Setbacks. Structures shall not be located closer than 50 feet from the ordinary high water line or 25 feet from the top of the river bank of a Class I stream, whichever is greater. The Planning Commission may allow a lesser setback if documentation is provided that existing riparian vegetation does not and has not extended into the setback area within the last year.

G. Floodway. No new structures shall be permitted within the floodway of the Coast Fork of the Willamette River, the Row River, or Silk Creek.

2.5.130 Parks & Recreation District – Lot Coverage

Maximum lot coverage, including all impervious surfaces, shall not exceed 40 percent. This lot coverage may be exceeded through a conditional use or Master Plan permit.

2.5.140 Parks & Recreation District – Site Layout and Design

A. Applicability. Section 2.5.140 is intended to provide flexibility in development while providing for compatibility of parks and recreation uses through the application of discretionary standards. Parks and recreation uses and developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, dust, parking, traffic, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable.

The following standards shall apply to all development in the Parks & Recreation District that are subject to Site Design Review or require a Conditional Use Permit, including those reviewed as part of a Master Planned Development.

B. Development Compatibility.

1. Mechanical equipment, lights, parking and other components of a parks or recreation use that are outside enclosed buildings shall be located away from adjacent residential areas to the maximum extent practicable; and

2. The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided; and

3. Protection and enhancement of water quality shall be required. No dumping of yard or household waste, no use of chemical pesticides or herbicides in wetlands, riparian areas or near water, and no dumping of hazardous waste will be allowed; and

3. The architectural standards in Section 2.3.170 shall be met for all buildings over 20,000 square feet in footprint. For the purpose of meeting the build-to line standards in subsection 2.3.170.B(4), the build-to line is parallel to all abutting street property lines at a distance of 60 feet from the street property line; and

4. Master signage plans shall be created for uses requiring Conditional Use or Master Planned Development approval; and

5. New or expanding uses that require either Conditional Use or Master Planned Development approval shall ensure that site access and internal and external circulation patterns meet the requirements of Section 3.1.

C. Buffering & Other Yard Requirements.

1. Buffering. The approval body shall require landscaping, fences, walls or other buffering that exceed the landscaping standards in Chapter 3.2 when it finds through Site Design Review (Chapter 4.2), Conditional Use Permit review (Chapter 4.4), and/or Master Planned Development review (Chapter 4.5), as applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties.

2. Pedestrian Access. Interconnectivity between neighborhoods and/or park and pedestrian facilities shall be emphasized in design. The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections within large developments or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways shall conform to Section 3.1.300.

2.5.150 Park & Recreation District – Building and Structure Height

The maximum allowable height of buildings and structures in the PR districts is 30 feet, except that taller buildings and structures are allowed when approved as part of a Conditional Use Permit or Master Plan, provided they conform to the R/R-1 height step-down.

2.5.160 Parks & Recreation District – Master Plan Development Requirement

In order to ensure good planning of large-scale public and/or private parks, the following parks and recreation uses require the approval of a Master Planned Development per Section 4.5:

- Community parks
- Natural Resource areas
- Interpretive centers greater than ½ acre in size
- Public or private racetracks or speedways
- Public or private recreation facilities, including golf, swimming, tennis and country clubs
- Public or private organized sports fields not on school district property, fairgrounds or arenas

Before approving a Master Planned Development, the approval body shall ensure that the proposed development meets the conditions stipulated in sections 2.5.110 through 2.5.150.

2.5 – Parks & Recreation (PR) Land Use Districts – Setback Yards and Buffers

Chapter 2.6 — Combining Districts

Sections:

2.6.100 Combining Districts – Purpose & Compliance
2.6.200 Airport Overlay District – Purpose
2.6.210 Airport Overlay District – Definitions
2.6.220 Airport Overlay District – Imaginary Surface and Noise Impact Boundary Delineation
2.6.230 Airport Overlay District – Notice of Land Use and Permit Applications within Overlay Zone Area
2.6.240 Airport Overlay District – Height Limitations on Allowed Uses in Underlying Zone
2.6.250 Airport Overlay District – Procedures
2.6.260 Airport Overlay District – Land Use Compatibility Requirements
2.6.270 Airport Overlay District – Water Impoundments within Approach Surfaces and Airport Direct and Secondary Impact Boundaries
2.6.280 Airport Overlay District – Nonconforming Uses
2.6.290 Airport Overlay District – Avigation Easement
2.6.300 Historic Preservation Overlay District – Purpose
2.6.310 Historic Preservation Overlay District – Applicability
2.6.320 Historic Preservation Overlay District – Historic Landmark designation
2.6.330 Historic Preservation Overlay District – Allowed Uses
2.6.340 Historic Preservation Overlay District – Development Standards
2.6.350 Historic Preservation Overlay District – Alterations of historic landmarks
2.6.360 Historic Preservation Overlay District – New construction and relocations on properties adjacent to historic landmarks
2.6.370 Historic Preservation Overlay District – Demolition of historic landmarks
2.6.380 Historic Preservation Overlay District – Signs
2.6.390 Historic Preservation Overlay District – Building code considerations

2.6.100 Combining Districts – Purpose & Compliance

Chapter 2.6 is intended to provide specific guidance for Combining Districts. There are three Combining Districts in the City of Cottage Grove: Airport Overlay District, Historic Preservation Overlay District, and the Willamette River Greenway.

These overlay districts apply standards that are in addition to those found in the base districts (Chapters 2.2 through 2.5). In the event of any conflict between any provisions of these combining districts and the primary zoning districts, the more restrictive provisions shall apply.

Chapter 2.6.200 – Airport (AO) Overlay District

2.6.200 Airport Overlay District – Purpose

The purpose of this overlay district is to encourage and support the continued operation and vitality of the Cottage Grove Airport, a public use airport with only visual approaches, by establishing compatibility and safety standards to promote air navigational safety at the airport and to reduce potential safety hazards for persons living, working or recreating near the airport. The Airport Overlay District includes all lands beneath the "airport imaginary surfaces" of the Cottage Grove Airport.

2.6.210 Airport Overlay District – Definitions

Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

Airport Direct Impact Area. The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.

Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.

Airport imaginary surfaces. Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

Airport Noise Impact Boundary. Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn (or Yearly Day-Night Average Sound Level).

Airport Secondary Impact Area. The area located between 5,000 and 10,000 feet from an airport runway.

Airport Sponsor. The owner, manager, or other person and entity designated to represent the interests of an airport.

Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

    a. 1,250 feet for a utility runway; or

b. 1,500 feet for a runway other than a utility runway.

2. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward.

3. The outward width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

FAA. The Federal Aviation Administration.

Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is construed by swinging arcs of five thousand feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet.

Obstruction. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

Other than Utility Runway. A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

Primary surface. A surface longitudinally centered on an airport runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 250 feet for utility runways and 500 feet for other than utility runways.

Public Assembly Facility. A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate

for short periods of time such as parking lots or bus stops.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway Protection Zone (RPZ). An area off the runway and used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of: 1,000.

Significant. As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

Structure. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations or overhead transmission lines. Structures do not include paved areas.

Transitional Surface. Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

Utility runway. A runway that is constructed for, and intended for used by, propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

Water impoundment. Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.

2.6.220 Airport Overlay District – Imaginary Surface and Noise Impact Boundary Delineation

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface shall be delineated for each airport subject to this overlay zone and shall be made part of the Official Zoning Map. All lands, waters and airpspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this overlay zone. [ORS 836.619; OAR 660-013-0040(8); OAR 660-013-0070(1); OAR 660-013-0080(1)]

2.6.230 Airport Overlay District – Notice of Land Use and Permit Applications within Overlay Zone Area

The Department of Aviation shall be notified of all land use applications or limited land use applications in the same manner as notice is provided to property owners in Chapter 4 of this code.

2.6.240 Airport Overlay District – Height Limitations on Allowed Uses in Underlying Zone

All uses permitted by the underlying or base zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control.

A. Except as provided in subsections B and C of this section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.

B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations that the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.

C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow Type III Variance application procedures and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

2.6.250 Airport Overlay District – Procedures

An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Community Development Department shall provide the applicant with

appropriate base maps upon which to locate the property.

B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.

C. If a height variance is requested, letters of support from the airport sponsor, the Department of Aviation and the FAA.

2.6.260 Airport Overlay District – Land Use Compatibility Requirements

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this chapter as provided herein.

A. Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

B. Outdoor Lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

C. Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.

D. Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or stream that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential of safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

E. Communications Facilities and Electrical Interference. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval.

F. Use Prohibitions in the RPZ. Notwithstanding the underlying zone, the following uses are prohibited in the RPZ.

1. New residential development.

2. Public assembly facilities.

G. Landfills. No new sanitary landfills, sewage lagoons, sewage sludge disposal facilities or similar facilities shall be permitted within 5,000 feet from any airport runway used by only piston-type aircraft or within 10,000 feet of any airport runway used by turbojet aircraft. Expansions of existing landfill or sewage treatment or disposal facilities within these distances shall be permitted only upon demonstration that the landfills are designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the airport sponsor, Aviation and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.

2.6.270 Airport Overlay District – Water Impoundments within Approach Surfaces and Airport Direct and Secondary Impact Boundaries

Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.

A. No new or expanded water impoundments of one-quarter acre in size or larger are permitted:

1. Within an approach surface and within 5,000 feet from the end of a runway; or

2. On land owned by the airport sponsor that is necessary for airport operations.

2.6.280 Airport Overlay District – Nonconforming Uses

A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this overlay zone.

B. Notwithstanding subsection A of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

C. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.

2.6.290 Airport Overlay District – Avigation Easement

Within this overlay zone, the owners of properties that are the subjects of applications for land use or limited land use decisions, for building permits for new residential, commercial, industrial, institutional or recreational buildings or structures intended for inhabitation or occupancy by humans or animals, or for expansions of such buildings or structures by the lesser of 50% or 1000 square feet, shall, as a condition of obtaining such approval or permits, dedicate an avigation easement to the airport sponsor. The avigation easement shall be in a form acceptable to the airport sponsor and shall be signed and recorded in the deed records of the County. The avigation easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport for the public. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

Chapter 2.6.300 -- Historic Preservation (HP) Overlay District

2.6.300 Historic Preservation Overlay District – Purpose

The Historic Preservation Overlay District is intended to protect and encourage the continued use of historic resources. This overlay district implements the Historic Sites and Structures element of the Comprehensive Plan. It includes criteria and procedures for Historic Landmark designation, development standards for new construction within historic districts or next to historic landmarks, restrictions on demolition of historic buildings, and standards for alterations or additions to historic landmarks.

2.6.310 Historic Preservation Overlay District – Applicability

A. Applicability. This chapter is applicable to all historic landmarks and properties directly adjacent to historic landmarks.

1. "Historic landmarks" are defined as a "historic resource that has been designated under the procedures described in this chapter and is therefore subject to its rules and regulations." (See Chapter 1.3 for definitions relating to historic landmarks.) Historic Landmarks may include neighborhoods, buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit. Any property listed on the National Register of Historic Places individually or in a district is immediately designated as a historic landmark under this chapter. All properties designated as historic landmarks shall be shown as being part of the HP Historic Preservation Overlay District on the Cottage Grove Zoning Map.

2. Properties directly adjacent to a historic landmark are subject to the design review criteria of Section 2.6.360 only.

B. Standards Supersede. The standards and regulations in this chapter are in addition to all base zone district standards and regulations and, in case of any conflicts or for other preservation-related reasons, shall supersede base zone district standards and regulations.

2.6.320 Historic Preservation Overlay District – Historic Landmark Designation

A. Methods of Designation. There are four ways for a historic resource to become designated by the HP Overlay District as a historic landmark:

1. When any historic resource within the jurisdiction of the City is officially entered into the National Register of Historic Places, the resource shall automatically become designated by HP overlay zoning as a historic landmark; or

2. A group or person may nominate the historic resource for historic landmark designation

through a Type III Historic Preservation application to be processed through the Historic Landmark Commission; or

3. The Historic Landmark Commission may recommend historic resources for historic landmark designation following the procedures set forth in the Historic Landmark Ordinance; or

4. The Planning Commission may recommend historic resources for historic landmark designation following the procedures set forth in the Historic Landmark Ordinance.

B. Requirements for Designation. To be designated as a historic landmark under subsection 2 above, the applicant will have to show compliance with the following:

1. Owner Support. Any group or person may nominate a resource for historic landmark designation; however, all nominations must include written proof that the owner or a majority of the owners of the historic resource support such designation.

2. Review criteria. The applicant must show how the nominated historic resource merits honor and recognition as a historic landmark that has significance to the City under one or more of the following criteria:

   a. Its association with historic or famous events that have made a significant contribution to the broad patterns of local, state, or national history; or

   b. Its association with the lives of persons, or groups of people, significant in local, state, or national history; or

   c. Its architectural design or method of construction, which portrays and/or embodies one or more of the following:

      1) Distinctive architectural type, style or character from a period in the past.

      2) Architectural merit by reason of its use of materials, design, details, or craftsmanship.

      3) The work of a builder or architect whose work has influenced the development of the community.

   d. Its relationship to the cultural, social, political and/or economic history of the community.

   e. Its identification as a resource that represents an aesthetic or educational feature of the community.

   f. It is likely to yield important information about pre-history or the historic past of the community.

C. Duration of Designation. Once adopted, the HP Historic Preservation Overlay District designation remains for the life of the resource. Demolitions, exterior alterations, additions or new construction on a HP designated site(s) shall be subject to the standards of this chapter.

2.6.330 Historic Preservation Overlay District – Allowed Uses

A. Allowed Uses from Base Zoning District. Allowed uses within the Historic Preservation Overlay District are based on those permitted by the "base zoning district" (see Chapters 2.2, 2.3, 2.4, and 2.5).

B. Special HP Conditional Uses. In cases where the base zoning district does not list a use as permitted for a historic landmark property, the owners or their assigns may apply for a special HP conditional use permit to allow such use under the following standards:

1. The use is such that it will otherwise enable the continued preservation of the landmark by allowing for a more economical return for the property.

2. The use will not interfere with the ability of the landmark to meet the criteria for alterations listed in this Chapter under Section 2.6.350.

3. The use will not adversely affect the character of the neighborhood and functions of other properties in the area.

C. Nonconforming uses of historic landmarks. Nonconforming status shall not be a factor for consideration in the nomination or designation of a historic landmark or its subsequent treatment. Any historic landmark that is not in conformance with base zoning district standards and/or regulation shall be exempt from Chapter 5.2 Nonconforming Uses and Developments.

2.6.340 Historic Preservation Overlay District – Development Standards

A. Base Zone standards. The development standards of the base zone (such as setbacks, lot coverage, building height, off-street parking requirements, etc.) apply to all new construction, additions or alterations within the Historic Preservation Overlay District. They shall not apply to any repair, replacement, reconstruction or restoration of historically significant or accurate features.

B. Altered standards. Dimensional development standards may be altered for new construction, additions or alterations upon or adjacent to a historic landmark through a Type III Historic Alteration application process if the approval body finds that the alteration would enable such development to more successfully address the review criteria of this chapter.

2.6.350 Historic Preservation Overlay District – Alterations of historic landmarks

A. Purpose. *The Secretary of the Interior's Standards for the Treatment of Historic Properties*

establish minimum requirements for the alteration of historic landmarks. These standards are intended to preserve the distinguishing features of historic resources while allowing needed repairs, alterations and expansions. These requirements, as stated below, are supplemented by the adopted *City of Cottage Grove Downtown Historic District Design Guidelines.*

B. Applicability. Section 2.6.350 applies to all alterations to historic landmarks. Minor alterations such as replacing siding or windows, re-roofing, repairing porches, installing new signage or painting murals, shall be processed through a Type II Historic Alteration review; Major Remodels, additions or new construction shall be processed through a Type III Historic Alteration review. The Historic Landmark Commission shall review and make a recommendation to the Planning Commission on all Type III applications.

C. Standards. All projects that are subject to 2.6.310 shall meet all of the standards in subsections 1-9 below. The adopted *City of Cottage Grove Downtown Historic District Guidelines* provide guidance for compliance to these standards for all types of alterations to historic landmarks within the Downtown Historic District.

1. The distinguishing historic qualities or character shall not be destroyed. Removal or alteration of historic material, distinctive features and/or spatial relationships shall be avoided whenever possible.

2. All landmarks shall be recognized as products of their own time. Alterations that have no historic basis and which create a false sense of historical development or add conjectural features or elements shall be avoided.

3. Changes that have acquired historic significance in their own right may be retained and preserved.

4. Distinctive materials, features, finishes and construction techniques or examples of craftsman shall be preserved. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

5. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial arrangements that characterize the landmark. New work shall be differentiated from the old yet compatible with historic materials, features, size, massing, scale and proportion, so that the integrity of the landmark and its environment is maintained.

6. Cleaning and maintenance shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

7. New additions, exterior alterations, and adjacent or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the

property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

8. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the landmark and its environment would be unimpaired.

9. Archeological resources shall be protected and preserved in place, or if necessarily disturbed, mitigation measures shall be undertaken.

10. *The Secretary of the Interior's Standards for the Treatment of Historic Properties 1992* shall serve as supplemental guidelines for alteration projects, as appropriate.

D. State Historic Preservation Office Review. Review and approval of alteration applications by the City does not substitute or remove requirements for review by the State Historic Preservation Office when the historic landmark is subject to any state or federal programs.

2.6.360 Historic Preservation Overlay District – New construction and relocations on properties adjacent to historic landmarks

A. Purpose. The design and layout of new construction or relocations on properties adjacent to historic landmarks can have a significant impact upon the integrity of the historic resource and hence shall be subject to review under this chapter.

B. Applicability. All new construction and relocations on properties directly adjacent to historic landmarks shall be subject to design review through a Type III Historic Alteration permit. New construction or relocations within the Downtown Historic District should follow the adopted *City of Cottage Grove Downtown Historic District Design Guidelines*.

C. Standards. In order to achieve the purpose of this Chapter and honor, respect and support the historic preservation effort of owners of historic landmarks, the following design criteria, in addition to any other applicable design review criteria in Section 2.2.140 or in the *City of Cottage Grove Downtown Historic District Design Guidelines*, shall apply to proposed activities on such properties:

1. New construction or relocations on properties adjacent to historic landmarks shall be compatible with the overall character of the landmark in:

   a. Use of exterior materials, such as roofing and siding;

   b. Exterior features, such as roof pitch, eaves, window shapes, types and arrangements, doorways, porches, landscaping, etc.;

   c. Size, height, bulk, mass, scale, placement, arrangement of spaces and overall proportions.

2.6.370 Historic Preservation Overlay District – Demolition or Relocation of historic landmarks

A. Purpose. The purpose of this section is to encourage the retention of historic landmarks on their original sites. Demolition or relocation of historic landmarks erodes the historic fabric of the City of Cottage Grove and shall be discouraged unless adverse circumstances require such actions. This standard gives the approval body the ability to delay the demolition or relocation of a building or structure to allow community members or the City time to find an alterative solution to the demolition or relocation of the structure.

B. Applicability. Section 2.6.360 applies to all historic landmarks and all features of historic landmarks, including historic buildings, accessory buildings, garages, attached porches, and significant historic signage. No demolition permits shall be issued for the removal of any of these features from a site designated as part of the HP Overlay District without approval of a Type III Historic Alteration permit.

C. Review Criteria. In order to approve an application for the demolition or relocation of a designated historic landmark or feature thereof, the approval body shall find that:

1. No prudent and feasible alternative exists; or

2. The designated property is deteriorated beyond repair; or

3. The value to the community of the proposed use of the property outweighs the value of retaining the designated historic landmark.

D. Review Procedure.

1. The Historic Landmark Commission shall review and make a recommendation to the Planning Commission based on the review criteria above in accordance with the procedures established in the Historic Landmark Ordinance.

2. The Planning Commission shall hold a public hearing on the application in accordance with the Type III application process. Upon the close of the hearing, the Commission may take any combination of the following actions:

   a. Approve the issuance of a permit, when it is found that the application is in compliance with all other codes, ordinances and policies of the City.

   b. Stay the issuance of a permit for a period of up to 90 days, when it is found that in the interest of preserving historic values, the landmark should not be demolished.

   c. Require the photographic, video, or drawn recordation of the property to be demolished.

d. Require the salvage and curation of significant elements.

3. At the end of the stay of issuance by the Planning Commission, the City Council may, at the request of the Commission, or on its own motion, continue the stay for an additional period not to exceed 210 days from the date of application, when it finds that:

   a. There is a program or project underway that could result in public or private acquisition of the landmark for preservation; and

   b. There are reasonable grounds to believe such program or project will meet with success.

4. A demolition permit shall be issued at the end of a stay of issuance ordered by the City Council when it is found that:

   a. The preservation project or program has not been successful;

   b. The application for demolition has not been withdrawn; and

   c. The application complies with any other relevant codes and ordinances of the City.

5. During any such stay of issuance as listed above, no demolition permit shall be issued and no person shall demolish the designated landmark unless the stay of issuance has been successfully appealed and a directive to issue a demolition permit has been ordered.

2.6.380 Historic Preservation Overlay District – Signs

A. Applicability. Sign permits for historic landmarks shall be required and shall be subject to Community Development Director approval. A Type II application process shall be used for sign permit review for all signs in the Downtown Historic District and/or on a historic landmark property. The Community Development Director may at his discretion process a sign permit for a significant building and/or sign as a Type III application. The Historic Landmark Commission shall comment on all sign permits.

B. Sign Standards. All signs placed upon historic landmarks shall conform to the sign regulations of the base zoning district and Chapter 3.8 signs of this title, except that sign type, design and materials shall be compatible with the historical character of the landmark and/or comparable signs that previously existed on the landmark itself during its historic period of significance. All signs shall be applied to the landmark in a manner that minimizes harm to its historic material to the greatest extent possible. *The City of Cottage Grove Downtown Historic Design Guidelines* shall be used to guide the design of signs in the Downtown Historic District.

C. Historically Significant Signs. Any sign designated as a historic landmark by virtue of its own merit under one or more of the criteria listed in this Chapter is exempt from any sign and/or nonconforming lot and use regulations of this Title, with the exception of the criteria

for alterations listed in this Chapter under Section 2.6.350. The Community Development Department may process and approve, approve with conditions, or deny application for designation of historic signs at the request of the owner under a Type II application process. The Historic Preservation Commission shall comment on all applications for historic sign designation.

2.6.390 Historic Preservation Overlay District – Building code considerations

Alterations that require a building permit shall conform to the requirements of the State Structural Specialty Code, except that, upon review and authorization of the City Building Official, alternative standards, such as those found in the Uniform Code for Building Conservation, may be applied when their application shall:

1. Promote the objectives and standards of the criteria for alterations of this chapter; and

2. Result in conditions that are no more hazardous to life, safety, fire safety and sanitation than those in existence prior to alteration.

CHAPTER 3 — Community Design Standards

Chapters:

3.0 Design Standards Administration
3.1 Access and Circulation
3.2 Landscaping, Street Trees, Fences and Walls
3.3 Parking and Loading
3.4 Public Facilities
3.5 Surface Water Management
3.6 Other Site Design Standards
3.7 Sensitive Lands
3.8 Signs

Chapter 3.0 - Design Standards Administration

Sections:

3.0.100 Design Standards - Purpose
3.0.200 Design Standards - Applicability

3.0.100 Design Standards - Purpose

The following provisions describe how the Community Design Standards (Chapter 3) are intended to be applied and the relationship between Chapter 3 and the supplemental design standards for specific land uses and building types contained in Chapter 2.

3.0.200 Design Standards - Applicability

The standards in Chapter 3 are applied based on whether a project is classified as a *Major Project* or a *Minor Project*. In addition, each chapter of Chapter 3 contains "applicability directions." In general, the chapters are applied as follows:

A. **Major Project.** Major projects, including developments that require Site Design Review (Chapter 4.2), Land Division approval (Chapter 4.3), Master Planned Development (Chapter 4.5), and amendments to the Comprehensive Plan or Zoning Map (Chapter 4.7), must conform to the applicable sections of:
   - Access and Circulation (Chapter 3.1)
   - Landscaping, Street Trees, Fences and Walls (Chapter 3.2)
   - Parking and Loading (Chapter 3.3)
   - Public Facilities (Chapter 3.4)
   - Surface Water Management (Chapter 3.5)
   - Signs (Chapter 3.6)
   - Sensitive Lands (Chapter 3.8)

B. **Minor Project.** Minor projects are small developments and land use actions that require only Land Use Review or Conditional Use approval (no site design review). The following chapters generally apply; however, individual sections will not apply to some projects.
   - Access and Circulation (Chapter 3.1)
   - Landscaping, Street Trees, Fences and Walls (Chapter 3.2)
   - Parking and Loading (Chapter 3.3)
   - Surface Water Management (Chapter 3.5)
   - Signs (Chapter 3.6)
   - Sensitive Lands (Chapter 3.8)

C. **Non-Conforming Situations.** See Chapter 5.3 for provisions related to non-conforming uses and developments.

Chapter 3.1 — Access and Circulation

Sections:

3.1.100 Purpose
3.1.200 Vehicular Access and Circulation
3.1.300 Pedestrian Access and Circulation

3.1.100 Purpose

The purpose of this Chapter is to ensure that developments provide safe, efficient and attractive access and circulation for pedestrians and vehicles. Section 3.1.200 provides standards for vehicular access and circulation. Section 3.1.300 provides standards for pedestrian access and circulation. Standards for streets and other transportation system improvements are provided in Section 3.4.100.

3.1.200 Vehicular Access and Circulation

A. Intent and Purpose. The intent of this Section is to manage access to land uses and on-site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This Section applies to all public streets within the City of Cottage Grove, and to all properties that abut these roadways. This Section implements the access management policies of the Cottage Grove Transportation System Plan.

B. Applicability. This Chapter applies to all public streets within the City and to all properties that abut these streets. The standards apply when lots are created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation; and when properties are subject to Land Use Review or Site Design Review.

C. Access Permit Required. Access (e.g., a new curb cut or driveway approach) to a public street requires an Access Permit. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, approval of an access permit shall follow the procedures and requirements of the applicable road authority (i.e. Cottage Grove, Lane County or ODOT), Permits shall be processed as Type I applications, normally at time of Land Use Review. If the developer proposes exceptions to the standards of this chapter, the permit shall be processed as a Type II application.

D. State Access Permits. ODOT has responsibility and authority in managing access to State Highways. Projects with direct access onto a State Highway shall be required to obtain a State access permit. An approved State access permit must be submitted as part of all Type II and III land use permits. Conditions placed by the State upon these access permits shall be considered conditions of approval for all applicable development approvals.

E. Traffic Study Requirements. The City may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in

conformance with Section 4.1.900, Traffic Impact Study.

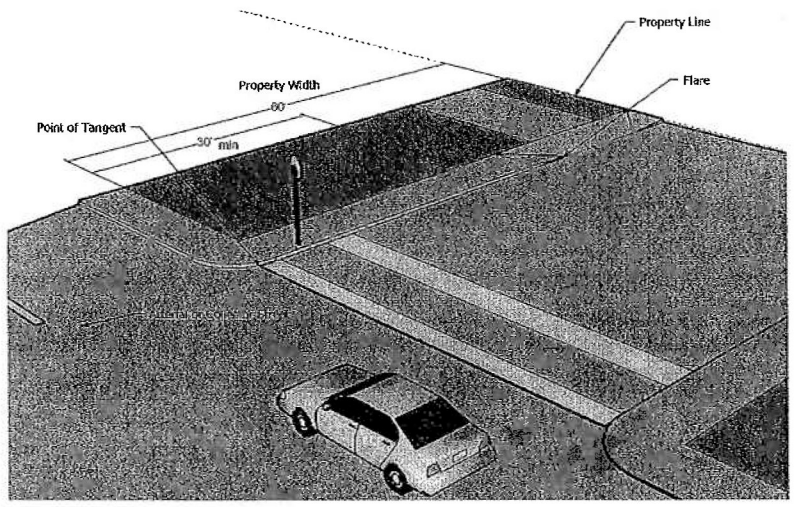
F. Conditions of Approval. The City may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation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

G. Corner and Intersection Separation; Backing onto Public Streets. New and modified accesses shall conform to the following standards:

1. Except as provided under subsection 4, below, the distance from a street intersection to a driveway or other street access shall meet the minimum spacing requirements for the street's classification in the City's Transportation System Plan. No driveway approach may be located closer to the corner than 30 feet on local streets, 50 feet on collector streets, and 75 feet on arterials;

2. When the above requirements cannot be met due to lack of frontage, the driveway may be located such that the driveway apron will begin at the farthest property line, but at no time shall new property access be permitted within 30 feet of an intersection. Where no other alternatives exist, the City may allow construction of an access connection at a point less than 30 feet from an intersection, provided the access is as far away from the intersection as possible (See Figure 3.1.200.G). In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only);

Figure 3.1.200.G Driveway Location Alternative



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

4. The City may reduce required separation distance of access points where they prove

impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements, provided all of the following requirements are met:

a. Joint-use driveways and cross-access easements are provided in accordance with subsection 3.1.200.H;

b. The site plan incorporates a unified access and circulation system in accordance with this Section; and

c. The property owner(s) enter in a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint-use driveway.

H. Site Circulation. New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, must conform to the provisions in Section 3.1.300.

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

1. For shared parking areas;

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

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

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

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

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

   d. Fire Department-approved turnaround for service drives or driveways over 150 feet long.

J. Joint and Cross Access – Reduction in Required Parking Allowed. When a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provisions of Section 3.3.300.C.

K. Joint and Cross Access – Easement and Use and Maintenance Agreement. Pursuant to this Section, property owners shall:

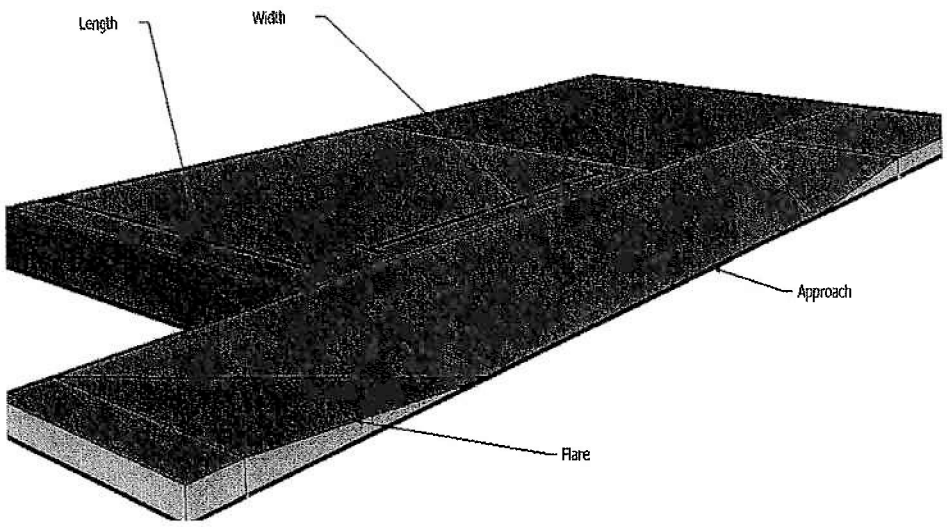
1. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;

2. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

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

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

Figure 3.1.200.L(1) Driveway Elements



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

   a. Driveway Width. The width of the driveway (measured along the curbline) shall not exceed the following dimensions:

DRIVEWAY WIDTH

Frontage (in feet)	One Driveway Approach (min/max in feet)	Two Driveway Approaches (min/max in feet)
Under 30	12/16	Not Permitted
30 to 60	12/20	Not Permitted
60 to 80	12/30	12/22
Over 80, but not exceeding 100	12/30	12/30

   b. Commercial Driveway Throat Lengths. Minimum commercial driveway throat lengths, measured from curb line to first on-site conflict point, are as follows:

      1) Commercial collector street – 35 feet (approximately 2 car lengths).

      2) Arterial street – 55 feet.

2. Driveway Approaches. Driveway approaches shall be designed and located based on the following considerations:

   a. Provide exiting vehicles with an unobstructed view of other vehicles and pedestrians

   b. Prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation;

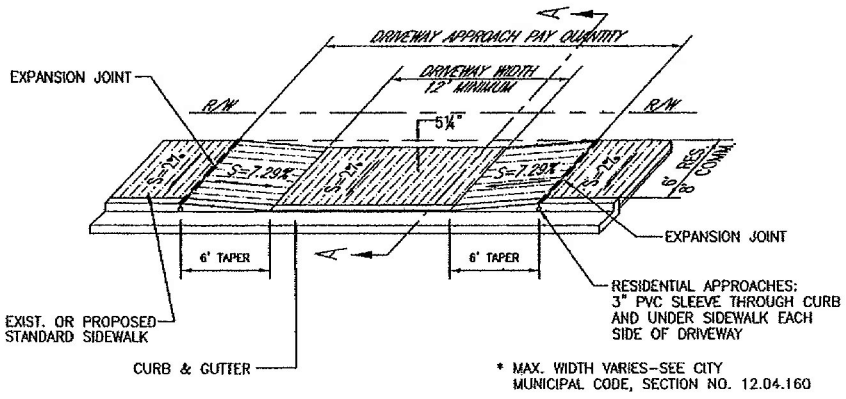
   c. Avoid construction of driveway accesses along acceleration or deceleration lanes or tapers due to the potential for vehicular conflicts;

   d. Locate driveways to allow for safe maneuvering in and around loading areas. See also, Chapter 3.8, Loading;

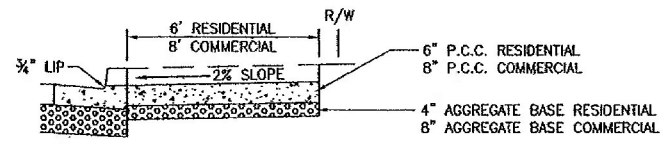
   e. Access corner tracts from the lesser (lowest classification) street; and

   f. Consider characteristics of property, including location, size and orientation of structures on site, number of driveways needed to accommodate anticipated traffic, location and spacing of adjacent or opposite driveways.

Figure 3.1.200.L(2) Example of Acceptable Driveway Approach construction



STANDARD RESIDENTIAL & COMMERCIAL
ALTERNATE DRIVEWAY APPROACH
NO SCALE



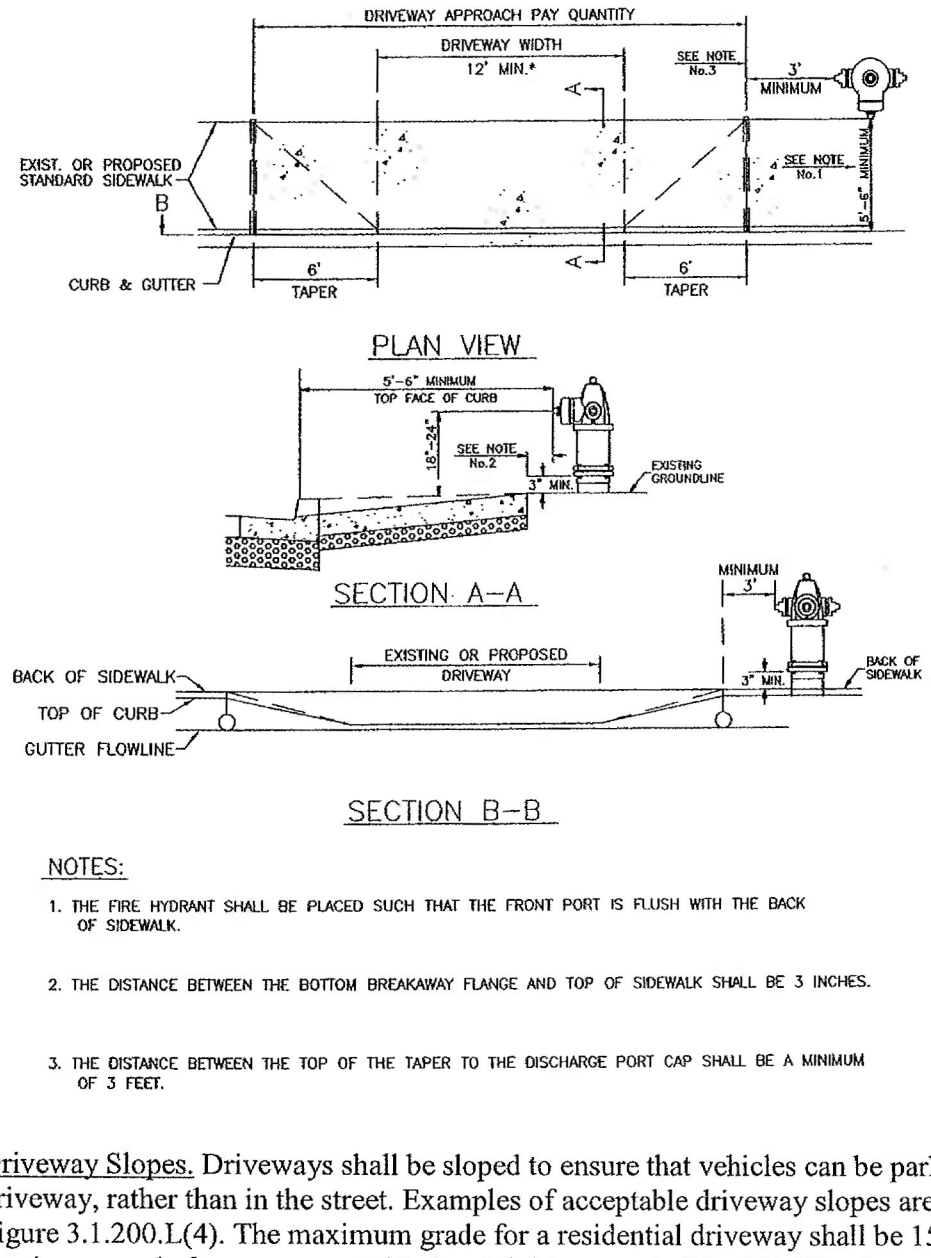
SECTION A–A
NO SCALE

NOTES:

1. CONCRETE SHALL BE CLASS 3300–3/4" (5½ SACK MIX) CONFORMING TO SECTION 00759 OF THE OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2002 EDITION, AND SHALL HAVE A SMOOTH BROOM FINISH, UNIFORM IN APPEARANCE AND FREE OF IRREGULARITIES.
2. AGGREGATE BASE SHALL BE CRUSHED ROCK CONFORMING TO SECTION 00641 OF THE OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2002 EDITION, AND SHALL HAVE A MINIMUM OF 4" COMPACTED THICKNESS FOR RESIDENTIAL AND 8" COMPACTED THICKNESS FOR COMMERCIAL DRIVEWAYS.
3. EXPANSION JOINT MATERIAL SHALL BE PREMOLDED BITUMINOUS STRIPS CONFORMING TO AASHTO 153 AND SHALL BE PLACED FULL DEPTH.
4. RESIDENTIAL APPROACHES ONLY: PVC SLEEVE SHALL EXTEND FROM THE FACE OF CURB TO 3" BACK OF THE SIDEWALK AND SHALL SLOPE TO THE GUTTER FLOWLINE AT APPROXIMATELY 2%.

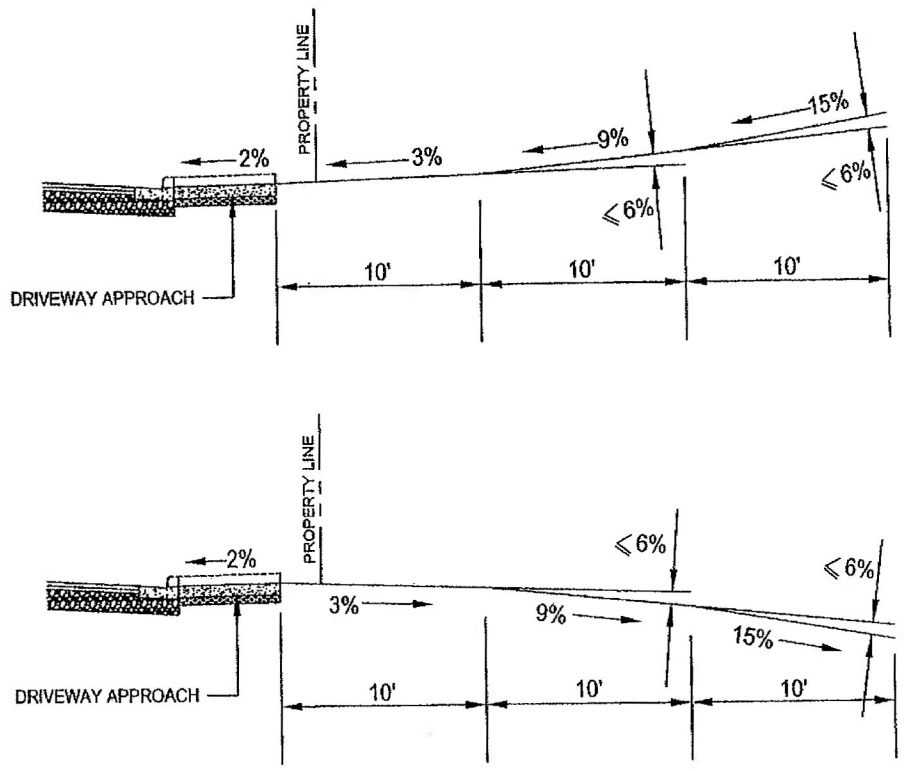
3. Driveway Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 3.1.200.L(2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than 4 feet in width, with a cross slope not exceeding 2%, and providing for landing areas and ramps at intersections. Driveways shall conform to Fire Code requirements for placement of driveways next to fire hydrants, as shown in Figure 3.1.200.L(3). See also Engineering Department standards for driveway construction.

Figure 3.1.200.L(3) Fire Hydrant & Driveway Spacing



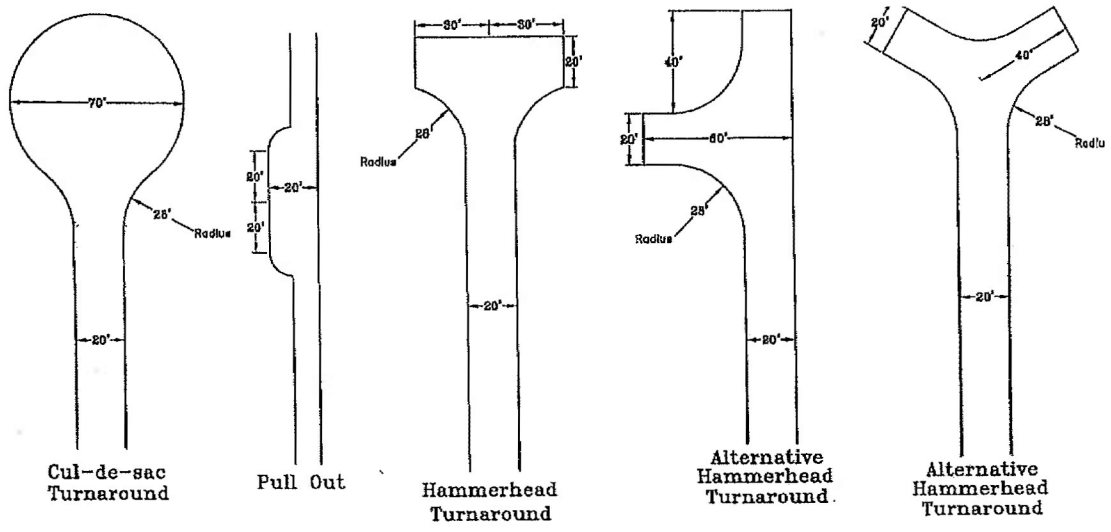
4. Driveway Slopes. Driveways shall be sloped to ensure that vehicles can be parked on the driveway, rather than in the street. Examples of acceptable driveway slopes are shown in Figure 3.1.200.L(4). The maximum grade for a residential driveway shall be 15%. The maximum grade for a commercial/industrial driveway shall be 7%. The change in grade after the driveway approach should not exceed +/- 6 percent in 10 feet for all driveways. Commercial and industrial driveways that have a change in grade of 3% in 10 feet and 6 percent in 10 feet shall have a 10 foot vertical curve connecting tangents.

Figure 3.1.200.L(4) Example of Acceptable Driveway Slopes



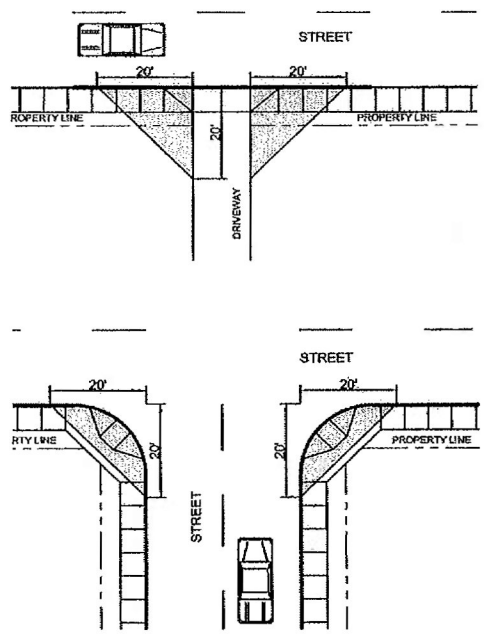
M. Fire Access and Turnarounds. When required under the Uniform Fire Code, fire access lanes with turnarounds shall be provided. Except as waived in writing by the Fire Marshal, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed adequate aisle width of 20 feet with paved surface between 14-20 feet, an unobstructed vertical clearance of 13 feet 6 inches and approved turn-around area for emergency vehicles, as shown in Figure 3.1.200.M. The Fire Marshal may require that fire lanes be marked as "No Stopping/No Parking." For requirements related to cul-de-sacs or dead-end streets, please refer to Section 3.4.100.N.

Figure 3.1.200.M Fire Turnarounds



N. **Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13 feet 6 inches for their entire length and width.

Figure 3.1.200.N Vision Clearance Areas



O. **Vision Clearance.** No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) between 2 1/2 feet and 8 feet in height shall be placed in "vision clearance areas"

on streets, driveways, alleys, or mid-block lanes, as shown in Figure 3.1.200.N. The minimum vision clearance area may be modified by the City Engineer upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects.

P. Construction. The following development and maintenance standards shall apply to all driveways, parking areas, turnarounds, alleys and private streets:

1. Surface Options. Driveways, parking areas, alleys, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or an approved durable non-paving or porous paving material, excluding gravel, may be used to reduce surface water runoff and protect water quality. Driveway and street materials shall be subject to review and approval by the City Engineer.

2. Surface Water Management. When non-porous paving is used, all driveways, parking areas, alleys, aisles, and turnarounds shall have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with Chapter 3.5 and applicable engineering standards. Single-family and two-family dwellings shall be exempt from this standard.

3. Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and conform to the City's engineering design criteria and standard specifications. (See general illustrations in Section 3.1.200.L, above.)

3.1.300 Pedestrian Access and Circulation

A. Site Layout and Design. To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family and two-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-4, below:

1. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 3.1.200, Vehicular Access and Circulation, and Section 3.4.100, Transportation Standards.

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

   a. Reasonably direct. A route that does not involve a significant amount of out-of-direction travel for likely users.

   b. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

   c. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

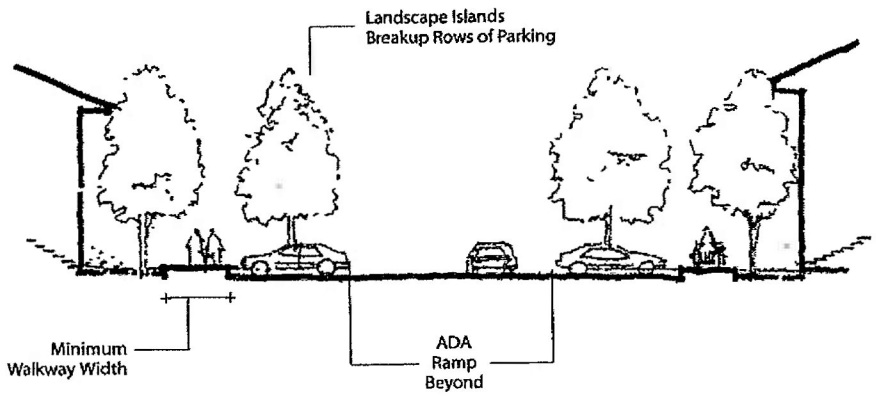
   d. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.

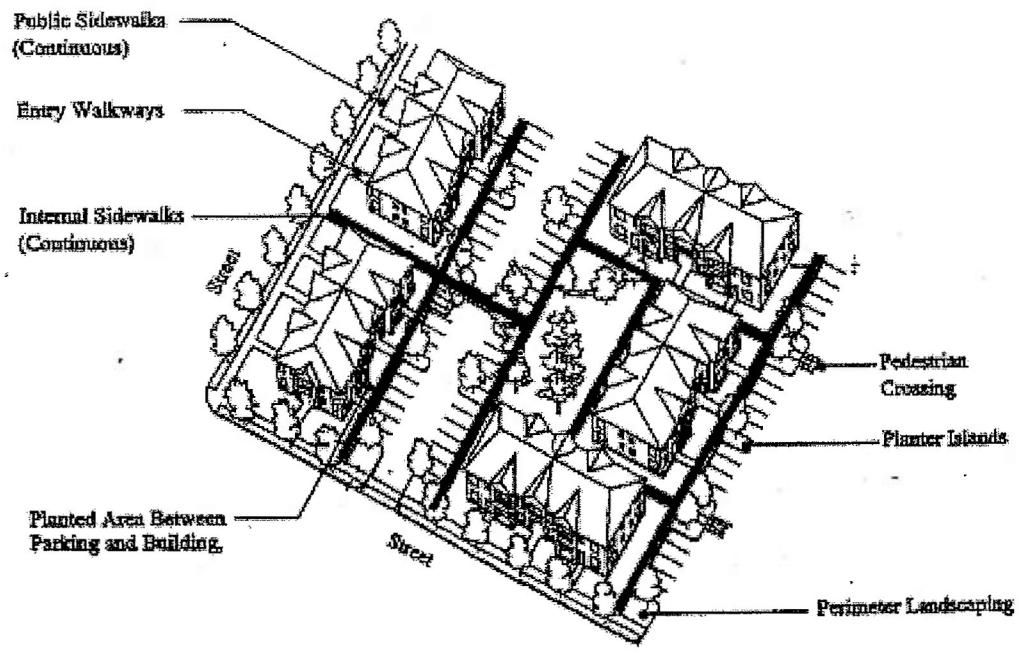
3. Connections Within Development. Connections within developments shall be provided as required in subsections a-c, below:

   a. Walkways shall connect all building entrances to one another to the extent practicable, as generally shown in Figure 3.1.300.A(1);

   b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections, as generally shown in Figure 3.1.300.A(1); and

Figure 3.1.300.A(1) Pedestrian Pathway System (Typical)





c. Large parking areas shall be broken up so that no contiguous parking area exceeds 3 acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk of at least 4-feet in width, with 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting. (See also standards in Section 2.3.150.)

B. Walkway Design and Construction. Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-4, as generally illustrated in Figure 3.1.300.B:

1. Vehicle/Walkway Separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed for withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

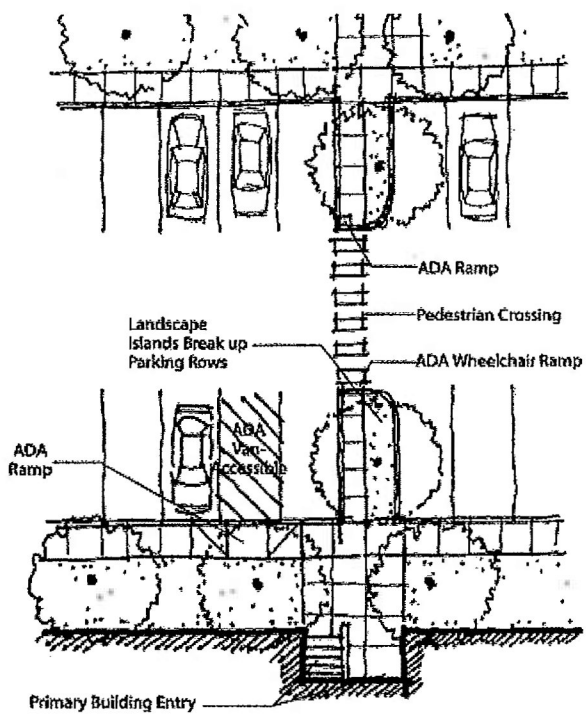
2. Crosswalks. Where walkways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with striping or contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area.

3. Walkway Width and Surface. Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the City Engineer, at least 6 feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide. (See also, Section 3.4.100 - Transportation Standards for public, multi-use pathway standard.)

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

5. Sidewalk construction and maintenance. Sidewalk construction and maintenance shall be the responsibility of the abutting property owner.

Figure 3.1.300B Pedestrian Walkway Detail (Typical)



Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

Sections:

3.2.100 Purpose
3.2.200 Landscape Conservation
3.2.300 Landscaping
3.2.400 Street Trees
3.2.500 Fences and Walls

3.2.100 Purpose

The purpose of Chapter 3.2 is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences, and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces. The Chapter is organized into the following sections:

Section 3.2.200 - Landscape Conservation prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands, and other protected natural resource areas. This section cross-references Chapter 3.7, which regulates development of sensitive lands.

Section 3.2.300 - Landscaping sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other relevant standards are provided in Chapter 2, Land Use Districts, for specific types of development.

Section 3.2.400 - Street Trees sets standards for and requires planting of trees along all streets for shading, comfort, and aesthetic purposes.

Section 3.2.500 - Fences and Walls sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

3.2.200 Landscape Conservation

A. Applicability. All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development and protect vegetation that is subject to requirements for Sensitive Lands (Chapter 3.7). The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, controls erosion, and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation. "Significant vegetation" means individual trees and shrubs within designated Willamette River Greenway and/or Riparian areas, in accordance with Chapter 3.7, and trees not within a Sensitive Lands area that have a caliper of 8 inches or larger, except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Lane County, and plants listed by the City as prohibited street trees and landscape plants. Non-native, invasive plants include, but are not limited to: purple loosestrife, leafy spurge, yellow starthistle, puncture vine, gorse, scotch broom, and non-native blackberry.

C. Mapping and Protection Required. Significant vegetation shall be mapped as required by Chapter 4.2, Site Design Review, and Chapter 3.7, Sensitive Lands. Significant trees shall be mapped individually and identified by species and diameter or caliper at 4 feet above grade. A "protection" area shall be defined around the edge of all branches (drip-line) of each tree. Drip lines may overlap between trees. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. Significant trees and shrubs identified as meeting the criteria in Section B, above, shall be retained to minimize the risk of erosion, landslide, and stormwater runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the City may allow removal of significant vegetation from the building envelope as defined by required yard setbacks. Where other areas must be disturbed to install streets or utilities, the applicant may be required to restore such areas after construction with landscaping or other means to prevent erosion and to protect the public health, safety, and welfare. With the owner's consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes.

E. Construction. All significant vegetation on a site that is not otherwise designated and approved by the City for removal shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent compaction, erosion, pollution, or landslide hazards.

F. Exemptions. The protection standards in "D" and "E" shall not apply to:

1. Dead or Diseased Vegetation. Dead or diseased significant vegetation may be removed through a Type I Land Use Review.

2. Hazardous Vegetation and Other Emergencies. Significant vegetation may be removed without land use approval pursuant to Chapter 4 when the vegetation poses an immediate threat to life or safety, or the vegetation must be removed for other reasons of emergency (e.g., fallen over road or power line, blocked drainage way, or similar circumstance), as determined by the City or emergency service provider.

3.2.300 Landscaping

A. Applicability. This Section shall apply to all new developments requiring Site Design Review. This section is not applicable to single-family or two-family dwellings.

B. Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 4.2.500, Section B.5 (Landscape Plans).

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

1. Residential and Residential-Commercial Districts. 10% of the site. (*Note: Not applicable to detached single-family or two-family homes.*)

2. Central Business District. 0% of the site.

3. Community Commercial District. 10% of the site.

4. Commercial Tourist District. 15% of the site.

5. Commercial Tourist Limited District. 15% of the site.

6. Light Industrial District. 5% of the site.

7. Medium/Heavy Industrial District. 5% of the site.

8. Parks & Recreation District. 0% of the site.

Note: A 0% minimum landscaping requirement does not override requirements within individual sections of this code. See 3.2.300E.

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

1. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required depending on the number and size of existing tree(s) protected.

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

3. "Non-native, invasive" plants, as per Section 3.2.200.B, shall be removed during site development and the planting of new invasive species is prohibited.

4. Hardscape features, i.e., patios, decks, plazas, etc., may cover up to 10 percent of the required landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

5. Ground Cover Standard. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsection 8, below), shall have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 75 percent coverage of the area not covered by shrubs and tree canopy.

6. Tree Size. Trees shall have a minimum diameter or caliper 4 feet above grade of 2 inches or greater at time of planting.

7. Shrub Size. Shrubs shall be planted from 5 gallon containers or larger.

8. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

9. Significant Vegetation. Significant vegetation protected in accordance with Section 3.2.200 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 3.2.400 may be waived by the City when existing trees protected within the front or street side yard provide the same or better shading and visual quality as would otherwise be provided by street trees.

10. Storm Water Facilities. Storm water treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under Section 3.4.400, shall be landscaped with water tolerant, native plants, including native grasses.

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

1. Yard Setback Landscaping. Landscaping in yards shall:

   a. Provide visual screening and privacy within side and rear yards and from incompatible adjoining uses or busy streets;

   b. Use shrubs and trees as wind breaks;

c. Retain natural vegetation;

d. Define pedestrian pathways and open space areas with landscape materials;

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

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

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

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

2. Parking areas.

a. A minimum of 10 percent of the total surface of all parking areas as measured around the perimeter of parking spaces and maneuvering areas shall be landscaped. Such landscaping shall consist of trees and shrubs and/or ground cover plants that conform to the criteria in Section 3.2.300.E.1.a-h above. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy.

b. Parking area landscaping shall consist of at minimum:

1) Trees: 1 tree for every 3,000 square feet of paved vehicular use area evenly distributed throughout site;

2) Landscaping between street and parking area within 50 feet of street: A landscape strip at least 7 feet in width is required between a street and parking area. It may be pierced by pedestrian and vehicular accessways. Strips shall be planted with low shrubs to form a continuous screen at least 30 inches high and maintained not to exceed 42 inches high or a masonry wall; and shall contain 1 canopy tree every 30 linear feet as measured along street lot line and living plant materials covering 75% of required landscape area within 3 years;

3) Perimeter parking area landscaping: All parking areas shall provide perimeter Landscape strip at least 7 feet in width along perimeter of parking lot. Must include 100% site obscuring 6 foot fence or wall against interior lot lines of residential districts, or 50% site obscuring 6 foot fence (chain link with slats and vegetation) against interior lot lines of adjoining commercial or industrial properties; and

5) Planting islands: Planting islands shall be provided at the ends of each parking row and at intervals within parking rows so that no parking stall is more than 45

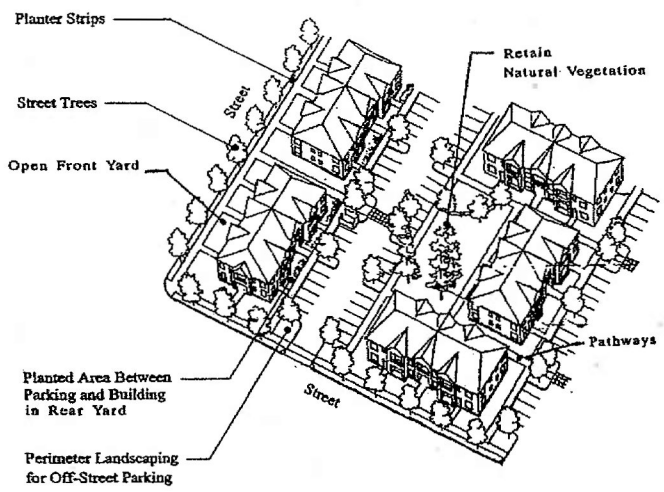
feet from a planting island. Planting islands shall be at least 7 feet in width, as measured from the outside edge of a 6 inch wide curb, and a minimum area of 140 square feet. Each of these islands shall provide at least 1 canopy tree.

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

   a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a 7 foot wide landscape strip shall be located parallel to the street to provide visual buffering. The 7 foot wide landscape strip shall include either an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure 3-4 feet in height. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide the required screening within 1 year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative ground cover to provide 75% vegetative cover. All landscaping shall be irrigated.

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

Figure 3.2.300E General Landscape Areas (Typical)



c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing areas shall be screened from view from all public streets and adjacent Residential districts. Garbage areas and/or containers shall be screened on all sides regardless of their location on the property. When these or other areas are required to be screened, such screening shall be provided by:

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

2) An evergreen hedge,

3) An opaque fence complying with Section 3.2.500, or

4) A similar feature that provides an opaque barrier.

Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 3.1, Access and Circulation. (See Section 3.2.500 for standards specific to fences and walls.)

d. Flag Lot Screen. In approving a flag lot, the City may require a landscape screen and/or fence be installed along property line(s) of the flag lot, for privacy of adjoining residents, in accordance with the provisions of Section 4.3.115. A flag lot screen shall not be required if the abutting property owner(s) indicate in writing that they do not want a screen or fence; however, the owner may install one at his or her discretion.

F. Maintenance and Irrigation. Irrigation is required for all required commercial, industrial or multi-family landscape areas. The use of drought-tolerant plant species is encouraged. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. Backflow devices shall be required for all irrigation systems.

3.2.400 Street Trees

Street trees shall be planted for all developments that are subject to Subdivision, Master Plan or Site Design Review. Requirements for street tree planting strips are provided in Section 3.4.100, Transportation Standards. Planting of street trees shall generally follow construction of curbs and sidewalks; however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and any applicable road authority requirements:

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

1. Provide a broad canopy where shade is desired and over pedestrian walkways or parking areas, except where limited by available space or except in section 4.

2. Use low-growing trees for spaces under low utility wires.

3. Select trees that can be "limbed-up" to comply with vision clearance requirements.

4. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.

5. Use species with similar growth characteristics on the same block for design continuity.

6. Avoid using trees that are susceptible to insect damage and trees that produce excessive seeds or fruit.

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

8. Select trees for their seasonal color if desired.

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

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

B. Caliper Size. The minimum diameter or caliper size at planting, as measured 4 feet above grade, shall be 2 inches.

C. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Selected street tree species should be low maintenance and not interfere with public safety. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements. If preexisting utility easements prohibit street trees within the sidewalk, required trees may be located in the front yard setback or within other required landscape areas as approved by the approval body.

D. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

E. Street Tree List. See the following list for appropriate street trees. The developer may plant a tree species not included on this list when approved by the Community Development Director.

Table 3.2.400(F) TREES APPROVED FOR STREET TREE PLANTING

***THE SPACING OF STREET TREES WILL BE ON AVERAGE 30 FEET ON CENTER, EXCEPT IN SPECIAL PLANTING DESIGNATED OR APPOVED BY A LANDSCAPE ARCHITECT.*

Class I Ultimate height to thirty feet; for use where planter strip is less than four feet, or where there are overhead wires.

List of Acceptable Trees for Class I

Flowering Ash	Glorybower	Shadbush
Bitter Cherry	Goldenrain tree	Shantung Maple
Chitalpa	Lavelle Hawthorne	Silver Bell
Flowering Dogwood	Japanese Lilac	Tartarian Maple
Eastern Redbud	Amur Maple	Trident Maple
Franklin	Paperbark Maple	

Class II Ultimate height thirty-one to fifty feet, for use where planter strip is four to eight feet.

List of Acceptable trees for Class II

Claret Ash	Chinese Scholar Crimson	Hedge Maple
European Ash	Chinese Elm	Red Maple
Green Ash	American Hornbeam	Schwedleri Norway Maple
Modesto Ash	King Norway Maple	Forest Green Hungarian Oak
Oregon Ash	Columnar Norway Maple	Westminister Globe Oak
Tupelo		

Class III Ultimate height fifty-one feet and above, for use where planter strip is greater then six feet.

List of Acceptable Trees for Class III

White Alder	Douglas Fir	Northern Red Oak
Blue Ash	Gingko (Male Only)	Pin Oak
White Ash	Western Hemlock	Red Oak
White Birch	Japanese Zelkova	Scarlet Oak
American Birch	Katsura	Shumard Oak
Columnar European Beech	Kentucky Coffee Tree	Swamp White Oak
European Beech	London Plane	White Oak
Bald Cypress	Norway Maple	Willow Oak
Atlas Cedar	Sugar Maple	Oregon Myrtle
Deodar Cedar	Sycamore Maple	Pecan
Western Red Cedar	Burr Oak	
Common Hackberry	English Oak	

Trees Recommended for Riparian Soils**

Red Alder	American Elm	Oregon Oak Red Oak
Green Ash	Little Leaf Linden	White Oak
Oregon Ah	Big Leaf Maple	Sweetgum
White Ash	Red Maple	Tupelo
Western Catalpa	Silver Maple	Gingko (Male Only)
Bald Cypress	Sugar Maple	Hawthorne
Box Elder	Sycamore Maple	Western Hemlock

**Riparian soils are soils that are considered "flooded" or "wet land" sites.*

***Above trees are tolerant of riparian soils, but can be used in other soil conditions as well.*

Trees Recommended for right-of-way use

**RIGHT-OF-WAY TREES ARE MAXIMUM 35 FEET IN CANOPY SPREAD DUE TO POSSIBLE UNDERGROUND UTITLIES, RIGHT-OF-WAY TREES ARE SUBJECT TO REVIEW BY COMMUNINTY DEVELOPMENT DEPARTMENT; SEE RECOMMENDATIONS FOR PLANTING*

Class I	Class II	Class III
Flowering Ash	Claret Ash	White Alder
Bitter Cherry	European Ash	White 'paper' Birch
Chitalpa	Oregon Ash	Common Hackberry
Flowering Dogwood	Columnar Norway Maple	Male Gingko
Eastern Redbud	Hedge Maple	Sugar Maple
Franklin	Tupelo	
Glorybower	Forest Green Hungarian Oak	
Goldenrain tree		
Lavelle Hawthorne		
Amur Maple		
Paperbark Maple		
Shantung Maple		
Tartarian Maple		
Trident Maple		
Shadbush		
Silver Bell		
Japanese Lilac		

3.2.500 Fences and Walls

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

A. General Requirements. All fences and walls shall comply with the height limitations of the respective zoning district (Chapter 2) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. If a fence is approved for greater than 6 feet in height, a building permit is also required. Any wall over 4 feet in height (measured from the bottom of the footing to the top of the wall) shall require a building permit and appropriate design from a licensed engineer. Fences must be located on private property. Fences and walls proposed on public right-of-way or public easements shall be subject to land use review approval.

B. Dimensions.

1. Except as provided under subsections 2 and 3, below, the height of fences and walls within a front yard setback shall not exceed 4 feet as measured from the grade closest to the street right-of-way.

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

3. No fence or wall may exceed 6 feet in height. Exceptions to this standard may be approved through a variance, master planned development or site design review.

4. One arbor, gate, or similar garden structures not exceeding 10 feet in height and 25 square feet in ground coverage, and has an entrance with a minimum clearance of 36 inches in width and 80 inches in height is allowed within each yard abutting a street, provided that it is not within a clear vision triangle.

5. Walls and fences to be built for required buffers shall comply with Section 3.2.300.

6. Fences, walls and hedges shall comply with the vision clearance standards of Section 3.1.200.

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

D. Materials.

1. Permitted fence and wall materials: wood; metal; bricks, stone; concrete block; stucco, or similar masonry; and non-prohibited evergreen plants.

2. Prohibited fence and wall materials: straw bales; barbed or razor wire; scrap lumber, scrap metal, or other scrap materials; hedges higher than 8 feet.

3. Retaining walls constructed of brick or masonry exceeding 4 feet in height (as measured from bottom of footing to top coping) shall be subject to building permit review and approval by the City Building Official. Design of such walls shall be certified by a licensed architect or engineer.

Chapter 3.3 — Parking and Loading

Sections:

3.3.100 Purpose
3.3.200 Applicability
3.3.300 Automobile Parking Standards
3.3.400 Bicycle Parking Standards
3.3.500 Loading

3.3.100 Purpose

The purpose of this Chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This Chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., "minimum" and "performance-based" standards). This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

3.3.200 Applicability

All developments subject to site design review (Chapter 4.2), including development of parking facilities, shall comply with the provisions of this Chapter.

3.3.300 Automobile Parking Standards

A. Applicability. All development within the City of Cottage Grove shall comply with the provisions of this Chapter.

B. Vehicle Parking - Minimum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 3.3.300.A, or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a Type II Land Use Review (or Type III review if the request is part of an application that is already subject to Type III review). Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. There is no minimum number of off-street parking spaces required in the Central Business District (or in designated downtown historic district); however, the "maximum parking" standards of this Chapter apply.

Table 3.3.300.A – Minimum Required Parking by Use

Use Categories *(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Residential Categories	
Household Living	
Accessory Dwelling	1 space per unit
Single Family Dwelling, including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit
Two and Three-Family Dwelling (duplex and triplex)	2 spaces per dwelling unit
Multifamily	1 space per studio or 1-bedroom unit 1.5 spaces/unit per 2-bedroom unit 2 spaces/unit per 3-bedroom or larger unit
Group Living, such as congregate care, and similar special needs housing	0.5 space per 4 bedrooms in nursing or convalescent homes, rest homes, or assisted living 1 space per unit in retirement complexes for seniors 55 or older

Use Categories *(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Commercial Categories	
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190	1 space for each employee per shift. See Section 2.3.190 for queuing area requirements
Bed and Breakfast Inn	1 space per bedroom, plus 1 space for manager or proprietor
Educational Services, not a school (e.g., tutoring or similar services)	2 space per 1,000 sq. ft. floor area
Entertainment, Major Event	per CU review (Chapter 4.4)
Offices	2 spaces per 1,000 sq. ft. floor area
Outdoor Recreation, Commercial	per CU review (Chapter 4.4)
Parking Lot (when not an accessory use)	per CU review (Chapter 4.4)
Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses, per Section 2.3.190)	2 spaces, or per CU review (Chapter 4.4)
Retail Sales and Service (See also Drive-Up Uses)	General Retail: 2 spaces per 1,000 sq. ft.
	Restaurants and Bars: 8 spaces per 1,000 sq. ft. of gross leaseable floor area
	Health Clubs, Gyms, Continuous Entertainment (*e.g.*, bowling alleys): 3 space per 1,000 sq. ft.
	Lodging (hotels, motels, inns), (see also Bed and Breakfast Inns): 1 space per rentable room; for associated uses, such as restaurants, entertainment uses, and bars, see above
	Theaters and Cinemas: 1 space per 4 seats
Self-Service Storage	Minimum of 3 spaces per site

Use Categories *(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Industrial Categories	
Light and Medium/Heavy Industrial Service (See also Drive-Up Uses)	1 space per 500 sq. ft. of floor area per site review
Light and Medium/Heavy Manufacturing and Production	1 space per 1,000 sq. ft. of floor area, and 1 space per company vehicle
Warehouse and Freight Movement	1 space per 2000 sq. ft. of floor area, and 1 space per company vehicle
Waste-Related	per CU review (Chapter 4.4)
Wholesale Sales - fully enclosed - not enclosed	 1 space per 1,000 sq. ft. per CU review (Chapter 4.4)
Institutional Categories	
Basic Utilities	None
Colleges	per CU review (Chapter 4.4)
Community Service	1 space per 200 sq. ft. of floor area, plus 1 space per fleet vehicle
Daycare, adult or child day care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1 space per 500 sq. ft. of floor area
Parks and Open Space	None required except as required for ADA compliance or as required by a Conditional Use Permit.
Religious Institutions and Houses of Worship	1 space per 75 sq. ft. of main assembly area or 1 per 4 seats in chapel, whichever is greater; or per CU review, as applicable

Use Categories *(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Schools	Grade, elementary, middle, junior high schools: 1 space per employee or 1 per 4 seats in auditorium, whichever is greater, or per CU review (Chapter 4.4)
	High schools: 1.5 spaces per classroom, plus 1 space per 10 students. If the school is designed to accommodate related uses such as auditoriums, stadiums, theatres, and gymnasiums, additional parking shall be provided at a rate of 1 space per 4 seats, or per CU review (Chapter 4.4)
Other Categories	
Accessory Uses (with a permitted use)	No standard, except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through Land Use Review, Conditional Use Permit review, or Site Design Review.
Agriculture – Animals	None, or per CU review (Chapter 4.4)
Agriculture – Nurseries and similar horticulture	See Retail Sales and Wholesale, as applicable
Mining	Determined per CU review (Chapter 4.4)
Radio Frequency Transmission Facilities	None
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	None
Temporary Uses (limited to "P" and "CU" uses), per Section 4.9.100.	As determined per Section 4.9.100
Transportation Facilities (operation, maintenance, preservation, and construction	None

C. Credit for On-Street Parking. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting a commercial or industrial development, up to 50 percent of the requirement. On-street parking shall follow the established or approved configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County

standards. Parking credit can only be granted for developments with frontage on streets that allow parking on both sides.

One on-street parking space shall be defined as follows:

1. Parallel parking, each 24 feet of uninterrupted curb, where allowed;

2. 45 degree diagonal, each 14 feet of curb, where allowed;

3. 90 degree (perpendicular) parking, each 12 feet of curb, where allowed;

4. Curb space must be connected to the lot that contains the use;

5. Parking spaces will not obstruct a required clear vision area or violate any law; and

6. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or action limiting general public use of on-street spaces is permitted except as permitted by City Council.

D. Vehicle Parking - Minimum Accessible Parking.

1. Accessible parking shall be provided for all uses in accordance the standards in Table 3.3.300B; parking spaces used to meet the standards in Table 3.3.300.B shall be counted toward meeting off-street parking requirements in Table 3.3.300.A;

2. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway. Accessible routes should be linked to required access aisles;

3. Accessible spaces shall be grouped in pairs where possible;

4. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;

5. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 3.3.300B - Minimum Number of Accessible Parking Spaces
Source: ADA Standards for Accessible Design 4.1.2(5)

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (96" wide with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces (108" wide) with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	Column A		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A**	7/8 of Column A***
1001	20 plus 1 for each 100 over 1000	1/8 of Column A**	7/8 of Column A***

*vans and cars may share access aisles
**one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces

E. Off-site parking. Except for single-family or two-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 400 feet of the use it serves, commercial parking is allowed in the underlying zone, and the City has approved the off-site parking through Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument as approved by the Community Development Director. This binding agreement may restrict future changes to the property.

F. General Parking Standards.

1. Location. Vehicle parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Chapter 2, Land Use Districts, prescribes parking location for some land uses (e.g., the requirement that parking for some multiple family and commercial developments be located to side or rear of buildings), and Chapter 3.1, Access and Circulation, provides design standards for driveways. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pedestrian accessway, landscape, or other undesignated area. Required off-street parking shall not be located in the front or street side setback.

2. Mixed uses. If more than one type of land use occupies a single structure or parcel of

land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). The City may reduce the total parking required accordingly through Land Use Review.

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

4. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs shall conform to the standards of Chapter 3.9.

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

6. Screening of Parking Areas. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses, per Section 3.2.300.E.

G. Exceptions and Special Standards for Parking.

1. Exceptions for required parking.

   a. Seasonal outdoor seating where the seating area is less than 500 square feet is exempt from the required parking standards.

   b. The total number of required motor vehicle parking spaces for an industrial, commercial or office use may be reduced by 5 percent for each of the listed activities that are provided by the owners or operators, up to a maximum 15 percent reduction in the total number of motor vehicle spaces per development.

      1) Designating at least 10% of the employee motor vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking;

      2) Providing showers and lockers for employees who commute by bicycle;

      3) Providing twice as many covered, secured bicycle parking racks or facilities as required by this ordinance;

4) Providing a transit facility (e.g. bus stop) that is approved by the local transit authority, with related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, shelter and additional landscaping;

5) Other incentives provided in an approved Employee Transportation Demand Management (TDM) Plan.

2. Special Standards for Commercial Customer Parking. The motor vehicle parking areas shall be located and designed to facilitate safe and convenient pedestrian and bicycle movement to and from public sidewalks, streets or transit stops. Ways to achieve this standard may include, but are not limited to:

a. Front facades and primary entrances of all buildings are oriented to a public street or a private internal drive or street, to minimize pedestrian and bicycle travel through a parking area and to provide safe, convenient, and direct travel routes for pedestrians;

b. One or more raised walkways are provided through the parking areas, meeting federal American with Disabilities Act requirements, in order to provide safe, convenient, and direct travel routes for pedestrians through the parking areas;

c. Walkways abutting parking spaces or maneuvering areas are protected from vehicles through either landscaping buffers, minimum 3 feet wide on each side, or curbs on both sides;

d. Walkways across vehicle aisles are delineated with non-asphaltic material in a different color or texture than the parking areas;

e. On-site pedestrian walkways and bikeways connect to existing pedestrian and bicycle circulation systems that serve adjacent commercial uses or residential areas;

f. Internal drives or streets are designed to City standards for local streets in regard to pavement width, sidewalks and street trees. Sidewalks comply with ADA standards. Sidewalks 10-15 feet wide abutting front building facades are strongly encouraged. Internal vehicular circulation design for the site complies with City street connectivity standards, including maximum block length and perimeter.

g. Internal drives or streets connect to public streets abutting the site, unless physically precluded by pre-existing buildings.

h. Structures are located on the site to facilitate future infill and redevelopment of parking and landscape areas.

i. For shopping centers abutting one or more transit routes, one or more transit stops are located and designed with the approval when applicable of the local transit provider;

j. No drive-up, drive-in, or drive-through drives or lanes are located between a building

and a public or private street.

H. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the minimum number of spaces required for each use as provided by this Section by more than 50%. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking or under-structure parking, or in multi-level parking above or below surface lots, shall not apply toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.

I. Parking Stall Design and Minimum Dimensions. All off-street parking spaces shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in Figures 3.3.300.F(1) through (3), and Table 3.3.300.F:

1. Motor vehicle parking spaces shall measure minimum 9 feet wide by 20 feet long;

2. For large parking lots exceeding 20 stalls, alternate rows may be designated for compact cars provided that the compact stalls do not exceed 30% of the total required stalls. A compact stall shall measure minimum 8 feet in width and 17 feet in length and shall be signed for compact car use;

3. All parallel motor vehicle parking spaces shall measure 9 feet by 22 feet unless within a public right-of-way, when they shall measure a minimum of 7 to 8 feet by 22 feet;

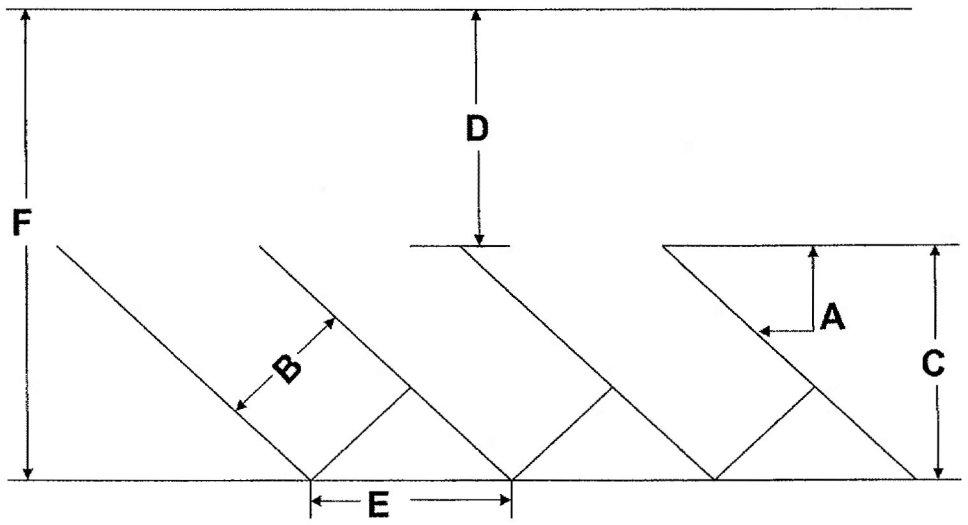
4. Parking area layout shall conform to the dimensions in Figure 3.3.300.F(1) and (2), and Table 3.3.300F, below;

5. Public alley width may be included as part of dimension "D" in Figure 3.3.300.F(1), but all parking stalls must be on private property;

6. Parking areas shall conform to Federal Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines; and

7. Bicycle parking shall be on a 2 feet by 6 feet minimum concrete pad per bike, or within a garage or patio of residential use.

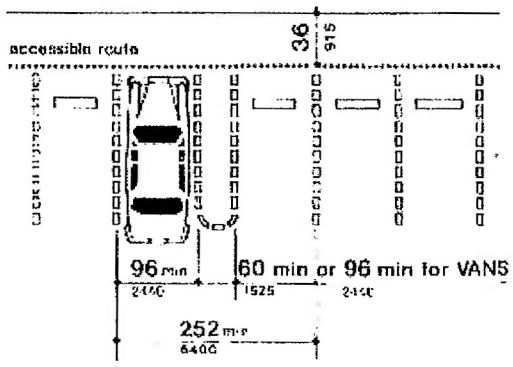
Figure 3.3.300.F(1) - Parking Area Layout



Parking Angle	Stall Width (in feet)	Stall Depth (in feet)	Minimum Clear Aisle Width (*one way aisle) (in feet)	Stall Distance at Bay Side (curb length) (in feet)	Minimum Bay Width (in feet)
	A	B	C	D	E	F
Parallel	9.0	9.0	12.0	22.0	21.0
	9.5	9.5	12.0	22.0	22.0
	10.0	10.0	12.0	22.0	22.0
45 degrees	9.0	19.8	13.0	12.7	32.8
	9.5	20.1	13.0	13.4	33.1
	10.0	20.5	13.0	14.1	33.5
60 degrees	9.0	21.0	18.0	10.4	39.0
	9.5	21.2	18.0	11.0	39.2
	10.0	21.5	18.0	11.9	39.5
70 degrees	9.0	21.0	19.0	9.6	40.0
	9.5	21.2	18.5	10.1	39.6
	10.0	21.2	18.0	10.6	39.2
90 degrees	9.0	20.0	24.0	9.0	44.0
	9.5	20.0	24.0	9.5	44.0
	10.0	20.0	24.0	10.0	44.0

*24' minimum for two-way traffic

Figure 3.3.300.F(2) Disabled Person Parking Requirements



Important cross-references:
See also, Chapter 2, Land Use District standards, for parking location requirements for some multifamily and commercial land uses; Chapter 3.1, Access and Circulation, for driveway standards; Chapter 3.2, Landscaping , and Chapter 3.5, Surface Water Management.

3.3.400 Bicycle Parking Requirements

A. Applicability. All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the standards in Table 3.3.400, and subsections A-H, below. This section does not apply to single-family, two-family, and three-family housing (detached, attached or manufactured housing), home occupations or other developments with fewer than 3 vehicle parking spaces.

B. Minimum Required Bicycle Parking Spaces. A minimum of one bicycle parking space per use is required for all uses subject to Site Design Review. Table 3.3.400 lists additional standards that apply to specific types of development. Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 3.3.400 and subsections C-J below. Where two options are provided (e.g., 2 spaces, or 1 per 8 bedrooms), the option resulting in more bicycle parking is used.

Table 3.3.400
Minimum Required Bicycle Parking Spaces

Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Residential Categories			
Household Living	Multifamily	1 per 4 units	2, or 1 per 20 units
Group Living		2, or 1 per 20 bedrooms	None
	Dormitory	1 per 8 bedrooms or per CU review	None
Retirement home or assisted living complex		2, or 2 per 10 employees	
Commercial Categories			
Retail Sales And Service		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
	Lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms
Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Commercial Outdoor Recreation		8, or 1 per 20 auto spaces	None
Major Event Entertainment		8, or 1 per 40 seats or per CU review	None
Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse And Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	None
Institutional Categories			
Basic Utilities	Bus transit center	8	None
Community Service		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 10,000 sq. ft. of floor area
	Park and ride	8, or 5 per acre	None

Table 3.3.400
Minimum Required Bicycle Parking Spaces

Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Parks (active recreation areas only)		None	8, or per CU review
Schools	Grades 1-5	1 per classroom, or per CU review	1 per classroom, or per CU review
	Grades 6-12	2 per classroom, or per CU review	4 per school, or per CU review
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. of net building area, or per CU review	2, or 1 per 10,000 sq. ft. of net building area, or per CU review
Medical Centers		2, or 1 per 70,000 sq. ft. of net building area, or per CU review	2, or 1 per 40,000 sq. ft. of net building area, or per CU review
Religious Institutions and Places of Worship		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area	None
Other Categories			
Other Categories	Determined through Land Use Review, Site Design Review, or CU Review, as applicable		

C. Special Standards for the Central Business District. Within the Central Business District zone, bicycle parking for customers shall be provided in the right-of-way along the street at a rate of at least one space per building. In addition, individual uses shall provide the required bicycle parking in front along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Several businesses may combine required parking into common bicycle parking structures if desired. Common bicycle parking shall not exceed 6 bicycle areas per parking structure.

D. Location and Design.

1. Location. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or no more than 50 feet. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable. Street furniture includes benches, street lights, planters and other pedestrian amenities.

2. Pedestrian passage. The location of the rack and subsequent parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Walkways from bicycle parking to the main

entrance shall be hard surfaced and a minimum 4 feet in width.

3. Parking Space Dimensions. Bicycle parking spaces shall be at least 2 feet wide by 6 feet long and, when covered, provide a vertical clearance of 7 feet. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking.

4. Design. Bicycle racks shall hold bicycles securely by means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels. Bicycle parking racks, shelters and lockers must be securely anchored to the ground or to the structure.

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

F. Options for Storage. Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

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

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

I. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (Chapter 3.1, Access and Circulation).

J. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.

3.3.400 Loading Areas

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

B. Applicability. Section 3.3.400 applies to residential projects with 50 or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.

C. Number of Loading Spaces.

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

   a. Fewer than 20 dwelling units on a site that abuts a local street: No loading spaces are required.

   b. All other buildings: One space.

2. Non-residential and mixed-use buildings. Buildings where any floor area is in non-residential uses shall meet the following standards:

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

   b. 20,000 to 50,000 square feet of total floor area: One loading space.

   c. More than 50,000 square feet of total floor area: Two loading spaces.

D. Size of Spaces. Required loading spaces shall be at least 35 feet long and 10 feet wide, and shall have a height clearance of at least 13 feet 6 inches.

E. Placement, setbacks, and landscaping. Loading areas shall conform to the setback and perimeter landscaping standards in Chapters 2 and 3. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit review, as applicable, where it finds that loading and unloading operations are short in duration (i.e., less than 1 hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services.

Chapter 3.4 — Public Facilities

Sections:

3.4.010 Purpose and Applicability
3.4.100 Transportation Standards
3.4.200 Public Use Areas
3.4.300 Sanitary Sewer and Water Service Improvements
3.4.400 Storm Drainage Improvements
3.4.500 Utilities
3.4.600 Easements
3.4.700 Construction Plan Approval and Assurances
3.4.800 Installation

3.4.010 Purpose and Applicability

A. **Purpose.** The purpose of this Chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth and provide a range of transportation options, including options for driving, walking, bus transit, and bicycling. This Chapter is also intended to implement the City's Transportation System Plan.

B. **When Standards Apply.** Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the City shall occur in accordance with the standards of this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.

C. **Engineering Design Criteria, Standard Specifications and Details.** The Oregon Standard Specifications for Construction with Appendum shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer. The design criteria, standard construction specifications and details maintained by the City Engineer, or any other road authority with jurisdiction, shall supplement the general design standards of this Development Code. The City's specifications, standards, and details are hereby incorporated into this code by reference.

D. **Conditions of Development Approval.** No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact.

3.4.100 Transportation Standards

A. Development Standards. The following standards shall be met for all new uses and developments:

1. All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street;

2. Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Chapter;

3. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable road authority; and

4. New streets, alleys and drives shall be paved.

B. Guarantee. The City may accept a future improvement guarantee (e.g., owner agrees not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

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

2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;

3. The improvement would be in conflict with an adopted capital improvement plan; or

4. The improvement is associated with an approved land partition in the R-1 or R-2 District and the proposed land partition does not create any new streets.

C. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code.

D. Creation of Access Easements. The City may approve an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1, Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.

E. Street Location, Width, and Grade. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan and an approved street plan or subdivision plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the City Engineer in accordance with the design standards in Section 'O', below; and

2. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:

   a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or

   b. Conform to a street plan adopted by the City if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.

F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths in Table 3.4.100. A variance or Master Plan approval shall be required to vary the standards in Table 3.4.100. Where a range of width is indicated, the width shall be the narrower in the range unless unique and specific conditions exists as determined by the decision-making authority based upon the following factors:

1. Street classification in the Transportation System Plan;

2. Anticipated traffic generation;

3. On-street parking needs;

4. Sidewalk and bikeway requirements based on anticipated level of use;

5. Requirements for placement of utilities;

6. Street lighting;

7. Minimize drainage, slope, and sensitive lands impacts, as identified by Chapter 3.7;

8. Street tree location, as provided for in Chapter 3.2;

9. Protection of significant vegetation, as provided for in Chapter 3.2;

10. Safety and comfort for motorists, bicyclists, and pedestrians;

11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;

12. Access needs for emergency vehicles; and

13. Transition between different street widths (i.e., existing streets and new streets).

Table 3.4.100.F Street Standards

Street Type	Avg. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Planting Strips or Tree Wells	Side-walks
				Motor Vehicle Travel Lanes	Median/ Center Turn Lanes	Bike Lanes	On-Street Parking		
Arterials									
Boulevards:									
2-Lane Boulevard		60'-100'	32'-50'	11'	None	2 at 5-6'	8' bays	7'-12'	6'-12'
3-Lane Boulevard		70'-100'	44'-62'	11'	12'	2 at 5-6'	8' bays	7'-12'	6'-12'
5-Lane Boulevard		95'-121'	66'-84'	11'	12'	2 at 5-6'	8' bays	7'-12'	6'-12'
Avenues:									
2-Lane Avenue		60'-90'	30'-49'	10'-10.5'	none	2 at 5-6'	8' bays	7'-12'	6'-12'
3-Lane Avenue		70.5'-97.5'	41.5'-60.5'	10'-10.5'	11.5'	2 at 5-6'	8' bays	7'-12'	6'-12'
Collectors									
Residential:					As per traffic calming				
No Parking		50'-60'	22'	11'			None	7'-8'	6'-12'
Parking One Side		50'-80'	25'-27'	9'-10'			7' lane	7'-8'	5'-12'
Parking Both Sides		57'-80'	32'-34'	9'-10'			7' lanes	7'-8'	5'-12'
Commercial (Collectors and Local Streets):					As per traffic calming				
Parallel One Side		55'-80'	28'-40'	10'		5'-6'	8' lane	7'-8'	6'-12'
Parallel Both Sides		63'-80'	36'-48'	10'		5'-6'	8' lanes	7'-8'	6'-12'
Angled Parking One Side		65'-80'	37'-56'	10'		5'-6'	Varies	7'-8'	6'-12'

Street Type	Avg. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Planting Strips or Tree Wells	Side-walks
				Motor Vehicle Travel Lanes	Median/ Center Turn Lanes	Bike Lanes	On-Street Parking		
Angled Parking Both Sides		81'-100'	54'	10'		5'-6'	Varies	7'-8	6'-12'
Local Streets					As per traffic calming				
Parking One Side		50'-60'	28'	20'		2 at 5'-6'	7' lane	4'-12'	5'-6'
Parking Both Sides		56'-60'	32'	18'		2 at 5'-6'	7.5' lanes	4'-12'	5'-6'
No Parking		36'-56'	20'	20'		2 at 5'-6'	None	4'-12'	5'-6'

Figure 3.4.100.F(1) Three-Lane Arterial-Boulevard Street Section

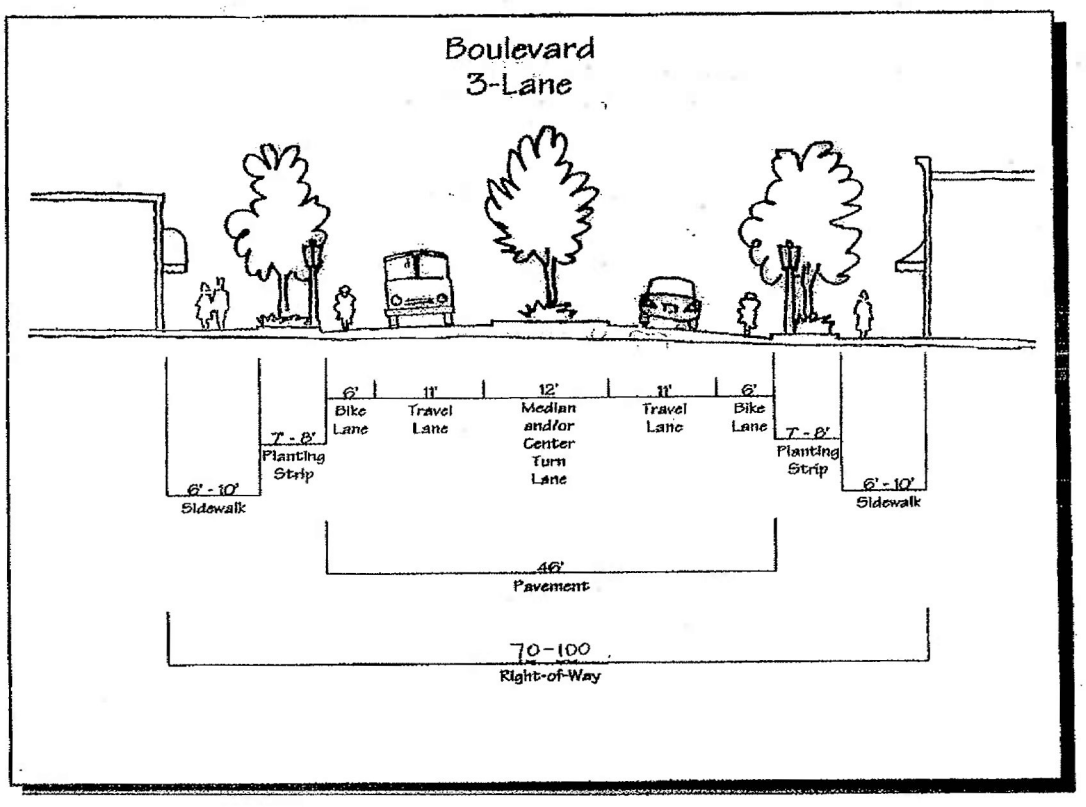
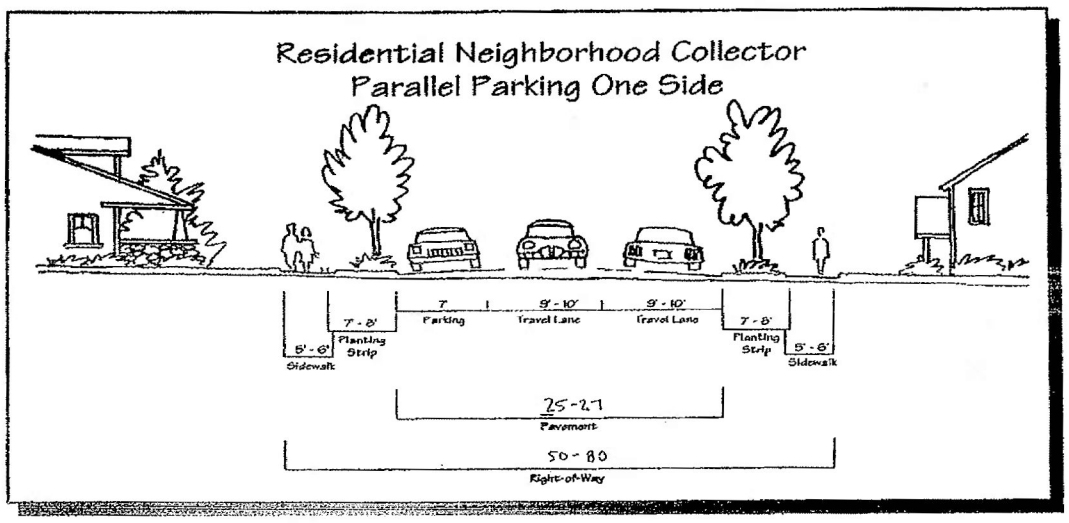


Figure 3.4.100.F(2) Residential Collector Street Sections



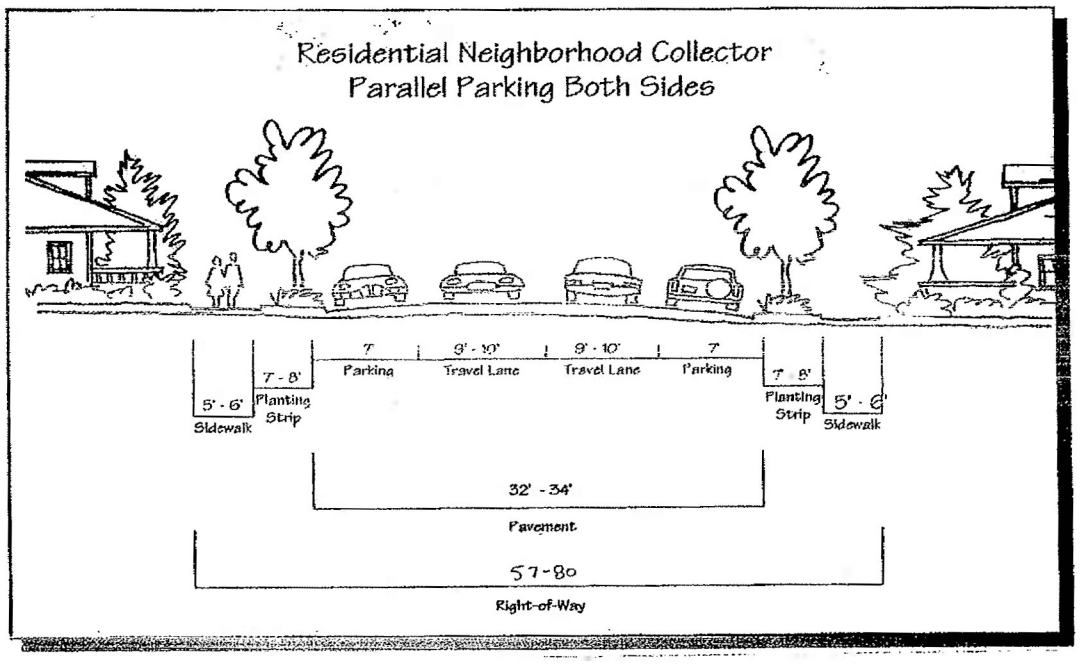
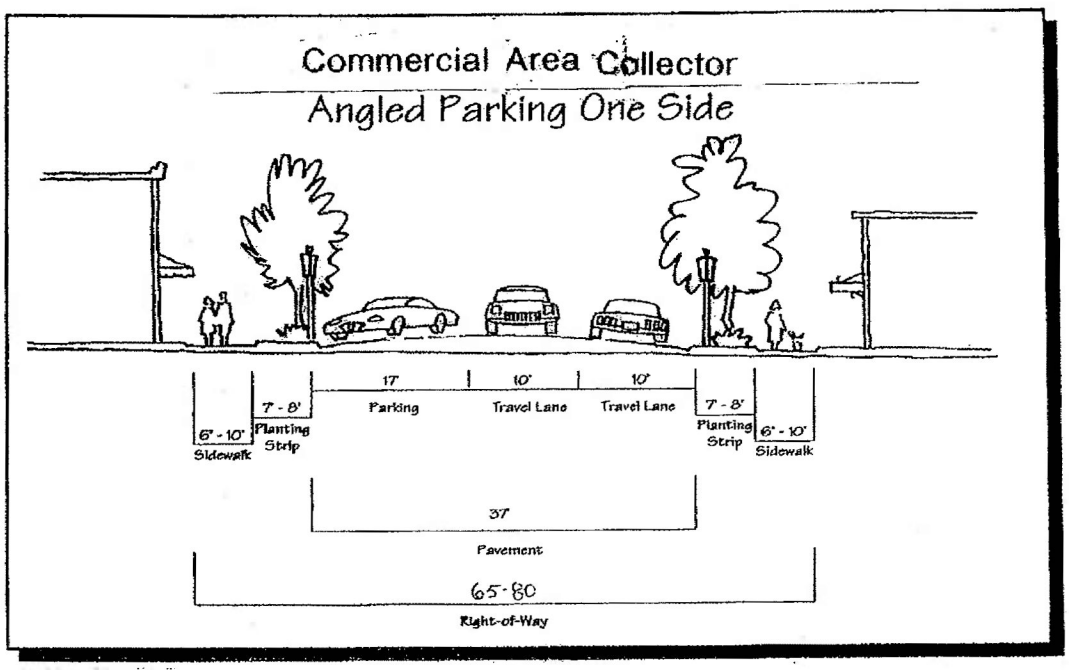


Figure 3.4.100.F(3) Commercial/Industrial Collector Street Sections (Parking One Side)



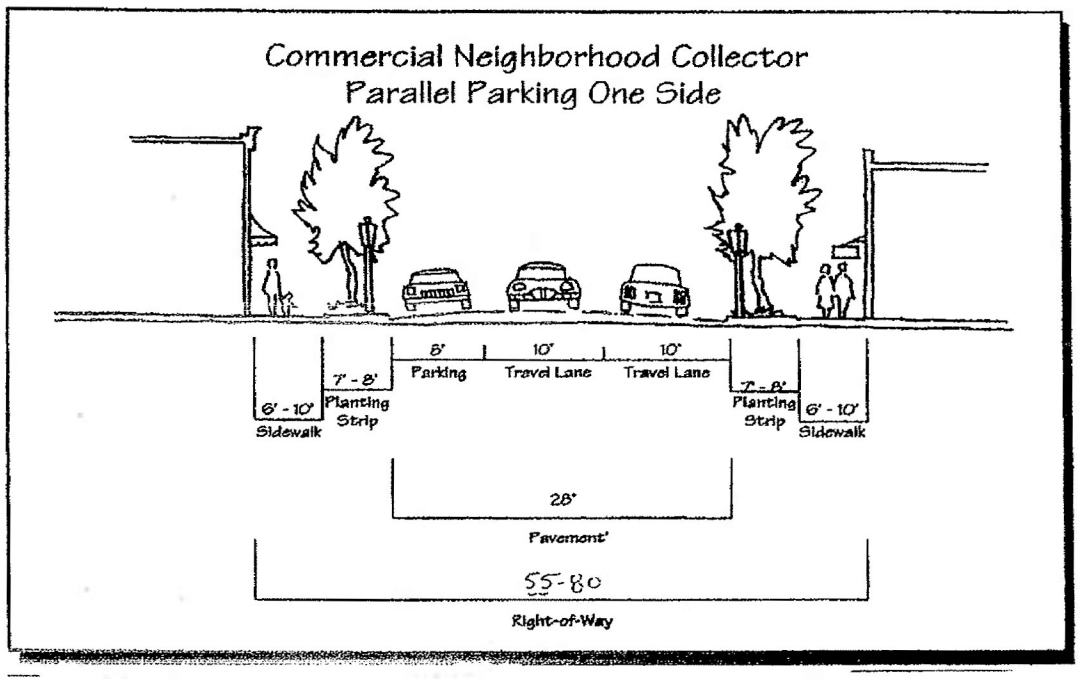
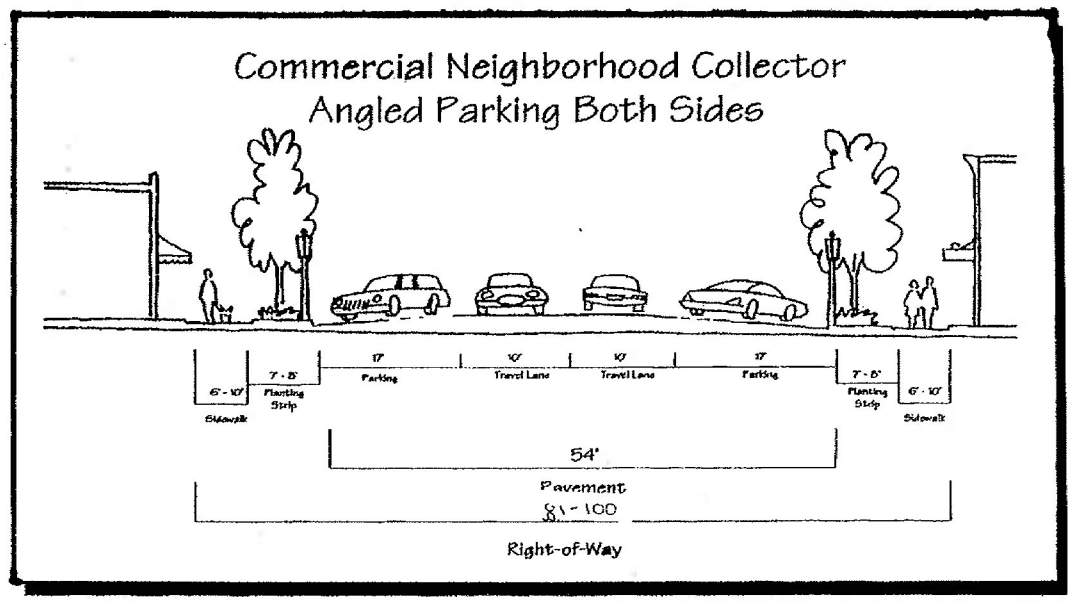


Figure 3.4.100.F(4) Commercial/Industrial Collector Street Sections (Parking Two Sides)



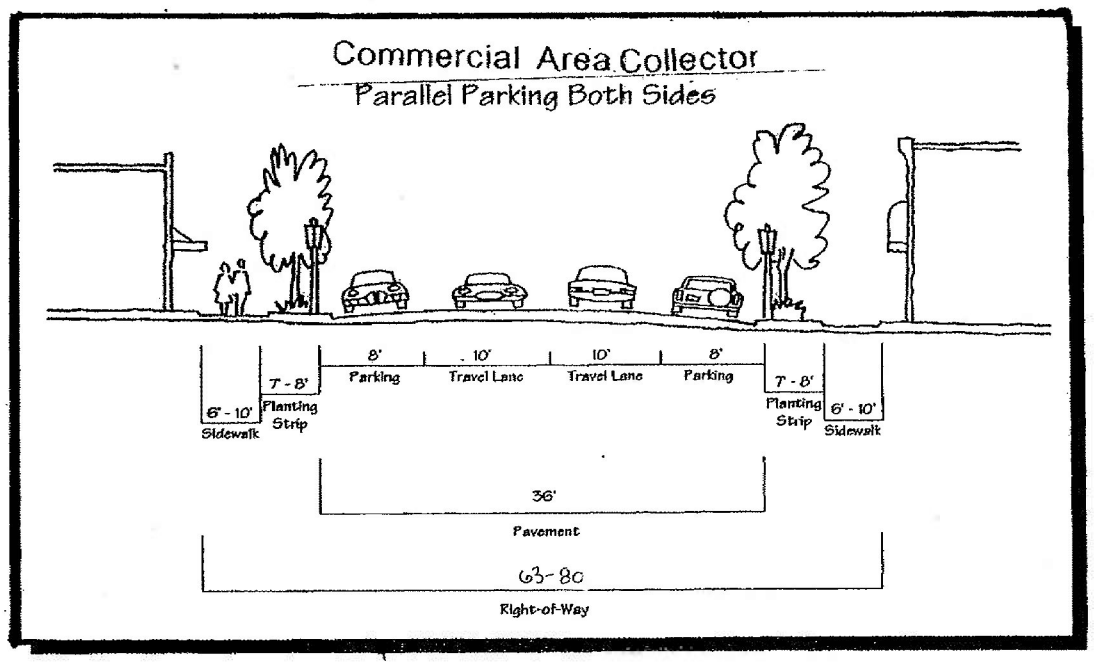
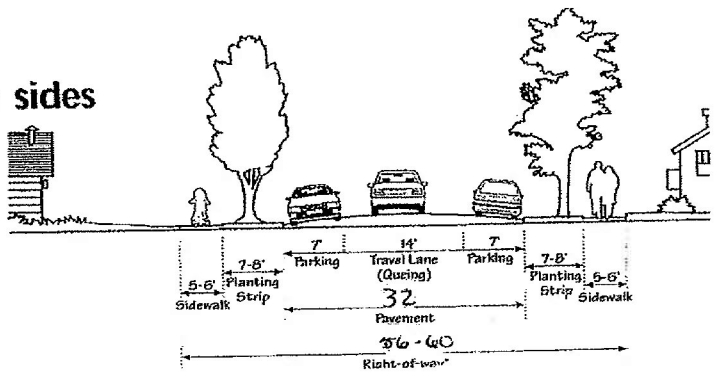


Figure 3.4.100.F(5) Local Residential Street Sections

32 ***Ft Street***
Parking on both sides



28 Ft Street
Parking on one side

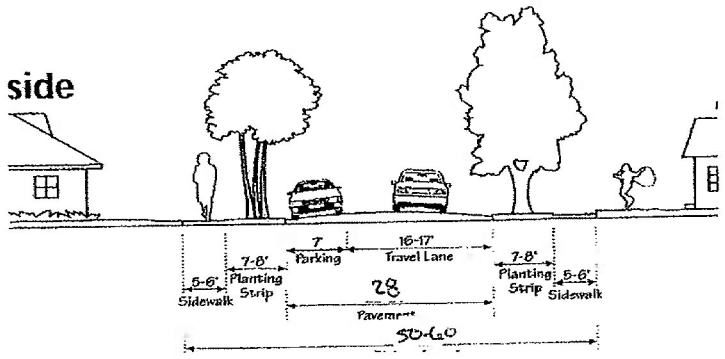
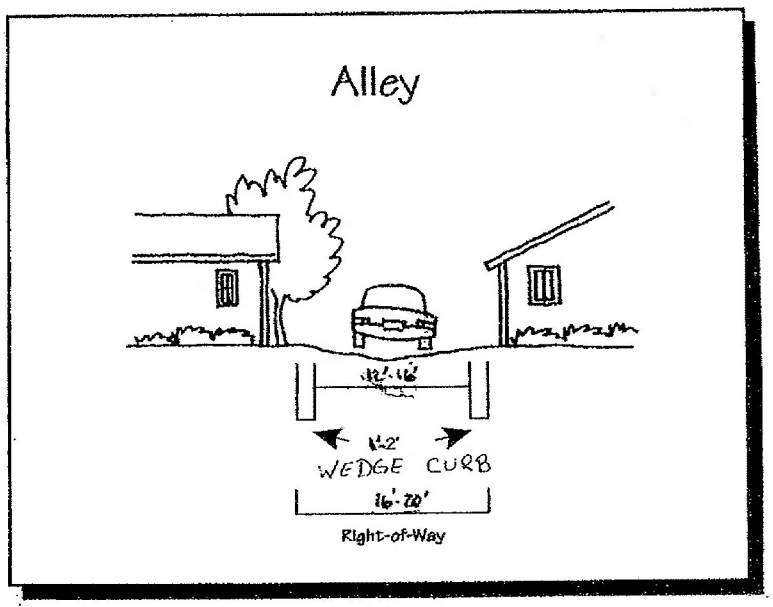
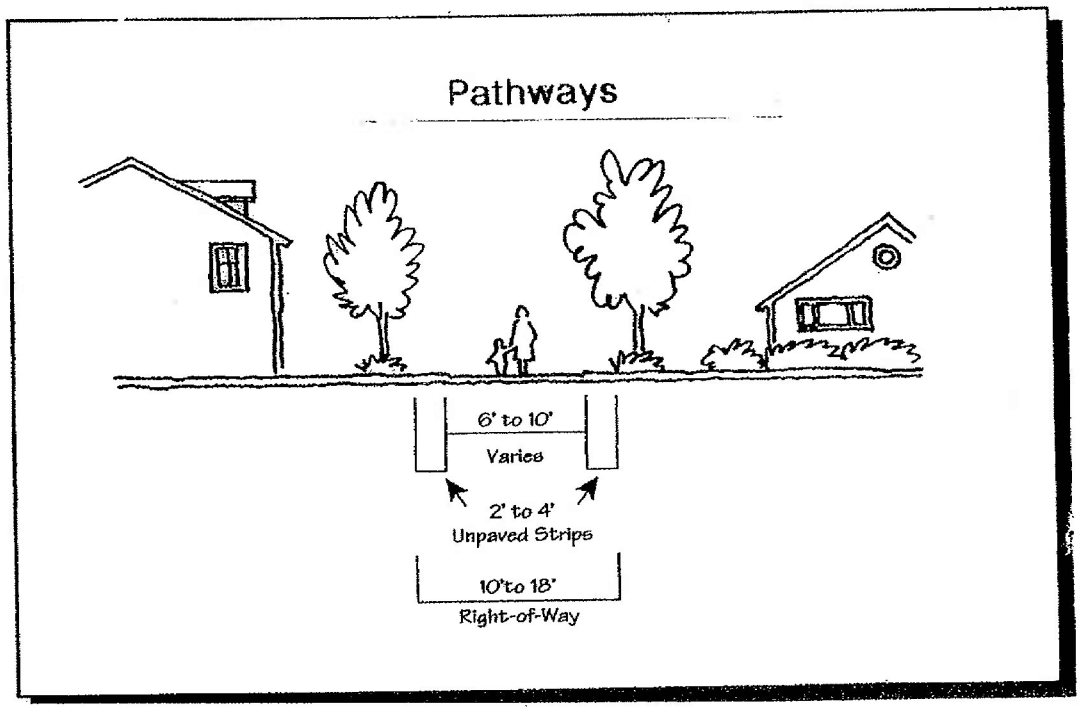


Figure 3.4.100.F(6) Alley and Pathway Sections





G. Subdivision Street Connectivity. All subdivisions shall conform to all the following access and circulation design standards, as applicable:

1. Connectivity to Abutting Lands. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshal, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

2. When Abutting an Arterial Street. Property access to abutting arterials shall be minimized. Where such access is necessary, shared driveways may be required in conformance with Section 3.1.2. If vehicle access off a secondary street is possible, then the road authority may prohibit access to the arterial.

3. Continuation of Streets. Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in subsection 4, below, and to avoid or minimize through traffic on local streets. Appropriate design and traffic control and traffic calming measures, as provided in subsection H, below, are the preferred means of discouraging through traffic.

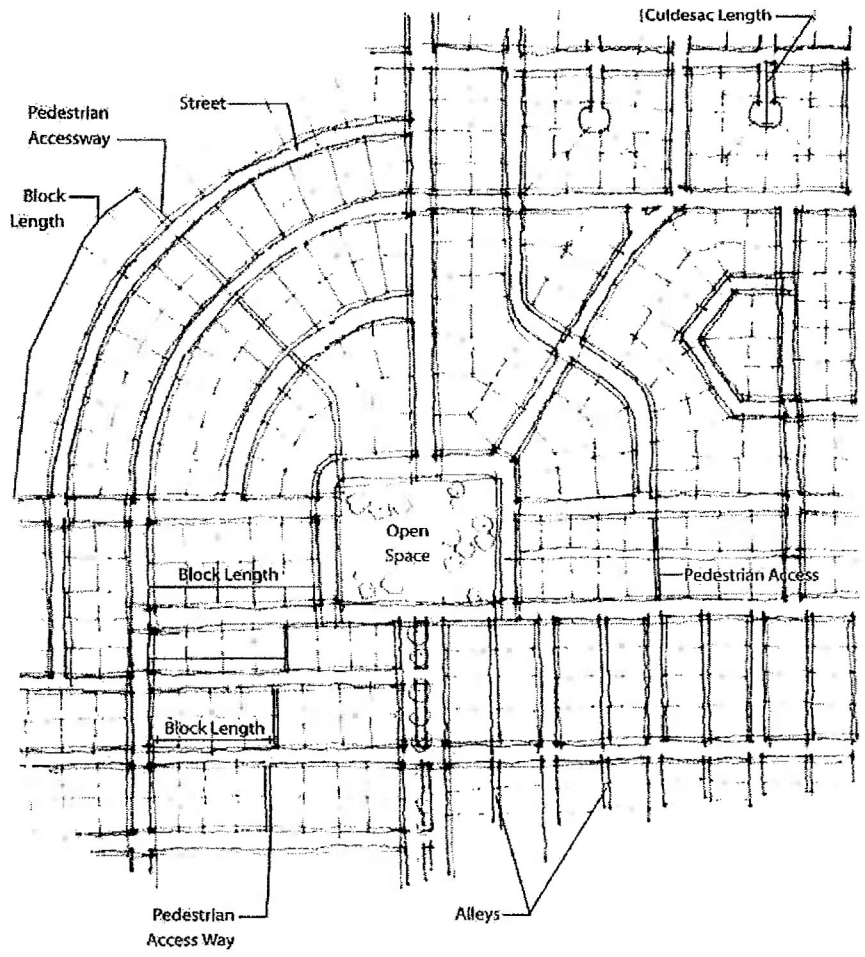
4. Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments of more than 2 acres shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway):

   a. Residential Districts: Minimum of 100 feet block length and maximum of 400 feet length; maximum 1,400 feet block perimeter;

   b. Commercial Districts: Minimum of 100 feet length and maximum of 400 feet length; maximum 1,200 feet perimeter;

   c. Not applicable to the Industrial Districts.

Figure 3.4.100.G - Street Connectivity and Formation of Blocks



5. Accessway Standards. Where a street connection in conformance with the maximum block length standards in subsection 4 is impracticable, an accessway shall be provided at or near the middle of a block in lieu of the street connection, as generally shown in Figure 3.4.100.G. The City may also require developers to provide an accessway where a cul-de-sac or other street is planned and the accessway would connect the streets or provide a connection to other developments. Such access ways shall conform to all of the following standards:

   a. Accessways shall be no less than 10 feet wide and located within a right-of-way or easement allowing public access and, as applicable, emergency vehicle access;

   b. If the streets within the subdivision or neighborhood are lighted, all accessways in the subdivision shall be lighted. Accessway illumination shall provide at least 2 foot candles;

c. A right-of-way or public access easement provided in accordance with subsection b that is less than 20 feet wide may be allowed on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;

d. All accessways shall conform to applicable ADA requirements;

e. The City may require landscaping as part of the required accessway improvement to buffer pedestrians from adjacent vehicles, provided that landscaping or fencing adjacent to the accessway does not exceed 4 feet in height; and

e. These standards may be modified by the decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists.

H. Traffic Signals and Traffic Calming Features.

1. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed in conformance with the road authority's requirements. The developer's cost and the timing of improvements shall be included as a condition of development approval.

2. When an intersection meets or is projected to meet traffic signal warrants, the City may accept alternative mitigation, such as a roundabout, in lieu of a traffic signal, if approved by the City Engineer and applicable road authority.

3. The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

I. Future Street Plan and Extension of Streets.

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development

2. Streets shall be extended to the boundary lines of the parcel or tract to be developed when the City determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-c, below:

a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.

b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.

c. Temporary street ends shall provide turnarounds constructed to Uniform Fire Code standards for streets over 150 feet in length. See also, Section 3.1.200.

J. Street Alignment, Radii, and Connections.

1. Staggering of streets making "T" intersections at collectors and arterials shall be designed so that offsets of more than 300 feet on such streets are created, as measured from the centerline of the street.

2. Spacing between local street intersections shall have a minimum separation of 200 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.

3. All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

4. Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.

5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to block length standards in Section 3.1.200.

6. Corner curb radii shall be 20 feet -30 feet based on street classification, except where smaller radii are approved by the City Engineer.

K. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 3.4.100, applicable provisions of Transportation System Plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

L. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:

1. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and

2. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

M. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to a proposed development are less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 3.4.100.

N. Cul-de-sacs. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

1. The cul-de-sac shall not exceed a length of 400 feet; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;

2. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code. Circular turnarounds shall have a radius of no less than 39.5 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement); except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and

3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle accessway connection between it an adjacent streets access ways, parks, or other right-of-way. Such accessways shall conform to Section 3.1.400.

O. Grades and Curves. Grades shall not exceed 6% on arterials, 10% on collector streets, or 15% on any other street (except that local or residential access streets may have segments with grades which 15% for distances of no greater than 100 feet), and:

1. Centerline curve radii shall not be less than 300 feet on arterials, 200 feet on major collectors, or 100 feet on other streets; and

2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

P. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, wheelchair ramps, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified in Chapter 3.1, Access and Circulation.

Q. Streets Adjacent to Railroad Right-of-Way. When a transportation improvement is proposed within 300 feet of a public railroad crossing, or a modification is proposed to an existing public crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Chapter 4. Private crossing improvements are subject to review and licensing by the rail service provider.

R. Alleys, Public or Private. Alleys shall conform to the standards in Table 3.4.100. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than 12 feet.

S. Private Streets. Private streets shall conform to City standards of construction and Table 3.4.100.F and shall provide sidewalks or pathways as approved by the City. Private streets shall not be used to avoid public access connectivity required by this Chapter. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited, and

T. Street Names. No new street name shall be used which will duplicate or be confused with the names of existing streets in Lane County. Street names, signs, and numbers shall conform to the standards in Chapter 12.16 of the Cottage Grove Municipal Code, except as requested by emergency service providers.

U. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.

V. Street Signs. The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

W. Mail Boxes. Plans for mail boxes shall be approved by the United States Postal Service.

X. Street Light Standards. Street lights shall be installed in accordance with City standards.

Y. Street Cross Sections. Street cross sections shall be constructed to Engineering Department Standards.

3.4.200 Public Use Areas

A. Dedication of Public Use Areas.

1. Where a proposed park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision, provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.

2. The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.

B. System Development Charge Credit. Dedication of land to the City for public use areas, voluntary or otherwise, shall be eligible as a credit toward any required system development charge for parks.

3.4.300 Sanitary Sewer and Water Service Improvements

A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the City Engineer.

B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.

C. Over-Sizing. The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the city may grant the developer credit toward any required system development charge for the same.

D. Inadequate Facilities. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

3.4.400 Storm Drainage Improvements

A. General Provisions. The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in conformance with the City's Storm Drainage Master Plan and Chapter 3.5, Surface Water Management.

B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.

C. Effect on Downstream Drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

D. Over-Sizing. The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the city may grant the developer credit toward any required system development charge for the same.

E. Existing Watercourse. Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety.

3.4.500 Utilities

A. Underground Utilities.

1. Generally. All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

2. Subdivisions. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

   a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter 3.1);

   b. The City reserves the right to approve the location of all surface-mounted facilities;

   c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and

   d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

B. Exception to Undergrounding Requirement. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands (Chapter 3.7), or existing development conditions.

3.4.600 Easements

A. Provision. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be determined by the City Engineer.

B. Recordation. As determined by the City Engineer, all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat. See Chapter 4.2, Site Design Review, and Chapter 4.3, Land Divisions.

3.4.700 Construction Plan Approval and Assurances

A. Plan Approval and Permit. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by City Council.

B. Performance Guarantee. The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See Section 4.2.4, Site Design Review, and Section 4.3.180, Land Divisions.

3.4.800 Installation

A. Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.

B. Adopted Installation Standards. The Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A., shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.

C. Commencement. Work shall not begin until the City has been notified in advance in writing.

D. Resumption. If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.

E. City Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to review under Chapter 4.6, Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

F. Engineer's Certification and As-Built Plans. A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide 2 sets of "as-built" plans, in conformance with the City Engineer's specifications, for permanent filing with the City.

Chapter 3.5 — Surface Water Management

[Reserved for Surface Water Management standards that will be adopted by City following adoption of new Stormwater Management Plan.]

Chapter 3.6 — Other Standards

Sections:

[3.6.100 Reserved]

[3.6.200 Reserved]

[3.6.300 Reserved]

Chapter 3.7 — Sensitive Lands

Sections:

3.7.010 Purpose and Applicability
3.7.100 Hillside Development
3.7.200 Floodplain Development
3.7.300 Riparian Development
3.7.400 Willamette River Greenway

3.7.010 Purpose and Applicability

The following sections contain design standards related to areas of environmental concern within the City of Cottage Grove. These standards are applicable to any development subject to Land Use or Site Design Review on hillsides, in designated floodplains, along river corridors, or within the state-designated Willamette River Greenway.

The requirements of this section are in addition to other provisions of this code. Where the provisions of this chapter conflict with other provisions of this code, the provisions that are more restrictive of regulated development activity shall govern. Requirements of this chapter are in addition to those of the Specialty Codes adopted by Chapter 15.04 of the Cottage Grove Municipal Code.

3.7.100 Hillside Development

A. **Intent and Purpose.** The intent and purpose of the provisions of this section are as follows. Unless otherwise provided, the hillside area regulations are in addition to generally applicable standards provided elsewhere in this code.

1. To implement the landslide hazard prevention goals in the City of Cottage Grove Natural Hazard Mitigation Plan;

2. To implement the "Hillside Development" element of the City of Cottage Grove Comprehensive Plan;

3. To provide for the review of hillside development applications and evaluate properties for potential slope related hazards;

4. To assess the risk that a proposed use or activity may adversely affect the stability and slide susceptibility of an area; and thus promote the public health, safety, and welfare;

5. To establish standards and requirements for the development of lands in a hillside area; and

6. To mitigate risk within a hillside area, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher risk of hazard at any location.

B. Definitions. As used in this chapter, except where the context otherwise clearly requires:

1. Certified Engineering Geologist means any Geologist who is certified in the specialty of Engineering Geology under provisions of ORS 672.505 to 672.705 and registered in the State of Oregon.

2. Civil Engineer means a Professional Engineer, registered with the State of Oregon, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.

3. Contiguous Slope means a slope bounded by a summit, benches or plateaus (including basal plains) of sufficient width that a profile line constructed from the lower toe of the slope to the furthest point of the plateau or bench will have a slope of less that that specified by the particular Hillside Area Level detailed in Exhibit 1 to this ordinance.

4. Emergency Action means an action that must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property.

5. Erosion means the wearing away of the earth's surface as a result of the movement of wind, water, or ice.

6. Excavation means any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting there from.

7. Fill or Backfill means a deposit of earth or other natural or manmade material placed by artificial means. This includes approved waste materials and the re-deposit of previously removed material.

8. Geological Assessment means an assessment prepared and stamped by a Certified Engineering Geologist, detailing the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to geological hazards, and furnish professional analysis of information to assess the suitability of the site for development. Geological assessment must be prepared in accordance with the report requirements identified in this chapter. The geological assessment may be incorporated into or included as an appendix to the geotechnical report.

9. Geotechnical Assessment means a written assessment prepared and stamped by a geotechnical engineer or professional licensed in the State of Oregon to perform such work stating whether or not a significant risk of landslide hazard exists due to seismic or water induced forces, or if significant landslide hazard risk from any cause may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the assessment. The assessment shall detail the surface and subsurface conditions of the site and delineate the areas of the property that might be

subject to geotechnical hazards.

10. Geotechnical Engineer means a Professional Engineer, registered with the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.

11. Geotechnical Evaluation means a written letter or evaluation prepared and stamped by a geotechnical or civil engineer identifying whether a landslide hazard exists due to seismic or water induced forces or soil conditions; and whether a significant landslide hazard risk may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the evaluation.

12. Geotechnical Report means a report prepared and stamped by a Geotechnical Engineer, evaluating the site conditions and recommending design and mitigation measures necessary to reduce the risk associated with development and to facilitate a safe and stable development. A geotechnical report must be prepared in accordance with the report requirements identified in this Chapter.

13. Grading means the act of excavating or filling, which results in the changing of the elevation or drainage pattern of the surface of the land.

14. Ground Disturbance means any excavation of 50 cubic yards or more.

15. Hazardous Vegetation means as defined by Section 8.12.045 of the Municipal Code.

16. Hillside Area means any property with slopes of 15% or more.

17. Landslide means the downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, and rockfalls.

18. Mitigation Measure means an action designed to reduce project-induced geologically hazardous area impacts.

19. Slope means an inclined earth surface, the inclination of which is expressed denoting a given rise in elevation over a given run in distance. A fifteen percent slope, for example, refers to a fifteen foot rise in elevation over a distance of one hundred feet. Slopes are measured across a horizontal rise and run calculation within any horizontal twenty-five foot distance.

20. Tree means any living, standing, woody plant, having a trunk eight inches or more in diameter or 25 inches in circumference, measured at a point of four feet above grade at the base of the trunk.

21. Tree Removal means to cut down a tree or remove all or 50% or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die.

"Removal" includes but is not limited to topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal trimming or pruning of trees.

22. Vegetative Removal means the disturbance or removal of more than 2,500 square feet of existing vegetative ground cover including but not limited to trees, brush, grass and low growing ground cover plants.

C. Regulated Activities; Permit and Approval Requirements; Applicability. Except as provided under section 18.41.040, no person shall engage in any of the following regulated activities in hillside areas of 15% or greater, without first obtaining a Hillside Development Permit as required by this chapter.

1. Tentative or final platting of partitions, subdivisions, manufactured home parks, planned unit developments, or mixed use master plans;

2. Proposed planned unit developments, or mixed use master plans;

3. Construction of new commercial building;

4. Construction of new residential building;

5. Construction of roads and/or utilities;

6. Excavation/fill/grading;

7. Expansion of footprint of more than 500 square feet of any existing structure, building, road or utility; or

8. Tree removal on slopes greater than 60%;

9. Vegetation removal that exceeds 2,500 square feet;

10. Any property where a geotechnical evaluation, assessment or geotechnical report has not been conducted in the last 10 years, subject to review by the City Engineer;

11. At the request of the City Engineer.

D. Application Process. The application may be processed simultaneously with other land use applications, but approval of the other land use applications shall be subject to the Hillside Development Permit being issued and the appeal period having expired.

The requirements of this chapter are in addition to other provisions of this code. Where the provisions of this chapter conflict with other provisions of this code, the provisions that are

more restrictive of regulated development activity shall govern.

E. Exemptions. The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter:

1. Construction/modifications of utilities and streets within existing footprint of street;

2. Interior remodels;

3. Exterior alterations and/or additions under 500 square feet in area;

4. Construction of accessory structures under 200 square feet in area;

5. Construction/renovation of retaining walls less than 4' in height (measured from bottom of footing to top of wall); or

6. Excavation or fill under 50 cubic yards.

F. Hillside Area Levels & Mapping. Hillside Area Levels for the purpose of this Chapter are:

1. Level 1 hillside area is any area with a slope of 15 to 20 percent;

2. Level 2 hillside area is any area with a slope of 20 to 25 percent; and

3. Level 3 hillside area is any area with a slope of greater than 25 percent.

4. Hillside area levels 1-3 are mapped on the "Slopes In Cottage Grove", as prepared by Lane Council of Governments, dated April 19, 2006, which is on file in the Community Development Department. This map provides guidance only. Final determination of slopes should be determined by a professional licensed in the State of Oregon to perform such surveys. This map provides guidance only. Slopes should be determined on a site-specific basis by a registered surveyor.

G. Geotechnical Evaluation, Assessments & Reports.

1. Geotechnical Evaluations-Level 1.

   a. Geotechnical Evaluations shall be based on site visits(s) and literature review and shall state the planned property use for which the evaluation was performed.

   b. Geotechnical Evaluations shall be performed by a Geotechnical Engineer registered in the State of Oregon, or Civil Engineer registered in the State of Oregon, or a combination thereof.

   c. The author of the evaluation shall state whether or not, in their professional opinion, a significant landslide hazard exists due to seismic or water induced forces; soil

conditions; and if significant landslide hazard risk from any cause may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the evaluation.

d. The evaluation shall contain recommendations to be followed during construction of the proposed work, unless the author(s) finds it probable that a significant risk may exist, at which point the author(s) shall recommend either a Geotechnical Assessment or a Geotechnical Report.

f. The Geotechnical Evaluation shall be stamped by the author(s).

f. The Geotechnical Evaluation is required at the time of Hillside Development Permit application submittal.

2. Geotechnical Assessment – Level 2.

a. Geotechnical Assessments shall be based on site visit(s), literature review and shallow borings of sufficient depth, frequency and distribution to identify the soil or rock zones apt to mobilize under seismic or water induced forces;

b. Geotechnical Assessment shall be performed by a Geotechnical Engineer registered in the State of Oregon;

c. The author of the assessment shall state whether or not, in their professional opinion, a significant risk of landslide hazard exist due to seismic or water induced forces, or if significant landslide hazard risk from any cause may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the assessment;

d. The assessment shall detail the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to geotechnical hazards;

e. The assessment shall contain recommendations to be followed during construction of the proposed work, unless the author(s) finds that a significant risk may exist, at which point they shall recommend a Geotechnical Report be performed;

f. The Geotechnical Assessment shall be stamped by the author; and

g. The Geotechnical Assessment is required at the time of Hillside Development Permit application submittal.

3. Geotechnical Report-Level 3.

a. A Geotechnical Report shall be required:

1. For slopes greater than 25%; or

2. Where a geological evaluation or assessment recommends preparation of a Geotechnical Report; or

3. Where a landslide risk has been identified by the Oregon Department of Geology and Mineral industries; or

4. Where unusual and site specific circumstances including, but not limited to, importance of facility, land form mobilization history or potential impacts to surrounding existing structures, exist and the City Engineer makes a written finding that such hazard may exist based on the evidence available and that a detailed examination of the site's geotechnical characteristics is warranted.

b. The Geotechnical Report shall include at minimum the following:

1) A report shall evaluate the site conditions and recommend design and mitigation measures necessary to reduce the risk associated with development and to facilitate a safe and stable development;

2) The author of the geotechnical report shall state that, in their opinion, a geological assessment is not required. If a Geological Assessment is required, it shall be performed by a Certified Engineering Geologist registered in the State of Oregon. Assessments shall be prepared in accordance with the Guidelines for Preparing Engineering Geologic Reports in Oregon as adopted by the Oregon State Board of Geologist Examiners. The report shall detail the conditions of the surface and subsurface conditions of the site and delineating the areas of the property that might be subject to specified geologic hazards. The report shall be stamped by the author;

3) Comprehensive description of the site topography; including the characterization of each type of native and imported soil likely to be impacted by the planned activities including: Atterburg Limits, Specific Gravity, Natural Moisture Content, Cohesion, Internal Angle of Friction;

4) An estimate of the safety factor against slope instability before and after development considering gravity forces, seismic forces, hydraulic impacts under varied ground water or vadose zone conditions, and vegetation removal;

5) Sections through the hillside illustrating pre and post development configurations for structures, piping and roads;

6) Estimate of the allowable bearing strength of the soil for foundations and identification of areas requiring further detailed work;

7) Assessment of the safety of and recommendations for cut and fill operations, including specific requirements for plan modification, corrective grading and

special techniques and systems to facilitate a safe and stable development;

8) Assessment of and recommendations for mitigation of potential adverse impacts on structures, roads, and piping systems;

9) Recommendations for transport and collection of surface and subsurface (if present) water;

10) Recommendations on vegetation removal and replacement;

11) Description of the field investigation and findings;

12) Other recommendations as necessary, commensurate with the project grading and development;

13) Geotechnical Reports shall be in accordance with recommendations of the Geotechnical Institute of the American Society of Civil Engineers; The Geotechnical Report shall be prepared and stamped by the author; and

14) The Geotechnical Report is required at the time of Hillside Development Permit application submittal.

H. Review Procedure and Approvals.

1. No regulated activity may be initiated until the City Engineer has reviewed the Geotechnical Evaluation, Assessment or Report, and/or the Geological Assessment; has made a recommendation to the Community Development Director, and the Community Development Director has made a decision and issued a Hillside Development Permit (Type I or II).

2. Level 1 Hillside Development Permits shall be processed as Type I applications. Level 2 & Level 3 Hillside Development Permits shall be processed as Type II applications. Upon review of the application, the Community Development Director and/or City Engineer may choose to process a Level 3 Permit as a Type III application.

3. A Geotechnical Evaluation, Assessment or Report and/or a Geological Assessment must be submitted concurrently with the Hillside Development Permit application.

4. Review of submittals shall include examination to ensure that the following criteria are met:

   a. Required elements are completed;

   b. Geotechnical or Geological Report procedures and assumptions are generally accepted; and

c. All conclusions and recommendations are supported and reasonable.

5. Conclusions and recommendations stated in an approved Geotechnical Evaluation, Assessment or Report; and/or Geological Assessment shall then be directly incorporated as permit conditions or provide the basis for conditions of approval of the regulated activity.

6. An excavation and fill permit may be required pursuant to Section 15.20 "Erosion Prevention and Construction Site Management Practices" of the Cottage Grove Municipal Code.

I. Independent Review. Where the City Engineer determines that a Geotechnical Evaluation, Assessment or Report and/or the Geological Assessment fails to meet one or more of the review criteria, or the City Engineer determines that it lacks the qualifications or expertise to fully review the above noted items, the Community Development Director on the recommendation of the City Engineer, may elect to have an independent Certified Engineering Geologist and/or Geotechnical Engineer undertake the review, at City expense.

J. Certification of Compliance. No regulated activity requiring a Geotechnical Evaluation, Assessment, or Report shall receive initial inspection on a valid permit for properties located in a hillside area until the City receives a written statement by a civil or geotechnical engineer or other licensed professional that all performance, mitigation, or monitoring measures contained in an approved Geotechnical Report are completed, in place, and operable.

K. Disclosure. As a condition of City permits or approvals of regulated activities located in hillside areas, the owner:

1. Shall record a declaratory statement against the property stating the property contains slopes of fifteen percent or more and that all approved Geotechnical Evaluations, Assessment, or Reports and/or Geological Assessments for such property are on file with the City; and

2. Shall provide evidence of such recording to the Community Development Department.

L. Emergency Actions. The person undertaking an emergency action as defined by this chapter shall notify the Community Development Director or City Engineer upon the immediately following the commencement of the emergency activity. If the Community Development Director after review by the City Engineer determines that the action or part of the action taken is beyond the scope of an allowed emergency action, enforcement action may be taken.

3.7.200 Floodplain Development

A. Statutory authorization. The legislature of the State of Oregon has in Oregon Revised Statutes (ORS 227.215) delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

B. Findings of fact.

1. The flood hazard areas of the city are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. The flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C. Purpose. It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood condition in specific areas by provisions designed:

1. To protect human life and health;

2. To minimize expenditure of public money and costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Applicability. This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Cottage Grove. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations.

E. 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 Lane County and Incorporated Areas, dated June 2, 1999," and as amended, with accompanying Flood Insurance Maps, as amended, are hereby adopted by reference and declared to be a part of this Chapter. The maps are on file at the Community Development Department.

F. Floodways. Located within areas of special flood hazard established in Section 3.7.200.E Basis for Establishing Areas of Special Flood Hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions apply:

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

2. If Subsection 1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 3.7.200.M General Standards for Flood Hazard Protection and 3.7.200.N Specific Standards for Flood Hazard Protection.

G. Methods of reducing flood losses. In order to accomplish its purposes, this Chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging and other development which may increase flood damage; and,

5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

H. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and,

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

I. Definitions.

1. For purposes of this Chapter, the following words, terms, and phrases shall be defined as follows:

   a. Appeal means a request for review of an interpretation or decision made by City Engineer and/or Community Development Director and of any provision of this Chapter or a decision on a request for a variance.

   b. Area of Shallow Flooding means a designated "AO" or "AH" zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flood is unpredictable and indeterminate; and velocity flow may be evident. "AO" is characterized as sheet flow and "AH" indicates ponding.

   c. Area of Special Flood Hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters "A" or "V".

   d. Base Flood means a flood having a one percent chance of being equaled or exceeded in any given year, and is synonymous with the one hundred year flood.

   e. Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

   f. Breakaway Wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation systems.

   g. Critical Facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

   h. Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, storage of material, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

   i. Existing Manufactured Home Park or Subdivision is one in which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed has been completed prior to November 11, 1985. The construction of facilities includes,

at a minimum, the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

j. Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing lots on which manufactured homes are to be affixed, including, but not limited to the installation of utilities, construction of streets, and final grading or pouring of concrete pads.

k. FEMA means the Federal Emergency Management Agency.

l. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

   i. The overflow of inland or tidal waters; and/or,

   ii. The unusual and rapid accumulation of runoff or surface waters from any source.

m. Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

n. Flood Insurance Study means 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.

o. Flood Proofing means any combination of structural and nonstructural additions, changes or adjustment to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

p. Floodway means 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.

q. Highway Ready refers to a recreation vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

r. Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the 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 non-elevation design requirements of this chapter found at Section 3.7.200.J Specific Standards for Flood Hazard Protection.

s. Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eight consecutive days and are not highway ready. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

t. Manufactured Home Park or Subdivision means a parcel, or contiguous parcels or lots of land divided into sites or lots of two or more manufactured homes that are for rent or sale.

u. New Construction means a structure for which the "start of construction" commenced on or after November 11, 1985.

v. Permanent Foundation refers to a natural or manufactured support system to which a structure is anchored or attached. A permanent foundation is capable of resisting flood forces and may include posts, piles, poured concrete or reinforced block walls, properly compacted fill, or other systems of comparable flood resistance and strength.

w. Start of Construction means 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 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of street 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 installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

x. Structure means a walled and roofed building including a gas or liquid storage tank that is principally aboveground.

y. Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed by 50% of the market value of the structure before the damage occurred.

z. Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either:

1) Before the improvement or repair is started;

2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose 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;

3) The term does not, however, include either:

a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,

b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

aa. Variance means a grant of relief from the requirements of this Chapter that permits construction in a manner that would otherwise be prohibited by this Chapter.

bb. Water Dependent means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

2. Unless specifically defined in this Section, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

J. Administration. The Community Development Director or his/her designee is appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

1. Duties and Responsibilities of the Community Development Director. Duties of the Community Development Director shall include, but not be limited to:

a. Permit Review.

1) Review all development permits to determine that the permit requirements of this Chapter have been satisfied.

2) Review all development permits to determine that all necessary permits have been obtained from those federal, state and local governmental agencies from which prior approval is required.

3) Review all development permits to determine if the proposed development is

located in the floodway. If located in the floodway, assure that the encroachment provisions of Section "F" Floodways are met.

4) Maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

b. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section "E" Basis for Establishing the Areas of Special Flood Hazard, the Director of Planning and Development shall request the assistance of the City Engineer to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to establish a base flood elevation in order for the Community Development Director to administer Sections 3.7.200.N Specific Standards for Flood Hazard Protection, and Section 3.7.200.F, Floodways.

c. Information to be Obtained and Maintained.

1) Where base flood elevation data is provided through Flood Insurance Study or required as in Section 3.7.200.J(1)(b) Use of Other Base Flood Data, 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.

2) For all new or substantially improved flood-proofed structures:

a) Verify and record actual elevation (in relation to mean sea level) of extent of floodproofing, and;

b) Maintain the flood-proofing certificates required in Section L Application Requirements for Development Permit.

3) Maintain for public inspection all records pertaining to the provisions of this Chapter.

2. Duties and Responsibilities of City Engineer. Duties of the City Engineer shall include, but not be limited to:

a. Provide technical assistance and information to the Community Development Director upon request;

b. Verify field surveys and technical information submitted by any applicant for new development upon request of the Community Development Director;

c. Act in cases of emergencies to prevent the loss of life and property, without a development permit in either the floodway or floodplain;

d. Alteration of Watercourses.

1) Notify adjacent communities and the Department of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

2) Require that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished.

e. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 3.7.200.P Variances through Section 3.7.200.R Appcals.

K. Floodplain Development Permit Required. All development permits shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.7.200.E Basis for Establishing the Areas of Special Flood Areas. The Floodplain Development Permit shall be a Type II Application as set forth by Chapter 4.1. The permit shall be for all structures including manufactured homes partially or wholly within any area of special flood hazard, as set forth in Section 3.7.200.I Definitions, and for all development including fill and other activities, also set forth in the definitions. Development permits will also be required for all subdivisions (land divisions of 3 lots or more) which are wholly or in part within areas of special flood hazard.

L. Application Requirements for Floodplain Development Permit. Application for a development permit shall be made on forms furnished by the Community Development Department and may include but not be limited to: plans in triplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, removal, grading, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

2. Elevation in relation to mean sea level to which any structure has been or will be flood-proofed;

3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 3.7.200.N(2) Specific Standards for Flood Hazard Protection, Nonresidential Construction;

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;

5. Filing fees shall be paid by the applicant, as established by the City Council. Neither the Council nor the Planning Commission is to be considered an applicant and shall pay no fee.

M. General Standards for Flood Hazard Protection. In all areas of special flood hazards, the following standards are required to be met:

1. Anchoring.

   a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

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

2. Construction Materials and Methods.

   a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

   b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

   c. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during flood conditions.

3. Utilities.

   a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters in to the system;

   b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into floodwaters; and,

   c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall be adequate drainage provided to reduce exposure to flood damage; and,

d. Where base flood elevation data is not available from another authorizing source, it shall be generated for subdivision proposals and other proposed developments that are wholly or in part within an area of special flood hazard.

5. Review of Development Permits. Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source (Section 3.7.200.J Use of Other Base Flood Data), applications for development 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 above grade in these zones may result in higher insurance rates.

N. Specific Standards for Flood Hazard Protection. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section E Basis for Establishing the Areas of Special Flood Hazard or Section 3.7.200.J Use of Other Base Flood Data, the following provisions are required to be met:

1. Residential Construction.

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the one-hundred-year flood (base flood) elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1) A minimum of 2 openings having a total net area or not less than 1 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 1 foot above grade.

3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction. New construction and substantial improvement of any

commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the one-hundred-year flood (base flood) elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be flood-proofed so that below 1 foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that 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 structure design, specifications and plans. Such certifications shall be provided as set forth in Section 3.7.200.J Information to be Obtained and Maintained;

d. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Section 3.7.200.N(1)(b) Residential Construction, above;

e. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are 1 foot below the flood-proofed level (e.g. a building constructed to 1 foot above the base flood level will be rated as at the base flood level).

3. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zone A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least 1 foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 3.7.200.M(1)(b).

4. Recreational vehicles, travel trailers, park trailers and similar vehicles and dwellings that occupy sites within Zones A1-30, AH or AE on the applicable FIRM shall either:

   a. Be on site for less than 180 days in one year, and;

   b. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by "quick-disconnect"-type utilities and security devices, and have no permanently attached additions, or;

   c. Meet the requirements for manufactured homes listed above under Section 3.7.200.N(3), including, but not limited to anchoring and elevation.

O. Conditions. The City may impose conditions as it deems necessary or desirable on permit approvals in order that:

1. The applicable standards, regulations, criteria and purposes of this Chapter and Title are fulfilled;

2. The health, safety or welfare of the community is furthered, or;

3. Special considerations due to the nature and location of the proposed activity may be addressed.

Upon consideration of the criteria listed in Section 3.7.200.Q and the purposes of this Chapter, the Community Development Director may attach such conditions to the granting of variances as deemed necessary to further the purposes of this Chapter.

P. Variances. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevation if granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Variances may be issued for:

1. Nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, complies with all variance criteria, and otherwise complies with Sections 3.7.200.M(1) and (2) of the general standards.

2. The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the requirements and criteria for a variance.

3. New construction and substantial improvements with a lowest floor elevation below the base flood elevation to be erected on a tract, parcel or lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1) through (11) in Section 3.7.200.R Appeals have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

Q. Criteria for Evaluation of a Variance Request. Variances shall only be issued through a Type II Variance Application, upon a determination by the Community Development Director that:

1. The variance is the minimum necessary, considering the flood hazard, to afford relief;

2. A showing of good and sufficient cause has been presented by the applicant;

3. Failure to grant the variance would result in exceptional hardship to the applicant beyond

financial hardship;

4. The granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

5. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result. The applicant shall have the burden of providing this evidence from a professional registered engineer.

R. Appeals. Type II Administrative decisions shall be appealed though the procedures established in Section 4.1.300 and as provided in Section 4.1.400.C-E. In passing upon such application, the hearings body shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the Flood Plain Management Program for the affected site;

9. The safety or access to the property in times of flood for ordinary and emergency vehicles;

10. The expected height, velocity, duration, rate or rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,

11. The costs of providing governmental services during or after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and municipal water, and streets and bridges.

S. Violation and Penalty.

1. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirement shall upon conviction thereof be fined not more than 500 dollars, imprisoned for a period not to exceed 100 days, or punished by both such fine and imprisonment.

2. Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violations of any provisions of this Chapter are committed, continued or permitted by such person, firm or corporation, and shall be punishable therefore, as provided for in this Chapter.

3. In addition, each person, firm or corporation found guilty of a violation shall pay all costs and expenses involved in the case of all parties.

4. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

T. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

U. Warning and Disclaimer of Liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administration decision lawfully made thereunder.

3.7.300 Riparian Development

A. Applicability. The following standards are applicable to lands adjacent to the Coast Fork of the Willamette River, Row River and Silk Creek. This section applies the standards and specific rules for riparian safe harbors as established in OAR 660-023. The requirements of this section are in addition to other provisions of this code, and will be enforced as part of Land Use, Site Review, or other development review. If riparian modifications occur that are not associated with a development project, these standards shall be enforced through a Type II application.

B. Purpose. The purpose of this section is to:

1. To improve and maintain water quality in the Coast Fork Willamette River sub-basin;

2. To mitigate potential flood damage caused by modification of natural riparian habitats;

3. To protect native riparian habitats for sensitive fish and animals that depend upon the rivers and their banks;

4. To implement the "Willamette River Greenway" and "Riparian Resources" elements of the Cottage Grove Comprehensive Plan;

5. To protect aesthetic value of the City's waterways; and

6. To implement Goal 5 Riparian Safe Harbor standards established in OAR 660-023.

C. Definitions. For the purpose of this section, the following definitions from OAR 660-023-0090 Riparian Corridors apply:

1. **Riparian Area** is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. Significant riparian areas are identified in the adopted Goal 5 Riparian Resource Inventory.

2. **Riparian Corridor** is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

3. **Riparian corridor boundary** is an imaginary line that is a certain distance upland from the top bank as specified in subsection D of this section.

4. **Stream** is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

5. **Structure** is a building or other improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components.

6. **Top of bank** shall have the same meaning as "bankfull stage" defined in OAR 141-085-0010(12).

C. Riparian Corridor Boundary. Along all riparian areas identified in the adopted Goal 5 Riparian Resource Inventory, the riparian corridor boundary shall be 50 feet from top of bank.

When the riparian corridor includes all or portions of a significant wetland as defined by the National Wetland Inventory map, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.

D. Prohibited Development & Vegetation Removal within Riparian Corridor Boundary.

Permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces shall be prohibited within the riparian corridor boundary, except as identified in subsection E below. Vegetation removal shall be prohibited, except as identified in subsection E below.

E. Exempt Development.

The following uses are allowed through a Type II application, provided they are designed and constructed to minimize intrusion into the riparian area:

1. Streets, roads and paths;

2. Drainage facilities, utilities, and irrigation pumps;

3. Water-related and water-dependent uses;

4. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; and

5. Removal of non-native vegetation and replacement with native plant species; and

6. Removal of vegetation necessary for the development of water-related or water-dependent uses.

R. Variance from Riparian Corridor Requirements. Request for relief from the above standards shall be processed pursuant to the Type III Variance application requirements set forth in Chapter 4.1. Variances may be granted for the permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary if:

1. The restrictions in this section render a lot existing at the date of the adoption of this ordinance not buildable, at which time a lesser setback of 25 feet from the riparian boundary corridor shall be applied; or

2. It can be demonstrated that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor.

3.7.400 Willamette River Greenway

A. Intent and Purpose. The Willamette River Greenway is a State-designated scenic corridor along both sides of the Coast Fork of the Willamette River within the City of Cottage Grove. The boundaries of the approved Willamette River Greenway shall be maintained on a map at the City of Cottage Grove Community Development Department Office.

The purpose of the Willamette River Greenway designation is to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River.

The qualities of the Willamette River Greenway shall be protected, conserved, enhanced and maintained consistent with the lawful uses present on December 6, 1975. Intensification of uses, changes in use or developments may be permitted after this date only when they are consistent with the City of Cottage Grove Comprehensive Plan, the Willamette River Greenway Statute, Statewide Planning Goal 15, ORS Chapter 290.010 to 390.220 and ORS Chapter 390.310 to 390.368, the interim goals in ORS 215.515(1) and the statewide planning goals, as appropriate, and when such changes have been approved by the approval body through a Type III application process.

B. Applicability. The land use element of the comprehensive plan and underlying zoning district shall determine the uses permitted in the Greenway. All intensification, changes of use or development activities in the Greenway are subject to this section unless otherwise exempted in Section C Definitions.

C. Definitions.

1. Change of Use: means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for purposes of this section.

2. Intensification: means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this section.

D. Criteria and conditions. The approval body shall consider the following objectives, make

affirmative findings on each of them through a Type III Conditional Use Permit per Chapter 4.4, and shall impose conditions on the permit to carry out the purpose and intent of the Willamette River Greenway Statutes:

1. Significant fish and wildlife habitats shall be protected;

2. Identified scenic area, viewpoints and vistas shall be preserved;

3. Any structure must be located outside the existing vegetative fringe or behind a setback line which is at least 50 feet (whichever is the greatest distance) from the top of the river bank to insure that areas of natural, historical or recreational significance will be protected, conserved, maintained or enhanced to the maximum extent possible (setback line shall not apply to water-related or water-dependent uses);

4. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river;

5. The proposed development change or intensification of use is compatible with the site and surrounding area;

6. Any development will be located away from the river to the maximum extent possible;

7. The proposed development, change or intensification of use will provide the maximum landscaped area, open space or vegetation between the activity and the river;

8. Necessary public access will be provided to and along the river by appropriate legal means;

9. The proposed development meets the Vegetation Maintenance Standards in Section 3.7.300; and

10. The proposed development, change or intensification of use meets the requirements of the City of Cottage Grove Comprehensive Plan, the Willamette River Greenway Statute, Statewide Planning Goal 15, ORS Chapter 290.010 to 390.220 and ORS Chapter 390.310 to 390.368, the interim goals in ORS 215.515(1) and the statewide planning goals.

E. Notice to Department of Transportation. The city will not permit an intensification, change of use or development on lands within the boundaries of the Willamette River Greenway without first giving immediate notice by "certified mail – return receipt requested" to the Department of Transportation of an application for a Greenway conditional use permit. Notice of action taken by the city on an application shall be furnished to the Department of Transportation.

Chapter 3.8 - Signs

Sections:

3.8.100 Purpose
3.8.150 Definitions
3.8.200 Prohibited Signs
3.8.250 Exempt Signs
3.8.300 Sign Permits
3.8.350 Non-Conforming Signs
3.8.400 Residential Districts Signs
3.8.450 Central Business District Signs
3.8.500 Community Commercial District Signs
3.8.550 Commercial Tourist District Signs
3.8.600 Industrial District Signs
3.8.650 Parks & Recreation District Signs
3.8.700 Schools
3.8.750 Churches
3.8.800 Comprehensive Sign Plan

3.8.100 Purpose

The City recognizes the importance of an aesthetically pleasing community, to the continued welfare of its population, and to the economic development of the City. The regulation of the quantity, size and type of signs within the city provides equity among users and insulates neighbors from adverse effects of signs. This chapter does not regulate the content of any sign. Rather, this chapter has the following specific objectives:

A. To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised;

B. To allow and promote positive conditions for meeting sign users' needs, while at the same time avoiding nuisances to nearby properties and promoting a pleasing environment;

C. To reflect and support the permitted uses found throughout the various zoning districts;

D. To allow for adequate and effective signage for all industrial and commercial zoning districts, while preventing signs from dominating the visual appearance of the area;

E. To maintain and protect the City's architectural and natural heritage in accordance with the goals established by the Comprehensive Plan and this development code;

F. To provide regulations that can be administered to allow sign owners and sign users the opportunity to realize the value of their investment and make as many of their own choices as possible while protecting the needs of the public; and

G. To protect residential neighborhoods from the adverse impact that signs may have on the residential atmosphere.

3.8.150 Definitions

Abandoned Sign. Those signs not used in conjunction with a business for more than 90 days.

Alteration. Any change excluding content or copy, and including but not limited to the size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.

Automatic Changing Sign. An electronically or electrically controlled time, temperature and date sign, message center or reader board where different copy changes are shown on the same location.

Awning. A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for supporting framework. The area of the awning that contains sign copy shall be considered a wall sign.

Banner. A sign made of any lightweight, non-rigid material such as plastic, fabric or other flexible material with no enclosing framework.

Beacon Light. Any light with one or more beams, capable of being directed in any direction or directions or capable of being revolved automatically.

Bench Sign. A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Billboard Sign. An off-premise sign that advertises a business, organization, event, person, place or thing not located upon the premises where such sign is located.

Bulletin Board or Reader Board. A sign of permanent nature, but which accommodates changeable copy, indicating the names of persons associated with, events conducted upon, or products or services offered upon, the premises upon which the sign is located.

Canopy. A permanent roofed structure that may be free-standing or partially attached to a building for the purpose of providing shelter to patrons in automobiles or on foot, but shall not mean a completely enclosed structure. Also called a "marquee".

Change of Copy. The change of logo and/or message upon the face or faces of a legal sign.

Construction Sign. Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Directional Sign. An on-premise sign designed to be read by a person already on the premises

and used only to identify and locate an office, entrance, exit, telephone or similar place, service or route, including signs limited to directional messages, such as "One Way," "Entrance" or "Exit."

Directory Sign. A sign on which the names and location of occupants or the use of a building is given. This shall include office buildings and church directories.

Double Faced Sign. Signs which are counted as one sign; however, the sign area shall be the sum of the two faces for the purposes of this chapter.

Erect. To construct, paint, place, affix or otherwise bring into being.

Exempt. Signs listed in Section 3.8.250 are exempted from normal permit requirements; however, still subject to the restrictions of this chapter.

Flashing Signs. An artificially illuminated sign that sends out or reflects sudden and brief blazes of light at predetermined and/or random intervals of time.

Frontage. A single wall surface of a building facing a given direction.

Free-Standing Sign. Any ground mounted, pole or monument sign supported by one or more uprights or braces placed upon the ground, and not attached to any building.

Grade. The lowest elevation point of the finished ground surface directly below or at the sign location, and any point within 5 feet from the sign location. If the sign or any projection is within 5 feet of a public sidewalk, alley or other public way, the grade will be the elevation of the sidewalk, alley or public way.

Ground and/or Pole Sign. Any sign that is supported by structures or supports in or upon the ground and independent of support from any building.

Identification Sign. A sign that is limited to the name, address and number of a building, institution or person and to the activity carried on in the building, or institution, or the occupancy.

Illegal Sign. A sign that is erected in violation of the City of Cottage Grove Development Code.

Illuminated Sign. Any sign which has characters, letters, figures or designs artificially illuminated in any manner, including internally mounted fluorescent lights, light emitting diodes ("LEDs"), or luminous tubes.

Marquee Sign. Any sign attached to and made a part of a marquee. A marquee (or canopy) is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Monument Sign. A sign that is affixed to a base that is no more than 30 inches above the nearest ground surface.

Mural. A large picture painted or affixed on a wall that does not advertise a business name, consumer product, commercial/professional service, or sales promotion.

Nonconforming Sign. An existing sign, lawful at the time of enactment of this ordinance, which does not conform to the requirements of this code.

Off-Premise Sign. A sign that contains a message unrelated to a business or profession conducted upon the premises where such sign is located.

Pennant. A tapering flag or strip of small flags.

Permanent Sign. Any legally placed sign which is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building.

Political Sign. Any sign advocating for the election of a candidate or the passage or defeat of a ballot measure. Political signs shall be considered temporary in nature.

Portable Sign. Any temporary sign that is capable of being moved easily and is not affixed to the ground or a structure.

Projecting Sign. Any sign, other than a wall sign that projects 12 inches or more beyond such building or wall.

Real Estate Sign. Any sign used to offer for sale, lease, or rent the property upon which the sign is placed.

Roof Sign. Any sign erected or constructed upon and over the roof of any building.

Sign. Any fabricated emblem or display, including its structure, consisting of any letter(s), character, design, figure, line, logo, mark, picture, plane, point, poster, stripe, stroke, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened, or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, Chapter, machine or merchandise display.

Sign Area. The entire area within a single continuous perimeter formed by lines joined at right angles which encloses the extreme limits of a sign, and which in no case passes through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside and below the limits of such sign, and not forming an integral part of the display.

Sign Height. The vertical distance from the lowest point of the adjacent grade below the sign to the highest part of the sign.

Subdivision Sign. Signs advertising land subdivisions involving more than three continuous lots.

Temporary Sign. Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials, with or without frames, and any other type sign not permanently attached to the ground or a structure, intended to be displayed for a short period of time only.

Wall Sign. Any sign attached to, erected against or painted on a wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of said wall and not projecting more than 12 inches.

Window Sign. Any sign affixed to or upon a window facing the outside and which is intended to be seen from the exterior and advertises a business name, consumer products, commercial/promotional services and sales promotions.

3.8.200 Prohibited Signs

The following signs are not permitted on any premises in any zone district outside a building or structure. Signs listed in this section may be permitted subject to a variance (see Chapter 4.1):

A. Illegal signs, i.e. signs installed without required permits, inspection approvals, or those improperly constructed;

B. Rotating or flashing signs;

C. Advertisement flags, pennants, banners, pinwheels, or similar signs or items;

D. Signs extending more than thirty feet in height above grade;

E. Any portable sign, except as permitted under the provisions of this chapter;

F. Signs in the public right of way not authorized by a government agency;

G. Signs illuminated or which use lighting where such lighting is directed at any portion of a traveled street or onto adjacent residential private property, or impair the vision of a driver of a motor vehicle.

3.8.250 Exempt Signs

The following signs shall be allowed in all land use districts (or as specified below) and are exempt from permits but may be subject to regulations. These exemptions shall not relieve the sign owner of the responsibilities of sign placement and maintenance, or from other provisions of

this ordinance or any other law or ordinance regulating the same.

A. **Governmental Signs** for control of traffic and other regulatory purposes, official notices, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty.

B. **Directional Signs** which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed 6 square feet in area; signs identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and signs meant to serve public safety or convenience such as "office" signs and "parking" signs. No sign shall be located in a vision clearance area.

C. **Interior-Only Signs** located in the interior of any building or within an enclosed lobby or court or premises or any building or group or buildings, which are designed and located to be viewed exclusively by patrons using the interior of such premises, court yards or building.

D. **No Trespassing Signs** or other such signs regulating the use of a property, such as not hunting, no fishing, etc., of no more than 2 square feet in area.

E. **Memorial Signs** or tablets, names of buildings, and date of erection when cut into any masonry surface or inlaid so as to be part of the building of when constructed of bronze or other non-combustible material.

F. **Notice Bulletin Boards** not over 24 square feet in area for medical, public, non-profit, charitable or religious institutions where the same are located on the premises of said institution.

G. **Flags**, emblems, or insignia of any nation or political subdivision.

H. **Murals** as defined in this chapter; EXCEPT where subject to design review within the Downtown Historic District.

I. **Window Signs** or merchandise, pictures or models or products or services in a window display that generally advertise financial, commercial and professional services.

J. **Temporary Banners or Signs.** Total time for a temporary banner or sign to be displayed shall not exceed 14 calendar days unless otherwise specified. Exceptions to this time limit are business closure (Going out of business) and Christmas season signage, which may be displayed for 30 days prior to the event and shall be removed the day after the event. No extensions of these times shall be permitted. Temporary signs shall not be displayed in the public right of way and shall have the permission of the property owner on which they are displayed. Such signs shall not be illuminated.

K. **Garage Sale Signs.** One temporary sign advertising a garage sale posted on the premises

from which the garage sale is to be held. Such signs shall be either a wall sign or a free standing sign limited in size to 16 square feet in area and a height of 6 feet. In addition, one off-premise directional sign limited in size to 4 square feet and a height of 30 inches. All such signs must be removed immediately at the close of the sale.

L. Political Signs. Temporary political signs shall not exceed 6 square feet in area for each candidate or ballot measure and not more than 1 sign may be placed on any single parcel of property. Such signs may be placed on private property only. Such signs shall not be erected more than 60 days prior to the election date and shall be removed within 10 days after the election date for which they were erected.

M. Construction Project Signs. After appropriate building permits have been obtained, signs may be erected in conjunction with construction projects and used for the purpose of publicizing the architects, engineers and construction organization participating in the project. No such signs shall exceed 32 square feet in area; no free standing sign shall exceed 8 feet in height. All such signs shall be removed 5 days after completion and prior to occupancy.

N. Real Estate Signs. One real estate sign advertising the sale, rental or lease of the premises on which displayed is not to exceed the following area and height requirements:

1. Residential zone: 6 square feet per side in surface area with a maximum height of 6 feet above grade.

2. Commercial zone: 32 square feet and 10 feet above grade.

3. Industrial zone: 32 square feet and 8 feet above grade.

4. Real estate subdivision signs (subdivision signs are defined as signs advertising land subdivisions involving more than 3 continuous lots): 32 square feet and 8 feet above grade. Real estate signs may be single or double-faced, may be flat-wall signs or pole mounted.

O. Temporary Sandwich Board Signs in Commercial or Industrial Districts: Commercial businesses may have one temporary portable sandwich board (A-frame) sign per business or in the public right-of-way adjoining the lot provided the sign area does not exceed 15 square feet total, is only in view of the public when the business is open (e.g. taken in at night), and is located out of the ADA pedestrian corridor, away from fire exits or hydrants, and out of any vision clearance area.

P. Drive Up Menu Boards. Menu boards placed in a driveway specified for drive up transactions shall be used solely for vehicular and pedestrian product purchasing or transaction information. This sign shall be located out of the front yard setback and will be located where the primary viewing is to the drive up customers. Maximum height of this sign shall be 8 feet and maximum size shall be 40 square feet. Each drive up will be limited to 2 menu boards through exempt status. Additional menu boards will be counted as a sign

towards the permitted allowable signs for the district (i.e. counted as 1) wall sign if placed on the structure). These signs shall be used only for providing product or transaction information necessary for utilizing the drive up.

3.8.300 Sign Permits

A. Sign Permits Required. To ensure compliance with the regulations of this chapter, a Sign Permit shall be required for the following:

1. All new signs;
2. Alteration of existing signs;
3. Any relocation of a sign; and
4. Works of art, graphics and murals on a building within the Downtown Historic District.

B. Sign Permit Procedures. No sign shall be installed, altered or relocated without an approved sign permit. Sign permits shall be processed as a Type I application, except for those signs and/or murals within the Downtown Historic District, which shall be processed as a Type II application. Approval of a sign permit shall be granted based on compliance with the criteria in this chapter. Upon approval of a sign permit, a building permit and/or electrical permit for the construction of the approved sign may be granted.

C. Plans, Specifications and Other Data. The application for a sign permit shall comply with the procedures established in Chapter 4.1 for Type I or Type II application submittals. The application shall include complete information as required on application forms provided by the Community Development Department, including a scaled site plan and elevation drawings of building(s) with the proposed sign(s), elevations of all existing signage, plans indicating the scope and structural details of the work to be done, including details of all connections, supports and footings, and materials to be used, a statement of valuation, and electrical information. Type II applications shall also include responses to the applicable design criteria detailed in D below. Type III applications for Comprehensive Sign Plans shall include responses to the criteria included in Section 3.8.800.

A building permit and/or electrical permit for the installation of the sign will be issued following the approval of the Type I, II or III sign permit application.

D. Criteria for Historic District Signage. Signage in the C-2 District shall be subject to Type II Sign Permit approval. If the sign involves a historic structure or sign of primary significance, the Community Development Director may process the application as a Type III Historic Alteration Permit.

To receive design review approval, any new or altered sign within the Downtown Historic District shall show compliance with the recommendations for signage found in the City of Cottage Grove Downtown Historic District Design Guidelines (Chapter 3, Specific Design

Guidelines for Downtown District).

3.8.350 Non-Conforming Signs

For the purposes of the section, a non-conforming sign shall be defined as an existing sign, lawful at the time of enactment of this ordinance, which does not conform to the requirements of this code.

A. Compliance. All on-site, nonconforming signs prohibited in this code shall be removed when the current business ceases to operate.

B. Damaged Non-Conforming Signs. Should any non-conforming sign be damaged by any means to the extent of more than 60 percent of its replacement cost or sign area at the time of damage, it shall be reconstructed in conformance with this code.

C. Enlarging Non-Conforming Signs. No non-conforming sign may be enlarged or altered in a way that would increase its nonconformity.

D. Abandoned Non-Conforming Signs. Any non-conforming sign or sign structure that remains empty for a period of 90 days shall be considered an abandoned sign. Any non-conforming sign and/or sign structure located on property previously used by a business that ceases operation shall be removed.

E. Existing Non-Conforming Signs. When an application is made for new signs on property that has existing non-conforming signs, permits may be issued provided the proposed signs together with the existing signs do not exceed the allowable number and types of permitted signs.

F. Modification of Non-Conforming Signs. An owner of a non-conforming sign, who wishes to bring the sign closer into conformance with this code, may petition for a Type II Design Review from the need to bring the sign into total compliance. If in the opinion of the Director, the improvement is appropriate, a variance may be granted.

G. Exemption from Non-conforming Status. An owner of a nonconforming sign may apply for a determination that the sign qualifies as an historic or significant sign. The Planning Commission can grant this exemption through a Type III process, upon finding that the following criteria have been met:

1. The sign does not constitute a significant safety hazard due to structural inadequacies or the impact on traffic.

2. Due to age, relation to an historic event, or general recognition, the sign has become a recognized Cottage Grove landmark.

3. For an historic sign exemption, the sign is:

a. Attached to a primary or secondary structure as recognized on the City's historic inventory; The Sign adds to the architectural and historic significance of the premises, taking into account the size, location, construction and lighting of the sign; and

b. A recommendation is received from the Oregon State Historic Preservation Office giving its recommendation on (a) and (b) above.

1. For significant signs, the sign is:

a. Maintained essentially as originally constructed, with sufficient remaining original workmanship and material to serve as instruction in period fabrication; and

d. The sign is associated with significant past trends in structure, materials, and design and is in conformance with generally accepted principles of good design, architecture and maintenance.

3.8.400 Residential Districts Signs

The following sign standards have been established for residential districts (including R, R-1, R-2, R-3, RC and MHP).

A. Home Occupation & Cottage Industry. Each dwelling unit that has received Community Development Department approval for a home occupation (Section 2.2.200.G) shall be allowed 1 non-illuminated sign of not more than 2 square feet of surface area per side, not to exceed a total of 4 square feet.

B. Multi-Family, Mobile Home Parks, Day Care Facilities, Subdivisions and Group Living Facilities. Each group living situation, multiple family dwelling complex, daycare facility, subdivision, and mobile home park shall be allowed 1 wall sign or free standing sign at each public vehicular entrance of not more than 8 square feet for 1 face, or 16 square feet for 2 or more faces. The maximum height for free standing signs shall be 5 feet above grade. The maximum height for wall signs shall be 20 feet above grade, provided that in no case shall a wall sign extend above the building wall. Internally illuminated signs shall be prohibited.

C. Bed and Breakfast Inns. Bed & Breakfast Inns permitted under Section 2.2.200.D shall be allowed 1 sign per street frontage, not to exceed a total of 4 square feet of surface area per sign.

D. Non-residential Professional Offices or Retail Uses. Each approved development area shall be limited to 1 free-standing sign and 1 wall sign. The free standing sign shall be a maximum of 16 square feet for 1 face and 32 square feet for 2 or more faces. The wall sign shall be a maximum of 16 square feet. Free-standing signs shall not be more than 6 feet above grade. Each detached building shall be permitted 1 additional wall sign not to exceed 8 feet square feet. Neon signs are prohibited.

3.8.450 Central Business District Signs

The following sign standards have been established for the Central Business (C-2) district:

A. **Single Business.** Each business shall be permitted 1 wall or projecting sign per building wall fronting a public street of 2 square feet per lineal foot of building wall facing the principal street. Maximum size of any sign shall be 40 square feet for 1 side or 80 square feet for 2 or more sides.

B. **Second Story Businesses.** Second story businesses facing a public street shall be permitted signage of 1 square feet per lineal foot of building wall.

C. **Free Standing Signs.** Each building shall be permitted 1 free standing sign which shall be limited to a maximum area of 40 square feet for one side or 80 square feet for two (2) or more sides. The maximum height for free standing signs shall be 20 feet above grade.

D. **Business Identification.** In addition to the signage allowed above, each business may have 1 unlighted sign not exceeding 1 square foot in area per tenant and bearing only property numbers, postbox numbers, names of occupants, or occupation of occupant of the premises.

E. **Encroachment.** The minimum height for all signs encroaching in the public right of way shall be 8 feet above grade. The maximum encroachment into the public right of way shall be 6 feet, provided that no sign shall encroach within 2 feet of any curb or driveway line.

F. **Murals.** Murals within the Downtown Historic District require Design Review Approval. These murals may not advertise a business.

G. **Materials Not Allowed.** The following sign materials and/or sign types are not allowed in the Downtown Commercial Historic District: roof signs; internally illuminated signs; vinyl or plastic signs; or flat plywood signs. Approval for these sign materials and/or types shall only be given through Type III Design Review.

3.8.500 Community Commercial District Signs

The following sign standards have been established for the Community Commercial (C-2P) District:

A. **Single Business.** Each business which occupies a separate development site shall be permitted a maximum number of 3 signs totaling 200 square feet for all faces.

B. **Multiple Businesses.** Multiple businesses occupying the same building and/or approved development site shall be permitted a maximum number of 2 wall signs for each business, totaling 2 square feet per lineal foot of business frontage facing the principal street. Maximum size of combined wall signage per business shall be 100 square feet.

C. **Free Standing, Roof and Projecting Signs for Multiple Tenant Sites.** In addition to wall signs permitted above, 1 sign from this group shall be permitted for each approved multi-tenant development site. The total area permitted for a free standing sign, roof or projecting sign shall be 50 square feet for 1 face or 100 square feet for 2 or more faces at a maximum of 20 feet above grade.

D. **Business Identification.** In addition to the signage allowed above, each business may have 1 unlighted sign not exceeding 1 square foot in area per tenant and bearing only property numbers, postbox numbers, names of occupants, or occupation of occupant of the premises.

E. **Encroachment.** The minimum height for all signs encroaching in the public right of way shall be eight feet above grade. The maximum encroachment into the public right of way shall be 6 feet, provided that no sign shall encroach within 2 feet of any curb or driveway line.

E. **Comprehensive Signage Plan.** Applicants may choose to apply for a Comprehensive Sign Plan approval to modify the above requirements (see Section 3.8.800).

3.8.550 Commercial Tourist District Signs

The following sign standards have been established for the Commercial Tourist(CT)/Commercial Tourist Limited (CT/L) Districts:

A. **Single Business.** Each stand-alone business shall be permitted a maximum number of 3 wall signs totaling 200 square feet for all faces.

B. **Multiple Businesses.** Multiple businesses occupying the same building and/or development site shall be permitted a maximum number of 1 wall sign for each business, totaling 2 square feet per lineal foot of business frontage facing the principal street. Maximum size of combined wall signage per business shall be 100 square feet.

C. **Free standing, Roof and Projecting Signs.** In addition to wall signs permitted above, each multi-business development site may have 1 sign from this group. The total area permitted for a free standing sign, roof or projecting sign shall be 100 square feet for 1 face or 200 square feet for 2 or more faces at a maximum of 20 feet above grade.

D. **Business Identification.** In addition to the signage allowed above, each business may have 1 unlighted sign not exceeding 1 square foot in area per tenant and bearing only property numbers, postbox numbers, names of occupants, or occupation of occupant of the premises.

E. **Comprehensive Signage Plan.** Applicants may choose to apply for a Comprehensive Sign Plan approval to modify the above requirements (see Section 3.8.800).

3.8.600 Industrial District Signs

The following sign standards have been established for industrial (M-1, M-2) districts:

A. Single Business. Each business shall be permitted a total number of 2 wall or projecting signs with a maximum of 100 square feet for all faces.

B. Free standing or Roof Signs. In addition to wall signs permitted above, 1 sign from this group shall be permitted for each approved development site. The total area permitted for a free standing sign, roof or projecting sign shall be 50 square feet for 1 face or 100 square feet for 2 or more faces at a maximum of 30 feet above grade.

C. Business Identification. In addition to the signage allowed above, each business may have 1 unlighted sign not exceeding 1 square foot in area per tenant and bearing only property numbers, postbox numbers, names of occupants, or occupation of occupant of the premises.

D. Comprehensive Signage Plan. Applicants may choose to apply for a Comprehensive Sign Plan approval to modify the above requirements (see Section 3.8.800).

3.8.650 Parks & Recreation District Signs

1 free standing sign shall be permitted at each entrance and shall not exceed 32 square feet for all faces. The total sign height shall be a maximum of 6 feet above grade. In addition to the free standing sign, 2 wall signs shall be allowed not to exceed a total combined square footage of 40 square feet. Additional signage must be approved under a Master Plan by the Planning Commission. No internally lit signs shall be allowed. External lighting on signs shall be non-intrusive.

3.8.700 Schools

Every public, federal or state funded school shall be allowed a maximum of 2 wall signs not to exceed a total combined area of 80 square feet and 1 free standing sign not to exceed 40 square feet. The total sign height for free standing signs shall be a maximum of 8 feet above grade. Neon signage will not be allowed.

3.8.750 Churches

Each approved development area shall be limited to 3 free standing and/or wall signs. The signs shall be a maximum of 32 square feet for 1 face and 64 square feet for 2 or more faces. Free standing signs or wall signs shall not be more than 6 feet above grade. Each detached building shall be permitted 1 additional wall sign not to exceed 8 feet square feet. Neon signs are prohibited. Each development may have 1 exempt reader board of no more than 24 square feet, not to exceed 8 feet above grade if free standing.

3.8.800 Comprehensive Sign Plan

A. Purpose. A comprehensive sign plan is intended to integrate the signs proposed for a development project with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan provides a means for defining common sign regulations for multi-tenant projects, to encourage effective design and display of multiple signs through incentives and to achieve, not circumvent, the intent of this ordinance.

B. Applicability. Commercial or Industrial property owners/developers in the C-2P, C-T, M-1 or M-2 land use districts may apply for a comprehensive sign plan. A comprehensive sign plan may be required concurrent with or as a condition of approval for a Master Plan in any zoning district.

C. Approval Authority. The Planning Commission shall approve a Comprehensive Sign Plan through a Type III application process.

D. Application requirements. An application for a Comprehensive Sign Plan shall include all information and materials required as follows:

1. Location: identification of sign locations on the buildings and on the building.

2. Materials: description of the type of sign and sign materials including construction materials and proposed lighting if any. Any graphics, murals, neon lighting, or outline lighting must be specified on the signage plan.

3. Size: itemization of sign size or sign area at identified locations.

4. Letter style: description of dominant letter style and letter height to be used on the signs. Modifications to the lettering style to accommodate federally registered trademarks will be allowed; however, the Planning Commission may limit logo size.

5. Color scheme: listing of colors to be used on each sign.

E. Revisions to Comprehensive Sign Plans. The Community Development Director may approve revisions to a Comprehensive Sign Plan if the intent of the original approval is not affected. Revisions that substantially deviate from the original approval shall require the approval of a new Comprehensive Sign Plan.

F. Comprehensive Sign Plan Standards. A Comprehensive Sign Plan shall comply with the following standards:

1. A sign shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign Plan, to the structures and/or developments they identify, and to the surrounding development;

2. The Comprehensive Sign Plan shall accommodate future revisions that may be required because of changes in use or tenants; and

3. The Comprehensive Sign Plan shall comply with the standards of this development code, except that flexibility may be allowed with regards to sign area, number, location, and/or height to the extent that the Comprehensive Sign Plan will enhance the overall development and will more fully accomplish the purposes of this development code.

Chapter 4 — Administration of Land Use and Development

Chapters:

4.1 Types of Review Procedures
4.2 Land Use Review and Site Design Review
4.3 Land Divisions and Property Line Adjustments
4.4 Conditional Use Permits
4.5 Master Planned Developments
4.6 Modifications to Approved Plans and Conditions of Approval
4.7 Land Use District Map and Text Amendments
4.8 Code Interpretations
4.9 Miscellaneous Permits – Temporary Uses, Cottage Industry

Chapter 4.1 Types of Review Procedures

Sections:

4.1.100 Purpose and Applicability of Review Procedures
4.1.200 Type I Procedure
4.1.300 Type II Procedure
4.1.400 Type III Procedure
4.1.500 Type IV Procedure
4.1.600 General Provisions Applicable to All Reviews
4.1.700 Special Procedures – Expedited Land Divisions,
4.1.800 Neighborhood Meetings
4.1.900 Traffic Impact Studies

4.1.100 Purpose and Applicability of Review Procedures

A. **Purpose.** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Tables 4.1.100 and 4.1.110 provide keys for determining the review procedure and the decision-making body for particular approvals.

B. **Applicability of Review Procedures.** All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures: Type I, II, III, and IV. These procedures are described in subsections 1-4 below. Table 4.1.100 lists all of the City's land use and development approvals and their required review procedure(s).Table 4.1.110 lists those uses by review procedure.

1. Type I Procedure (Ministerial). Type I decisions are made by the Community Development Director, or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying City standards and criteria requires no use of discretion;

2. Type II Procedure (Administrative). Type II decisions are made by the Community Development Director or designee with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the Planning Commission;

3. Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III decisions generally use discretionary approval criteria. The appeal of a Type III decision is heard by the City Council.

4. Type IV Procedure (Legislative). Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

Table 4.1.100 Summary of Approvals by Type of Review Procedure		
Approvals*	**Review Procedures**	**Applicable Regulations**
Access Permit (public street)	Type I	Chapters 3.1, 4.2, 4.3; Engineering Standards
Building Permit	N/A	Building Code
Code Interpretation	Type II	Chapter 4.8
Code Amendment	Type IV	Chapter 4.7
Comprehensive Plan Amendment	Type IV	Comprehensive Plan
Conditional Use Permit	Type III	Chapter 4.4
Cottage Industry (exceeding the criteria in Section 2.2.200)	Type III	Chapter 4.9
Flood Plain Development Permit	Type I	Chapter 3.7
Greenway Conditional Use Permit	Type III	Chapter 3.7
Hillside Development Permit	Type I or II	Chapter 3.7
Historic Alteration Permit	Type II or III	Chapter 2.5, 3.6
Home Occupation (meeting the criteria in Section 2.2.200)	Type 1	Chapter 2.2
Master Planned Development	Type III	Chapter 4.5
Modification to Approval	Type II/III (minor or major)	Chapter 4.6
Land Use District Map Change Quasi-Judicial (no plan amendment required) Legislative (plan amendment)	 Type III Type IV	 Chapter 4.7 Chapter 4.7
Property Line Adjustments and Lot Consolidations	Type I	Chapter 4.3
Non-Conforming Use or Development Confirmation	Type II	Chapter 5.2
Partition	Type II	Chapter 4.3
Sensitive Lands Development	Type III	Chapter 3.7
Sign Permit	Type I or II	Chapter 3.8
Land Use Review	Type I or II	Chapter 4.2
Site Design Review	Type III	Chapter 4.2
Subdivision Preliminary Plan Final Plat	 Type III Type I	Chapter 4.3
Temporary Use Permit	Type II/III	Chapter 4.9
Variance		
Class A	Type I	Chapter 5.1
Class B	Type II	Chapter 5.1
Class C	Type III	Chapter 5.1

Table 4.1.110: Summary of Approvals by Type of Review Procedure

Review Procedures	Approvals*	Applicable Regulations
Type I	Access Permit	Chapter 3.1, 4.2, 4.3
	Code Interpretation	Chapter 4.8
	Flood Plain Development Permit	Chapter 3.7
	Hillside Development Permit (Level 1)	Chapter 3.7
	Home Occupation	Chapter 2.2.200
	Land Use Review	Chapter 4.2
	Property Line Adjustments and Lot Consolidations	Chapter 4.3
	Sign Permit	Chapter 3.8
	Variance Class A	Chapter 5.1
	Subdivision (Final Plat)	Chapter 4.3
Type II	Code Interpretation	Chapter 4.8
	Hillside Development Permit (Level 2&3)	Chapter 3.7
	Historic Alteration Permit (minor)	Chapter 2.5, 3.6
	Land Use Review	Chapter 4.2
	Modification to Approval (minor)	Chapter 4.6
	Non-Conforming Use or Development Confirmation	Chapter 5.2
	Partition	Chapter 4.3
	Sign Permit (Historic District)	Chapter 3.8
	Temporary Use Permit	Chapter 4.9
	Variance Class B	Chapter 5.1
Type III	Conditional Use Permit	Chapter 4.3
	Cottage Industry (exceeding Sec. 2.2.200)	Chapter 5.2
	Greenway Conditional Use Permit	Chapter 3.7
	Historic Alteration (major)	Chapter 2.5, 4.6
	Land Use District Map Change (no plan amendment required)	Chapter 4.3
	Master Planned Development	Chapter 3.7
	Modification to Approval (major)	Chapter 4.6
	Sensitive Lands Development	Chapter 3.8
	Site Design Review	Chapter 4.2
	Subdivision (Preliminary Plan)	Chapter 4.2
	Temporary Use Permit	Chapter 4.9
	Variance Class C	Chapter 5.1
Type IV	Comprehensive Plan Amendment	Comprehensive Plan
	Code Amendment	Chapter 4.7
	Land Use District Map Change	Chapter 4.7

4.1.200 Type I Procedure (Ministerial)

A. Types of Approvals. The following types of approvals are reviewed under a Type I procedure:

- Access Permits
- Flood Plain Development Permits
- Hillside Development Permits
- Home Occupations (meeting criteria in Section 2.2.200)
- Land Use Reviews, including:
  - Single family homes
  - Minor commercial remodels or additions
  - Developments implementing CUP conditions
  - See 4.2.400(A) for more
- Property Line Adjustments
- Sign Permits
- Subdivision Final Plat Review
- Variances (Class A)

B. Application Requirements.

1. Application Forms. Type I applications shall be made on forms provided by the Community Development Director or designee.

2. Application Requirements. Type I applications shall:

   a. Include the information requested on the application form;

   b. Address the criteria in sufficient detail for review and action; and

   c. Be filed with the required fee.

C. Ministerial Decision Requirements. The Community Development Director or designee's decision shall address all of the approval criteria, including applicable requirements of any road authority. Based on the criteria and the facts contained within the record, the Community Development Director shall approve or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.

D. Final Decision. A Type I decision is the final decision of the City. It cannot be appealed to City officials.

E. Effective Date. A Type I decision is final on the date it is made.

4.1.300 Type II Procedure (Administrative)

A. Types of Approvals. The following types of approvals are reviewed under a Type II procedure:

- Code Interpretations
- Modification to Approvals
- Partitions
- Historic Alteration Permits
- Non-conforming use or development Determination
- Sensitive Lands Development
- Sign Permits (Historic District)
- Temporary Use Permits
- Variances (Class B)

B. Pre-application Conference. A pre-application conference is available for Type II reviews. Pre-application conference requirements and procedures are in Section 4.1.600.

C. Application Requirements.

1. Application Forms. Type II applications shall be made on forms provided by the Community Development Director or designee.

2. Submittal Information. The application shall:

   a. Include the information requested on the application form;

   b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 4.2 (Land Use Review), 4.3 (Land Divisions), 4.6 (Modifications), 4.8 (Code Interpretations), 4.9 (Miscellaneous Permits), and 5.2 (Non-Conforming Uses and Development); and

   c. Be accompanied by the required fee.

D. Notice of Application for Type II Administrative Decision.

1. Before making a Type II Administrative Decision, the Community Development Director or designee shall mail notice to:

   a. All owners of record of real property within a minimum of 100 feet of the subject site;

   b. All City-recognized neighborhood groups or associations whose boundaries include the site;

c. Any person who submits a written request to receive a notice; and

d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.

2. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.

3. Notice of a pending Type II Administrative Decision shall:

   a. Provide a 14-day period for submitting written comments before a decision is made on the permit;

   b. List the relevant approval criteria by name and number of code sections;

   c. State the place, date and time the comments are due, and the person to whom the comments should be addressed;

   d. Include the name and telephone number of a contact person regarding the Administrative Decision;

   e. Describe proposal and identify the specific permits or approvals requested;

   f. Describe the street address or other easily understandable reference to the location of the site;

   g. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;

   h. State that all evidence relied upon by the Community Development Director or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;

   i. State that after the comment period closes, the Community Development Director or designee shall issue a Type II Administrative Decision, and that the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;

j. Contain the following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Cottage Grove Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

E. Administrative Decision Requirements. The Community Development Director or designee shall make a Type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Community Development Director or designee shall approve, approve with conditions, or deny the requested permit or action. Alternatively, the Community Development Director or the applicant may refer or request to refer the application to the Planning Commission for review in a public hearing, in which case the review shall follow the Type III procedures in Section 4.1.400. A fee shall be charged for this Type III application.

F. Notice of Decision.

1. Within five days after the Community Development Director or designee signs the decision, a Notice of Decision shall be sent by mail to:

   a. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;

   b. Any person who submits a written request to receive notice, or provides comments during the application-review period;

   c. Any City-recognized neighborhood group or association whose boundaries include the site; and

   d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.

2. The Community Development Director or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.

3. The Type II Notice of Decision shall contain:

   a. A description of the applicant's proposal and the City's decision on the proposal (i.e., may be a summary);

   b. The address or other geographic description of the property proposed for development, where applicable;

   c. A statement of where the City's decision can be obtained;

d. The date the decision shall become final, unless appealed;

e. A statement that all persons entitled to notice may appeal the decision; and

f. A statement briefly explaining how to file an appeal, the deadline for filing an appeal, and where to obtain further information concerning the appeal process.

G. Final Decision and Effective Date. A Type II administrative decision is final for purposes of appeal when mailed by the City. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

H. Appeal. A Type II administrative decision may be appealed to the Planning Commission as follows:

1. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:

   a. The applicant or owner of the subject property;

   b. Any person who was entitled to written notice of the Type II administrative decision;

   c. Any other person who participated in the proceeding by submitting written comments.

2. Appeal filing procedure.

   a. *Notice of appeal.* Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures;

   b. *Time for filing.* A Notice of Appeal shall be filed with the Community Development Director or designee within 14 days of the date the Notice of Decision was mailed;

   c. *Content of notice of appeal.* The Notice of Appeal shall contain:

      1) An identification of the decision being appealed, including the date of the decision;

      2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

      3) A statement explaining the specific issues being raised on appeal;

4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;

5) Filing fee.

3. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be a hearing *de novo* ("a new") before the Planning Commission. The appeal shall be limited to the application materials, evidence, other documentation, and specific issues raised in the Type II administrative review.

4. Appeal procedures. Type III notice, hearing procedures and decision process shall also be used for all Type II Administrative Appeals, as provided in Sections 4.1.400.C-E.

5. Further Appeal to City Council. The decision of the Planning Commission regarding an appeal of a Type II Administrative Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall follow the same notification and hearing procedures as for the Planning Commission hearing. However, the appeal before the City Council is based on the record. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

4.1.400 Type III Procedure (Quasi-Judicial)

A. Types of Approvals. The following types of approvals are reviewed under a Type III procedure:

- Conditional Use Permits
- Greenway Conditional Use Permits
- Cottage Industry Permits
- Historic Alteration Permits
- Land Use District Map changes (no plan amendment required)
- Master Planned Developments
- Site Design Reviews
- Subdivisions
- Variance (Class C)

B. Pre-application Conference. A pre-application conference is recommended for all Type III applications; however, it is required for Master Planned Developments. The requirements and procedures for a pre-application conference are described in Section 4.1.600.C.

C. Application Requirements.

1. Application forms. Type III applications shall be made on forms provided by the Community Development Director or designee; if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.

2. Submittal Information. When a Type III application is required, it shall:

   a. Include the information requested on the application form;

   b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 4.2 (Land Use Review), 4.3 (Land Divisions), 4.6 (Modifications), 4.8 (Code Interpretations), and 4.9 (Miscellaneous Permits); and

   c. Be accompanied by the required fee.

D. Completeness Review. Once the application is filed as required in (C) above, the City has 30 days to determine whether the application is complete. See Chapter 4.1.600.

E. Notice of Hearing.

1. Mailed notice. The City shall mail the notice of the Type III action. The records of the Lane County Assessor's Office are the official records for determining ownership. Notice

of a Type III application hearing or Type II appeal hearing shall be given by the Community Development Director or designee in the following manner:

a. At least 20 days before the hearing date, notice shall be mailed to:

1) The applicant and all owners or contract purchasers of record of the property that is the subject of the application;

2) All property owners of record within 300 feet of the site;

3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.

4) Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;

5) Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;

6) Any person who submits a written request to receive notice;

7) For appeals, the appellant and all persons who provided testimony in the original decision; and

8) For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

b. The Community Development Director or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.

c. At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

2. Content of Notice. Notice of appeal of a Type II Administrative decision or notice of a Type III hearing to be mailed and published per Subsection 1 above shall contain the following information:

a. The nature of the application and the proposed land use or uses that could be authorized for the property;

b. The applicable criteria and standards from the development code(s) that apply to the application;

c. The street address or other easily understood geographical reference to the subject property;

d. The date, time, and location of the public hearing;

e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;

f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;

g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City Hall at no cost and that copies shall be provided at a reasonable cost;

h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

I. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

j. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Cottage Grove Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

F. Conduct of the Public Hearing.

1. Unless otherwise provided in the rules of procedure adopted by the Planning Commission:

   a. The presiding officer of the Planning Commission shall have the authority to:

      1) Regulate the course, sequence, and decorum of the hearing;

      2) Direct procedural requirements or similar matters; and

      3) Impose reasonable time limits for oral presentations.

   b. No person shall address the Commission without:

1) Receiving recognition from the presiding officer; and

2) Stating their full name and address.

c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.

2. At the commencement of the hearing, the Planning Commission shall state to those in attendance:

   a. The applicable approval criteria and standards that apply to the application or appeal;

   b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

   c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;

   d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.

3. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;

4. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission shall reopen the record.

   a. When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;

b. An extension of the hearing or record granted pursuant to Section 4.1.400.D is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;

c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence;

d. The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;

e. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts;

f. The review authority shall retain custody of the record until the City issues a final decision.

5. Participants in the appeal of a Type II Administrative decision or participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing *ex parte* contacts (see Section 4.1.400.D(6) below) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:

a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing *ex parte* contacts (as defined in Section 4.1.400.D(5) below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;

b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;

c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;

d. If a quorum of members of the Planning Commission abstain or are disqualified, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;

e. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

6. *Ex parte* communications and conflict of interest.

a. Members of the hearings body shall not:

1) Communicate directly or indirectly with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing without giving notice per Section 4.1.400.E above;

2) Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.

3) Participate in a hearing or decision of a proposal when he/she:

i. Is a party to or has a direct personal or pecuniary interest in the proposal;

ii. Is in business with the proponent; or

iii. For any other reason, has determined that he/she cannot participate in the hearing and decision in an impartial manner.

b. No decision or action of the hearings body shall be invalid due to *ex parte* contacts or bias resulting from *ex parte* contacts, if the person receiving contact:

1) Places in the record the substance of any written or oral *ex parte* communications concerning the decision or action; and

2) Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.

c. A communication between City staff and the hearings body is not considered an *ex parte* contact.

7. Presenting and receiving evidence.

   a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

   b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section 4.1.400.D;

   c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

G. The Decision Process.

1. Basis for decision. Approval or denial of an appeal of a Type II Administrative decision or of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;

2. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;

3. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2, which approves, denies, or approves with specific conditions. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;

4. Decision-making time limits. A final order for any Type II Administrative Appeal or Type III action shall be filed with the Community Development Director or designee within ten business days after the close of the deliberation;

5. Notice of Decision. Written notice of a Type II Administrative Appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, if the City can demonstrate by affidavit that such notice was given. Failure to post notice shall not invalidate any actions pursuant to this Code.

6. Final Decision and Effective Date. The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council.

7. Appeal. A Type II appeal or Type III decision may be appealed to the City Council. Procedures governing who may appeal and appeal filing procedures shall be the same as for Type II applications (see 4.1.300.H 1-5). The notification and hearings procedures for Type III applications on appeal to the City Council shall be the same as for the initial hearing (see 4.1.400.E & F). Appeals of City Council decisions on Type I, II or III appeals are heard by the State Land Use Board of Appeals. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the City Council's written decision or, in the case of Type I decision, within 21 days of the administrative decision date.

4.1.500 Type IV Procedure (Legislative)

A. Types of Approvals. The following types of approvals are reviewed under a Type IV procedure:

- Development Code Text Amendments
- Comprehensive Plan Amendments
- Comprehensive Plan Map Amendments (and concurrent Zone Changes)
- City-wide Zone Changes

B. Pre-Application Conference. A pre-application conference is required for all Type IV applications initiated by a party other than the City of Cottage Grove. The requirements and procedures for a pre-application conference are described in Section 4.1.600.C.

C. Application Requirements.

1. Application forms. Type IV applications shall be made on forms provided by the Community Development Director or designee.

2. Submittal Information. The application shall contain:

   a. The information requested on the application form;

   b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

   c. The required fee; and

   d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

D. Completeness Review. Once the application is submitted as required in (C) above, the City has 30 days to determine whether the application is complete. See Chapter 4.1.600.

E. Notice of Hearing.

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications.

2. Notification requirements. Notice of public hearings for the request shall be given by the Community Development Director or designee in the following manner:

   a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

1) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);

2) Any affected governmental agency;

3) Any person who requests notice in writing;

4) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

5) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.

b. At least 10 days before the scheduled Planning Commission public hearing date, and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.

c. The Community Development Director or designee shall:

1) For each mailing of notice, file an affidavit of mailing in the record as provided by subsection a; and

2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.

d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.

e. Notifications for annexation shall follow the provisions of this Chapter.

3. Content of notices. The mailed and published notices shall include the following information:

a. The number and title of the file containing the application, and the address and telephone number of the Community Development Director or designee's office where additional information about the application can be obtained;

b. The proposed site location;

c. A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;

d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See Section 4.1.500.E); and

e. Each mailed notice required by Section 4.1.500.D shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The Cottage Grove Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:

a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;

b. Published notice is deemed given on the date it is published.

F. Hearing Process and Procedure.

1. Unless otherwise provided in the rules of procedure adopted by the City Council:

a. The presiding officer of the Planning Commission and of the City Council shall have the authority to:

1) Regulate the course, sequence, and decorum of the hearing;

2) Direct procedural requirements or similar matters; and

3) Impose reasonable time limits for oral presentations.

b. No person shall address the Commission or the Council without:

1) Receiving recognition from the presiding officer; and

2) Stating their full name and address.

c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.

2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:

   a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;

   b. The Community Development Director or designee's report and other applicable staff reports shall be presented;

   c. The public shall be invited to testify;

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

   e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

G. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

H. Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

1. Approval of the request is consistent with the Statewide Planning Goals;

2. Approval of the request is consistent with the Comprehensive Plan; and

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

I. Approval Process and Authority.

1. The Planning Commission shall:

   a. After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and

b. Within 14 business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the Community Development Director or designee.

2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the Community Development Director or designee before the Council public hearing on the proposal. The Community Development Director or designee shall send a copy to each Council member and place a copy in the record;

3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within 60 days of its first public hearing on the proposed change, the Community Development Director or designee shall:

   a. Report the failure together with the proposed change to the City Council, and

   b. Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing make a decision. No further action shall be taken by the Commission.

4. The City Council shall:

   a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;

   b. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and

   c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

J. Vote Required for a Legislative Change.

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.

2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

K. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Council decision is filed with the Community Development

Director or designee. The City shall also provide notice to all persons as required by other applicable laws.

L. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

M. Record of the Public Hearing.

1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;

2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;

3. The official record shall include:

   a. All materials considered by the hearings body;

   b. All materials submitted by the Community Development Director or designee to the hearings body regarding the application;

   c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;

   d. The final ordinance;

   e. All correspondence; and

   f. A copy of the notices that were given as required by this Chapter.

N. Appeal. A Type IV decision may be appealed to the State Land Use Board of Appeals. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the City Council's written decision.

4.1.600 General Provisions: 120-day Rule; Time Computation; Pre-application Conferences; Acceptance and Review; Community Development Director's Duties; Amended Applications; Re-submittal; Appeals

A. 120-day Rule. The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions - plan and code amendments - under ORS 227.178.)

B. Time Computation. In computing any period of time prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

C. Pre-application Conferences.

1. Participants. When a pre-application conference is required or requested, the applicant shall meet with the Community Development Director or his/her designee(s) and other parties as appropriate. These meetings shall not be considered "public meetings" under ORS 192.610-690;

2. Information provided. At such conference, the Community Development Director or designee shall:

   a. Cite the comprehensive plan policies and map designations applicable to the proposal;

   b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;

   c. Provide available technical data and assistance that will aid the applicant;

   d. Identify other governmental policies and regulations that relate to the application; and

   e. Reasonably identify other opportunities or constraints concerning the application.

3. Results of the Meeting. Information provided in written form to the applicant during a pre-application meeting shall be part of the public record and available for review at the Community Development Department.

4. Disclaimer. Failure of the Community Development Director or his/her designee to provide any of the information required by this Section 4.1.600.C shall not constitute a waiver of any of the standards, criteria or requirements for the application;

5. Changes in the law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

D. Acceptance and Review of Applications.

1. Initiation of applications:

   a. Applications for approval under this Chapter may be initiated by:

      1) Order of City Council;

      2) Resolution of the Planning Commission;

      3) The Community Development Director or designee;

      4) A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.

   b. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.

2. Consolidation of proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

   a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the Community Development Director or designee.

   b. When proceedings are consolidated:

      1) The notice shall identify each application to be decided;

      2) The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and

3) Separate findings and decisions shall be made on each application.

3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used.

   a. **Acceptance.** When an application is received by the City, the Community Development Director or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;

      1) The required form;

      2) The required fee;

      3) The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

   b. **Completeness.**

      1) Review and notification. After the application is accepted, the Community Development Director or designee shall review the application for completeness. If the application is incomplete, the Community Development Director or designee shall notify the applicant in writing of exactly what information is missing within 30 days of acceptance of the application and allow the applicant 180 days (from the original date of acceptance) to submit the missing information;

      2) Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the Community Development Director or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the Community Development Director or designee in Section 4.1.600.D.3.b(1), above. For the refusal to be valid, the refusal shall be made in writing and received by the Community Development Director or designee no later than 14 days after the date on the Community Development Director or designee's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on the day the refusal letter is received.

      3) Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.

      4) Coordinated Review. The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.

4. Changes or additions to the application during the review period. Once an application is deemed complete:

   a. All documents and other evidence relied upon by the applicant shall be submitted to the Community Development Director or designee at least seven days before the notice of action or hearing is mailed. Documents or other evidence submitted after that date shall be received by Community Development Director or designee and transmitted to the hearings body;

   b. When documents or other evidence are submitted by the applicant during the review period but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;

   c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see "d", below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;

   d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions, at the choice of the applicant:

      1) Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;

      2) Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Section 4.1.600.A above) on the existing application. If the applicant does not consent, the City shall not select this option;

      3) Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence;

e. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and new fees and will be subject to the standards and criteria in effect at the time the new application is accepted.

E. Community Development Director's Duties. The Community Development Director or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions;

2. Accept all development applications that comply with Section 4.1.600;

3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report may also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;

4. Prepare a notice of the proposal decision:

   a. In the case of an application subject to a Type I or II review process, the Community Development Director or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;

   b. In the case of an application subject to a hearing (Type III or IV process), the Community Development Director or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 4.1.400.C (Type II), 4.1.400.C (Type III), or 4.1.500.D (Type IV);

5. Administer the hearings process;

6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;

7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and

8. Administer the appeals and review process.

F. Amended Decision Process.

1. The purpose of an amended decision process is to allow the Community Development Director or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.

2. The Community Development Director or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 14 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 10-day appeal period shall begin on the day the amended decision is issued.

3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.

4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures in Chapter 4.6. All other changes to decisions that are not modifications under Chapter 4.6 follow the appeal process.

G. Re-submittal of Application Following Denial. An application that has been denied, or an application that was denied and on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy that would change the outcome, as determined by the Community Development Director or designee.

H. Appeal Process. An appeal by a person with standing shall be a hearing *de novo* ("a new") and following the Type III procedure under Section 4.1.400.

4.1.700 Special Procedures

A. Expedited Land Divisions. An Expedited Land Division ("ELD") shall be defined and may be used as provided under ORS 197.360 through 197.380.

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;

2. Review procedure. All applications for Expedited Land Divisions shall comply with ORS 197.360 through 197.380 and the Cottage Grove Comprehensive Plan; ORS 197.360 through ORS 197.380 details the criteria, application and notice requirements, and action and appeal procedures for expedited land divisions.

3. Appeal procedure. An appeal of an ELD shall follow the procedures in ORS 197.375. Where the City has not otherwise appointed a hearings officer (referee) for such appeals, and the City Attorney is a Contractor (not a city employee), the City Attorney shall serve as the referee for ELD appeals.

B. ***[Reserved for other Special Procedures, as may be adopted]***

4.1.800 Neighborhood Meetings

A. Purpose. The purpose of neighborhood meetings is to identify potential issues or conflicts regarding a proposed application so that they may be addressed prior to filing. This contact is intended to result in a better application and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials.

B. Applicability. Applicants for Type III quasi-judicial applications such as master plans, subdivisions over 3 acres, and conditional uses are required to meet with adjacent property owners and neighborhood representatives prior to submitting their application to the City in order to solicit input and exchange information about the proposed development. A Type III application for a master plan, subdivision or conditional use shall not be considered complete without a copy of the meeting notice and minutes and/or recording of the meeting.

C. Process. Applicants shall hold a neighborhood meeting with any affected neighborhood organization recognized by the City. If no organization exists, then the applicant must hold a meeting with adjacent property owners who will receive public notice (a minimum 300 ft. radius from subject property). At minimum notification shall include letters to adjacent property owners and a 3' x 2' posting on the site with a description of the proposal, applicant's name and contact information, and time/date/location of the meeting. The Community Development Director may require the applicant to increase the notification radius depending on the proposal's impact. The meeting shall take place no more than 6 months before the date of application. Recordings or minutes of the meeting shall be provided to the Community Development Department at time of application submittal.

4.1.900 Traffic Impact Studies

The purpose of this section of the code is to assist in determining which road authorities participate in land use decisions, and to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.

A. When a Traffic Impact Study is Required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS shall be required when a land use application involves one or more of the following actions:

1. A change in zoning or a plan amendment designation; or

2. Any proposed development or land use action that a road authority states may cause or be adversely impacted by operational or safety concerns along its facility(ies); or

3. Land divisions with 30 or more lots; or

4. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or

5. An increase in peak hour volume of a particular movement to and from the State highway by 20 percent or more; or

6. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

7. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or

8. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.

B. Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional transportation engineer in accordance with the requirements of the road authority and paid for by the applicant. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.

C. Traffic Impact Study Requirements.

1. Traffic Impact Study (TIS) Scope. Evaluations shall evaluate the access, circulation and other transportation requirements. The scope of the TIS shall be established by the City Engineer to address issues related to a specific development proposal. If the land use will affect a State Highway or County Road, then ODOT and/or Lane County should be consulted on the scope of the TIS.

2. Trips. Trips shall be defined by the Institute of Transportation Engineers (ITE), Trip Generation Manual, 7th Edition (or subsequent document updates), or trip generation studies of comparable uses prepared by an engineer and approved by the Community Development Department.

3. Level of Service (LOS). The Level of Service standard to determine what is acceptable or unacceptable traffic flow on streets shall be based on a volume to capacity ratio. State highways shall continue to operate according to the standards in the Oregon Highway Plan. Street intersections shall maintain a LOS of "D" during the PM peak hour of the day. A lesser standard may be accepted for local street intersections or driveway access points that intersect with collector or arterial streets, if these intersections are found to operate safely.

4. Mitigation. Where a development causes traffic impacts that bring a road below acceptable levels of service, or impacts a road that is already operating below acceptable levels of service, or impacts a road that has a documented safety problem, the TIS shall identify traffic impacts attributable to the development and appropriate mitigation measures. The developer may be required to implement mitigation measures as a condition of approval. The mitigation measures shall be implemented prior to the final inspection of the building permit for the development.

5. Traffic Signals. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and the Manual of Uniform Traffic Control Devices.

6. Coordination of Development Review. The City will provide written notice and opportunity to comment on all Traffic Impact Studies to the applicable road authorities and the Cottage Grove School District.

Chapter 4.2 Land Use Review and Site Design Review

Sections:

4.2.100 Purpose
4.2.200 Applicability
4.2.300 Land Use Review Procedure and Approval Criteria
4.2.400 Site Design Review - Application Review Procedure
4.2.500 Site Design Review - Application Submission Requirements
4.2.600 Site Design Review Approval Criteria
4.2.700 Bonding and Assurances
4.2.800 Development in Accordance With Permit Approval; Modifications; Permit Expiration

4.2.100 Purpose

The purpose of this Chapter is to:

1. Provide rules, regulations and standards for efficient and effective administration of land use and site development review;

2. Carry out the development pattern and plan of the City and its comprehensive plan policies;

3. Promote the public health, safety and general welfare;

4. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;

5. Encourage the conservation of energy resources; and

6. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

4.2.200 Applicability

Land Use Review or Site Design Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

A. Land Use Review. Land Use Review is a review conducted by the Community Development Director or designee without a public hearing (Type I or II). (See Chapter 4.1 for review procedure.) It is for changes in land use and developments that do not require a conditional use permit or site design review approval. Land Use Review ensures compliance with the basic land use and development standards of the land use district, such as lot area, building setbacks and orientation, lot coverage, maximum building height, and other provisions of Chapter 2. Land Use Review is required for all of the types of land uses and development listed below. Land uses and developments exceeding the thresholds below require Site Design Review.

1. Change in occupancy from one type of land use to a different land use;

2. Single-family detached dwelling (including manufactured home on its own lot);

3. A single duplex, or up to two single family attached (town home) units not requiring a land division, and accessory parking on the same lot;

4. Non-residential building additions up to 1000 square feet, or 50% of an existing structure;

5. Minor Modifications to development approvals as defined by Chapter 4.6;

6. Any proposed development that has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Chapter 4.4 - Conditional Use Permits;

7. Home occupations requiring a permit under Chapter 2.2.200.G;

8. Temporary uses requiring a permit under Chapter 4.9;

9. Accessory structures and accessory parking;

10. Development and land uses that are part of a previously approved Site Design Review or Conditional Use Permit application;

11. Public improvements required by a condition of approval (e.g., transportation facilities and improvements, parks, trails, and similar improvements, as determined by the Community Development Director).

B. Site Design Review. Site Design Review is a discretionary review conducted by the Planning Commission with a public hearing (Type III Quasi-Judicial Review). (See Chapter 4.1 for review procedure.) It applies to all development in the City, except those specifically listed under "A" above (applications subject to Land Use Review). Site Design Review ensures compliance with the land use and development standards in Chapter 2 (e.g., lot area, building setbacks and orientation, lot coverage, maximum building height), and the design standards and public improvement requirements in Chapter 3.

4.2.300 Land Use Review Procedure and Approval Criteria

When Land Use Review is required, it shall be conducted prior to issuance of building permits, occupancy permit, business license, or public improvement permits, as determined by the Community Development Director. The City shall conduct Land Use Reviews using either a Type I or Type II procedure, as described in Sections 4.1.200 and 4.1.300. A Type I procedure shall be used when the Community Development Director finds that the applicable standards are clear and objective and do not require the exercise of discretion. A Type II procedure shall be used when the decision is discretionary in nature. The Community Development Director shall be responsible for determining the required review procedure.

An application for Land Use Review shall be approved only upon meeting all of the following criteria:

1. The proposed land use or development is permitted by the underlying land use district (Chapter 2);

2. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any applicable overlay district(s) are met (Chapter 2); and

3. When development is proposed, the applicable sections of Chapter 3, Design Standards apply.

Land Use Reviews do not address a project's compliance with applicable building, fire and life safety regulations.

4.2.400 Site Design Review - Application Review Procedure

Where Site Design Review is required, it shall be conducted using a Type III procedure, consistent with Section 4.1.400, and using the application requirements and approval criteria contained in Sections 4.2.500 through 4.2.600, below.

4.2.500 Site Design Review - Application Submission Requirements

All of the following information is required for Site Design Review application submittal:

A. General Submission Requirements. An application for Site Design Review shall contain all of the information required for a Type III review under Section 4.1.400, and provide:

1. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the recommended pre-application conference (Section 4.1.600C). The study shall address, at a minimum, the transportation system, including street access, pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users;

2. Traffic Impact Study, if required by the road authority. Traffic Impact Studies shall conform to the standards and procedures in Section 4.1.900; and

3. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

B. Site Design Review Information. In addition to the general submission requirements for a Type III review (Section 4.1.400) an applicant for Site Design Review shall provide the following additional information, as deemed applicable by the Community Development Director. The Community Development Director may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the approval body:

1. Site analysis map. At a minimum the site analysis map shall contain the following:

   a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;

   b. Topographic contour lines at 2-foot intervals for slopes of less than 10 percent, and 5-foot intervals for steeper slopes;

   c. Identification of slopes greater than 15 percent;

d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;

e. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;

f. Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;

g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;

h. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;

i. The location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade;

j. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;

k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

2. Proposed site plan. The site plan shall contain the following information:

   a. The proposed development site, including boundaries, dimensions, and gross area;

   b. Features identified on the existing site analysis maps that are proposed to remain on the site;

   c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;

   d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

   e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

   f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);

h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

i. Loading and service areas for waste disposal, loading and delivery;

j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

k. Location, type, and height of outdoor lighting;

l. Location of mail boxes, if known;

m. Name and address of project designer, if applicable;

n. Locations of bus stops and other public or private transportation facilities;

o. Locations, sizes, and types of signs;

p. Location of utility connections and pipe sizes.

3. Architectural drawings. Architectural drawings showing one or all of the following shall be required for new buildings and major remodels:

   a. Building elevations (as determined by the Community Development Director) with building height and width dimensions;

   b. Building floor plans with dimensions and use of rooms;

   b. Building materials, colors and type;

   c. The name of the architect or designer.

4. Preliminary grading plan. A preliminary grading plan shall be required for development sites ½ acre or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.4.400. A Hillside Development Permit may be required for any property showing greater than 15 percent grade change (see Chapter 3.7.100).

5. Landscape plan. A landscape plan may be required and at the direction of the Community Development Director shall show the following:

a. The location and height of existing and proposed fences, buffering or screening materials;

b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

c. The location, size, and species of the existing and proposed plant materials (at time of planting);

d. Existing and proposed building and pavement outlines;

e. Specifications for irrigation (may be automatic or other approved method of irrigation) and anticipated planting schedule;

f. Other information as deemed appropriate by the Community Development Director. An arborist's report may be required for sites with mature trees that are protected under Chapter 3.2 Landscape, Street Trees, Fences and Walls of this Code.

6. Sign drawings shall be required in conformance with the City's Sign Code (Chapter 3.8).

7. Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for access control.

8. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.600 Approval Criteria.

9. Traffic Impact Study, when required, shall be prepared in accordance with the road authority's requirements. See Section 4.1.9, and Section 3.4.1 for relevant standards.

10. State Highway Access Permit. A copy of an approved State Access Permit shall be submitted for any proposal creating a new access or changing an existing access onto a State Highway;

11. Other information determined by the Community Development Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, environmental features, natural hazards, etc.), in conformance with this Code.

4.2.600 Site Design Review Approval Criteria

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.500, above.

2. The application complies with all of the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;

3. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;

4. The application complies with all of the Design Standards in Chapter 3:

   a. Chapter 3.1 - Access and Circulation;

   b. Chapter 3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;

   c. Chapter 3.3 - Parking and Loading;

   d. Chapter 3.4 - Public Facilities;

   e. Chapter 3.5 - Surface Water Management;

   f. Chapter 3.6 - Other Standards, as applicable;

   g. Chapter 3.7 – Sensitive Lands

5. Existing conditions of approval required as part of a prior Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5) or other approval shall be met.

4.2.700 Bonding and Assurances

A. Performance (or "Completion") Bonds for Public Improvements. On all projects where public improvements are required, the City shall require a bond in an amount equal to the contract amount of the public improvements as a condition of site development approval in order to guarantee the public improvements. The City shall be named "obligee" on all bonds.

B. Release of Performance Bonds. The bond or assurance shall be released at the end of a one-year warranty period, which shall begin when the Community Development Director finds the completed project conforms to the site development approval, including all conditions of approval.

C. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to 150% of the cost of the landscaping as determined by the Community Development Director or a qualified landscape architect is filed with the Community Development Director assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

4.2.800 Development in Accordance With Permit Approval; Modifications; Permit Expiration

Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City shall require the applicant to enter into a development agreement (e.g., for phased developments and developments with required public improvements), and shall require bonding or other assurances for improvements, in accordance with Section 4.2.700.

Development Review and Site Design Review approvals shall be subject to all of the following standards and limitations:

A. Modifications to Approved Plans and Developments. Minor modifications of an approved plan or existing development, as defined in Chapter 4.6, shall be processed as a Type I procedure and require only Land Use Review. Major modifications, as defined in Chapter 4.6, shall be processed as a Type II or Type III procedure and shall require Site Design Review. For information on Type I, Type II and Type III procedures, please refer to Chapter 4.1. For Modifications approval criteria, please refer to Chapter 4.6.

B. Approval Period. Land Use Review and Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

1. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or

2. Construction on the site is in violation of the approved plan.

C. Extension. The Community Development Director shall, upon written request by the applicant, grant a written extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved site design review plan;

2. The applicant can show intent of initiating construction on the site within the one-year extension period;

3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and

4. The applicant demonstrates that failure to obtain building permits within one year of site design approval was beyond the applicant's control.

D. Phased Development. Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the Site Design Review application.

2. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 3 years without reapplying for site design review.

3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:

   a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;

   b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require Planning Commission approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.3.180. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;

   c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and

d. An application for phasing may be approved after Site Design Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter 4.6).

Chapter 4.3 Land Divisions and Property Line Adjustments

Sections:

4.3.100 Purpose
4.3.110 General Requirements
4.3.115 Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes
4.3.120 Approval Process
4.3.130 Preliminary Plat Submission Requirements
4.3.140 Approval Criteria: Preliminary Plat
4.3.150 Variances Authorized
4.3.160 Final Plat Submission Requirements and Approval Criteria
4.3.170 Public Improvements
4.3.180 Performance Guarantee
4.3.190 Filing and Recording
4.3.200 Re-platting and Vacation of Plats
4.3.210 Property Line Adjustments

4.3.100 Purpose

The purpose of this chapter is to:

A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments, as defined below and in Chapter 1.3:

1. Subdivisions are the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.

2. Partitions are the creation of three or fewer lots within one calendar year.

3. Lot line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).

B. Carry out the City's development pattern, as envisioned by the Comprehensive Plan.

C. Encourage efficient use of land resources, full utilization of urban services, and transportation options;

D. Promote the public health, safety and general welfare through orderly and efficient urbanization;

E. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, protection against natural hazards and other public services and facilities; and

G. Encourage the conservation of energy resources.

4.3.110 General Requirements

A. Subdivision and Partition Approval through Two-step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
2. The final plat must include all conditions of approval of the preliminary plat.

B. Compliance with ORS Chapter 92. All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions, and Chapter 209, County Surveyors.

C. Future Re-division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted for large lots identifying:

1. Potential future lot division(s), consistent with the density and lot size standards of Chapter 2;
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;
3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

D. Lot Size Averaging. Single-family residential lot size may be averaged to allow lots less than the minimum lot size in Residential districts, as provided by Section 4.3.115 Flexible Lot Size, 2.2.120 Development Standards, and 2.2.150 Residential Density Standard, or through approval of a Master Planned Development under Chapter 4.5.

E. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 4.9.100, Temporary Uses.

F. Minimize Flood Damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway (i.e. minimum lot size under base zoning must be provided outside of the

floodway) and, where possible, allow building outside of the 100-year flood plain. Development in a 100-year flood plain shall comply with the National Flood Insurance Program and state building code requirements, including elevating structures above the base flood elevation. The applicant shall be responsible for obtaining floodplain development permit from the City of Cottage Grove.

G. Determination of Base Flood Elevation. Where a development site is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation it shall be determined by a qualified professional as part of the land division application.

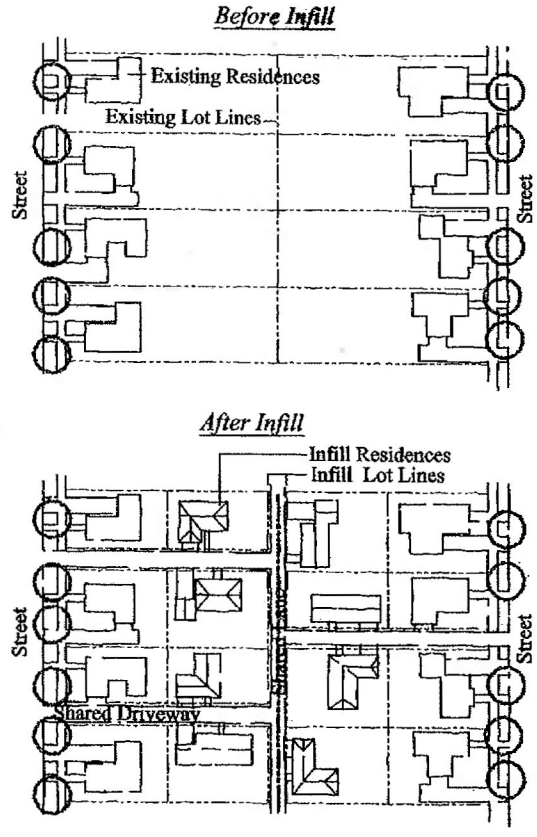
H. Need for Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.

I. Need for Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.

4.3.115 Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes

A. Flexible Lot Size. To allow creativity and flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees and other natural and built features, the approval body may grant a 10% modification to the lot area and/or lot dimension (width/depth) standards in Section 2.2.130, provided that the overall density of the subdivision does not exceed the allowable density of the district and the approval body finds that granting the modification allows for a greater variety of housing types or it improves development compatibility with natural features or adjacent land uses. The approval body may require that standard size lots be placed at the perimeter of the development where the abutting lots are standard size or larger; except that this provision shall not apply where the abutting lots are larger than 20,000 square feet.

Figure 4.3.115B - Mid-block Infill



B. Mid-block lanes. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes, as shown below. Mid-block lanes or shared driveways, as illustrated in Figure 4.3.115B, may be required, when practicable, to provide connectivity between infill developments. Mid-block lanes with access easements for adjoining properties may be allowed as an alternative to requiring through streets where block lengths do not necessitate a through street. The lanes shall meet the standards for Fire Department Access, and the standards under subsections C-F, below.

C. Flag lots. Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole") may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be four (4). Two abutting panhandles cannot be combined to increase the number of dwelling units being accessed. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The Fire Marshal may require an emergency turn-around or fire hydrants. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).

D. Driveway and lane width. The minimum paved width of all shared drives and mid-block lanes shall be 12 feet with an easement of 20 feet; easements must be 25 feet in width with a minimum paved width of 16 feet for all shared drives and/or mid-block lanes providing primary access to more than 2 dwelling units. The maximum width is 20 feet, except as required by the Uniform Fire Code. Alleys that provide secondary or maintenance access to lots which front on a through street or mid-block lane may be 16 to 20 feet in width, with a paved surface of 12 to 16 feet.

E. Easement and improvement of drive lane. The property owner shall record a 20-25 -foot easement benefiting all properties that are to receive vehicle access. The drive lane shall be improved with an all weather surface approved by the City. The easement shall state that the entire width of the easement shall remain unobstructed for emergency access. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

F. Maximum drive lane length. The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared mid-block lane.

G. Future street plans. Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (*i.e.*, as shown in the Figure 4.3.115.B).

4.3.120 Preliminary Plat Approval Process

A. Review of Preliminary Plat. Review of a preliminary plat with 2 or 3 lots (partition) shall be processed with a Type II procedure, under Section 4.1.300. Preliminary plats with 4 or

more lots (subdivision) shall be processed with a Type III procedure under Section 4.1.400. All preliminary plats shall be reviewed using approval criteria in Section 4.3.140. An application for subdivision may be reviewed concurrently with an application for a Master Planned Development under Chapter 4.5.

B. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed as a Type I procedure under Section 4.1.200, using the approval criteria in Section 4.3.160.

C. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of three (3) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within the 3-year period.

D. Modifications and Extensions. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.6 - Modifications. The Community Development Director shall, upon written request by the applicant and payment of the required fee, grant one written extension of the approval period not to exceed one year; provided that:

1. Any changes to the preliminary plat follow the procedures in Chapter 4.6;

2. The applicant has submitted written intent to file a final plat within the one-year extension period;

3. An extension of time will not prevent the lawful development of abutting properties;

4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and

5. The extension request is made before expiration of the original approved plan.

E. Phased Development.

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for each phase (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be more than 3 years without reapplying for a preliminary plat;

2. The criteria for approving a phased land division proposal are:

   a. Public facilities shall be constructed in conjunction with or prior to each phase;

   b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require Planning Commission approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 4.3.180.

A temporary public facility is any facility not constructed to the applicable City or district standard;

c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and

d. The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary plat application, and the decision may be appealed in the same manner as the preliminary plat.

4.3.130 Preliminary Plat Submission Requirements

A. General Submission Requirements. For all partitions (three or fewer parcels), the application shall contain all of the information required for a Type II procedure under Section 4.1.300. For all subdivisions (four or more lots) the application shall contain all of the information required for a Type III procedure under Section 4.1.400, and the information in subsections 1-3, below:

1. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the required pre-application conference (Section 4.1.600.C). The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users;

2. Traffic Impact Study, if required by the City and/or road authority. Traffic Impact Studies shall conform to the standards and procedures in Section 4.1.900; and

3. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

B. Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General information:

   a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in Lane County (please check with County Surveyor);

   b. Date, north arrow, and scale of drawing;

   c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;

   d. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the designer, and engineer and surveyor if any, and the date of the survey if submitted; and

   e. Identification of the drawing as a "preliminary plat".

2. Site analysis:

   a. Streets: Location, name, present width of all streets, alleys and rights-of-way on and abutting the site;

   b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;

   c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;

   d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent or as required by the City. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor or City Engineer. This requirement may be waived for partitions when grades, on average, are less than 6 percent;

   e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

   f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having high erosion potential;

   g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 3.7 and relevant portions of the Comprehensive Plan.);

h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;

i. Designated historic and cultural resources on the site and adjacent parcels or lots;

j. The location, size and species of trees having a caliper (diameter) of 6 inches or greater at 4 feet above grade in conformance with Chapter 3.2;

k. North arrow and scale;

l. Date(s) prepared and revised;

m. Name and address of project designer, if applicable; and

n. Other information, as deemed appropriate by the Community Development Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

3. Proposed improvements:

a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

b. Easements: location, width and purpose of all proposed easements;

c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;

d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use; potential location of future buildings;

e. Proposed improvements, as required by Chapter 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);

f. Preliminary location of development showing those future buildings can meet siting and dimensional standards of the district.

g. The proposed source of domestic water;

h. The proposed method of sewage disposal;

i. Proposed method of surface water drainage and treatment if required;

j. The approximate location and identity of other utilities, including the locations of street lighting fixtures;

k. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with the affected railroad and the Oregon Department of Transportation Rail Division regarding proposed railroad crossing(s);

l. Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable;

m. Identification of the base flood elevation for development within a designated 100-year floodplain. Written evidence of initiation of a Federal Emergency Management Agency (FEMA) flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. FEMA approval of the amendment shall be a condition of City land use approval;

n. Evidence of contact with from the road authority for any development requiring access to its facility(ies); and

o. Evidence of written notice to the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands, as identified in Chapter 3.7.

4.3.140 Approval Criteria: Preliminary Plat

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable chapters and sections of Chapter 2 (Land Use Districts) and Chapter 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5;

2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapters 92 and 209;

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and

5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;

8. Evidence that improvements or conditions required by the City, road authority, Lane County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and

9. If any part of the site is located within an Overlay Zone or previously approved Planned Unit Development, Mixed Use Master Plan or Master Planned Development, it shall conform to the applicable regulations and/or conditions.

C. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Chapter 2), and the standards of Section 3.1.200.J - Street Connectivity and Formation of Blocks.

2. Setbacks shall be as required by the applicable land use district (Chapter 2).

3. Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.

4. Landscape or other screening may be required to maintain privacy for abutting uses. See Chapter 2 - Land Use Districts, and Chapter 3.2 - Landscaping.

5. In conformance with the Uniform Fire Code, a fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. This drive shall have a minimum paved surface of 12 feet (for one to two dwelling units) or minimum16 feet (three to four dwelling units), with 20 feet minimum of clearance. See Chapter 3.1- Access and Circulation and Section 4.3.115(D).

6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.

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

D. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 3.4 (Public Facilities).

4.3.150 Variances Authorized

Variances to the standards of this Chapter shall be processed in accordance with Chapter 5.1 - Variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted, and the applications shall be reviewed together.

4.3.160 Final Plat Submission Requirements and Approval Criteria

A. Submission Requirements. Final plats shall be reviewed and approved by the City prior to recording with Lane County. The applicant shall submit the final plat within 1 year of the approval of the preliminary plat as provided by Section 4.3.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Community Development Director.

B. Approval Criteria. By means of a Type I procedure, the Community Development Director and City Engineer shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., power, television, gas authority). Alternatively, the developer has provided a performance guarantee or completion bond in accordance with Section 4.3.180;

3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;

4. The streets and roads held for private uses have been approved by the City as conforming to the preliminary plat;

5. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;

6. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);

8. Certification by the City that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance with Chapter 3.4 - Public Facilities, and the bond requirements of Section 4.3.180. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by the bid amount, subject to review and approval by the City;

9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapters 92 and 209, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

4.3.170 Public Improvements Required

Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee or completion bond, in accordance with Section 4.3.180.

4.3.180 Performance Guarantee

A. Performance Guarantee Required. When a performance guarantee is required under Section 4.3.170, the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following:

1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;

2. A completion bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or

3. Cash in an escrow account.

B. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. Itemized Improvement Estimate. The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

D. Agreement. An agreement between the City and developer shall be recorded with the final plat. The agreement may be prepared by the City or prepared by the applicant as a letter. It

shall not be valid until it is signed and dated by both the applicant and City Manager. The agreement shall include but not be limited to the following, as determined by the City Engineer:

1. The period within which all required improvements and repairs shall be completed;

2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;

3. Required improvement fees and deposits;

4. (Optional) Provisions for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

E. When Subdivider Fails to Perform. In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.

F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee before the end of the one-year warranty period without having first secured written authorization from the City.

4.3.190 Filing and Recording

A. Filing Plat with County. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Lane County for signatures of County officials as required by ORS Chapters 92 and 209.

B. Proof of Recording. Upon final recording with the County, the applicant shall submit to the City a mylar copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

C. Prerequisites to Recording the Plat.

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapters 92 and 209;

2. No plat shall be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapters 92 and 209.

4.3.200 Re-platting and Vacation of Plats

A. Re-platting and Vacations. Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. Procedure. All applications for a re-plat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to re-plat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 4.1 - Types of Applications and Review Procedures.) The road authority(ies) shall be notified of all applications for re-plats and street vacations. All street vacations shall also conform to the ORS Chapter 271.

C. Basis for Denial. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria of this chapter.

D. Recording of Vacations. All approved plat vacations shall be recorded in accordance with 4.3.190 and the following procedures:

1. Once recorded, a re-plat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and

2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications described on the plat.

E. After Sale of Lots. When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

F. Street Requirement. Except as prohibited by law (e.g., ORS 92.837, Manufactured Home Park), in approving a right-of-way vacation or re-plat, the City may require dedication of access ways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish or maintain a safe, convenient and direct pedestrian and bicycle circulation system. Such requirements shall be coordinated with the applicable road authority.

4.3.210 Property Line Adjustments

A Property Line Adjustment is the modification of lot boundaries, when no lot is created or removed. The application submission and approval process is as follows:

A. Submission Requirements. All applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for a Type II application, as governed by Section 4.1.300. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; existing fences and walls; and any other information deemed necessary by the Community Development Director or designee for ensuring compliance with City codes.

B. Approval Process.

1. Decision-making process. Property line adjustments shall be reviewed by means of a Type II procedure, as governed by Section 4.1.300, using approval criteria contained in Section 4.3.210.C below. The road authority(ies) shall be notified of lot line adjustments that may affect property access or traffic volumes or operations on their facilities.

2. Time limit on approval. The property line adjustment approval shall be effective for a period of one (1) year from the date of approval, during which time it must be recorded.

3. Lapsing of approval. The property line adjustment approval shall lapse if:

   a. The property line adjustment is not recorded within the time limit in Section 4.3.210.B(2);

   b. The property line adjustment has been improperly recorded with Lane County without the satisfactory completion of all conditions attached to the approval; or

   c. The final recording is a departure from the approved plan.

C. Approval Criteria. The Community Development Director or designee shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:

1. Parcel Creation. No additional parcel or lot is created or removed by the lot line adjustment;

2. Lot standards. All lots and parcels conform to the applicable lot standards of the land use district (Chapter 2) including lot area, dimensions, setbacks, and coverage, and no resulting lot is wholly comprised of a flood hazard area or jurisdictional wetland;

3. Access and Road authority Standards. All lots and parcels conform to the standards or requirements of Chapter 3.1 – Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any City or road authority standard, it shall not be made even less conforming by the property line adjustment.

D. Recording Property Line Adjustments.

1. Recording. Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with Lane County before the decision expires, and submit a copy of the recorded survey map to the City, to be filed with the approved application.

2. Time limit. The applicant shall submit a copy of the recorded property line adjustment survey map to the City prior to the issuance of any building permits on the re-configured lots.

E. Extension.

The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

1. No changes are made to the original property line adjustment as approved by the City;

2. The applicant can show intent of recording the approved plan within the one-year extension period;

3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the property line adjustment conflicts with a code change, the extension shall be denied; and

4. The extension request is made before expiration of the original approved plan.

Chapter 4.4 Conditional Use Permits

Sections:

4.4.100 Conditional Use Permits - Purpose
4.4.200 Conditional Use Permits - Approvals Process
4.4.300 Conditional Use Permits - Application Submission Requirements
4.4.400 Conditional Use Permits - Criteria, Standards and Conditions of Approval
4.4.500 Conditional Use Permits - Additional Development Standards

4.4.100 Conditional Use Permits - Purpose

There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as "Conditional Uses" in Chapter 2 - Land Use Districts or Chapter 3.7 – Sensitive Lands. The purpose of Chapter 4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

4.4.200 Conditional Use Permits - Approvals Process

A. **Initial Application**. An application for a new conditional use shall be processed as a Type III procedure (Section 4.1.400). The application shall meet submission requirements in Section 4.4.300, and the approval criteria contained in Section 4.4.400.

B. **Modification of Approved or Existing Conditional Use**. Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.6 - Modifications.

4.4.300 Conditional Use Permits - Application Submission Requirements

In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (1-8), as applicable. For a description of each item, please refer to Section 4.2.500 - Site Design Review Application Submission Requirements:

1. Existing site conditions;
2. Site plan;
3. Preliminary grading plan;
4. A landscape plan;
5. Architectural drawings of all structures;
6. Drawings of all proposed signs;

7. A copy of all existing and proposed restrictions or covenants;

8. A copy of an approved State Access Permit, if taking new access onto a State Highway;

8. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.400;

9. Narrative report documenting compliance with all applicable approval criteria and conditions in Section 3.7.400 Willamette River Greenway as applicable.

4.4.400 Conditional Use Permits - Criteria, Standards and Conditions of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the standards and criteria in A-C.

A. Use Criteria.

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval;

3. All required public facilities have adequate capacity to serve the proposal; and

4. Willamette River Greenway criteria in Section 3.7.400 have been met, as applicable.

B. Site Design Standards. The Site Design Review approval criteria (Section 4.2.600) shall be met.

C. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;

2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;

3. Requiring larger setback areas, lot area, and/or lot depth or width;

4. Limiting the building or structure height, size or lot coverage, and/or location on the site;

5. Designating the size, number, location and/or design of vehicle access points or parking areas;

6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;

7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

8. Limiting the number, size, location, height and/or lighting of signs;

9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

11. Requiring and designating the size, height, location and/or materials for fences;

12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 3.7);

13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same. Dedication of land and construction shall conform to the provisions of Chapter 3.1, and Section 3.1.300 in particular;

14. Requiring any conditions of approval deemed necessary to meet criteria and conditions of Section 3.7.400 Willamette River Greenway.

4.4.500 Conditional Use Permits - Additional Development Standards

A. Concurrent Variance Application(s). A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application, and both applications may be reviewed at the same hearing.

B. Additional Development Standards. Development standards for specific uses are contained in Chapter 2 - Land Use Districts and in Section 3 – Sensitive Lands.

Chapter 4.5 Master Planned Developments

Sections:

4.5.100 Master Planned Development - Purpose
4.5.110 Master Planned Development - Applicability
4.5.120 Master Planned Development - Review and Approvals Process
4.5.130 Master Planned Development - Modification of District Standards (Chapter 2) and Design Standards (Chapter 3)
4.5.140 Master Planned Development - Overlay Zone and Concept Plan Submission
4.5.150 Master Planned Development - Overlay Zone and Concept Plan Approval Criteria
4.5.160 Master Planned Development - Administrative Procedures
4.5.170 Master Planned Development - Detailed Development Plan Submission Requirements
4.5.180 Master Planned Development - Detailed Development Plan Approval Criteria
4.5.190 Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals

4.5.100 Master Planned Development - Purpose

The purposes of this Section are to:

1. Implement the Comprehensive Plan and applicable land use district(s) by providing a means for master planning large development sites;

2. Encourage innovative planning that results in projects that benefit the community (i.e., through compatible mixed use development, improved protection of open spaces, transportation options and consistent application of standards in phased developments);

3. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;

4. Facilitate the efficient use of land;

5. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;

6. Preserve to the greatest extent possible the existing landscape features, trees and amenities that may not otherwise be protected through conventional development;

7. Encourage energy conservation and improved air and water quality;

8. Assist the City in planning infrastructure improvements; and

9. Consolidate review of multiple land use applications, ex. site design review, conditional use and greenway conditional use permit;

4.5.110 Master Planned Development - Applicability

The master planned development designation is an overlay zone that may be applied over any of the City's land use districts. An applicant may elect to develop a project as a master planned development in compliance with the requirements of this Chapter. In addition, the City may require that the following types of development be processed using the provisions of this Chapter:

1. Subdivisions of large residential sites (5 acres and larger).
2. Larger-scale Parks & Recreation uses, as identified in Section 2.5.160.
3. Subdivisions of large residential sites (3 acres or greater) with slopes in excess of 15%.
4. Large commercial developments (5 acres or greater) proposing mixed-use development.
5. Industrial developments (10 acres or greater).

4.5.120 Master Planned Development - Review and Approvals Process

A. Review Steps. There are three required steps to planned development approval, which may be reviewed individually or combined into one package for concurrent review:

1. The approval of a planned development overlay zone and concept plan;
2. The approval of a detailed development plan; and
3. The approval of a preliminary subdivision plat(s) and/or site design review application(s).

B. Approval Process.

1. The Master Planned Development (PD) overlay zone and Concept Plan shall be reviewed together using the Type III procedure in Section 4.1.400, the submission requirements in Section 4.5.170, and the approval criteria in Section 4.5.150.
2. The detailed development plan shall be reviewed using the Type III procedure in Section 4.1.400, to ensure substantial compliance with the approved concept plan.
3. Preliminary subdivision plats, conditional use permits and site design review applications for approved planned developments shall be reviewed using a Type III procedure, as governed by Section 4.2.400.

4. Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows that in Section 4.5.120.A, above. Notification and hearings may be combined.

4.5.130 Master Planned Development - Modification of District Standards (Chapter 2) and Design Standards (Chapter 3)

The district standards in Chapter 2 and design standards of Chapter 3 may be modified through the master plan approval without the need for variances, except that the following standards within Chapters 2 and 3 shall not be modified:

A. **Public improvement standards and engineering design criteria** shall not be modified without variance to such standards approved by the City Engineer. The City may grant such variances concurrently with other Planned Development approvals;

B. **Residential densities,** as specified in Chapter 2; and

C. **Uses not permitted or conditionally permitted** in the underlying zone are not allowed in master plans.

4.5.140 Master Planned Development - Overlay Zone & Concept Plan Submission

A. **General Submission Requirements.** The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Section 4.1.400. In addition, the applicant shall submit the following:

1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

2. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.

3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.

4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 4.5.150.

5. Special studies prepared by qualified professionals as required by the Community Development Director or Planning Commission to determine potential traffic, geologic, water quality, wetland, sensitive habitat, archeological, natural vegetation and other impacts, and required mitigation.

B. Additional Information. In addition to the general information described in Subsection "A" above, the concept plan, data, and narrative shall include the following exhibits and information:

1. Existing Conditions map, as defined in Section 4.2.500 - Site Design Review Application Submission Requirements;

2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);

3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);

4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);

5. Architectural concept (e.g., information sufficient to describe architectural styles, building heights, and general materials);

6. Sign concept plan (e.g., locations, general size, style and materials of signs);

7. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.);

8. A copy of an approved State Access Permit, if taking new access onto a State Highway.

4.5.150 Master Planned Development - Overlay Zone & Concept Plan Approval Criteria

The City shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The City shall make findings that all of the following criteria are satisfied when approving an application:

A. Comprehensive Plan. All relevant provisions of the Comprehensive Plan are met;

B. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter 4.3);

C. Chapter 2 and Chapter 3 Standards. All of the land use, development, and design standards contained in Chapters 2 and 3 are met, except as may be modified in Section 4.5.130;

D. Chapter 4 Standards. Master plans that involve the creation of new parcels shall meet the standards established in Section 4.3 Land Divisions. Conditional uses within master plans shall comply with the criteria found in Chapter 4.4.400.A.

E. Open Space. Master plans shall contain a minimum of 15 percent open space. Public open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply:

1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and

2. The open space shall be conveyed in accordance with one of the following methods:

   a. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;

   b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.

3. The open space shall meet the following minimum design standards:

   a. Master plans shall contain open space that equal or exceeding 15 percent of the site area. The site area is defined as the lot or parcel on which the development to be located, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.);

   b. In meeting the common open space standard, the master plan shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees preserved), play fields, outdoor playgrounds, outdoor dining areas, walking fitness courses, pedestrian amenities, or similar open space amenities for residents and/or employees. Sensitive lands such as prominent ridgelines, floodways or wetlands shall be considered of highest importance and shall be designated for protection as open space;

   c. Historic buildings or landmarks that are open to the public may count toward meeting the open space requirements when approved by the planning commission;

   d. To receive credit under Section 4.5.150.D, a common open space area shall have an average width that is not less than 20 feet and an average length that is not less than 20 feet.

4.5.160 Master Planned Development - Administrative Procedures

A. Land Use District Map Designation. After a planned development overlay zone has been approved, the land use district map shall be amended in accordance with Chapter 4.7, to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire provided the time limits specified in (B) and (C) below are met.

B. Time Limit on Filing of Detailed Development Plan. Within three (3) years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a detailed development plan, in conformance with Section 4.5.170 through 4.5.180. The City shall revoke the concept plan approval if this time limit has not been met.

C. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

1. No changes have been made on the original conceptual development plan as approved;

2. The applicant can show intent of applying for detailed development plan review within the one-year extension period;

3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and

4. The extension request is made before expiration of the original approval period.

4.5.170 Master Planned Development - Detailed Development Plan Submission Requirements

The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit. The detailed development plan may combine land division, land use review, site design review, and/or other applications for concurrent review and approval. The detailed development plan shall be reviewed using a Type III procedure.

4.5.180 Master Planned Development - Detailed Development Plan Approval Criteria & Modifications

The City shall approve the detailed development plan upon finding that the final plan conforms to the concept plan and required conditions of approval. If the detailed plan request combines other land use and development applications, as provided in Section 4.5.170, those applications shall additionally be subject to the applicable approval criteria in Chapter 4. Minor changes to the approved concept plan may be approved with the detailed plan, when the approval body finds

that the modification(s) is/are consistent with the criteria in A-H, below. Changes exceeding those in subsections A-H, below, must be reviewed as major modifications under Chapter 4.6.

A. **Increased residential densities** (overall or reallocated between development phases) by no more than 10 percent, provided such increase conforms to the underlying District;

B. **Increase in lot coverage or impervious surface** (overall or reallocated between development phases) by no more than 10 percent over that which is approved;

C. **Reduction in open space or landscaping** by no more than 10 percent of what was originally approved;

D. **Increase in overall automobile parking spaces** by no more than 10 percent;

E. **Land use.** No change in land use shall be permitted without a major modification to the concept plan;

F. **Proposals to add or increase lot coverage within an environmentally sensitive areas (sensitive lands) or areas subject to a potential hazard** shall require a major modification to the concept plan;

G. **Major changes in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall require a Major Modification pursuant to Chapter 4.6.** "Major" in this subsection means by more than 100 feet, or 15 percent, relative to setbacks; and

H. **Other substantial modifications** not listed in A-G, above, shall require approval of a major modification, in conformance with Chapter 4.6.

4.5.190 Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals

A. **Land Use and Site Design Reviews.** For projects requiring land use or site design review, all such approvals must be final and appeal periods expired before the City issues building permits. Chapter 4.2 applies to site design review.

B. **Land Divisions.** For projects requiring a land division, the preliminary land division plats must be final and appeal periods expired before a final plat is approved and building permits issued. Chapter 4.3 applies to land divisions.

C. **Streamlined Review Option.** Applications for preliminary land division plats, land use reviews, and site design review applications that are part of an approved master planned development may be reviewed using a Type II procedure, rather than the conventional Type III procedure. This shall be the applicant's option. The variation from the standard procedures of Chapter 4.2 - Site Design Review, and Chapter 4.3 - Land Divisions is

intended to streamline review of projects that have received master planned development approvals, since those projects have previously been subject to public review and hearings.

Chapter 4.6 Modifications to Approved Plans and Conditions of Approval

Sections:

4.6.100 Modifications - Purpose
4.6.200 Modifications - Applicability
4.6.300 Major Modifications
4.6.400 Minor Modifications

4.6.100 Modifications - Purpose

The purpose of this Chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

4.6.200 Modifications - Applicability

A. This Chapter applies to all development applications approved through the provisions of Chapter 4, including:

1. Land Use Review Approvals (Type II only);
2. Site Design Review approvals;
3. Subdivisions, Partitions, and Property Line Adjustments;
4. Conditional Use Permits;
5. Historic Alteration Permits;
6. Master Planned Developments; and
7. Conditions of approval on any of the above permit types.

B. This Chapter does not apply to Comprehensive Plan amendments, land use district changes, text amendments, annexations, temporary use permits, or other permits not listed in subsection A.

4.6.300 Major Modifications

A. Major Modification Defined. The Community Development Director shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A change in land use;

2. An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;

3. A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;

4. A change in the type and/or location of access-ways, drives or parking areas affecting off-site traffic;

5. An increase in the floor area proposed for non-residential use by more than 15 percent where previously specified;

6. A reduction of more than 10 percent of the area reserved for common open space; or

7. Change to a condition of approval, or a change similar to items 1-6, that could have a detrimental impact on adjoining properties. The Community Development Director shall have discretion in determining detrimental impacts warranting a major modification.

Note: Modifications to approved Master Plans shall also meet the requirements established in 4.5.180.A-H.

B. Major Modification Applications; Approval Criteria. An applicant may request a major modification using a Type II or Type III review procedure, as follows:

1. Upon the Community Development Director determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Community Development Director may require other relevant information, as necessary, to evaluate the request.

2. The application shall be subject to the same review procedure (Type II or III), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.

3. The scope of review shall be limited to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, storm drainage, lighting, trees, and landscaping. Notice shall be provided in accordance with Chapter 4.1.

4. The decision making body shall approve, deny, or approve with conditions an application for major modification based on written findings on the criteria.

4.6.400 Minor Modifications

A. Minor Modification. Any modification to a land use decision or approved development plan that is not within the description of a major modification as provided in Section 4.6.300.A, above.

B. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the Community Development Department using a Type I or a Type II review procedure under Section 4.1.200 or 4.1.300. The Community Development Director is responsible for determining the appropriate review procedure based on the following criteria:

1. Minor modifications that involve only clear and objective code standards may be reviewed using a Type I procedure;

2. Minor modifications that involve one or more discretionary standards shall be reviewed through Type II procedure; and

3. When the code is unclear on whether the application should be a Type I or Type II review, a Type II procedure shall be used.

C. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Community Development Director may require other relevant information, as necessary, to evaluate the request.

D. Minor Modification Approval Criteria. The Community Development Director shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as described in Section 4.6.300.A, above.

Chapter 4.7 Land Use District Map and Text Amendments

Sections:

4.7.100 Amendments - Purpose
4.7.200 Legislative Amendments
4.7.300 Quasi-Judicial Amendments
4.7.400 Approval Authority
4.7.500 Criteria for Legislative & Quasi-Judicial Amendments
4.7.600 Conditions of Approval on Legislative & Quasi-Judicial Amendments
4.7.700 Record of Amendments
4.7.800 Transportation Planning Rule Compliance

4.7.100 Amendments - Purpose

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

4.7.200 Legislative Amendments

Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Section 4.1.500, using standards of approval in Section 4.7.500, and shall conform to the Transportation Planning Rule provisions in Section 4.7.800, as applicable.

4.7.300 Quasi-Judicial Amendments

Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial district map amendments shall follow the Type III procedure, as governed by Section 4.1.400, using standards of approval in Section 4.7.500.

4.7.400 Approval Authority

The approval authority for quasi-judicial and legislative amendments shall be as follows:

1. The Planning Commission shall review and decide upon land use district map changes that do not involve comprehensive plan map amendments through a Type III application procedure;

2. The Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment through a Type IV application procedure. The City Council shall decide such applications; and

3. The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications through a Type IV application procedure.

4.7.500 Criteria for Legislative & Quasi-Judicial Amendments

A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial land use district map amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the Statewide Planning Goals;

2. Approval of the request is consistent with the adopted Comprehensive Plan designation, including the Transportation System Plan, for the area;

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period;

4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and

5. The change is consistent with the function, capacity and performance standards for the streets used for access, consistent with the Cottage Grove TSP, the Oregon Highway Plan, and the Transportation Planning Rule (OAR 660-12); and

6. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.800.

4.7.600 Conditions of Approval for Legislative & Quasi-Judicial Amendments

A quasi-judicial decision may be for denial, approval, or approval with conditions; conditions shall be based on applicable regulations and factual evidence in the record. A legislative amendment may only be approved or denied.

4.7.700 Record of Amendments

The City Recorder shall maintain a record of amendments to the text of this Code, the comprehensive plan map, and the land use districts map in a format convenient for public use. This shall be located in Chapter 6.

4.7.800 Transportation Planning Rule Compliance

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the Traffic Impact Study provisions of Section 4.1.900. "Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the City's Transportation System Plan ("TSP"); or

2. Change the standards implementing a functional classification system; or

3. As measured at the end of the planning period identified in the City's adopted transportation system plan (TSP) allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the City's transportation system plan (TSP) or elsewhere in this code (see Section 4.1.900); or

5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the City's TSP.

B. Amendments That Affect Transportation Facilities. Except as provided in subsection C, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one of the following:

1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or

2. Amending the TSP or Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or,

3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or

4. Amending the planned function, capacity or performance standards of the transportation facility; or

5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

C. Exceptions. Amendments to the Comprehensive Plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the City's transportation system plan (TSP), may be approved when all of the following criteria are met:

1. The amendment does not include property located in an interchange area, as defined under applicable law;

2. The currently planned facilities, improvements or services are not adequate to achieve the standard;

3. Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and

4. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.

Chapter 4.8 Code Interpretations

Sections:

4.8.100 Interpretations - Purpose
4.8.200 Code Interpretation Procedure

4.8.100 Interpretations - Purpose

Some terms or phrases within the Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

4.8.200 Code Interpretation Procedure

A. Requests. A request for a code interpretation shall be made in writing to the Community Development Director.

B. Decision to Issue Interpretation. The Community Development Director shall have the authority to interpret the code. The Community Development Director shall advise the person making the inquiry in writing within 14 days after the request is made, on whether or not the City will make an interpretation.

C. Written Interpretation. If the City decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy. The written interpretation shall be issued within 30 days of the request. The decision shall become effective 14 days later, unless an appeal is filed in accordance with E-F below.

E. Type II Procedure. Code Interpretations shall be made using a Type II procedure under Section 4.1.300.

F. Appeals. The applicant and any party who received notice or who participated in the proceedings through the submission of written or verbal evidence may appeal the Type II decision to the Planning Commission. The appeal must be filed within 14 days after the interpretation was mailed or delivered to the applicant. Initiating an appeal requires filing a notice of appeal with the Community Development Director pursuant to Section 4.1.400.

G. Interpretations on File. The City shall keep on file a record of all code interpretations.

Chapter 4.9 Miscellaneous Permits

Sections:

4.9.100 Temporary Use Permits
4.9.200 Cottage Industry Permits

4.9.100 Temporary Use Permits

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and medical hardships. Four types of temporary uses require permit approval (See A, B, C and D):

A. **Seasonal and Special Events.** These types of uses occur only once in a calendar year and for no longer a period than 30 days. Using the Type II procedure under Section 4.1.400, the City shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);

2. The applicant has proof of the property-owner's permission to place the use on his/her property;

3. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under Chapter 3.3 - Vehicle and Bicycle Parking;

4. The use provides adequate vision clearance, as required by Section 3.1.200, and shall not obstruct pedestrian access on public streets;

5. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Section 3.1.200 - Vehicular Access and Circulation;

6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use;

7. Temporary signage does not exceed 50 square feet, is located outside of vision clearance areas and right-of-ways or required circulation corridors; and

8. The use is adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

B. Temporary Sales Office or Model Home. Using a Type I procedure under Section 4.1.200, the City may approve, approve with conditions or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:

1. Temporary sales office:

   a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold;

   b. The property to be used for a temporary sales office shall not be permanently improved for that purpose;

   c. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

2. Model house:

   a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and

   b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.

C. Temporary Commercial or Industrial Building, Trailer, Kiosk, or Structure. Temporary or permanent placement of a building, trailer, kiosk, or structure, including but not limited to prefabricated building(s), for use on any real commercial or industrial property within the City shall require a development permit. Using a Type II procedure, as governed by Section 4.1.400, the City may approve, approve with conditions or deny an application for a placement of a building, trailer, kiosk, or structure for temporary use, or temporary placement, such as a temporary commercial or industrial use or space associated with the primary use on the property, based on following criteria:

1. The temporary trailer or building shall be located within the specified property line setbacks of the parcel of land on which it is located;

2. The primary use on the property to be used for a temporary trailer is already developed;

3. Ingress and egress are safe and adequate as demonstrated by an approach permit approved by the road authority, as applicable. See also, Section 3.1.200 - Vehicular Access and Circulation;

4. There is adequate parking for the customers or users of the temporary use as required by Chapter 3.3 - Bicycle and Vehicle Parking;

5. The use will not result in vehicular congestion on streets;

6. The use will pose no impediment or hazard to pedestrians in the area of the use;

7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;

8. The building complies with applicable building codes;

9. The use can be adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits);

10. The length of time that the temporary building will be used does not exceed 6 months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit; and

11. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

D. Temporary Medical Hardships. Temporary trailers may be placed on residential lots for the purposes of providing living space for a relative or caregiver in the event of a medical hardship. Placement of such a trailer, which may include recreational vehicles, fifth-wheels, camp trailers, etc. within the City shall require a development permit. Using a Type II procedure, as governed by Section 4.1.400, the City may approve, approve with conditions or deny an application for a placement of a temporary trailer for a medical hardship, based on following criteria:

1. The trailer shall be located in a residential district or otherwise on site of the person that requires or will provide care;

2. A written statement by the licensed medical practitioner of the patient which attests to the need for the care shall accompany the application;

3. The trailer permit shall not exceed one (1) year in duration, unless an additional written statement by the doctor is submitted prior to permit expiration. Upon cessation of the need for the care by the patient, the use shall cease;

4. The location and placement of the trailer shall conform with all site location, access and parking requirements set for in Chapter 2 that apply to the trailer location;

5. The trailer shall not be connected in any manner to any utility service unless required, approved and permitted by the City;

6. The trailer shall not be placed upon a permanent foundation. Manufactured dwellings, park models and mobile homes may not be used as temporary trailers; and

7. No use shall be allowed without prior written approval of the property owner of the site upon which it will be located.

4.9.200 Cottage Industry Permits

A. Purpose.

The purpose of this Section is to encourage those who are engaged in small commercial ventures that do not conform to the Special Standards for Certain Uses in Section 2.2.200, G. Home Occupation. The standards referenced above allow home occupations as outright permitted uses that do not require Type III Cottage Industry Permit Review.

Section 4.9.200 provides a process for more intense home occupations to be allowed with Type III Cottage Industry Permit Review by the Planning Commission and notice to surrounding property owners. These cottage industries may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, day-time "eyes on the street" at the residence, and a neighborhood-scale version of mixed residential and commercial uses.

B. Approval Process and Criteria.

1. Cottage Industry Permit. Applications for proposals that cannot meet all of the standards in Section 2.2.200.G. shall be processed using a Type III procedure, as governed by Chapter 4.1.400, using the approval criteria in subsection 2, below. In addition to the application requirements contained in Section 4.1.400.C, the applicant shall provide:

    a. A written narrative or letter:

        1) Describing the proposed cottage industry;

        2) Demonstrating compliance with those standards in Sub Section 2.2.200.G that can be met, and explaining why the other standards in Sub Section 2.2.200.G cannot be met, and

        3) Demonstrating compliance with the criteria in subsection 2 below;

    b. A site plan, to scale, of the lot proposed for the home occupation, including:

        1) The property lines and their dimensions;

2) Outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;

3) Boundaries and dimensions of driveways and parking areas, indicating areas for use by cottage industry employees and customers;

4) Outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and

5) Identity of the buildings and areas of those buildings in which cottage industry activities will take place, and identifying which activities will take place in which buildings and areas.

2. The City shall approve, approve with conditions, or deny an application for a Type III Cottage Industry based on all of the following criteria:

   a. The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 300 feet of the subject property;

   b. Impacts to surrounding properties may exist but can be mitigated; and

   c. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with 2.2.200.G.

CHAPTER 5 — Exceptions to Code Standards

Chapters:

5.1 Variances
5.2 Nonconforming Uses and Development
5.3 Lots of Record

Chapter 5.1 — Variances

Sections:

5.1.100 Variances - Purpose
5.1.200 Variances - Applicability
5.1.300 Class A Variances
5.1.400 Class B Variances
5.1.500 Class C Variances
5.1.600 Variance Application and Appeals

5.1.100 Variances - Purpose

This Chapter provides standards and procedures for variances, which are modifications to land use or development standards that are not otherwise permitted elsewhere in this Code as exceptions to code standards. This Code cannot provide standards to fit every potential development situation. The City's varied geography, and complexities of land development, requires flexibility. Chapter 5.1 provides that flexibility, while maintaining the purposes and intent of the Code.

5.1.200 Variances - Applicability

A. **Exceptions and Modifications versus Variances.** A code standard or approval criterion ("code section") may be modified without approval of a variance if the applicable code section expressly allows exceptions or modifications. If the code section does not expressly provide for exceptions or modifications, then a variance is required to modify that code section and the provisions of Chapter 5.1 apply.

B. **Combining Variances With Other Approvals; Permit Approvals by Other Agencies.** Variance requests may be combined with and reviewed concurrently by the City approval body with other land use and development applications (e.g., development review, site design review, subdivision, conditional use, etc.), however, some variances may be subject to approval by other permitting agencies, such as ODOT in the case of State Highway access.

C. **Types of Variances.** As provided in Section 5.1.300 through Section 5.1.500, there are three types of variances (Class A, B, or C); the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process. Because some variances are granted using "clear and objective standards," they can be granted by means of a Type I procedure. Other variances, as identified below, require a Type II or III procedure because they involve discretionary decision-making.

5.1.300 Class A Variances

A. Applicability. The following variances are reviewed using a Type I or Type II procedure, as governed by Chapter 4.1, using the approval criteria in Subsection B, below:

1. Front yard setbacks. Up to a 10 percent change to the front yard setback standard in the land use district.

2. Interior setbacks. Up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district.

3. Lot coverage. Up to 10 percent increase of the maximum lot coverage required in the base land use district.

4. Landscape area. Up to 10 percent reduction in landscape area (overall area or interior parking lot landscape area).

B. Approval criteria. A Class A Variance shall be granted if the applicant demonstrates compliance with all of the following criteria:

1. The variance requested is required due to the lot configuration, or other conditions of the site;

2. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

3. The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.

4. An application for a Class A variances is limited to one lot per application.

5. No more than three Class A variances may be approved for one lot or parcel in 12 months.

6. A variance shall not be granted for a self-imposed hardship.

C. Approval Process. A Class A Variance shall be processed using a Type I procedure, as governed by Chapter 4.1.200. If the Community Development Director determines that discretionary decision-making is necessary to apply the approval criteria, a Type II procedure shall be used.

5.1.400 Class B Variances

A. Applicability. Class B variance requests apply to the types of requests meeting the approval criteria in Sections 5.1.400.B through 5.1.400.H, and that conform to subsections 1-3, below,

Class B variances shall be reviewed using a Type II procedure, in accordance with Section 4.1:

1. The Class B variance standards apply to individual platted and recorded lots only.

2. The Class B variance procedure shall not be used to modify a standard for lots yet to be created through a partition or subdivision process; such requests shall utilize the Class C variance procedure.

3. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use district (Article 2).

4. A variance shall not be granted for a self-imposed hardship.

B. Variance to minimum housing density standard (Chapter 2.2). The City may approve a variance to a minimum housing density standard in Chapter 2.2 after finding that the minimum housing density cannot be achieved due to physical constraints that limit the division of land or site development. "Physical constraint" means steep topography, sensitive lands (Chapter 3.7), unusual parcel configuration, or a similar constraint. The variance approved shall be the minimum variance necessary to address the specific physical constraint on the development.

C. Variance to Vehicular Access and Circulation Standards (Chapter 3.1). Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the City may grant a variance to the access requirements after finding all of the following:

1. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;

2. There are no other alternative access points on the street in question or from another street;

3. The access separation requirements cannot be met;

4. The request is the minimum variance required to provide adequate access;

5. The approved access or access approved with conditions will result in a safe access;

6. The visual clearance requirements of Chapter 3.1 will be met; and

7. Variances for street access deviations shall be subject to review and approval by the roadway authority.

8. Variances for access deviations on a Lane County road right-of-way shall be subject to

review and approval by Lane County.

D. Variance to Street Tree Requirements (Chapter 3.2). The City may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Chapter 3.2, after finding the following:

1. Installation of the tree would interfere with existing utility lines, and no substitute tree with a lower canopy is appropriate for the site;

2. The tree would violate vision clearance standards; or

3. There is not adequate space in which to plant a street tree; and

4. The City may require the installation of additional or replacement landscaping elsewhere on the site (e.g., parking lot area trees) to compensate for the street tree variance.

5. Street tree approval or modification of standards within an ODOT or Lane County right-of-way may require approval, respectively, by ODOT or Lane County.

E. Variance to Parking and Loading Standards (Chapter 3.3).

1. The City may approve, approve with conditions, or deny variances to the minimum or maximum standards for off-street parking (quantities and dimensions of parking spaces) in Chapter 3.3.1 upon finding all of the following:

   a. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity, or modified parking dimensions, as demonstrated by a parking analysis or other facts provided by the applicant if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors;

   b. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and

   c. All other code standards are met, in conformance with Article 2 (Land Use Districts) and Article 3 (Design Standards).

2. The City may approve, approve with conditions, or deny a variance to reduce the number of required bicycle parking spaces per Chapter 3.3.200, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking and such a reduction is deemed appropriate after analysis of the size and location of the development, adjacent uses, access to bicycle lanes and other pertinent factors;

3. The City may approve, approve with conditions, or deny a variance to allow a reduction in the amount of vehicle stacking area required in for drive-through facilities if such a

reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.

4. The City may approve, approve with conditions, or deny a variance to modify the loading area standards if such a reduction is deemed appropriate after analysis of the use, anticipated shipping or delivery traffic generated by the use and alternatives for loading/unloading, such as use of on- or off-street parking areas during non-business hours provided that traffic is not impeded.

F. Variance to Maximum or Minimum Yard Setbacks to Avoid or Reduce Impacts to Floodplains, Significant Trees, Wetlands, or Other Natural Features (Chapters 2.2-2.6 – Land Use Districts). The City may grant a variance to the applicable setback requirements of this Code for the purpose of avoiding or reducing impact to floodplains, significant trees, wetlands, or other natural features. Modification of the standard shall not be more than is necessary for the preservation of the nature feature to be protected.

G. Variances to Transportation Improvement Requirements (Chapter 3.4.100). The City may approve, approve with conditions, or deny a variance to a transportation improvement standard in Table 3.4.100F when the variance does not exceed 10 percent of the standard. When a variance request to the standards in Table 3.4.100F exceeds 10 percent, then the request shall be reviewed as a Class C variance.

H. Variance to Fence or Wall Height (Chapter 3.2.500). City may approve, approve with conditions, or deny a variance to the maximum fence height established in Chapter 3.2.500 when the variance does not exceed 2 feet (for a total fence/wall height of 8 feet) and an increase in fence height is deemed necessary to mitigate special characteristics of the proposed use and/or extraordinary site conditions.

5.1.500 Class C Variances

A. Applicability. Class C variance requests are those that do not conform to the provisions of Sections 5.1.200-5.1.300 (Class A and Class B), and that meet the criteria in 1-4, below, Class C variances shall be reviewed using a Type III procedure, in accordance with Chapter 4.1:

1. The Class B variance standards apply to individual platted and recorded lots only.

2. The Class C variance procedure may be used to modify a standard for 3 or fewer lots, including lots yet to be created through a partition process.

3. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class C variance procedure. Approval of a Master Planned Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.

4. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use district (Article 2).

B. Approval Process. Class C variances shall be processed using a Type III procedure, as governed by Chapter 4.1.400, using the approval criteria in subsection C, below. In addition to the application requirements contained in Chapter 4.1.400, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection C.

C. Approval Criteria. The City shall approve, approve with conditions, or deny an application for a variance based on all of the following:

a. Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or necessary physical hardship inconsistent with the objectives of this Code;

b. Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by owners or other properties classified in the same land use district;

c. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same land use district;

d. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same lands use district;

e. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;

d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;

e. The hardship is not self-imposed; and

f. The variance requested is the minimum variance that would alleviate the hardship.

5.1.600 Variance Application and Appeals

A. Application. The variance application shall conform to the requirements for Type I, II, or II applications (Chapter 4.1.200, 4.1.300, 4.1.400), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, how the stated variance criteria are satisfied, and why the subject standard cannot be met without the variance.

B. Appeals to variance decisions shall be processed in accordance with the provisions of Chapter 4.1.

Chapter 5.2 — Nonconforming Uses and Developments

Sections:

5.2.100 Nonconforming Uses and Developments - Purpose
5.2.200 Nonconforming Uses
5.2.300 Nonconforming Development
5.2.400 Nonconforming Use or Development Determination

5.2.100 Nonconforming Uses and Developments - Purpose

This Chapter provides standards and procedures for nonconforming situations (i.e., existing uses or development that do not comply with the Code). The standards for nonconforming uses and development are intended to provide some relief from code requirements for uses and developments that were established prior to the effective date of this Code and do not comply with current standards.

5.2.200 Nonconforming Uses

Where at the time of adoption of this Code or any amendment to this Code a use of land exists which would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

A. Expansion Prohibited. No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land;

B. Location. No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code;

C. Discontinuation or Abandonment. The nonconforming use of land is not discontinued for any reason for a period of more than 6 months. For purposes of calculating the 6-month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

1. On the date when the use of land is physically vacated;

2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;

3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or

4. On the date a request for final reading of water and power meters is made to the

applicable utility districts.

D. Application of Code Criteria and Standards. If the use is discontinued or abandoned for any reason for a period of more than 6 months, any subsequent use of land shall conform to the applicable standards and criteria specified by this Code for the land use district in which such land is located.

5.2.300 Nonconforming Development

Where a development exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yard, equipment, access, parking, landscaping, its location on the lot or other requirements concerning the development; and the development was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

A. Alterations. No such nonconforming development may be enlarged or altered in a way that increases its nonconformity, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or will decrease its nonconformity;

B. Destruction. Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than 60 percent of its current value as assessed by the Lane County Assessor, it shall be reconstructed only in conformity with this Code. If the damage or destruction causes damages equal to less than 60 percent of the replacement value of the building or structure, the structure or use which existed at the time of such partial destruction may be restored and continued; provided, however, that a building permit for such restoration is issued within a period of 6 months from the date of the damage or destruction and diligently prosecuted to completion;

C. Roadway Access. The owner of a non-conforming access connection (i.e., street or highway access) may be required to bring the non-conforming access into conformance with this Code and other applicable standards as a condition of the City or other roadway authority approving a new access connection permit, or a change in land use;

D. Relocation or Removal. If nonconforming development is moved for any reason and/or by any distance, it shall thereafter conform to the regulations of this Code.

5.2.400 Nonconforming Use or Development Determination

The Community Development Director or designee shall determine if a use or development meets the definition of a "nonconforming use or development" as described by this Chapter through a Type II application (See Chapter 4.1.300). It shall be the property owner's responsibility to demonstrate that his or her use or development meets the nonconforming criteria in Chapter 5.2.

Chapter 5.3 - Lots of Record

Sections:

5.3.100 Lots of Record - Purpose
5.3.200 Lots of Record - Applicability
5.3.300 Lots of Record - Procedure

5.3.100 Lots of Record - Purpose

The purpose of Chapter 5.3 is to establish criteria and a process for determining when a lot of record exists.

5.3.200 Lots Record - Criteria

A lot of record is a plot of land that was not created through an approved subdivision or partition, was created and recorded before *[effective date of City's first subdivision ordinance]*, and for which the deed, or other instrument dividing the land, is recorded with Lane County. A lot of record shall be entitled to development of no less than one single family dwelling and, provided all applicable Code standards are met, additional land use or development may be approved.

5.3.300 Lots of Record - Procedure

A lot of record determination shall be made by the Community Development Department through a Type I procedure (Chapter 4.1.200). It shall be the property owner's responsibility to demonstrate that his or her plot of land is meets the lot of record criteria in Section 5.3.200.

CHAPTER 6 — Map Amendments and Code Interpretations

The purpose of Article 6 is to create a place for filing land use district/zoning map amendments made under Chapter 4.7, including Master Planned Developments overlays, and code interpretations made under Chapter 4.8, for reference by staff and applicants. This section of the code does not amend the procedures for completing land use district map and text amendments located in Chapter 4.7. Map amendments shall be located in this section in chronological order based on date of adoption.

City of Cottage Grove
Downtown Historic District Design Guidelines



City of Cottage Grove
Downtown Historic Design Guidelines

Prepared by

Community Development Department
City of Cottage Grove, Oregon

May 3, 2007

Adopted by City Council on November 19, 2007

Table of Contents

Introduction.....5

CHAPTER 1
Cottage Grove Historic Downtown History.....6

Cottage Grove Historical Timeline.....8

Cottage Grove's Other Historic Resources.....10

CHAPTER 2
Historic Preservation Principles.....11

Secretary of the Interior's Standards for Rehabilitation.....12

CHAPTER 3
General Design Guidelines for the Cottage Grove Downtown Historic District.....13

Specific Design Guidelines for Downtown District.....14

New Buildings within the District.....14

Additions and Alterations to Historic Buildings within the District.....16

Preservation and/or Restoration of Historic Buildings.....16

CHAPTER 4
Maintenance of Historic Buildings.....23

CHAPTER 5
Historic Commercial Styles.....26

False Front Commercial.....26

Brick Commercial.....27

Motor Age Commercial Structures.....28

Art Deco.....29

Fraternal Architecture.....30

CHAPTER 6
The Special Assessment of Historic Property Program.....31

CHAPTER 7
Resources.....33

CHAPTER 8
Glossary.....34

CHAPTER 9
Appendices 43

Introduction

The City of Cottage Grove Downtown Historic District Design Guidelines give property and businesses owners in the historic district suggestions and guidance for restoring, rehabilitating, and maintaining their historic properties. It is the intent of these guidelines to enrich the understanding of our historic buildings, encourage respectful rehabilitation, and aid in the understanding of the resources' role in the history and development of the City of Cottage Grove, thereby encouraging continuity. This approach advocates the retention of unique features, repair of original details, and when necessary, replacement with in-kind materials similar to the original. The retention of these materials and details helps to define the character and atmosphere of the original downtown district.

These guidelines are intended to be advisory, not rigid or inflexible, in providing suggestions for sensitive ways in which to maintain, rehabilitate, and utilize the historic resources within downtown Cottage Grove. Retention and recovery of significant architectural features, appropriate use of materials, and sensitive new design can help preserve and improve the integrity of individual historic buildings for many years to come.

The City of Cottage Grove Downtown Historic District Design Guidelines are based on the Secretary of the Interior's Standards for Rehabilitation. These standards make recommendations that can be applied to many different resources types, including buildings, sites, structures, objects, and districts. Additional consideration may affect preservation or rehabilitation projects, including land use codes and building codes. Before undertaking any work on historic properties in Cottage Grove, the local zoning ordinance, Chapter 2.6.300-345 of the Development Code of the City of Cottage Grove, Oregon, as it applies to historic landmarks, should be reviewed and followed. The entire text of Chapter 2.6.300-345 is included in the appendix of these design guidelines. The City of Cottage Grove has a specific review process for alterations, additions, and demolition of historic properties. Please call the Community Development Department for more information at 942-3340.

Historic properties in Cottage Grove and the Downtown Historic District may be eligible for special benefits if qualifications are met. These benefits may include the State of Oregon Special Assessment Program (a tax benefits program for properties that qualify), and the Federal Historic Preservation Historic Tax Incentives (for income- producing properties that are either listed on or eligible for listing on the National Register of Historic Places). Information on tax incentive programs are included in Chapter 6 of this document.

This document includes sections on the major aspects of historic review and design for a downtown commercial district. Written guidelines and illustrations are provided to assist in determining appropriate rehabilitation methods. It explains the process and principles for historic preservation, and provides information and direction for appropriate treatment of historic properties. The glossary and appendices provide further specifics.

CHAPTER 1

Cottage Grove Historic Downtown District History

Prior to 1880, there were apparently no commercial buildings on the east side of the River. The only public building east of the River was the Union Church/Good Templar Hall, a two-story wooden structure, which was near the east bank of the Coast Fork along the south side of the wagon road, near the site where the present day Methodist Church now stands. The Hall was built on a donated lot around 1873. The older Ira Conner residence and the Lurch House-only recently constructed on the northwest corner of the Shields claim-were perhaps the only houses on the south side of East Main in 1880. Along the north side of the road in 1880, between the river and the railroad tracks, were the homes of Mrs. James McFarland, O.F. Knox, G. Van Schoiack, Joe Mann, and the Griffins.

In 1880, Ben and Aaron Lurch lost their store on the West Side to fire, and the merchants decided to build a new establishment next to their new home on the east side of the river. The Lurch Store, erected at what is now the southwest corner of 5th and Main, next door to their new residence, was the first business to locate east of the river. By the time the Lurch store was constructed, a wooden plank sidewalk was being laid from the bridge toward the railroad depot (which was built in 1879) along East Main.

In 1880, just after the Lurch store was constructed, a new schoolhouse was built on the east side of the river. The move of these two important structures to the east started the relocation and reformation of the focus of Cottage Grove's commercial district to where it is today. Other early buildings sprang up after the Lurch move on the east side of the river near the railroad platform; most were tin-clad warehouses. A telegraph office was built at the depot about 1885 although a line had been run prior to the construction to a store on the west side from Latham. Other early structures included a combined hotel and restaurant, saloons, and, in 1884, the Fashion Livery Stable. Slowly over time, other wooden one- and two- story false front commercial buildings sprang up along the street and began to cover the newly created lots between the river and the railroad.

In 1891 the original charter of 1887 that incorporated the west and east side of Cottage Grove as a city was withdrawn. The State Legislature passed a new law reestablishing the City of Cottage Grove with several new areas of development. Shortly after, in 1893, the East and West sides of the City split. The separate incorporation of the City of East Cottage Grove was entered into State Law in February 1893. In 1895, the East Siders again went to Legislature and won approval to rename their separate city Lemati.

Each town developed its own laws and separate fire departments. By 1895, Lemati had installed their own superior iron pipe water system, and had built a separate city hall building just off Main at 6th Street. The East Siders bought a street grader in 1894, and graveled East Main Street in 1895. Many lots in the McFarland and Shields additions were subdivided, and wooden one- and two-story false front commercial buildings sprang

up. Between 1890 and 1900, the new Main Street in Lemati inexorably eclipsed the old Main Street along River Road, and most businesses on the west side slowly but surely relocated east across the river. By 1899, when Lemati and West Cottage Grove finally reunited as the City of Cottage Grove, Oregon, the first brick buildings along Main Street had already been erected and occupied, showing the great prosperity that Lemati held during the 1890s and the strong foundation it set in the East Main commercial district.

Development continued rapidly on East Main through the early part of the twentieth century. Today, we see the remnants of this time in the brick buildings along Main, especially on the 500 and 600 blocks. The next great wave of development that occurred in downtown was brought on by the motor age. Prior to 1920, the Pacific Highway passed through Cottage Grove along River Road. When the highway was rerouted the first time down 5th Street to Main, people were brought through Main Street and away from the older west side businesses.

Bringing the highway to the heart of Cottage Grove sparked commercial industries, aimed at motorists, to build within the downtown. Much of the motor age development still remains within the Historic District, and helps define the borders of the district. In 1940 the highway was again rerouted to its current location along the west edge of the railroad.

Little has changed in the downtown district since 1940. However, various circumstances have changed the look of the district, such as: a series of fires between the 1970s and 1990 devastated or destroyed some of the downtown buildings; some old primary structures were demolished in the early 1970s to make way for the new City Hall near the river; and the remodeling of facades has remained an ongoing process, and was very prevalent in the 1960s. Despite the many changes, the Cottage Grove Downtown District retains much of it historical integrity while it continues its traditional function as the center of civic life in the community.

For more historic information on the City of Cottage Grove please reference the *Historic Downtown Cottage Grove: 1879-1942*, a historical context and statement of significance created in by the Cottage Grove Historical Society in 1994.



Looking from the corner 5th & Main in the late 1920's. Both buildings on the right and left edge of the photo are now one-story structures.

Cottage Grove Historical Timeline

The Cottage Grove Historical Timeline highlights important development, commerce, and community events that have changed the face of the city. Some events are specifically important to the downtown district and can help one understand its various phases of development.

1848: First settlers James Chapin and Richard Robinson build on their Donation Land Claims near Cottage Grove.
1851: First land claims in Cottage Grove—J. Cochran and William Shields.
1857: First lumber mill on Silk Creek built by Hazelton. First store built by Charles Samuels.
1862: East Coast Fork of the Willamette River name changed to Row River due to feuds that took place there.
1863: Gold discovered in Bohemia Mountains.
1867: Post office moved to Cottage Grove from Creswell.
1869: The first Cottage Grove Hotel built; it burns in 1906.
1872: Oregon Central Railroad arrives in Cottage Grove, giving birth to sawmills and logging camps.
1873: Good Templer's Lodge built on Main Street.
1874: Cottage Grove Grange #75 organized.
1880: First school established on Second and Adams Streets. J.C. Stouffer sets shingle and planning mill on the north bank of Silk Creek.
1881: Telegraph arrives in Cottage Grove.
1887: First Cottage Grove City Council meeting.

1889: Telephone comes to Cottage Grove.
1890: Population soars from 800 to 3,000 due to mining boom. Oregon Hotel and Sherwood Hotel built.
1892: First City water flows in wooden pipes from Mt. David Reservoir.
1893: The town "Lemati" secedes from Cottage Grove, and stays so until 1899.
1897: Catholic Church dedicated.
1898: Booth Kelly Lumber Company formed. Cottage Grove post office moved on March 28 to east side of the river. May 10th the post office's name is restored to Cottage Grove Post Office after a short stint as the Lemati Post Office.
1899: Cottage Grove, reunited, is again recognized as a incorporated city in Oregon.
1902: Oregon Southern Railroad is formed to service the mining district (the Old Slow and Easy).
1904: Levi Geer opened the Calapooya Mineral Springs in London.
1905: Chambers Lumber Mill opens.
1906: Local logs shipped to San Francisco to help them rebuild after the earthquake and fire.
1908: The Electric Arcade Theater opens in the current building on the north side of intersection of 5th and Main.
1909: Pacific Highway and Main Street paved. First automobile comes to the city.
1912: Clinton and John Spriggs build blacksmith shop at the present day Cascade Home Center on 6th and Washington.
1913: The Masonic Temple addition was constructed on top of the old Eakin & Bristow building.
1914: The McFarland Cemetery deeded to Lane County.
1916: Bohemia Lumber Company gets it start.
1917: The Hotel Bartell opens.
1918: Cottage Grove Cannery opens.
1919: The Galloping Goose Trolley offers Row River passenger service.
1925: The Chambers Railroad Bridge built across the Coast Fork River.
1931: Safeway and J.C. Penney open new stores. Safeway moved off of Main Street in the 1950s, then out of the downtown district in the 1970s, but still has a store within Cottage Grove. There is no longer a J.C.Penney.
1932: The first Bohemia Days celebration.
1933: Mt. David oil derrick crashes, recalling questionable 1923 scam.
1940-1943: Cottage Grove Dam and lake constructed, flooding settlement of Hebron.
1941-1943: Dorena Dam and lake constructed, flooding town of Dorena.
1941: Old Westside School razed.
1958: Cottage Grove Museum created.
1969: Cottage Grove named "All America City" by Look Magazine.
1976: The new City Hall, at 400 E. Main, is finished and dedicated.
1977: Movie "Animal House" filmed in downtown.
1979: Gateway Plaza shopping center opens.
1980's: Timber industry collapses in Cottage Grove.
1993: Cottage Grove downtown is listed on The National Register of Historic Places.
1996: Wal-Mart opens on Row River Road.
2004: Cottage Grove is again named "All America City" by the National Civic League.

Cottage Grove's Other Historic Resources

Collections of other historically significant structures are scattered throughout the City of Cottage Grove, but are predominately in the Northwest Neighborhood, Pine Woods Neighborhood, and along River Road. For a more complete listing of historic buildings and neighborhoods outside of downtown reference the Cottage Grove Context Statement.



The Pine Woods Neighborhood, just south of Main Street, has a large collection of historic homes along Washington Avenue and Adams Avenue.

CHAPTER 2

Historic Preservation Principles

There are four distinctly different, yet related, approaches to the treatment of historic properties. Choosing the method of treatment that is most appropriate for a property is important. The choice depends on a variety of factors, including the property's historical significance, physical condition, proposed use, and intended interpretation.

Preservation is the maintenance and repair of existing historic materials, and the conscious retention of the property's form as it has evolved over time.

- The focus should be on maintenance and repair of historic materials and features, rather then extensive replacement and new construction.
- New exterior additions are not part of this treatment.
- Sensitive upgrading of mechanical, electrical, and plumbing systems, and other work required by code is appropriate

Restoration is the process of returning a historic property to its appearance in a particular time in the property's history. The process requires the removal of evidence of other time periods and does not illustrate the evolution of the building over time.

- Limited and sensitive upgrading of mechanical systems and other code-required work to make a property functional is appropriate.
- The property's significance to a particular period of time should outweigh the potential loss of materials, features, spaces, and finishes that characterize other periods.
- Substantial physical and documentary evidence must exist for accurate restoration work.
- Contemporary alterations and additions are not part of this treatment.

Rehabilitation is the treatment used when there is a need to alter or add to a historic property to meet needs of continuing or changing use while retaining the property's historical, cultural, and/or architectural values.

- Only those features, which are deteriorated beyond repair, may be replaced, repair all that is possible.
- Alterations and additions to the property may be necessary for new or continued use and should be planned according to the following guidelines.
- The treatment should be used only when the depiction of a particular period in the property's history is not appropriate.

Reconstruction recreates vanished or deteriorated portions of a property for interpretive use.

- There must be significant historical documentation to be able to accurately reconstruct portions of the property.
- This treatment is appropriate when no other property exists with the same associative value.

Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

The Standards (36 CFR Part 67) apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and interior of historic buildings. The Standards also encompass related landscape features as well as attached, adjacent, or new construction.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be

differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

General Design Guidelines for Cottage Grove Downtown Historic District

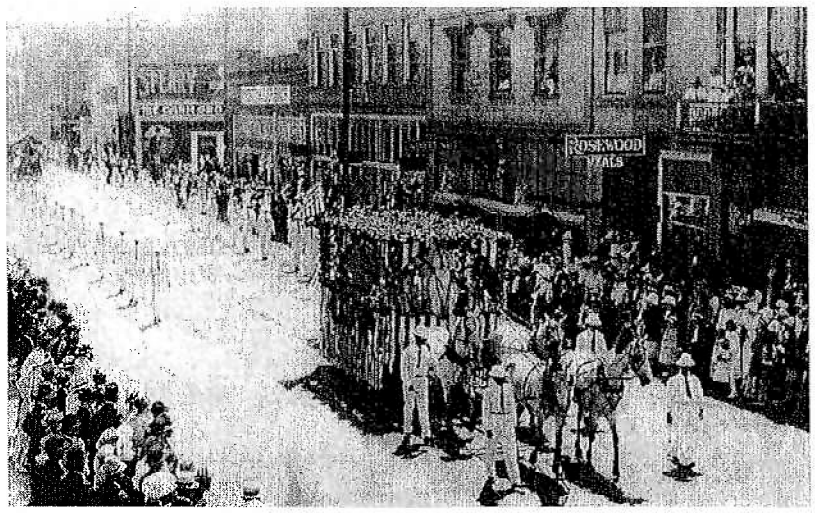
- Repair rather than replace. Try to keep significant primary facades or elevations, including doors, transoms, windows, sashes, signs, and decorative features. If repair is not possible, the element should be accurately reproduced based on historic research and/or physical evidence.

- Base rehabilitation and restoration on solid historical documentation such as physical evidence, photographs, or original drawings; do not assume what the building looked liked originally.

- Avoid creating a "look" not based on historical fact.

- Follow the historic preservation principle most appropriate to the specific building (preservation, restoration, rehabilitation, or reconstruction).

- Try to apply the Secretary of the Interior's Standards for Rehabilitation to each element of the historic building during any preservation/restoration/ rehabilitation/reconstruction project.



Main Street has always been a Mecca for the Cottage Grove Community, and all should be done to preserve the character of the district as possible. The parade seen above from 1916 has many of the same buildings of modern day Main Street and photographic evidence like this should be used to base any restoration projects.

CHAPTER 3

Specific Design Guidelines for Downtown District

A. New Buildings within the District:

New buildings within the downtown commercial district should blend in with neighboring historic contributing buildings. Scale, height, massing, rhythm of openings, and materials should all be considerations in the design of new buildings. For all new development within the historic district an Alteration to Historic Landmark Permit Application and a Design Review Application must be submitted to the Community Development Department for approval by the Planning Commission. The Planning Commission decision will be based upon compliance with these guidelines.

1. *Siting/Setback:* New buildings should conform to adjacent or surrounding buildings in terms of their siting and set back. Most of the historic buildings within Cottage Grove's downtown district front directly to the sidewalk and cover the majority of their lot. It is especially important to maintain the horizontal and vertical plane of the fronts of buildings on Main Street to keep the integrity of the historic district. New buildings should conform to the existing planes set by adjacent buildings within the district.

   New construction next to existing buildings should abut them when neighboring buildings dictate this pattern.



The 500 block on Main clearly depicts fronting to the sidewalk.

2. *Orientation:* The orientation of new buildings should match that of adjacent or surrounding buildings. Facades or parapets should be oriented in the same direction.

3. *Form/Massing:* Form and massing are important considerations for commercial properties. New retail buildings should in some way imitate or otherwise complement historic buildings within the district. New facades, for example, should extend the line of existing parapets or repeat the form and massing of adjacent buildings. Similarly, new commercial buildings, even those covering more then one lot, should suggest the form and massing of a single lot development.

4. *Height:* New commercial development within the historic district should respect the heights of adjacent and nearby buildings. Again, owners wishing to build a new commercial building within the district should attempt to relate the new building to the surrounding historic buildings by not exceeding the height precedent set by historic buildings within the district.



The newly redone Homestead buildings display rhythm with their first and second floor windows.

5. *Bay Division/Rhythm:* The rhythm of door and window openings and other vertical divisions of commercial buildings within the district should be repeated in new construction.

6. *Details:* Details on newer commercial buildings should in some way complement the surrounding buildings, but not copy their design. Cornice lines, string courses, and window locations should be reminiscent of other buildings while still preserving the irregular patterns of these aspects on Main Street.

7. *Materials:* New buildings within the historic downtown should utilize materials common on the surrounding historic buildings whenever possible. Trim materials, glass, and materials for details, such as doors, should also match the character and quality of surrounding historic examples.

8. *Windows and Doors:* Window and door arrangements, as suggested vertically by bays and horizontally by stories, should follow the precedent set by the other contributing historic buildings within the district. The traditional proportions of window openings to wall spaces should also be respected.

9. *Style:* New buildings in design should complement the existing commercial styles within the district, especially the styles directly surrounding the new building. Special care should be taken in designing a building that emulates the historic styles within the district, while not too closely copying another building within the district.

10. *Streetscape*: Bicycle racks, benches, café tables, and flowerpots are appropriate in recessed awnings of new construction as long as 5 feet of the sidewalk remains clear.

B. Additions and Alterations to Historic Buildings within the District:

While additions are generally not suggested, if more space is needed additions should be made to the back of the building. Additions, including new stories, should be setback far enough to not be visually apparent from the street, and should be distinct but related to the original structure.



The Bookmine's addition does not take away from the original false front structure that sits on the first half of the lot and demonstrates what an appropriate addition within the district should look like. The addition is simple, low in profile, and completely hidden from Main Street.

For new additions or alterations to buildings in the historic district, an Alteration to Historic Landmark Permit Application and Design Review Application must be submitted to the Community Development Department for approval by the planning staff or Planning Commission. These design guidelines will be what all Planning approval decisions will be based upon.

C. Preservation and/or Restoration of Historic Buildings:

The unique character of Cottage Grove's Historic Downtown should be preserved and maintained to the up most degree. The City highly suggests and appreciates property and business owners' attempts to better the appearance of each building within the district; however, the following sub-groups need to be carefully examined. Streetscapes, setbacks, heights and widths, elevations, floors, roofs, foundations, exterior materials, decorative details, windows, doors, awnings and signage are all key components to the historic integrity of the district. Changes to these should be based on historic documentation as well as the following suggestions.

For all restoration and/or preservation work done within the historic district an Alteration to Historic Landmark Permit Application must be submitted to the Community Development Department for approval by the planning staff or the Planning Commission. These design guidelines will be what all Alteration to Historic Permit Application decision will be based upon.

Streetscapes and Setbacks:

1. A uniform setback should be carefully maintained within the district.

2. Walls of the front facades and sidewalls should not be stepped back, but should preserve the vertical plane.

3. Bicycle racks, benches, café tables, and flowerpots are appropriate in recessed awnings as long as 5 feet of the sidewalk remains clear.

Building Heights and Widths:

1. Maintain elements that define existing height.

2. Floor-to floor heights are usually uniform; this pattern should be maintained by retaining the alignment of the storefronts, window openings and horizontal trim.

3. Cornices should not be aligned, but should preserve the irregular pattern line created by different building heights and details on the cornices and parapets.

4. If a cornice has been removed, design the new cornice on historic photographs and written descriptions. If no historic documentation exists, design a simple cornice using elements related to the rest of the building's details and styles.

5. Maintain the historic pattern of façade widths.

6. Visually divide large buildings into typical widths at first floors by creating individual storefronts.

7. Preserve the historic visual character of the upper floors of the buildings.

8. Do not paint a portion of the façade using different paint schemes, or add or remove existing ornamentation in order to define a storefront that occupied a portion of the building block.

Elevations and Floors:

1. On the first floor maintain the appropriate historical storefront with large glass display windows and a kick plate below the windows.

2. Keep a recessed entry, transoms, a sign band, and decorative framing, if present currently, or in historic evidence.

3. On the upper floors maintain the historic vertical plane and repetitive pattern of windows that is unique to upper stories within the district.

4. Limit ornamental detailing to cornices and window heads, unless other ornamentation was present historically.

Roofs and Foundations:

1. When replacing a roof, use only a roof form which is hidden from public view behind the parapet or cornice (unless historic evidence indicates the roof was configured differently).

2. Foundation materials should be retained and repaired whenever possible. If repair is not feasible, the new foundation should match the historic one in material, appearance, and height to maintain the pattern of the streetscape.

Exterior materials and Decorative Details:

1. When repairing existing or constructing new brick walls, joint width and surface form should match the existing forms. Mortar mixture, mortar color, brick color, and brick size and shape should all be matched to the original brick wall.

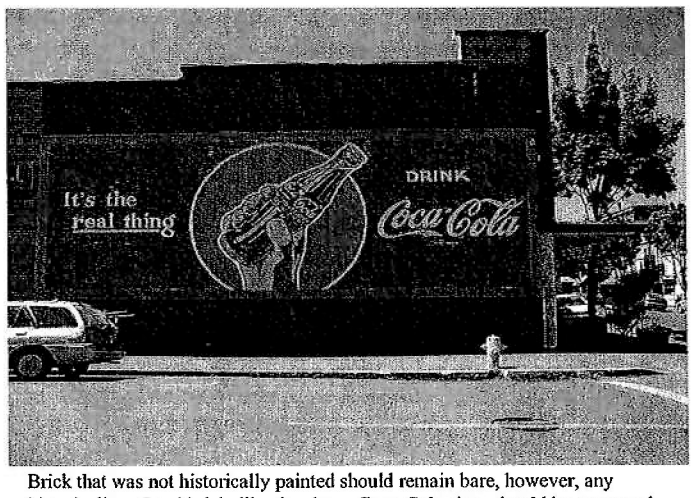
2. Brick that was not painted historically should remain unpainted.

3. Do not sandblast masonry to remove dirt or paint from the wall surfaces. The least damaging method for brick cleaning for each building should be used.

4. Preserve existing historic wood siding and details. If portions need to be replaced match the siding and details to the existing woodwork.

5. All wood should be painted to prevent damage. Clear finishes or the use of wood that is unfinished is inappropriate for the historic district.

6. Materials such as stucco, metal, terra cotta, ceramic tiles, colored or ornamental glass, enameled metal, or concrete should be preserved and/or restored to reflect the historic periods in which it was used.



Brick that was not historically painted should remain bare, however, any historically painted brick, like the above Coca-Cola sign, should be preserved.

7. Do not stucco a brick building that has not been previously stuccoed.

8. Shutters are not generally appropriate for use on commercial buildings within the district.

9. The use of plastic, bright-unfinished metal, and unpainted wood are inappropriate within the district and should not be used.

10. Vinyl siding is not appropriate for the historic district.

Interiors.

1. Maintain original height of the ceiling within the structure. Exteriors lighting is more appropriate then recessed lighting in a dropped ceiling.

2. Preserve ALL historic tin ceilings.

3. Tin ceilings are encouraged if historically appropriate for the structure.

4. Do not remove historic thresholds from the front entrance.

5. ADA access improvements should be made to the side or rear if the building has raised thresholds.

Windows and Doors:

1. Retain the original sash and frame by repairing whenever possible. Where too deteriorated to repair, match new windows in the same materials and configurations as the original windows.

2. Do not add windows to sidewalls unless there is no alternative. If windows must be added, larger windows should be limited to the first floor and should be simple. Additional windows on the upper floors should use window openings of the same size and shape as existing openings, and the windows should be placed in a regular spacing pattern. New windows should mimic the same sash and frame as other existing windows throughout the building.

3. If doors need to be replaced, try to match the new doors to the style and era of the building. Base new doors of historical evidence if possible.

4. During renovation the City encourages infilled windows and doors to be reopened and utilized.

5. Do not infill windows or doors unless absolutely necessary. If it is necessary to fill in a window or door keep the original window or door in place, and fill the inside portion. Mirrored or darkly tinted glass might be appropriate to put in the window or doorframe on the infilled opening.

6. Ornamental glass should be retained where existing, or placed where historically documented.

7. Maintain regularly spaced window openings on upper floors.

8. Use interior storm windows for energy efficiency rather than replacing existing windows with double pane windows.

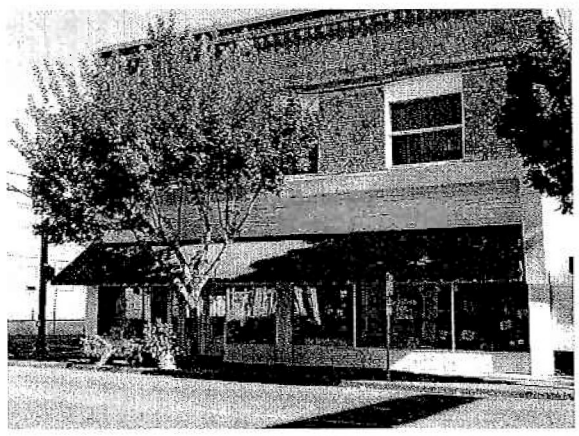
Awnings:

1. Awnings are only appropriate on the north side of Main Street since this is where they were historically used. Awnings will be permitted on the south side of Main Street only if evidence of an awning on that storefront can be historically proven.

2. Awnings generally extended across the full width of an individual storefront, but in some cases, awnings covered individual windows. Restoration should aim to use what was on the building historically.

3. Awnings should be made out of canvas and be designed to roll or fold up when not in use. They should be hung above the transom, unless historic evidence indicates otherwise.

4. Permanent canopies should not be constructed unless there is a clear evidence of their existence historically. Brightly colored and flamboyant patterns on the awnings are not appropriate.



The awning on the Knickerbocker Building is constructed of appropriate materials and is located on the historically correct side of the street.

5. Contemporary materials, such as vinyl and plaster, shall not be used for awnings.

Signage:

1. Commercial signs should be flush mounted on the sign band above the transom, painted on a window, hanging on the front of the building, or on the awning.

2. Signs cannot obscure building features, such as windows, cornices, or decorative details.

3. Sign material, style and color should complement the building's architectural style and materials. Vinyl or plastic signs and flat plywood rectangular signs are especially not appropriate within the district.

4. When there are a variety of shops in one building, signs for each shop should relate to one another in design, size, color, and placement.

5. Signs should have easy-to-read lettering and should not be overly complex. Too many signs only confuse observers; the number of signs should be kept to a minimum.

6. Historical signs should be preserved to maintain authenticity in the district.

7. Signs can have exterior illumination with a light quality close to that of incandescent light.

8. Floodlights should be kept to an absolute minimum and when used should be shielded so as to not be seen from the public right of way.



The historic neon sign at the Grove Tavern is a good example of historical signage in downtown.

9. Neon signs are appropriate if historically documented.



This 1920s photo shows historic signage that the City would like to see brought back to the district.

10. Franchise and chain store signs should adapt their standardized signs to meet local guidelines.

11. Projection signs are appropriate, but the bottom of the sign must be at least 8 feet from the ground. Internally lit signs are not appropriate for the downtown district.

12. Signage on a historic building should meet all of our current development

Murals:

1. Murals require Community Development Department approval.

2. Murals should not be painted on unpainted brick.

3. Historic murals should be preserved and restored appropriately.

4. Repaint all existing murals.

Alleys:

1. Garbage shall be enclosed in site obscuring locked receptacles.

2. The city encourages alley entrances to become a source of entry for the public.

3. These entries should be user friendly and historically appropriate.

4. Painting alleys to brighten the atmosphere and "clean-up" the appearance is highly recommended.

5. Adding historically appropriate lighting in the alleys is encouraged.

CHAPTER 4

Maintenance of Historic Buildings

Improper maintenance often results in deterioration of historic buildings. Proper maintenance prolongs the life of the building and allows for the retention of the original materials and design. Buildings should be regularly inspected for signs of deterioration. When attended to immediately, repairs are usually simple and inexpensive. Property owners within the historic downtown are greatly encouraged to maintain their buildings for future generations. The following provides key suggestions for maintenance of historic buildings within the district.

Drainage Control and Protection from Moisture:

1. An intact roof is the first line of defense against moisture. Roofs should be sloped enough to drain and be covered with an impervious membrane.

2. Roof drainage should be directed to gutters and then into downspouts. Gutters and downspouts, and their connections, must be kept intact, sloped to drain, and free of debris.

3. Discharge from gutters and downspouts and from slopes above the building must be directed away from the building.

4. Chimneys, vents, and skylights should be carefully flashed.

5. Seams and seals should be intact. All caulking should adhere to both sides of a crack and should have a smooth, elastic surface and be visibly unobtrusive. If caulking is pulled away from the sides or is cracked, it should be replaced.

6. Brick, stone, and concrete are susceptible to moisture damage, which can cause spalling of the surface and the need to replace the masonry units. Once the outside skin of the masonry has been compromised, water can saturate the surface and further deteriorate the masonry. Unfortunately, sealants cannot effectively replace the outer surface.

Cleaning:

1. Use cleaning methods recommended by preservation professionals. For extensive cleaning, especially of masonry buildings, consider hiring a preservation professional to clean the building.

2. DO NOT SANDBLAST or use other abrasive cleaning methods on any surface, especially masonry.

Painting:

1. Wood surfaces should always be painted to protect the surface from deterioration. Cracked paint should be scraped away. Cracks in the wood should be filled and sanded. Missing pieces should be duplicated and replaced. The surfaces should be primed prior to the repainting of the wood.

2. Exposed masonry should be left unpainted, unless is has been previously painted to protect the surface from further deterioration. A previously painted surface should be repainted rather than chemically cleaned. Before repainting, mortar should be re-pointed if necessary and loose paint should be scraped off. The building should be cleaned with a water wash and primed before painting.

Stucco:

1. Do not remove current stucco from buildings.

2. Paint and maintain stuccoed surfaces.

3. Do not further texture stucco or add large materials to smooth-faced stucco.

Maintenance of Doors and Windows:

1. Repair windows and doors whenever possible. Replace them only when deteriorated beyond repair or missing. If replacement is required, windows should be replaced with wood sashes and frames. Do not cover or remove original details.

2. Repair window sashes by filling cracks with caulk or wood putty, sanding the surface, and painting. Only those portions of the sash that cannot be repaired should be replaced, rather then replacing the whole window.

3. Loose glazing putty should be replaced if cracked or dried out. Loose caulking between the window frame and the wall opening should be removed and the joints should be re-caulked to prevent air and water infiltration.



The doors replaced on the Old Town Club Building are great examples of era appropriate pieces. The doors are too fancy for downtown and the historic hotel that was originally at this location; however, the addition of these doors and the reopening of the transoms brought the façade of the building back to the most historically significant time period for this structure.

4. Loose or broken window panes can be easily repaired. Remove old glazing putty. Replace the broken panes with glass similar to the existing glass and, using a glazier's point and putty, re-glaze both new and loose panes.

5. Replacement windows should match the original windows in size and materials. Windows that are not in keeping with the style of the building are not allowed.

6. Storm windows can conserve heat and energy, especially on upper floors. Storm windows should duplicate the shape of the window and can be mounted on the exterior; however, on the front of the building, it is more desirable to mount them on the interior where they will not be seen. Care must be taken to ventilate them properly to prevent moisture from accumulating and damaging the wood.

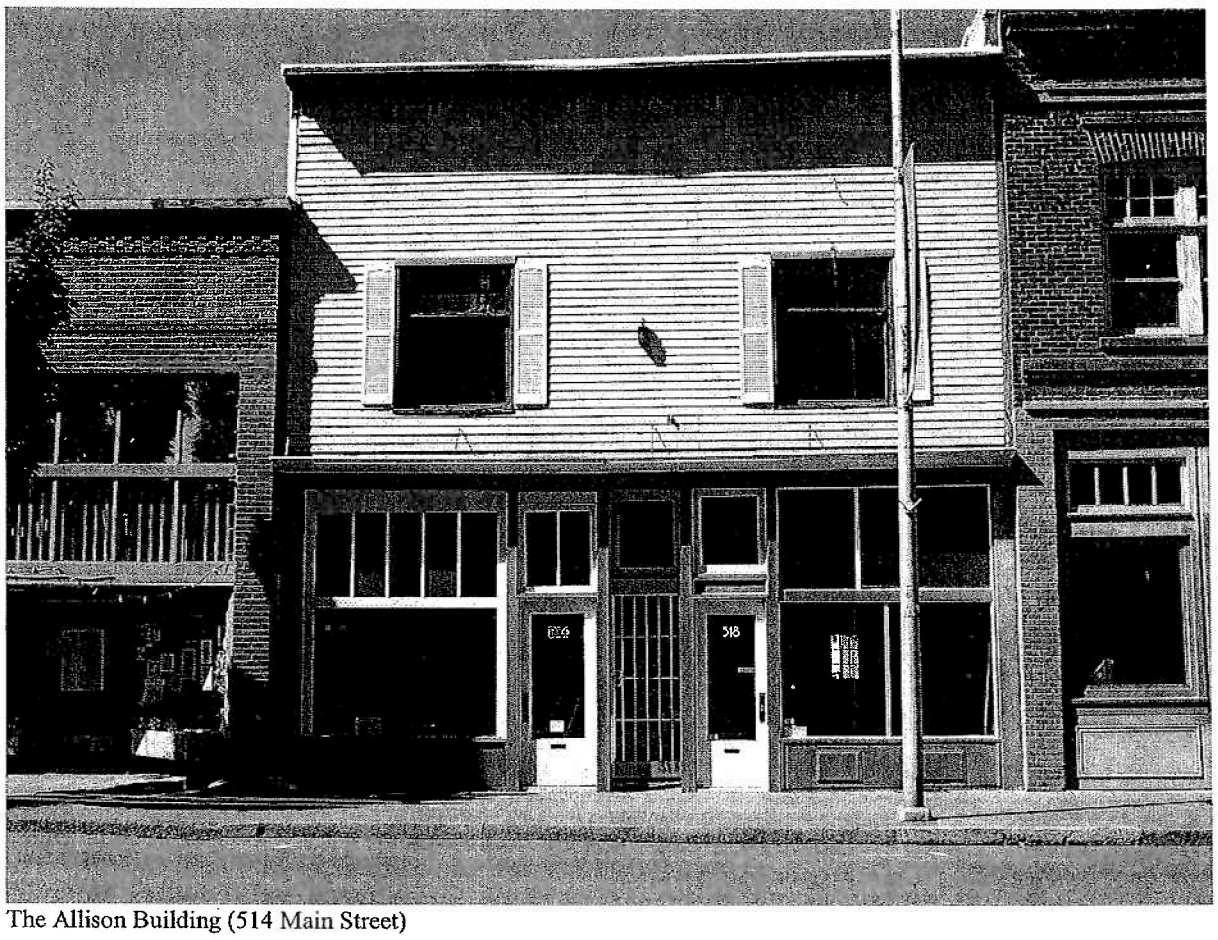
7. If the original door is deteriorated beyond repair or missing, a replacement door may be used. There are basically two options to replacing doors: have a new door built with the same design, proportions, and materials as the original door, or find a manufactured door that resembles the original.

8. Do not use doors decorated with moldings, cross bucks, or window grills unless there is evidence that the original doors had these elements.

CHAPTER 5

Historic Commercial Styles in Downtown District

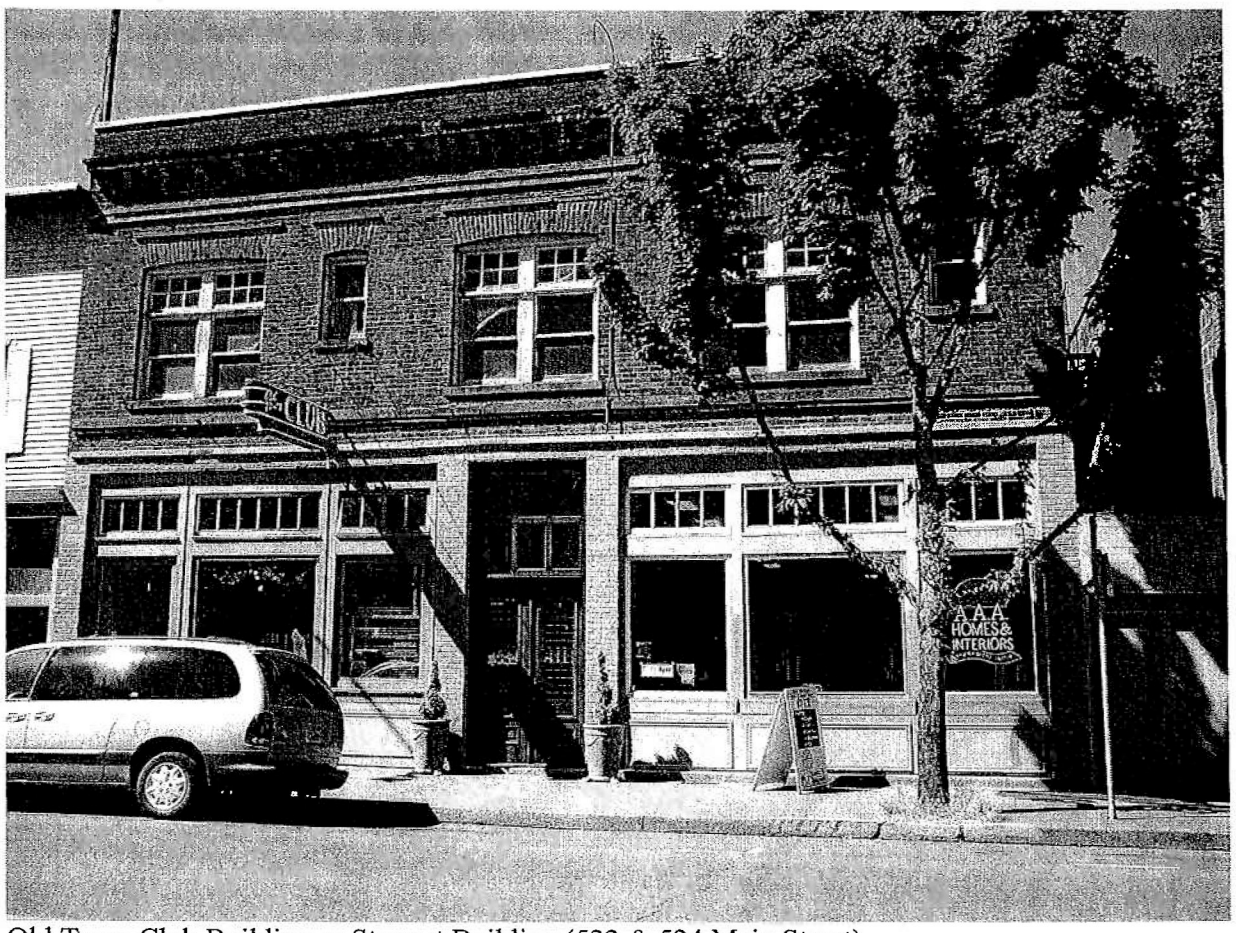
False Front Commercial



The Allison Building (514 Main Street)

False Front commercial dominated the downtown core until 1900. Generally, false front commercial are gabled roof buildings (sometimes with a second floor apartment space) that had a "false front", usually rectangular in form, built across the gabled roof. These fronts were commonly used for signage and often had a simple shed roof covering the entrance. Several false front buildings still reside in the historic downtown, such as the Allison Building (514 Main), The Bookmine (702 Main), and Cascade Home Center (49 South 6th). Cascade Home Center sports a later version of the false front commercial.

Brick Commercial



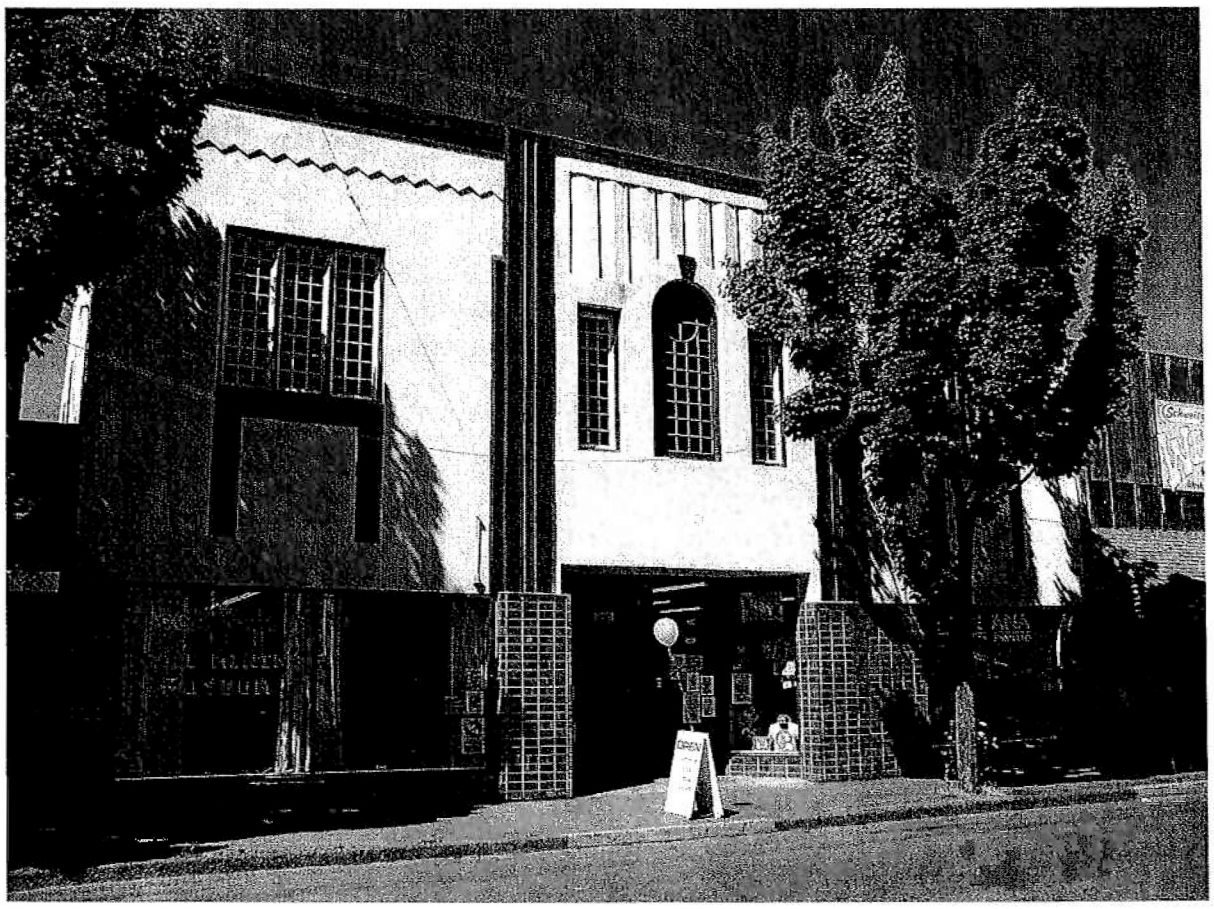
Old Town Club Building or Stewart Building (522 & 524 Main Street)

A number of commercial brick buildings still survive in the Downtown Historic District. Typical characteristics of brick commercial architecture include recessed entries, sometimes with canted display windows. Transoms are common, though many have been covered with modern siding or materials. The second floors frequently display single or paired double hung windows. Corbelled brick defines the cornice and parapet. One of the most significant brick buildings is the Stewart Building (522 & 524 Main). This building was designed by Eugene architect John Hunzicker and has two commercial bays on the first floor.



While not within the historic district, the current Farm Hand Feed & Home Co. is a great example of a motor age commercial style building being used for other business types while still keeping its architectural style.

After World War I Cottage Grove entered a new stage of development. The automobile had become popularized and businesses related to the auto industry began to appear. With this boom of auto businesses architectural styles related to this industry began to appear in great quantity in Cottage Grove. Buildings such as Holloman Ford and the Githens building were built for this industry, as well as the Farm Hand Feed building located on 6th street, which used to be a gas station. Motor Age construction and patterns of development are common in the historic district and continue down both the new and old locations of the Pacific Highway.



The newly renovated Hart Building Façade exposed and preserved its art deco architecture.

The Art Deco style is exemplified by "cubist-inspired European Modernism, with streamlined, rhythmic machine formed, exotic Pre-Columbian and Navajo zigzag imagery, and a love of gaudy colors and shiny materials" (*Architecture: From Prehistory to Postmodernity*, Marvin Trachtenberg & Isabelle Hyman, 2003, p. 526). While Cottage Grove has a limited supply of Art Deco inspired architecture, there are two buildings that bring this style into the historic downtown. The Armory on Washington Street, a John Hunzicker firm design, and the newly restored Hart Building's façade give visitors and residents a look at this unique period of design in the district's history. The Hart Building's original façade was not Art Deco, but when it was remodeled to Art Deco in 1938 its new façade became and continues to be more historically significant then the original.

Fraternal Architecture



I.O.O.F. Building is the best-preserved fraternal architecture within the district, and Cottage Grove as a whole.

The I.O.O.F. Building is the most significant fraternal structure in town and also demonstrates how fraternal architecture can take on almost any style. I.O.O.F. is the only American Renaissance structure within the community, and both its style and architecture make it significant. Fraternal architecture can take on any style, and be made of almost any material. Other fraternal architecture within Cottage Grove, such as the old Masonic Lodge on the corner of Main and River Road, should also be maintained to the same historic degree as any historic building within the district.

CHAPTER 6

The Special Assessment of Historic Property Program

This program is a tax incentive program administered by the State Historic Preservation Office (SHPO) and consists of a 15-year freeze on the assessed value of qualifying historic properties. The purpose of this program is to encourage the maintenance and rehabilitation of historic properties throughout Oregon. An additional 15-year, one-time only, special assessment is available for commercial properties that are trying to make improvements in one or more of the following areas: energy conservation, seismic improvements, and Americans with Disabilities Act (ADA) compliance.

How does a property qualify?

A property must be: 1.) in need of rehabilitation work, and 2.) must be designated historic at the national level.

To be designated historic at the national level means: 1.) the property is listed individually on the National Register of Historic Places, **or** 2.) the property is a contributing element to historic character of a National Register Historic District, **or** 3.) the properties have been recommended for listing by the State Advisory Committee on Historic Preservation. All contributing (primary or secondary) structures within the Cottage Grove Downtown Historic District are eligible.

What am I required to do?

A property owner must:

1. Make an application to SHPO (State Historic Preservation Office) with a restoration plan;

2. Complete the rehabilitation work outlined in his or her preservation plan (submitted with the application) and maintain the property in good condition;

3. Seek prior design review and approval from SHPO for any significant changes, alterations, or additions to the historic features of the property;

4. Follow the Secretary of the Interior's "Standards for Rehabilitation" to maintain the historic character of property;

5. Hold a yearly open house allowing the public to tour the property;

6. Display a standard plaque that identifies the property as listed on the National Register and participating in Oregon's Special Assessment for Historic Property Program;

7. Periodically produce progress reports of the rehabilitation work for SHPO.

Contact Information:

To find out more or to obtain an application package contact:

Oregon State Historic Preservation Office
1115 Commercial St. NE Suite 2
Salem, OR 97310-1021
Phone: (503) 378- 4168 ext. 227
FAX: (503) 378-6447

CHAPTER 7

Resources

The following sources have contributed to the completion of the City of Cottage Grove Downtown Historic District Design Guidelines:

Architecture From Prehistory to Postmodernity. Prepared by Marvin Trachtenberg & Isabelle Hyman, 2002, Prentice-Hall Inc.

Springfield Historic Design Guidelines. Prepared by the Springfield Historic Commissioners, 2003.

The Madison Historic Preservation Manual: A Handbook for Owners and Residents. Prepared by William Chapman, 1990.

Cottage Grove Historic Context Statement Prepared by Kenneth J. Guzowski, August 1992

Secretary of the Interior's Standards for Rehabilitation, http://www.cr.nps.gov/hps/tps.tax/rehabstandards.htm

Oregon State Historic Preservation Office, http://egov.oregon.gov/OPRD/HCD/SHPO/index.shtml

Cottage Grove Historical Society & Marsha Allen

CHAPTER 8

Glossary

Arch - **a** construction technique and structural member, usually curved and often made of masonry. Composed of individual wedge-shaped pieces that span an opening and support the weight above by resolving vertical pressure into horizontal or diagonal thrust.

Alteration - the change, addition, removal, or physical modification or repair, which affects the exterior appearance of a building.

Apron - An either plain or decorated piece of trim found directly below the sill of a window.

Architectural Significance - A building or district important because 1) it portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; 2) it embodies those distinguishing characteristics of an architectural-type specimen; 3) it is the work of a master builder or architect whose work has influenced the development of the community; or 4} it contains elements of architectural design, detail, materials or craftsmanship which represents a significant innovation.

Architrave - the lowest part of an entablature, or the molded frame above a door or window opening.

Asymmetrical - a building with an exterior appearance that is not symmetrical or balanced. Any arrangement of building elements, including doors, windows, or porches that are offset to one side.

Balcony - **a** platform projecting from the wall or window of a building, usually enclosed by a railing.

Baluster - One of a series of posts or pillars that support the upper rail of a railing or handrail. Balusters may be lathe-turned, simple cut-outs, or square posts.

Balustrade - A handrail or railing supported by a series of balusters, such as on porches, staircases and balconies. Or, the entire railing system including a top rail and its balusters, and sometimes a bottom rail.

Barge board - an ornamental board, sometimes jigsaw-cut, that serves as trim and is attached to the overhanging raking ends of a gabled roof; sometimes called a vergeboard.

Battered piers and posts - tapered piers and posts that are thicker at the base than at the top.
Bay - a regularly repeated spatial element defined by beams or ribs and their supports.

Bay window - a projecting bay with windows that forms an extension of the interior floor space. On the outside, it extends to the ground level, in contrast to an oriel window, which projects from the wall plane above ground level.

Beltcourse (or stringcourse) - a horizontal course or masonry or wood on the exterior of a building that usually corresponds with the level of an interior floor.

Beveled siding - siding tapered or beveled so that its upper edge is thinner than its lower; it is lapped in laying to cover the horizontal joint between two adjoining pieces; also called clapboards.

Board-and-batten siding - vertical siding made up of alternative wide and thin boards where the thin boards cover the joints between the wide boards.

Brackets (or braces) -projecting elements, sometimes carved or decorated, that support or appear to support a projecting eave, lintel or other overhangs.

Casement window - a window that is hinged on the side and opens inward or outward.

Chamfered post - a post exhibiting a beveled edge, which may be either a flat surface, a grooved surface, or a more elaborately molded surface.

Certified Rehabilitation - rehabilitation that complies with the Secretary of the Interior's Standards for Rehabilitation and has been approved by the National Park Service.

Chimney pot - a decorative masonry element placed at the top of a chimney, common on Queen Anne and Tudor Revival buildings.

Clapboards - siding that consists of narrow, horizontal, overlapping wooden boards that are tapered or beveled so that the upper edge is thinner than its lower; the reveal (the exposed area of each board not overlapped by another board) is usually three to six inches.

Column - a vertical shaft or pillar usually circular in section that supports, or appears to support a capital, load beam or architrave.

Corbel - a projection from a masonry wall or chimney, sometimes supporting a load and sometimes for decorative effect.

Corner board - a board that is used as trim on the external corner of a wood-framed structure and against which the ends of the siding are usually fitted.

Cornice - the exterior trim of a structure at the meeting of the roof and wall; usually consists of bed molding, soffit, fascia, and crown molding.

Course - in masonry, a layer of bricks or stones running horizontally in a wall.

Cresting - decorative grillework or trim applied to the ridge crest of a roof; common on Queen Anne style buildings.

Cross-gabled roof - a roof that has two intersecting gables where one is the main axis or ridge of the house and the other is perpendicular to the main ridge. Dentil molding —a molding composed of small rectangular blocks run in a row.

Detailing - The decorative embellishments of a building that help convey its architectural style.

Dormer - A vertical window that projects through a pitched roof, covered with its own roof. The specific name of a dormer is frequently determined by the shape or type of its roof. For instance, a **shed dormer** is covered by a single incline, or shed roof. Other examples include **hip dormer and gable dormer.**

Double-hung sash window - a window with two or more sashes; it can be opened by sliding the bottom portion up or the top portion down, and is usually weighted within the frame to make lifting easier.

Droplap siding - a type of horizontal board siding that is overlapped; the profile often includes a rounded "channel" along the top edge of the board; sometimes referred to as channel siding.

Eave - the part of the roof that projects beyond the walls of a building. A wide eave is commonly identified as an **overhanging eave.**

Entablature - the part of a building carried by the columns; consisting of the cornice at the top, the frieze in the middle, and the architrave on the bottom.

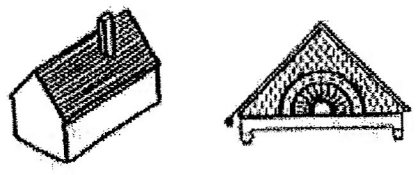
Facade- the principle face or front elevation of a building.

Fanlight - a window, often semicircular, over a door with radiating muntins suggesting a fan.

Fascia board - a flat member or board horizontally located at the top of an exterior wall, directly beneath the eaves.

Flashing - pieces of non-corrosive metal used around wall and roof junctions and angles as a means of preventing leaks.

Frieze - the middle division of an entablature, below the cornice.
Gable - the vertical triangular portion of an exterior wall at the end of a building having a double-sloping roof. Usually the base of the triangle sits at the level of the eaves, and the apex at the ridge of the roof, bounded by the two roof slopes; the term sometimes refers to the entire end wall. Gabled roof - a roof form having an inverted "V"-shaped roof at one or both ends.



Gambrel roof - a roof having two pitches on each sloped side, typical of Dutch Colonial Revival architecture; a double slope on two sides of a building.

Gingerbread - highly decorative woodwork with cut-out ornamentation, made with a jigsaw or scroll saw.

Goal 5 - A portion of state land-use law that pertains to the protection of historic resources. This goal also applies to natural and scenic areas, as well as open space and other community assets.

Half-timbering - in late medieval architecture, a type of construction in which the heavy timber framework is exposed, and the spaces between the timbers are filled with wattle-and-daub, plaster, or brickwork. The effect of half-limbering was imitated primarily in the Tudor Revival styles of the 20th century.

Header- A brick laid with the short side exposed, as opposed to a "stretcher."

Hipped roof - a roof that slopes upward on all four sides, like a pyramid.

Hip gambrel roof - A combination of a hip roof and a gambrel roof. The hip portion is on the gabled ends of a gambrel roof.

Historic District - A geographically definable area with a high concentration of significant resources. If listed on the National Register of Historic Places, properties which contribute to the historic district can qualify for tax incentives.

Historic Resource - A building, structure, object, site or district that is over fifty years old and retains its historic integrity.

Historic Preservation League of Oregon (HPLO) - A non-profit, statewide organization that is committed to the historic preservation of historic resources. HPLO offers technical assistance to individuals, local governments, and local non-profit groups.

Historical Significance - A resource that is important because: 1) it has character, interest or value as part of the development, heritage or cultural characteristics of the community; 2} it is the site of a historic event with an effect on society; 3) it is identified with a person or a group of persons who had some influence on society; or 4) exemplifies the cultural, political, economic, social or historical heritage of the community.

Hood molding - a decorative molding over a window or door frame, commonly found on Italianate-style buildings.

Horizontal lapped board siding - a term used to describe siding material that consists of wooden boards that are applied horizontally and are overlapped; used in a generic sense when it cannot be determined easily if the boards are beveled clapboards.

Infill — construction of new buildings on empty lots between existing structures.

Inventory - A census of historic resources within a specific geographic area or that is linked by other means.

Jerkinhead roof - a gabled roof truncated or clipped at the apex; also called a clipped gable roof. Common in bungalows and Tudor Revival style architecture.

Leaded glass - small panes of glass, either clear or colored, that are held together in place by strips of lead called cames.

Light- A section of a window, the pane or glass.

Lintel - A horizontal structural member that supports a load over an opening such as a door or window; usually made of wood, stone, or steel; may be exposed or obscured by wall covering.

Mansard roof — a roof with two slopes where the lower slope is nearly vertical and often concave or convex in profile. Common in Second Empire style architecture.

Massing - The overall group of forms that comprise the physical bulk and weight of a 3-dimensional building or space.

Molding - a decorative band or strip with a constant profile or section generally used in cornices and as trim around window and door openings. It provides a contoured transition from one surface to another or produces a rectangular or curved profile to a flat surface.

Monitor (roof)- A roof with a continous section raised above the main part of the roof in order to admit light. Usually used in factories.

Mullion - the vertical member of a window or door that divides and supports panes or panels in a series.

Muntin - one of the members, vertical or horizontal, that divides and supports the pans of glass in a window.

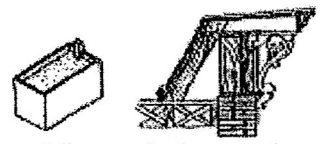
National Register of Historic Place - The national list of historic resources that are considered worthy of preservation. Individual nominations to the Register are made by the property owner to the State Historic Preservation Office. If approved at that level, nomination is forwarded to the Keeper of the National Register at the Department of the Interior in Washington, D.C. for final approval.

National Trust for Historic Preservation- A congressionally chartered non-profit, membership-based organization dedicated to historic preservation. The Trust's Western Regional Office provides technical and field services to Oregon as well as eight western states.

Oriel window - a window bay that projects from the building beginning above the ground level.

Palladian window - a window divided into three parts: a large arched central window flanked by two smaller rectangular windows. Common to Italianate and Colonial Revival style architecture.

Parapet - a wall that extends above the roof line.



Pediment - A triangular section framed by a horizontal molding on its base and two sloping moldings on each of its sides; used as a crowning element for doors, windows, over mantels, and niches. Pent roof - a small sloping roof, the upper end of which butts against a wall of a house, usually above the first-floor windows.

Pier — a stout, vertical, structural support, often made of masonry; common supports for porch posts on Craftsman bungalows.

Pilaster - a pier or pillar (or vertical portion of) attached to the wall of a building, often with a capital and base.

Pitch - the degree of slope or inclination of a roof.

Porch - a covered entrance or semi-enclosed space either projecting from the facade of a building or recessed into the facade beneath the main portion of the building's roof. Portico - a porch or covered walkway consisting of a roof supported by columns. Post - a vertical support member of a building; square, rectangular or boxed posts commonly support porch roofs of Craftsman bungalows, while turned posts are commonly found on Queen Anne style houses.

Purlins - Horizontal members in the roof frame that run on the top of, or between rafters.

Pyramid-hipped roof - A pyramid-shaped roof with four sides of equal slope and shape. Synonym: pyramidal roof.

Quoins — cornerstones of a building, rising the entire height of the wall, and distinguished from the main wall construction material by size, texture, or conspicuous joining. In masonry construction, they reinforce the corners; in wood construction, they do not bear any load, are made of wood, and imitate the effect of stone or brick for decorative purposes.

Rafters (and rafter tails) - the sloping wooden roof-frame members that extend from the ridge to the eaves and establish the pitch of the roof. In Craftsman and bungalow style buildings, the ends of these, called "rafter tails," are often left exposed rather than boxed in by a soffit.

Reconstruction - Rebuilding a building or part of a building that has been destroyed. It differs from restoration in that a replica is recreated, based on archaeological and historical documents and physical evidence.

Rehabilitation - Returning a property to a state of utility through repair or alteration, making contemporary, efficient use possible while preserving those portions or features of the property which are significant for architectural, historical or cultural values.

Remodel - Redesign so that historic features are obliterated.

Restoration- Accurately recovering the form and details of a property and its setting as it appeared at an earlier period of time by means of removal of later work or by the replacement of missing earlier work.

Ribbon coursing - a method of applying wood shingles as siding where the courses of shingles alternate between a wide and narrow reveal.

Ribbon window - a continuous horizontal row or band of windows separated only by mullions. Used to some degree in Craftsman style buildings, but they also appear in early modern styles.

Rustication - masonry characterized by smooth or roughly textured block faces and strongly emphasized recessed joints.

Sash — window framework that may be fixed or moveable. If moveable, it may slide, as in a double-hung window; or it may pivot, as in a casement window.

Scale - The relative size of objects or elements to one another, making sure they work together and that one does not outweigh another.

Secretary of the Interior's Standards for Rehabilitation - Design standards developed by the National Parks Service to evaluate the appropriateness of a wide variety of alterations to historic buildings.

Setback - the distance between the street or sidewalk and the front edge of a building.

Shakes - hand-cut wood shingles that are heavier than shingles; usually not tapered as are shingles, with more irregular, rough surfaces than shingles. Used for roofing materials on some contemporary styles of houses.

Shed roof - A roof consisting of one inclined plane. A shed roof need not be carried by a higher wall (i.e. it may serve as a buildings primary roof form).

Shingles - Thin rectangular pieces of wood or other material used in overlapping rows as a means of covering walls or roofs; the base of the shingles can be cut in a variety of shapes to give the shingled surface a distinctive pattern.

Shiplap siding - a type of horizontal board siding that is rabbited so as to be flush-mounted, tight surface on the exterior wall; occasionally the edges of the boards are beveled and when placed together the joint creates a small "V" groove.

Sidelight — a framed window on either side of a door or window.

Siding (also called sheathing) - the material that covers the exterior surface of a buildings walls; may include horizontally lapped boards such as clapboards, weatherboard, shiplap or droplap; vertical boards such as board-and-batten; shingles such as cedar shingles, decoratively shaped wood shingles, and asbestos cement shingles.

Sill - the lowest horizontal member in a frame or opening of a window or door; also the lowest horizontal member in a framed wall or partition.

Skirting - siding or latticework applied below the watertable molding on a building; sometimes applied only beneath the decking of the porch.

Soffit - The exposed underside of an arch, cornice, balcony, eave, beam, etc.; sometimes embellished with **soffit panels** or other decorative devices.

Spelling - the cracking or flaking of particles from a surface; occasionally occurs in masonry walls where moisture is a problem.

Special Assessment - Also known as the Oregon Property Tax Freeze. This program allows the owner of a building on the National Register or in a National Register Historic District to freeze the assessed value (not rate) for 15 years. The program was enacted to promote rehabilitation of historic buildings.

State Advisory Committee on Historic Preservation - The state board which reviews Register nominations, as well as other topics related to preservation in Oregon.

State Historic Preservation Office (SHPO) - The state agency that is responsible for the statewide Inventory of historic resources, including archaeological resources; reviewing National Register nominations and administration of the Special Assessment program

Stoop - A small covered entry.

Stucco - An exterior wall covering consisting of a mixture of portland cement, sand, lime, and water; or a mixture of portland cement, sand, hair (or fiber), and sometimes crushed stone for texture; this term is often used synonymously with cement plaster.

Surrounds - the molded trim around a door or window.

Symmetry - Refers to a balanced overall exterior appearance of a building. The porch, door, windows and other features on the front facade of a building are arranged in such a manner that if the building was divided down the center, each side would mirror the other.

Tongue-and-groove - a type of board milled to create a recessed groove along one side and a corresponding flange along the other side that lock together when two or more boards are placed side-by-side. Tongue-and-groove boards were commonly used for flooring and siding.

Transom windows — a window or series of windows above a door or large window.

Trellis - A light frame or latticework used as a screen or as a support for vines.

Turned post - A post that has been decoratively made by turning it on a lathe.

Veranda - a covered porch or balcony, which wraps around at least one corner of the house.

Vergeboard - an ornamental board, sometimes jigsaw cut, that serves as trim and is attached to the overhanging eaves of a gable roof; sometimes called a bargeboard.

Vernacular - Architecture that exhibits regional forms and materials. Stylistic character is generally lacking except for simplified ornamentation that vaguely shows some influence from one or more particular styles. For example, a simple dwelling may have fish-scale shingles in the gable, turned columns with gingerbread brackets or simple spindles around the porch reflecting house styles from the Victorian era.

Water table - a projecting ledge, molding, or string course just beneath the siding of a building, designed to throw off rainwater; it usually divides the foundation of a building from the first floor.

Weatherboard siding - a horizontal lapped board siding where the boards are not tapered, but are of even width.

CHAPTER 9

Appendices

- Development Code Chapter 2.6.300-345